

Reconciling Tradition and Sharia: An Evaluation of the *Bejamu Saman* Tradition in Aceh, Indonesia

Ripi Hamdani^{1*}, M. Chalis¹, Nufiar Nufiar¹, Abdul Manan^{1,2}, Muji Mulia¹

¹Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

²Universiti Sultan Zainal Abidin, Malaysia

*Correspondence: ✉ ripihamdani0801@gmail.com

Abstract

This article analyzes the tension between the *Bejamu Saman* tradition in Gayo Lues and Islamic legal norms due to the influx of modern cultural influences. The core problem lies in the practice of *Najuk* and the shift in artistic content that tends to emphasize sensual aspects, which harms the religious substance of tradition. The novelty of this study lies in the approach of the Sociology of Islamic Law combined with an evaluation based on *Maqāṣid al-Sharī'ah* to formulate a form of harmonization between local wisdom and the limitations of sharia. Using a qualitative method with a normative-juridical approach, data were collected through in-depth interviews with religious leaders, traditional leaders, and community artists in Gayo Lues Regency. The research findings indicate that *Bejamu Saman* is maintained as a living law because of its essential role in maintaining social solidarity and *silaturahmi* (*ḥifẓ al-Nafs*). However, the evaluation of *Maqāṣid al-Syarī'ah* identified a clear *mafsadah* in the practice of *Najuk* and explicit poetry that directly threatens honor (*ḥifẓ al-Nasl*) and ignores the principle of *Sadd al-Dharī'ah*. As a strategic solution, this study recommends a Cultural Reform policy to the Customary Council and the Regional Government to develop technical guidelines for preserving traditions. These recommendations include legalizing the no-touch *Najuk* procedure through a special forum, returning artistic content to its original form through figurative and *da'wah*-filled *treh/sonok* poetry, adjusting Bines dance movements to be less excessive, and strengthening control of performance spaces through the Keketar authority. These steps are crucial to ensure the existence of Gayo Lues culture remains in harmony with the basic values of Islamic law without losing its original essence.

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INTRODUCTION

The Gayo Lues community in Aceh Province has a rich cultural heritage passed down through generations, one of which is the *Bejamu Saman* tradition. This tradition is usually held by village communities as a means of social gathering accompanied by *Saman* dance performances, eating together, and other communal activities that strengthen primordial bonds between communities (Nasution, 2020). The *Saman* dance itself is not just a rhythmic movement, but a symbol of cultural expression, solidarity, and educational value so high that it has been recognized by Unesco as a world intangible cultural heritage (Unesco, 2011). In the context of the Gayo community, *Bejamu Saman* functions not only as entertainment or artistic performances but also as a vital medium for strengthening social relations and diplomacy between villagers from different regions (Semah et al., 2020). This demonstrates that local traditions in Gayo Lues are an entity that cannot be separated from the dynamics of the social, political, and spiritual life of the local community, which upholds collective honor.

This tradition serves as a means of gathering various levels of society in a single social interaction space filled with the spirit of mutual cooperation and kinship to organize a grand event. During its implementation, residents work intensively together in preparing the venue, equipment, and even organizing the dance group to ensure the event runs smoothly. This event is usually held

during Islamic holidays such as *Eid al-Fitr* and *Eid al-Adha*, or as a form of village social celebration that holds a certain sacred value. Values such as *ta'awun* (mutual assistance), *ukhuwah* (brotherhood), and *silaturahmi* (silaturahmi) are strongly embedded in every stage of this tradition from beginning to end. In Islam itself, *silaturahmi* is highly emphasized as the key to life's blessings, as stated in the hadith of the Prophet Muhammad (peace be upon him), meaning: "*Whoever wants to expand his sustenance and extend his life, then let him connect ties of friendship*" (Narrated by Bukhari no. 5986). The presence of this tradition proves that local culture can go hand in hand with Islamic teachings and become an effective medium for developing religious propagation in society in today's modern era.

As the name suggests, the core of this tradition is the *Saman* dance performance, which contains profound Islamic and cultural values within each verse (Marjanto et al., 2019). Rajab Bahry specifically divides the *Saman* poetry into four important values that serve as guidelines for the Gayo people's lives: *First*, cultural values that reflect the transcendental relationship between humans and God. *Second*, cultural values in social relations between humans that emphasize harmony. *Third*, cultural values related to the reciprocal relationship between humans and the universe. *Fourth*, cultural values that describe the reflective relationship between humans and their own identity (Bahry et al., 2014). Thus, the poetry in the *Saman* dance is not merely a complement to the movements, but an important medium in transmitting and preserving the philosophical values of the Gayo people from one generation to the next. This makes *Saman* an effective character education tool within the framework of religious local wisdom while remaining adaptive to the times.

However, based on preliminary observations conducted by researchers in Gayo Lues Regency, it was discovered that amidst these positive values, there are a number of quite serious Islamic legal issues in the implementation of *Bejamu Saman*. Practices such as women dancing in public (*Binese* dance), the use of seductive poetry by the dancers, and the practice of giving money to *Binese* dancers, known as *Najuk*, trigger physical contact between men and non-*mahram* women. This phenomenon is also exacerbated by the mixing of men and women in one space (*ikhtilāt*), which makes this activity vulnerable to violating the boundaries of Islamic law. Normatively, these practices are approaching things that are not recommended because they open up opportunities for violations of genitalia, slander of views, and the degradation of public morality. This creates a real tension between Islamic legal values that emphasize the boundaries of social interaction and the social reality of the Gayo community, which is strongly oriented towards cultural togetherness as their primary identity.

This assertion regarding social boundaries has been explicitly explained in the Qur'an Surah An-Nūr verses 30-31 which commands believing men and women to lower their gaze, meaning: "*Say to men who believe: Let them restrain their gaze, and guard their private parts...*". In his commentary, Ibn Kathir explains that this verse is a primary principle for maintaining personal purity and distancing society from potential slander that can damage social order (Ibn Kathir, 1999). Despite these explicit theological warnings, the *Bejamu Saman* tradition persists and is widely accepted by the Gayo Lues community because it is considered to have a significant social function in strengthening inter-village brotherhood. This is where a profound gap arises between textual-normative Islamic legal norms and contextual-pragmatic socio-cultural realities. Therefore, the legal assessment in this study is not solely based on pure text but also considers social welfare, as in Sahal Mahfudz's Social Fiqh (Islamic Jurisprudence) concept, which positions fiqh as a force for progressive social transformation (Rusli, 2021).

To address this gap, the Sociology of Islamic Law approach is a crucial tool in this research. This approach views Islamic law not merely as a rigid normative text, but as a living social phenomenon that continuously interacts with societal structures. Lawrence Rosen emphasized that law must be understood within the context of the reciprocal relationship between religious norms and the social structures in which it is applied (Rosen, 1989). From a sociological perspective, maintaining integrity and harmony within society is a top priority to prevent damage to the

collective order of life (Saebani, 2022). Therefore, this study also uses the theory of *Maqāṣid al-Syarī'ah* to assess the noble goals of sharia such as *ḥifẓ al-Dīn* (protecting religion), *ḥifẓ al-'Aql* (protecting reason), *ḥifẓ al-Nafs* (protecting the soul), *ḥifẓ al-Mal* (protecting property) and *ḥifẓ al-Nasl* (protecting descendants) (Auda, 2015) in the practice of *Bejamu Saman*. Through this approach, researchers can assess whether this tradition is more dominant in bringing *maṣlahah* (benefits) to the spirituality of society or actually contains *mafsadah* (moral damage) that can damage the image of Islam (Hermanto, 2022) in the midst of Indonesia's multicultural society.

Previous research on *Bejamu Saman* has been conducted by several experts with varying perspectives, but still leaves room for legal analysis. Devi (2021) examines the sociological function of *Saman* as a bond of friendship, while Gusmail et al. (2020) focuses more on the aesthetic aspects of performing arts in cultural events. Melia (2023) examines efforts to preserve community unity, and Hafid (2021) analyzes the influence of modernization on this traditional form of performance. On the other hand, Arfi has explored the *da'wah* value of *Saman* poetry, but all of these studies tend to be descriptive and have not yet addressed the aspect of an in-depth evaluation of Islamic law. The novelty of this research lies in the use of a comprehensive analysis that combines the Sociology of Islamic Law and *Maqāṣid al-Syarī'ah* to offer a solution to harmonize tradition and sharia. This research is urgently needed to provide a middle ground for the Gayo Lues community to preserve their culture without neglecting the principles of Islamic law that underpin their religious life.

Based on the background description that has been presented, this research focuses on three main problem formulations as follows: *First*, why are practices that are considered problematic from an Islamic legal perspective in the *Bejamu Saman* tradition still strongly maintained by the Gayo Lues community viewed from the perspective of the Sociology of Islamic Law? *Second*, how is the assessment of contemporary Islamic law through the lens of *Maqāṣid al-Syarī'ah* in weighing the levels of *maṣlahah* and *mafsadah* resulting from the implementation of this tradition in the present day? *Third*, what strategic formulas or solutions can be offered to customary and religious policy makers so that the preservation of the *Bejamu Saman* tradition can continue to run in harmony with the principles of Islamic law without losing the essence of its original culture? Through answers to these questions, the research is expected to provide theoretical contributions to the development of contextual Islamic law and practical contributions to the preservation of local wisdom in Indonesia.

METHODS

This study uses a qualitative method with a field research type, which is conducted directly to the research location to understand the socio-cultural phenomenon of the *Bejamu Saman* tradition in the Gayo Lues community. The approach used is normative-judicial combined with descriptive-analytical. The normative-judicial approach aims to analyze and explain the applicable law based on the principles and Theory of Islamic Legal Sociology and *Maqāṣid al-Syarī'ah*. Meanwhile, the descriptive-analytical approach is used to provide a clear and accurate picture of the characteristics of the implementation, values, and functions of the *Bejamu Saman* tradition in the community, which are then analyzed critically and contextually. This research is located in Gayo Lues Regency, Aceh Province, which was chosen because it consistently preserves the *Bejamu Saman* tradition as an integral part of the social life of the Gayo community. The main object of the study is the *Bejamu Saman* tradition and its meaning, values, and functions of its implementation.

The primary data source in this study is primary data obtained directly from the field through three main techniques: interviews, observation, and documentation. The researcher conducted direct observations of the implementation of the *Bejamu Saman* tradition to identify the phenomenon of *ikhtilāt* and the practice of *Najuk*. In-depth interviews were conducted with 9 key informants, including 3 religious figures from the Gayo Lues Regency MPU, 3 traditional figures from the Gayo Lues Regency Traditional Council, and 3 community members who carry out traditional practices (senior *Saman* and *Bines* dancers). This interview aimed to understand the social meaning,

values of togetherness, and practices of traditional practices, particularly regarding social interactions and the accompanying Islamic legal issues. Secondary data were obtained from oral records, traditional manuscripts, and documentary photographs. In addition, the researcher collected scientific literature related to the study of *Bejamu Saman*, the Sociology of Islamic Law, *Maqāṣid al-Syarī'ah*, and Cultural Jurisprudence to enrich the contextual analysis.

Primary data analysis used the Miles and Huberman model, namely data reduction, data presentation, and conclusion drawing (Sugaryana & Agusiady, 2022). Secondary data and scientific literature analysis were conducted using document review and critical analysis methods to test theoretical relevance, provide contextual foundations, and enrich the contextual analysis (Moleong, 2019, Manan, 2021). After obtaining complete empirical field data, researchers conducted an evaluative legal assessment to determine the practice's compliance with Islamic norms. To maintain validity, triangulation techniques were used, comparing interview data from different informant groups (clerics, traditional leaders, and dancers) and matching them with findings from field observations. Through this procedure, the *Bejamu Saman* tradition was analyzed from the perspective of the Sociology of Islamic Law and *Maqāṣid al-Syarī'ah* to objectively determine its alignment with the goals of Islamic law.

RESULTS AND DISCUSSION

Implementation of the *Bejamu Saman* Tradition in Gayo Lues

The *Bejamu Saman* tradition in the Gayo Lues community is not simply a routine artistic event, but rather a customary legal institution involving high-level social management. Ontologically, this tradition is rooted in the collective need to build social resilience through expanding kinship ties. This tradition is generally held in conjunction with sacred Islamic occasions, namely *Eid al-Fitr* and *Eid al-Adha*, but it is also often held as a village celebration to celebrate a successful harvest or other important events considered sacred.

The *Bejamu Saman* process began with the initiative of *Sebujang Seberu* (young men and women) in the village. This initiative demonstrates the active role of the younger generation in preserving tradition. However, in the Gayo community, which has a structure of shared roles, this idea cannot be implemented immediately without the approval of others. A crucial initial step is to submit the proposal in a village meeting. In this forum, traditional leaders, village officials, and the community collectively assess the feasibility of the activity. Considerations are based not only on desire but also on logistical readiness, the economic conditions of the residents, and the availability of space (Zhulkifli, 2025). This meeting serves as a form of mutual agreement that the community is ready to host the event.

After the deliberations are complete and an agreement is reached, a small committee is formed to establish communication with other villages. This stage is called "*mango*" (inviting), and is carried out by the *pemango*. The *pemango* is a special delegate tasked with finding and inviting guest villages to become *Serinen* (adopted brothers). The position of *pemango* is not assigned randomly; they must be individuals with good communication skills and an understanding of traditional etiquette. Rusdi, a senior *Saman* dancer, details the composition of this delegation:

The party appointed as the leader is the youth leader as the leader of the group, accompanied by the head of the *sebujang*, and two other youths who serve as escorts. Their task is very difficult because they carry the dignity of the village to invite other villages to build brotherhood (Rusdi, 2025).

The *Pemango* delegation set out on a mission to foster brotherhood. Upon arrival at their destination village, they did not immediately extend their invitations in public, but instead politely visited the homes of local traditional leaders and youth leaders. This process reflects the Gayo diplomatic ethic, which highly values privacy and communication etiquette.

Bejamu Saman's invitation wasn't immediately accepted. The village community had to hold an internal meeting to decide whether they could fulfill the offer of brotherhood. In Gayo sociology, refusing an invitation is a difficult thing to do, but accepting one beyond one's capacity is also a significant social risk. Ishak, a traditional leader in Pantan Cuaca District, provided an in-depth explanation of the criteria for selecting village partners:

Bejamu Saman must be considered based on the capacity of the host village and the guest village. The main criteria used as a reference is population size, often measured by the number of heads of families (KK) and the number of young people. Traditionally, the host village tends to avoid inviting guest villages with larger populations. This is based on the belief that the inability to serve guests well can cause negative social impacts or shame. In addition, we must also consider the real economic situation of the community and the agricultural conditions at that time (Ishak, 2025).

Ishak's statement demonstrates the concept of reciprocal expectations. If a small village invites a very large village, the burden of providing for the *Serinen* (adoptive siblings) will be unequal, which in turn could undermine the essence of equality within the family. Therefore, economic and demographic rationality underpin this customary legal decision.

When the day of the ceremony arrived, the atmosphere in the host village became very lively yet orderly. The welcoming of the group of guests was carried out according to strict traditional protocols. The guests were greeted with *Didong Nalo*, a welcoming dance accompanied by verses of praise for the guests. As a symbol of cleansing intentions and bestowing blessings, the *Tepung Tawar* procession (giving traditional blessings) was performed to the village head, traditional leaders, and youth leaders of the guests. This is where the role of the *Bines* dancers first emerged as part of the welcoming aesthetic through the garlanding of flowers. Furthermore, aspects of Gayo literature emerged through the *Melengkan* (the art of storytelling). The first *Melengkan* was performed to welcome the arrival, and the second *Melengkan* was performed during the handover of security responsibilities. In this *Melengkan*, a symbolically customary legal contract was formed, where the host stated that the safety and livelihood of the group of guests were entirely their responsibility during their stay in the village.

After the formal welcome, the *Serinen* (foster brother) ceremony takes place. This is the most emotional and fundamental phase of *Bejamu Saman*. The concept of each guest receiving one foster brother in the host village is a concrete manifestation of Islamic brotherhood. Zulkifli, a traditional leader and member of the Gayo Lues Regency Traditional Council, explains the noble values behind this practice:

Beserinen is one of the main goals. Gayo people really like to look for relatives or establish relationships with other people. Through *Bejamu Saman*, strangers who were previously unknown to us, in two days and two nights, turn into *serinen* whose bonds are considered like our own biological family (Zulkifli, 2025).

Technically, the selection of the *serinen* is now carried out in a more organized system than in the past, which tended to be spontaneous, often through the exchange of cigarettes. The determination of adopted siblings now takes into account social status and age; traditional leaders are paired with traditional leaders, religious scholars with religious scholars, and youth with youth. This ensures that during their stay at the host's home, they share common interests and maintain a comfortable frequency of communication. All guest needs, from food to accommodation, are fully covered by the host, as a sign of the honor of hosting.

The main event began in the evening at the *bangsalan* (the venue where the event took place). The opening ceremony included a recitation of verses from the Quran and a formal welcome. However, the most unique aspect was the recitation of the *Keketar* (instrumental text) by a traditional leader. *Keketar* conveys the norms of behavior that must be adhered to during the event.

This serves as a preventative legal instrument to prevent cultural activities from degenerating into immorality. Zulkifli elaborated on the *Keketar* as follows:

Sijemak enti amat-amat, sikemali enti i peperi, ike kahe sijemak ngesalah amat e, si kemali ngesalah peri e, oya utem uyem lusung jingki ku atas tangkol e. Meaning: what is allowed to be touched should not be touched, what is *taboo* should not be talked about. If anyone violates the touching or wrong talk, then the customary sanctions will fall as heavy as the uyem wood and mortar that hit them (Zulkifli, 2025).

The purpose of this statement is to direct those attending the *Bejamu Saman* event, whether the host, guests, or other residents watching the *Saman* and *Bines* dance performances, to refrain from engaging in behavior inconsistent with local religious and customary norms. From a sociological and legal perspective, *Keketar* serves as a reminder of the boundaries of modesty and the ethics of social interaction between men and women. This demonstrates that from the beginning, Gayo customs have had an internal control system in place to maintain public morality in crowded settings.

After the opening, the *Saman* Dance performance begins. In the context of *Bejamu Saman*, this performance is competitive yet full of camaraderie. The host group first acts as the *Memangka* (challenger) who initiates the difficult movements, while the guest group acts as the *Ngging* (receiver of the challenge) who must follow the movements flawlessly. Likewise, after the host *Saman* group has finished their *Memangka* (challenger), it is the turn of the guest *Saman* group to perform the *Memangka* and the host group to perform the *Ngging*. Rusdi explains this dynamic:

The group that performs the most difficult movements possible will make them difficult to imitate. The audience will be very enthusiastic to see whether the guest group is able to imitate or fail. This is where the excitement lies and the dancers' skills are tested" (Rusdi, 2025).

During the *Saman* dancers' breaks, the *Bines* Dance is performed by village girls. Traditionally, the *Bines* Dance serves to balance energy and fill empty time so that guests don't get bored. However, in modern developments observed by researchers (2025), the *Bines* Dance is often performed alternately with the *Saman* Dance, which increases the duration of interaction between the female dancers and the male audience.

On the final day, before the guests depart, a *Selpah* (gift) giving ceremony takes place. Each host family gives a *Selpah* to their adopted relatives. The amount of the *Selpah* is voluntary and depends on their financial means, but sociologically, it reflects the dignity of the host. This gift is not merely material, but a symbolic memento that will be taken home to the village of origin to be shared with the extended family. As an emotional conclusion, the final *Saman* and *Bines* dances are performed, featuring *Pepongoten* (poetic lamentations). The verses in *Pepongoten* convey apologies and gratitude. Ishak emphasizes the importance of this phase:

Pepongoten is performed so that when they return to their hometown, there will be nothing weighing on their hearts, either from the host or the guest. Any shortcomings in service or mistakes in words are forgiven through this lamentation poem (Ishak, 2025).

Through a long series of events, from beginning to end, *Bejamu Saman* successfully fulfills its function as an extraordinarily effective social glue. It is not simply a revelry, but rather a cycle of building human relationships bound by a promise of brotherhood that transcends the geographical boundaries of the village.

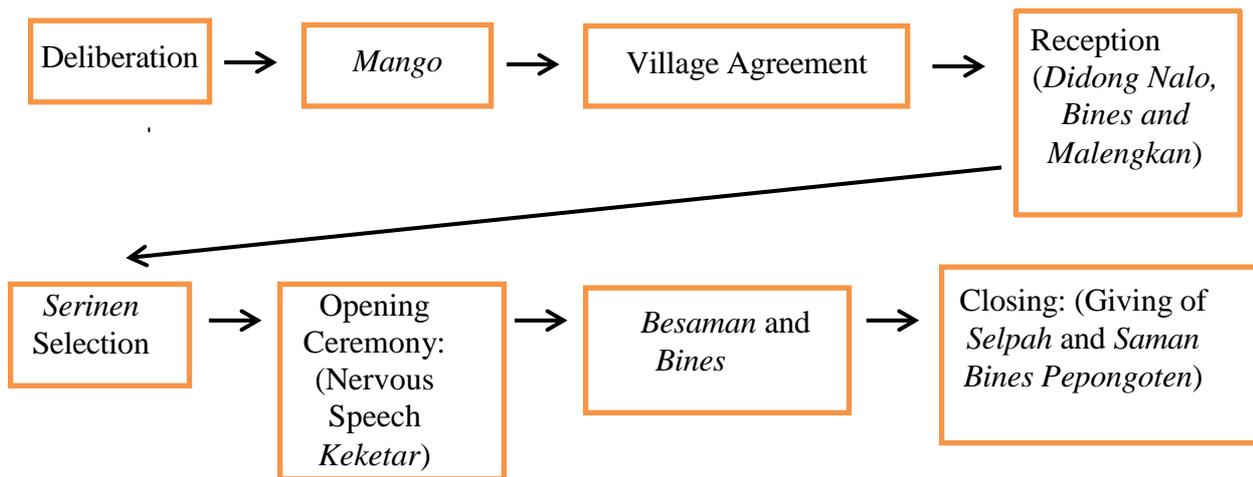


Figure 1. *Bejambu Saman* Circuit Flow

Legal Gap: Normative Islamic Law Perspective and Socio-Cultural Function

The *Bejambu Saman* tradition in Gayo Lues Regency presents a complex discourse regarding the tension between normative-textual Islamic law and contextual-pragmatic cultural practices. This tradition is a manifestation of the noble values of *silaturahmi* (silaturahmi) and sociologically serves as an instrument of social integration between communities. As stated by Melia (2023), this tradition is effective in strengthening social bonds and community solidarity. However, from an Islamic legal and legal sociological perspective, the implementation of *Bejambu Saman* is currently undergoing changes that, in some respects, contradict Islamic ethical and legal norms. This situation indicates a discrepancy between written legal regulations and actual practice.

It's important to emphasize that the core tradition of *Bejambu Saman* actually has a very strong religious foundation, woven through its poetic medium. This tradition was originally designed as a means of propagating Islam in the Gayo region. Adam, a member of the Gayo Lues MPU, explained that the essential content of the *Saman* and *Bines* dances is actually imbued with profound Islamic teachings:

If we examine the verses, many of the poems contain teachings of monotheism, education, and Islamic social morality. For example, the opening line of the Bines dance, '*birsemilah yarahman yarahim*' expresses submission to God. There are even reflective verses like: '*ta dele e jelen pahla, hanati dosa i kenali*' ("There are so many paths to reward, why are we pursuing sin?") These poems are not merely rhymes, but rather instruments of public education, encouraging society to always return to the path of sharia (Adam, 2025).

Theoretically, these poems serve to internalize Islamic values into the collective consciousness of society. However, the gap arises not in the original substance of the tradition, but in the shift in collective behavior that has accompanied it in recent decades. This tension creates a social dilemma: if the tradition is discontinued, it will create feelings of discomfort or a void of identity within society (Abduh et al., 2023), but if it continues with deviant practices, it will continue to produce moral corruption.

The first crucial point in this legal gap is the phenomenon of *ikhtilāf* (mixing), namely the gathering of non-*mahram* men and women in open spaces with social interactions that exceed the limits of Islamic law (Nabila, 2024). In the context of positive law applicable in Aceh Province, *ikhtilāf* is not merely an ethical violation, but a *jarimah* (criminal act) that is strictly regulated. Article 25 of Aceh *Qanun* Number 6 of 2014 concerning *Jinayat* Law provides a penalty of up to 30 lashes for perpetrators (Aceh Government, 2014), because this condition has the potential to trigger *khalwat* (being alone with non-*mahrams*). Islamic jurists have diverse and contradictory

views regarding *ikhtilāṭ* and its limitations. Some scholars, such as Ibn Hajar al-Haytami and Ahmad ibn Yahya al-Wansyarisi, divide *ikhtilāṭ* into permissible and prohibited categories, where permissible mixing is that which does not involve physical contact and does not involve *khalwat*, as supported by the accounts of some companions who performed congregational prayers in public spaces. However, this view contradicts the opinion of other scholars who judge *ikhtilāṭ* as *haram* due to its significant potential impact in leading to adultery. This view of total prohibition is based on the concern that seemingly ordinary interactions can become a means for Satan to transgress the boundaries of sharia (Pratama, 2025), making it a sensitive point that creates a major gap in the application of normative Islamic law.

However, in the realities of the Gayo Lues community, the community tends to view the mixing of the *Bejamu Saman* rituals as an *rukḥṣah* unavoidable sociological relief. Sahbudin, Chair of the Gayo Lues MPU, offered a perspective reflecting the negotiation between law and reality:

Ikhtilat, the activities occurring during this activity are considered to be within the limits tolerated by the local community. This is because the event takes place in an open space, witnessed by many pairs of eyes. Socially, this public oversight is considered to reduce the risk of private and hidden *khalwat* (Sahbudin, 2025).

Legal analysis of this statement indicates a tendency to apply the principle of *al-massaḡah tajlibu al-taysir* (difficulty begets ease) in a non-standard manner. The public argues that completely separating thousands of spectators in a crowd is a major hardship. However, normatively, the views of Islamic jurisprudence scholars remain contradictory. Some classical scholars, such as Ibn Hajar al-Haytami, still permit limited interaction without physical contact, but the majority of contemporary scholars in Aceh, through the *Qanun* (Islamic law), continue to condemn it as a violation if the boundaries of social interaction are exceeded. This gap indicates that formal legal authorities have not yet fully controlled entrenched social habits.

The legal gap widens with the influx of modern influences, eroding moral control in artistic content. Traditionally, the Gayo people highly value figurative language and subtle irony in their poetry. This language is highly ambiguous, making it difficult to judge unilaterally. Rusdi provides an example of traditional figurative poetry: "*ike geh kuyu, mengut kedia ulung kayu*" (if the wind comes, will the leaves of the wood sway?). This poetry is delivered subtly and requires careful understanding of its meaning.

However, field observations (2025) show drastic changes in the current generation of dancers. The poetry has become very direct, explicit, and even contains elements of verbal invitations to sin. This practice, known as *sonek* or *treh* (insinuation/seduction), often includes requests for contact numbers or invitations to become lovers during the performance. In fact, some *Bines* dancers sing their poetry with graceful voices and exaggerated body movements. This change is a clear indicator of the erosion of moral control and social leniency demonstrated by society. In this case, society openly chooses to violate the principle of *sadd al-Dzari'ah* (preventing the path to sin). This principle, recognized in *Usul Fiqh* (Djazuli, 2010), has also been formalized in *Fatwa* of the Aceh Ulema Consultative Assembly Number 12 of 2013, which explicitly prohibits (1) poetry that arouses lust (sexual desire) (condition No. 4) and (2) excessive movement (condition No. 6) in art. However, society continues to prioritize entertainment value and modern appreciation, ignoring the established guidelines of Islamic law (Safrijal, 2024). This action directly opens the way and intermediaries to prohibited associations, which is a further violation of ethics in Islamic law.

The most severe and undisputed violation of the law as *rukḥṣah* is the practice of *Najuk* (giving money to dancers). The practice of *Najuk* involves direct physical contact between non-*mahram* male audience members and female dancers (*Bines*). Researchers observed the practice of slipping money or rings directly into the dancers' hands, even to the point of touching their heads. Under Islamic law, this practice of skin-to-skin contact between non-*mahram* men and women is strictly prohibited by the majority of the four schools of thought. The Hanafi and Shafi'i schools

prohibit it absolutely, even without lust. Imam Nawawi of the Shafi'i school in his book *Al-Majmu'* emphasized the prohibition of touching adult women, except in emergencies, while Ibn Taymiyyah of the Hanbali school equates touching with looking, where both are prohibited if they arouse lust or are a path to sin. This prohibition is reinforced by the Hadith of Ma'qil bin Yasar and the Prophet's practice of swearing allegiance to women merely verbally, demonstrating a zero tolerance for direct contact (Simanjuntak, 2020). This situation makes it a point of disparity that can no longer be discussed as *rukhsah* for any sociological reasons. Suryatis, one of the informants, tried to provide a sociological defense, "*Najuk is actually an expression of gratitude and appreciation from guests to the host who has served them extraordinarily for days. This is a culture of glorifying guest welcomes*" (Suryatis, 2025).

However, this argument contains a fallacy in Islamic law because it uses the pretext of legalizing acts clearly prohibited by the text. Furthermore, Isaac provides a surprising historical fact: "*The Najuk practice, involving physical contact, is not actually native to the Bejamu Saman tradition. Najuk practices did not exist in the past. This is a cultural addition that arrived later due to the influence of outside entertainment and free association*" (Ishak, 2025). This fact proves that the main problem is not with "*Gayo customs*", but rather with the modification of customs that deviate from their religious roots.

Table 1. Problems of Islamic Law in Modern Modifications of the *Bejamu Saman* Tradition

Aspects/Elements of Tradition	Original Status	Modern Modifications	Potential Problems in Islamic Law
Poetry Content	It is figurative, ironic and tends to contain preaching or advice.	Using straightforward lyrics in <i>sonet/treh</i> until he seduces and asks to be his girlfriend.	Violation of the principle of <i>saad al-Dzari'at</i> (opening the door to sin) and the <i>fatwa</i> of the Aceh MPU No. 12 of 2013.
Social Interaction	Interactions are measured, organized, and supervised by guardians and traditional leaders. The audience is separated into male and female groups and is under the supervision of officers.	There was free intermingling (mixing) between male and female spectators in public areas.	Violation of article 25 of <i>Qanun Jinayat Aceh</i> and <i>ghadh al-Basar</i> (QS An-Nur :30)
Bines Dance Movement	Limited movements, not too excessive and prioritizing women's dignity.	The emergence of movements that are too graceful and excessive.	Contrary to ethical behavior that invites lust
Najuk	There is nothing in the original <i>Bejamu Saman</i> tradition	Give money directly to the <i>Bines</i> dancer as soon as the skin of a non- <i>mahram</i> touches it.	Absolutely <i>haram</i> (Majority of four schools of thought) due to physical contact with non- <i>mahram</i> without emergency.

Data analysis consistently shows that the Gayo Lues community maintains this tradition despite being aware of serious Islamic legal issues. This occurs because *Bejamu Saman* plays a significant role in maintaining community integrity and the sustainability and stability of Gayo culture (Hamzali, 2025). The community implicitly prioritizes the goal of fostering brotherhood and strengthening ties, with customs recognized as collective guidelines that serve to achieve *Maqāṣid al-Syarī'ah* for *ḥifẓ al-Nafs* in maintaining harmony within society. However, the neglect of *ḥifẓ al-Nasl* (maintaining honor) through the practice of *Najuk* indicates an imbalance in understanding the

priorities of sharia. Theoretically, this condition indicates that Islamic law in Gayo Lues operates as a living law, where the validity of the law is largely determined by social acceptance (Soekanto, 2008).

This gap is not simply a conflict between religion and culture, but rather a challenge of moral adaptation amidst the tide of modernization. Tradition, which originally served as a medium for dissemination of Islamic teachings, now risks becoming a vehicle for *mafsadah* (discourse) if cultural reconciliation is not immediately undertaken. Therefore, a thorough review through an assessment of *Maqāṣid al-Syarī'ah* is needed to find a middle ground between preserving its noble socio-cultural function and upholding the fundamental boundaries of Islamic law. The future sustainability of *Bejamu Saman* depends heavily on the ability of customary and religious policymakers to balance sociological needs with theological adherence.

Evaluation of the *Bejamu Saman* Tradition Based on *Maqāṣid al-Syarī'ah* Assessment

Analysis of the *Bejamu Saman* tradition requires a comprehensive evaluation framework to reconcile the demands of normative Islamic law with living social realities. In this context, the theory of *Maqāṣid al-Syarī'ah* functions as a tool for assessing *maslahah* and *mafsadah*. This approach is rooted in the thinking of scholars such as Imam Al-Juwaini (d. 478 H), who in his work "*Al-Burhān fi Ushūl al-Fiqh*", emphasized that the essence of the Shari'a lies in its essence and purpose, not just its outer form. He firmly stated that someone who is unable to understand God's purpose in His commands and prohibitions, then he is not considered capable of enacting laws, because, "*All things are determined based on their goals, not based on their external form*" (Sutisna, 2021). However, the most comprehensive formulation of the *maqāṣid al-Syarī'ah* theory and which has become the main contemporary reference was formulated by Imam Al-Syatibi (d. 790 AH) in his book *Al-Muwafaqat* (Al-Syatibi, 1998).

This concept was further developed by his student, Imam Al-Ghazali (d. 505 AH), in "*Al-Mustasfa min 'Ilm al-Uṣūl*," which later popularized the five objectives of sharia, namely *ḥifẓ al-Dīn*, *ḥifẓ al-Nafs*, *ḥifẓ al-'Aql*, *ḥifẓ al-Nasl*, and *ḥifẓ al-Māl* (Hasanah, 2021). Therefore, this study uses *Maqāṣid al-Syarī'ah* to examine whether the practices in *Bejamu Saman* maintain the objectives of Islamic sharia or threaten these five important pillars of life. The core function of the *Bejamu Saman* tradition is at a fairly high level of benefit, as its primary goal is to foster kinship, as emphasized in the Prophet's hadith concerning the abundance of sustenance and the prolongation of life for those who maintain ties of kinship (Al-Bukhari, 1997). Thus, this is a manifestation of universal Islamic values.

In the Gayo Lues context, this tradition serves as an effective social medium for strengthening communal solidarity, which is sociologically important. Here, social welfare is promoted through collective efforts to safeguard the well-being of the soul. Maintaining community integrity from division and social conflict is seen as equivalent to safeguarding the soul and the community itself (Saebani, 2022). Furthermore, the ethical and religious values passed down through the poetry of the *Saman* and *Bines* dances, which contain educational messages and calls to remember God, contribute significantly to the well-being of the soul. This demonstrates that this tradition has strong cultural legitimacy and serves as a platform for implementing the values of *ukhuwah* (brotherhood) and *ta'awun* (mutual assistance), which are integral to Islamic teachings, thus ensuring its universal and general welfare.

Although the *maslahah* of the core tradition is high, *mafsadah* accumulates in practices that are external additions and social modifications. The greatest damage that directly violates *Maqāṣid al-Syarī'ah* is the practice of *Najuk* which results in non-*mahram* touching and shifting the poetry of the *Bines* and *Saman* dances. The practice of physical touching between non-*mahram* men and women during *saweran* is a violation of Shafi'i Fiqh and the majority of other schools of thought, even without lust, because it clearly eliminates the limits of Islamic law and threatens honor. In the context of *Maqāṣid al-Syarī'ah*, maintaining honor is an inseparable part of *ḥifẓ al-Nasl* (Auda,

2015), which broadly includes maintaining lineage, marital status, and protecting oneself from all forms of adultery or means leading to adultery.

This practice is further exacerbated by the change in the lyrics of the *Bines* and *Saman* dances from ironic to straightforward and explicit allusions, as well as the graceful or excessive movements of the *Bines* dance, which deliberately invite the audience's lust. This shows the failure of society in implementing the principle of *sadd al-Dharī'ah*, a principle that has even been formalized in the *Fatwa* of the Aceh MPU. Furthermore, *ikhtilāf* between the audience and the dancers, especially at night, although considered minor because it occurs in public spaces, still opens up opportunities for slander of views that violate the commandment of *ghadh al-Başar* (lowering the gaze). This command is explicitly emphasized in the Qur'an (Surah An-Nūr: 30-31) which is part of the efforts of Islamic law to maintain social morality (Ibn Khatsir, 1999). In essence, these practices are *mafsadah* which are not the original legacy of tradition, but rather external adoptions which damage the moral substance of *Bejamu Saman* and cannot be justified on the grounds of *maslahah* in any social matter. To resolve this tension, the *Fiqh* rule is applied which emphasizes priorities, "Avoiding harm takes precedence over seeking benefit" (Al-Suyuti 1990).

This assessment provides detailed and contextual legal conclusions: *First*, the substance of *Bejamu Saman* as a means of *silaturahmi* must be preserved because this *maslahah* is important for *ḥifẓ al-Nafs* so that the total elimination of the tradition will cause *mafsadah* in a much greater social sense in the form of a rift in communal ties. *Second*, practices that clearly violate *ḥifẓ al-Nasl* such as *Najuk* and the poetry of the *Bines* dance and the straightforward *Saman* dance and the excessive movements of the *Bines* dance that arouse lust. These additional practices must be thoroughly re-evaluated with the aim of eliminating or modifying them so that they no longer violate Islamic law because they threaten the principle of *sadd al-Dharī'ah* (Al-Zuhayli, 1986). *Third*, the phenomenon of *ikhtilat* must be managed well. Instead of prohibiting it completely, *ikhtilat* must be strictly controlled by traditional and religious leaders, ensuring that the implementation of *keketar* truly binds all parties to apply ethics according to religious demands. With Thus, legal harmonization is achieved through the affirmation that cultural substance may be preserved, but additional elements that conflict with Islamic law must be stopped.

Solution for Preserving *Bejamu Saman* in Accordance with Islamic Legal Principles

The solution to reconciling the *Bejamu Saman* tradition with Islamic legal principles is entirely rooted in the awareness of all Gayo Lues people. There is a shared recognition from various levels of society, from religious scholars and traditional leaders to artists, that the modification and adoption of external practices have become sources of misinformation that undermine the moral substance of tradition. Therefore, the most appropriate solution is Cultural Reconciliation, which emphasizes the re-establishment of the authority of customary law, which must naturally align with Islamic law. This harmony must be built on three main pillars: reforming social interactions in terms of *ikhtilat* (relationship), completely eliminating non-*mahram* contact in *Najuk* practices, and reconstructing artistic content that re-upholds ethics. This approach philosophically adheres to the principle of *taqyīd al-Mubāh* (limiting what is permissible) to avoid negative impacts, so that the primary benefit of tradition as a social glue can be maintained.

The first important agreement in the Cultural Reconciliation was regarding the *Najuk* rules and the boundaries of social interaction between *Bines* dancers and male audience members who were not *mahram*. Sahbudin offered a solution, "In *Najuk* practice, a special place or container for giving the money can be provided, so that there is no direct contact between the male audience and the female dancers. Another way is to give the money to the dance supervisor appointed by the host" (Sahbudin, 2025).

This offer is a form of application of the rules of *taqyīd al-Mubāh* (restrictions on what is permitted). Giving money (*Najuk*) is legally *mubah* (permissible), but because in practice it creates *mafsadah* in the form of non-*mahram* touching, the authorities impose procedural restrictions. This step explicitly protects *ḥifẓ al-Nasl* by eliminating means that could lead to views and physical

slander. The use of an intermediary forum maintains *Najuk's* social function as a form of appreciation, but removes the element of violating sharia.

The second pillar is a profound effort to reconstruct the content of the performed art, focused on restoring the values of *hifz al-Nasl* and preventing slander through strict control of performance content. This is crucial given the shift in movement and poetry styles that have begun to exploit sensuality. Sahbudin again proposes a highly protective ideal solution:

In the *Bines* dance, we only present *Bines* dancers who are children who have not yet reached puberty. Why is that? Because according to Islamic law, the presence of these children will not arouse the audience's lust, thus maintaining the essence of art as popular entertainment without violating moral boundaries (Sahbudin, 2025).

Sahbudin's statement is a manifestation of the principle of *Sadd al-Dhari'ah*. By limiting the age of dancers, religious authorities seek to eliminate objects that could potentially become a means of violating the ethics of viewing. This demonstrates that in Islamic law as it exists in Gayo Lues, artistic aesthetics must be subordinated to the priority of maintaining public morality. If this ideal standard is difficult to implement due to the demands of artistic composition, then the most practical alternative solution is to return the *Bines* dance movements to their traditional format. Suhatsah, a senior traditional figure, provides an explanation regarding the standardization of traditional movements that should be maintained:

The authentic *Bines* dance has measured movements and authority. There are no artificial movements designed to appear graceful or provocative. The most correct solution now is to eliminate any movements that have deviated from their original form. We must return to its traditional format, where movements are respectful and maintain the dignity of women themselves (Suhatsah, 2025).

Suhatsah's statement provides a strong customary legal basis for changes in arts policy. Under Islamic law, this relates to the concept of *Muru'ah* (maintaining self-respect). Excessively graceful movements are categorized as *mafsadah* (indecent acts) because they can arouse audience passion, something explicitly prohibited in Aceh MPU *Fatwa* No. 12 of 2013. In line with this, Samsul, a senior *Saman* dancer, provides a poignant reflection on the importance of restoring the essence of poetry:

Saman and *bines* poems are originally meant to preach and advise. Straightforward, or flattering, poetry is not our culture. The solution is for each group to be required to compose poetry that contains both preaching and education. Satirical poetry is fine, but it must use refined Gayo figurative language that requires thought to understand, not blatantly suggesting a date or asking for a phone number in public (Samsul, 2025).

Samsul's statement demonstrates the need to apply the principle of *Sadd al-Dhari'ah*. The use of figurative language in Gayo culture serves as a moral filter. When poetry is delivered straightforwardly and explicitly, it becomes a vehicle for free association. By restoring poetry to a figurative format and preaching content, the function of tradition returns to *hifz al-Din*. This proves that harmonization of sharia and custom can be achieved through linguistic instruments and control of artistic content.

Furthermore, the issue of audience disagreement must be addressed through strengthening the authority of customary guidelines and disciplined spatial planning. Ishak emphasized the importance of spatial discipline, "*The strict rules announced at the beginning of the event must be strictly enforced by the committee. The committee and youth must be brave in arranging the audience's positions, with men on one side and women on the other*" (Ishak, 2025).

Ishak proposed that *Keketar* be revived as a social regulation to prevent violations. *Keketar* serves as a reminder of the boundaries of private life and ethics. Arranging the positions of male and female spectators aims to prevent *khalwat* and *ikhtilāṭ*, which are prohibited by the Aceh *Qanun Jinayat*. This solution does not prohibit social gatherings, but rather regulates them to remain within the corridors of public morality, maintained by the supervision of guardians and customary officials. This spatial planning solution is further strengthened by the historical reflections conveyed by A. Susan, a religious figure, that, "In the past, women who watched were always accompanied by guardians or women like mothers or grandmothers to prevent any form of inappropriate interaction, and they were not left alone in the crowd. We must revive that discipline to keep the event sacred" (A. Susan, 2025). Thus, harmonization of the issue of *ikhtilāṭ* is achieved not through social prohibition, but through the reactivation of social discipline that is revived through customary authority and collective moral accompaniment.

As an analytical conclusion, the key to preserving *Bejamu Saman* in accordance with Islamic law lies in the courage and active role of the Gayo Lues Traditional Council as a cultural regulator and moral educator. Zulkifli provides insight into the importance of authority synergy:

Traditional and religious institutions must work together strongly. We at the Traditional Council are tasked with educating the public that authentic Gayo customs never conflict with Islam. We must reject outside influences that undermine the sanctity of *Bejamu Saman*. If the community agrees and is properly educated, they will comply because they realize this is for the common good and the future of our younger generation (Zulkifli, 2025).

Zulkifli's statement points to the importance of Local *Ijma'* or community consensus. Theoretically, legal compliance is largely determined by social acceptance. By placing traditional leaders as educators, changes in community behavior from deviant practices to *syar'i* practices will not be seen as religious imposition, but rather as an effort to save ancestral heritage. This condition reflects the achievements of *Maqāṣid al-Syarī'ah* through sociocultural channels, where social stability is maintained while legal boundaries remain upheld.

This solution requires the community to reject external modifications and re-establish ethical boundaries. By eliminating the practice of *Najuk*, which involves direct contact with the dancers, as it could undermine the *ḥifẓ al-Nasl* (respect for honor) and reconstructing artistic content in accordance with ethics, *Bejamu Saman* will return to its role as a useful medium for fostering pure and sacred communal ties and stability, while also proving that true customary obedience is one that is harmonized with the noble values of Islamic teachings. However, solutions must be agreed upon, because by adhering to rules together, the potential for internal conflict can be reduced, as each member is aware that norms are essential for social stability (Hakim, 2025). Thus, social conflict will not occur in the community if they agree on the proposed solutions put forward by traditional and religious leaders.

CONCLUSION

This study concludes that the *Bejamu Saman* tradition in Gayo Lues sociologically functions as an instrument for strengthening brotherhood and social stability (*ḥifẓ al-Nafs*). However, significant gaps in Islamic law were found due to modern modifications, especially in the practice of *Najuk* (*saweran*) which involves physical contact of non-*mahrams*, explicit poetic content, and dance movements that lead to lust. The analysis of *Maqāṣid al-Syarī'ah* confirms that while the essence of this tradition of *silaturahmi* is *maslahat*, these additional practices constitute *mafsadah* that threaten honor (*ḥifẓ al-Nasl*) and violate the principle of *Sadd al-Dharī'ah*. As a follow-up, this study recommends the following steps. *First*, the Gayo Traditional Council should strengthen the authority of *Keketar* (customary signs) as an instrument of social control, return the *Bines* dance movement to its traditional, authoritative format, and require the use of figurative language in *sonet/treh* poetry. *Second*, the Ulama Consultative Assembly should compile technical guidelines

for providing *Najuk* without touch through a special forum or supervisor and standardize the *da'wah* content in *Saman* poetry. Finally, the regional government should collaborate with the two institutions above in organizing disciplined performance spaces to mitigate *ikhtilāf* and ensure the effective implementation of the concept of *Taqyīd al-Mubāh* (limiting permissible things for the sake of *maslahah*). This research is still limited to normative and theoretical solutions. Because the success of cultural reconciliation depends heavily on community acceptance, further research should examine the Gayo Lues community's response and readiness to these proposed customary improvements. This is crucial to ensure that changes toward sharia-compliant practices are widely accepted without causing social conflict.

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