

## Giving Marital Assets from Wife's Family to Husband Through Marriage Reveals the Perspective of Bebesen District Ulama: Case Study of Tan Saril Village, Bebesen District

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### ABSTRACT

*This article aims to examine the practice of giving marital property from the wife's family to the husband through angkap marriage in Tan Saril Village, Bebesen District, and how the perspective of Bebesen sub-district ulama on the practice of giving marital property through angkap marriage is still carried out by some people in the village. This research is an empirical legal research, with a legal sociological approach and qualitative data analysis. Primary data sources were obtained from interviews with communities who practice giving marital property from the wife's family to the husband through angkap marriage and interviews with scholars of Bebesen sub-district. The results showed that there are still some communities in Tan Saril Village, Bebesen District, who practice giving marital property from the wife's family to the husband through angkap marriage, where the property will be given to the husband in the form of agricultural land, provided that the husband is drawn into the wife's family clan. If there is a divorce due to a dispute, not due to death, then the property is returned to the wife. Some scholars of Bebesen sub-district argue that the provision of property grants through angkap marriage is something that is permissible but better not done, because it can cause losses to one party. Some scholars consider this only applies to customary law, and is not in accordance with the principle of covenant in Islam which requires clarity in a contract.*

**Keywords:** Marital Property, Grants, Angkap Marriages, Ulama Perspectives

### INTRODUCTION

In simple terms, marriage or marriage can be interpreted as an agreement or agreement to mix or get along as well as possible between a man and a woman in the status of husband and wife (Al-Aqqad, 1995). Syafi'iyah scholars, such as Abdul Aziz al-Malibariy, define marriage as a contract which contains the permissibility of having husband and wife relations by using the lafaz (to marry) or (to marry). If we refer to the laws and regulations in force in Indonesia, we can see that the meaning of marriage is stated clearly both in Law no. 1 of 1974 concerning Marriage and Compilation of Islamic Law

(KHI). In Chapter I Article 1 paragraph (1) of Law no. In 1974 it was stated that marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in One Almighty God (Al-Maliabarly, 1997). According to the Compilation of Islamic Law (KHI), as stated in Article 2, it is stated that marriage according to Islamic law is a marriage, namely a very strong contract or *mitsaaqan ghalizhan* to obey Allah's commands and carry it out as worship. Article 3 then states that marriage aims to create a household life that is *sakinah, mawaddah* and *rahmah*.

In order to realize the goal of marriage as aspired to by the laws and regulations above, a number of provisions relating to marriage are made, starting from the process of establishing a marriage institution, matters related to the obligations of husband and wife in marriage, provisions on assets in marriage, as well as provisions regarding divorce that may occur in a household bond.

One of the most important provisions in marriage law is regarding assets in marriage. The issue of property is a sensitive matter and can often trigger arguments in the household which ultimately results in the divorce of both partners. Explicitly, the provisions on marital assets are regulated in Articles 35 to 37 of Law no. 1 of 1974 concerning Marriage and Articles 85 to 97 of the Compilation of Islamic Law. In Article 35 of Law no. 1 of 1974 confirms that assets in a marriage can be in the form of; 1) joint assets, namely assets acquired by husband and wife during marriage, 2) inherited assets, namely assets brought from each husband and wife, and 3) assets obtained by each as a gift or inheritance. This provision is then further emphasized by the KHI provisions in Articles 85 to 97 which state that there are several types of assets in marriage, such as assets inherited from the husband, assets inherited from the wife, joint assets (*gono-gini*), assets resulting from gifts, grants, alms. and inheritance for husband and wife.

In general, the origin of the assets obtained by husband and wife in marriage comes from four sources, namely: 1) Gifted assets and inherited assets obtained by one of the husband or wife, 2) Assets from their own business before they were married, 3) Assets obtained during the marriage. during marriage or because of marriage and 4) Assets obtained during marriage other than gifts, specifically for one of the husband and wife and other than inheritance (Turnip, 2021). In addition to the four types of marital property above, in customary law there is another type of property called property given by parents. In a marriage, husband and wife may receive property from their respective parents to be used by both of them and their children together. This gift is not only a gift from parents to their biological children, but can also be a gift from their in-laws to their daughters-in-law. The gift can be in the form of fixed assets or movable assets or only in the form of use rights (H, 2012).

One form of giving marital assets originating from the wife's family to the husband is in the tradition of step marriage as is still practiced by a small number of people in Tan Saril Village. Tan Saril Village, Bebesen District, is one of the areas in Central Aceh Regency where the majority of the population is Muslim and comes from the Gayo tribe. One of the marriage traditions related to the process of giving marital assets which is still practiced by some people in this village is step marriage. A step marriage is a traditional Gayo marriage which has terms and conditions where the woman's family does not have a son, then they want to marry their daughter to a man on the condition that the man will later join the clan and move into the family or be withdrawn. into the wife's family. With this marriage, the man is given property by the woman, which usually takes the form of a house or land to provide land for the family to earn a living. A man who is in a full marriage is obliged to help his wife's parents while they are still alive and take care of the bodies of the woman's parents when they have died or can be called "ken penorep morep ken penanom mate". A man who chooses to marry in a double marriage, meaning he and his children will lose their economic rights to own something. If a divorce occurs, it is said to be cere effeminate, then the husband will return to his biological family, and the property that was previously given or gifted, will be returned to the wife's family, except for the joint property they acquired during the marriage (Laka, 2019).

On the face of it, withdrawing assets that have been given by the wife's family to the husband in the tradition of joint marriage after a divorce will be detrimental to the husband. In a Hadith, the Prophet also said, "It is not halal for someone who has given something or donated something and then asks for it back, except for a father towards his child." (Narrated by Ashabu al-Sunan). The withdrawal of marital assets that have been given is also different from the gift provisions contained in the Compilation of Islamic Law. In Article 212 KHI it is stated that assets that have been given cannot be withdrawn, except for gifts from parents to their children. The existence of this difference has attracted the author's interest in researching further about the tradition of giving marital property from the wife's family to the husband through an intermarriage in Tan Saril Village, Bebesen District. The question that arises is how exactly is the process of giving property to the husband through the tradition of step marriage that occurs in Tan Saril Village and what is the actual perspective of the local ulama, especially the ulama in Bebesen District, in viewing the practice of giving marital property by the wife's family to the husband through step marriage the.

## **RESEARCH METHODS**

This research is empirical legal research because this research will look at how the implementation of grant provisions is practiced by the community. The approach used is the legal sociological approach. The primary data source was obtained from interviews with a number of informants consisting of

people who practice giving wealth through full marriage, traditional leaders and ulama in Bebesen District. Meanwhile, secondary data sources were obtained from primary legal materials, namely Law no. 1 of 1974 concerning Marriage, Compilation of Islamic Law, and secondary legal materials, namely the opinions of scholars contained in fiqh books. The data obtained, then analyzed qualitatively. Actually, data analysis has been done since the beginning of data collection. Early data analysis helps avoid accumulation of data, making it difficult to re-understand its meaning when connected to the research problem (Simahara, 2021). With the steps mentioned above, it is hoped that a comprehensive picture of the giving of marital assets from the wife's family to the husband through marriage will capture the perspective of Bebesen District ulama (case study of Tan Saril Village, Bebesen District).

## Provisions Concerning Marital Assets and Grants

The establishment of the institution of marriage is part of the rules of human life that have been established by Allah SWT. Because through marriage, humans will develop their population in a way that is in accordance with the provisions of Allah SWT. Allah SWT says in Q.S Al-Nisa': verse (1):

يَا أَيُّهَا النَّاسُ اتَّقُوا رَبَّ الَّذِي خَلَقَكُمْ مِنْ نَفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَاءً وَاتَّقُوا اللَّهَ الَّذِي تَسَاءَلُونَ بِهِ وَالْأَرْحَامَ إِنَّ اللَّهَ كَانَ عَلَيْكُمْ رَقِيبًا ۝١

"O people, fear your Lord, who created you from a single soul, and from him Allah created his wife; and from both of them God gave birth to many men and women. And fear Allah with (using) His name you ask one another, and (maintain) friendly relations. Indeed, Allah always protects and watches over you." (Turnip I. R., 2022).

Through marriage, God will provide lawful sustenance, both in the form of property, adequate income, and life welfare. This is in accordance with the word of Allah swt in Q.S An-Nahl verse (72) :

وَاللَّهُ جَعَلَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا وَجَعَلَ لَكُمْ مِنْ أَرْوَاجِكُمْ بَنِينَ وَحَفَدَةً وَرَزَقَكُمْ مِنَ الطَّيِّبَاتِ أَفَبِالْبَاطِلِ يُؤْمِنُونَ وَبِنِعْمَتِ اللَّهِ هُمْ يَكْفُرُونَ ۝٧٢

"Allah has made for you wives from among yourselves and made for you from your wives children and grandchildren, and has given you sustenance from the good things. So why do they believe in falsehood and deny the favor of Allah?" (Q.S An-Nahl ayat 72)".

The existence of assets in marriage is a gift from Allah SWT, which must be managed properly and regulated according to Islamic law. For this reason, the provisions of marriage law that apply in Indonesia regulate matters related to marital assets.

In Law no. 1 of 1974 concerning Marriage, provisions on marital property are regulated in Chapter VII concerning Marital Property, Articles 35 to 37. Article

35 paragraph (1) confirms that property acquired during marriage becomes joint property, and paragraph (2) states The inherited assets of each husband and wife and the assets obtained by each as a gift or inheritance, are under their respective control as long as the parties do not determine otherwise. Then, Article 36 (1) states that regarding joint property, a husband or wife can act with the consent of both parties, and paragraph (2) regarding their respective assets, the husband and wife have the full right to take legal action regarding their property. Finally, Article 37 states that if a marriage is broken up due to divorce, joint assets are regulated according to their respective laws (Ministry of Religion, 2021).

Meanwhile, in the KHI, the provisions on assets in marriage are regulated in Chapter property of each husband or wife (Article 85). Basically there is no mixing between the husband's assets and the wife's assets due to marriage, and the wife's assets remain the wife's rights and are fully controlled by her, likewise the husband's assets remain the husband's rights and are fully controlled by him (Article 86 paragraphs 1 and 2). Then, the assets inherited by each husband and wife and the assets obtained by each as a gift or inheritance are under their respective control, as long as the parties do not specify otherwise in the marriage agreement (Article 87 paragraph (1). Husband and wife have the right fully to carry out legal actions on their respective assets in the form of grants, prizes, *sodaqah* or others (article 87 paragraph (2).

Another provision that can be understood from the contents of the KHI regarding assets in marriage is that joint assets are realized from the date the marriage takes place, without questioning who is looking for it and without questioning in whose name the assets are registered. Then, without mutual consent, the husband or wife may not alienate or transfer the joint property, and if there is a debt for the benefit of the family it is charged to the joint property. If the marriage is broken up (died or divorced), then the joint property is divided into two, where each husband and wife gets half a share and in the event of death, the share becomes *tirkah* (inheritable property) (Turnip, 2021).

One of the interesting articles from the provisions above relates to the possibility of a husband or wife having their own assets that come from gifts from other people, which can be in the form of grants, gifts and alms. In Article 87 paragraphs 1 and 2 of the KHI it is emphasized that each husband and wife may have their own property which is wholly controlled which is the property of each other or acquired during their marriage through inheritance, grants, gifts, alms or other means.

Grants are a form of philanthropy (generosity) in Islam. Etymologically, the word grant is the *mashdar* form of the word *wahaba* which is used in the Qur'an and its derivatives 25 times in 13 letters. *Wahaba* means giving and if the subject is Allah, it means giving gifts or bestowing gifts as found in Q.S Al-Imran (3) verses 8, 38; Maryam (19): verses 3, 49, 50, and 53 (Mardani, 2017).

The word grant is taken from the word "hubub al-rih" which means "nururruha" which means the journey of the wind. In further developments the word grant is used with the intention of giving to others either in the form of assets or others (Roqib, 2019). A grant is a voluntary gift, without expecting any counter-performance from the giver, and the gift is made when the giver is still alive (Manan, 2014). According to Ibnu Mas'ud and Zainal Abidin, a gift is giving something to someone else while living as their property, without expecting compensation or return, and a gift can be called a gift (Mardani, Family Law, 2020). Meanwhile, according to Rahmat Syafe'i, a grant is giving ownership of goods that can be interpreted in the form of assets that are clear or unclear because there is an excuse to know, manifest without any obligation (Mas'ud, 2006).

The argument regarding the priority of giving gifts can be known through Q.S Al-Baqarah (2): 177, which reads:

﴿لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ وَلَكِنَّ الْبِرَّ مَنْ ءَامَنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ  
وَالْمَلَائِكَةِ وَالْكِتَابِ وَالنَّبِيِّينَ وَءَاتَى الْمَالَ عَلَى حُبِّ ذَوِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ وَابْنَ السَّبِيلِ  
وَالسَّائِلِينَ وَفِي الرِّقَابِ وَأَقَامَ الصَّلَاةَ وَءَاتَى الزَّكَاةَ وَالْمُوفُونَ بِعَهْدِهِمْ إِذَا عَاهَدُوا وَالصَّابِرِينَ فِي  
الْبَأْسَاءِ وَالضَّرَّاءِ وَحِينَ الْبَأْسِ أُولَئِكَ الَّذِينَ صَدَقُوا وَأُولَئِكَ هُمُ الْمُتَّقُونَ ١٧٧

Artinya:

"It is not a virtue to turn your face towards the east and west, but actually the virtue is believing in Allah, the Last Day, angels, books, prophets and giving the property he loves to his relatives, orphans, people -poor people, travelers (who need help) and people who beg, and (free) slaves, establish prayers, and pay zakat; and those who keep their promises when they promise, and those who are patient in adversity, suffering and in war. They are the true (faith); and they are the pious ones (Depag, 2021)"

In general, the terms and conditions for the grant are to follow the pillars. There are three pillars of giving, namely the person who gives the gift (al-wahib), the person who receives the gift (al-mauhub lahu), the gift (grant). (Syafei, 2006)

The conditions for the grant are as follows:

1. Requirements for the person making the gift (the grantor) are that the grantor must have something to donate, the grantor is not a person whose rights are restricted, meaning that a person is capable and free to act according to the law, the donor is an adult, intelligent and intelligent. It is not required that the grantor must be Muslim, the grantor is not forced because the gift is a contract that requires willingness.
2. The condition for the person being given the gift is that the recipient of the gift is actually present at the time the gift is given. If there is none or its existence is suspected, for example in the form

of a fetus, then the grant is invalid, if the person who was given the grant was present at the time of giving the grant, but he was still small or crazy, then the gift must be taken by his guardian, caretaker or person who educates him, even if he foreigners.

3. Conditions for the object being donated, that is, the object being donated must belong to the donor, the object being donated already exists, in the true sense of the implementation of the contract, the object being donated is something that is allowed to be owned by religion, the property being donated must be clearly separated from the donor's assets, the assets truly belong to the person who donated them. (Raudhatul, 2019)

In the Compilation of Islamic Law, the provisions for grants are regulated in Articles 210 to 214 (Turnip, 2021). In Article 171 letter (g), it is stated that what is meant by a grant is the giving of an object voluntarily and without compensation from one person to another who is still alive to own it. In Article 210 paragraph (2) KHI emphasizes that the property donated must be the right of the grantor. So, it is not legal to give away objects owned by other people. KHI also limits that the maximum grant is 1/3 of one's assets, in accordance with Article 210 paragraph (1). One of the interesting things in the provisions of grants at KHI is that grant assets that have been given cannot be withdrawn, except for gifts from parents to their children (Article 212). This means that if someone has voluntarily donated his wealth to another person, then based on this provision he cannot withdraw or take back the property he has donated.

In the perspective of fiqh, canceling or withdrawing a gift (grant) is an act that is not permissible, even if the gift occurs between two people who are brothers or husband and wife, while the grant that can be withdrawn is a parent's gift to their child (Faizah, 2022 ). Regarding this gift law, there are several hadiths that seem contradictory. Rasulullah SAW. said, "It is not lawful for someone to give something or donate something and then ask for it back, except the father for his child." (Narrated by Ashabu al-Sunan). Then there is also a Hadith narrated by the Sahih Muslim Hadith which reads:

قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْعَائِدُ فِي هَبْتِهِ كَالْعَائِدِ فِي قَيْئِهِ

Artinya: Rasulullah SAW said: "A person who takes back what he has given is like someone who swallows his vomit again" (Depag, 2021).

The two hadiths above seem to contradict a hadith from Salim that the Messenger of Allah. said, "Whoever gives a gift, then he still has more rights to the goods, as long as he has not received a reward." These hadiths which seem contradictory can be compromised as stated in the book I'lam al-Muqi'in as follows. The giver of an unlawful gift asks for the item back, if he gave it as a voluntary donation, not for a reward. Meanwhile, the gift giver still has the

right to ask for the goods back, if the gift he gives is in return for something he will receive, but then the recipient of the gift does not fulfill his promise. (Sabiq, 1990).

## **The Practice of Giving Marital Assets from the Wife's Family to the Husband through Adoptive Marriage in Tan Saril Village**

Tan Saril Village is one of the villages in Bebesen District which is an area of Central Aceh Regency. The area of this village reaches 238 hectares with a total of 435 household heads, inhabited by around 1542 residents. The majority of people in this village are Muslim, reaching 98%, with the largest tribe being the Gayo tribe, then there are also several other ethnic groups, Acehnese, Javanese, Minang Kabau, Batak and ethnic Chinese.

Regarding the practice of giving marital assets from the wife's family to the husband through step marriage, it is still practiced by some people in Tan Saril Village, especially those from the Gayo tribe. One of the customs of the Gayo tribe related to marriage is step marriage, which occurs if a family does not have a son, and is interested in having a son-in-law, then the family proposes to the young man (generally a man of good character and pious) this is what is called "catch Berperah, Juelen Berango" (wanted or selected, Juelen requested). This son-in-law is required to forever live within the bride's family and is seen as a protective barrier for the family. The son-in-law received property from the wife's family. In this context it is said "The adopted son of the grave dome sweeper, si muruang iosah umah, cyberukah iosah ume" means: son-in-law of the grave dome sweeper who has a place to live and is given a house, who has land is given rice fields.

(Simahara, 2020) There are several factors for intermarriage, namely:

### 1. Because the child lost

That is, the woman's parents only have one daughter, so they look for and propose to a son to be adopted so that he can be used as a husband for their daughter.

### 2. Because of a crash

Namely the accident of pregnancy out of wedlock, but the man's family does not want to take responsibility, so it requires the woman's family to pay for the marriage in order to attract a man to marry his daughter.

### 3. Because of mahtabak

That is, the man does not have the financial capacity to provide a dowry or dowry to the woman, so by giving the woman a private marriage, the man can immediately carry out the marriage without having to give a dowry in the form of property, but simply saying bismillah, two sentences shahada, or verses from the Koran to the woman's family.



The legal consequences of post-marriage are related to the structure of society. In post-marriage, the Gayo community adheres to a matrilineal society structure where the man or husband is drawn into his wife's clan/clan. However, there is a slight element that is different from the usual matrilineal structure of society, namely that the husband is obliged to help his wife's parents while they are still alive and take care of their body when they die. therefore he has the right to use the property left by his father-in-law as a gift. The status of children resulting from step marriages in the Gayo traditional community is the successor to their mother's clan, where in step marriages they draw a line through their mother's line. This means that children are descendants of their mothers but are not shown in the mention of their names. In matrimonial assets, the temporary assets or inherited assets given by the wife's parents are not dying assets that can be divided so that if there is a divorce, the husband cannot bring back the residential assets given to him by his in-laws but the husband still gets a share of the dying assets or joint assets.

The practice of granting assets through a dual marriage itself requires living and being a clan in the wife's family, so the bride's parents give a gift of property to the groom if he has a house then what will be given is the house, and if he has land or fields then it will be given. That way the man has to live at the wife's place forever, so automatically the husband loses the right to choose the domicile in which he will live because the husband is considered a protective fence for the family. *osah umah, si berukah i osah ume*. The dowry in this shared marriage is still given by the man. *catch lineage* where the husband stays forever in the circle of relatives of the wife, the position of the wife in inheritance is the same as that of her brothers. Economically, the husband will not be angry or will not be separated from the family, the wife will still join her in-laws. Both parties, both the wife's parents and the man who is said, may not violate the existing agreement, if there is a violation then the customary rules say: "if this man is considered to have violated, then his property will be lost, if the wife's parents violate it, his wealth will be lost.". However, if both husband and wife agree to leave their parents, they must pay for all the losses of their parents according to the agreement (Khalid, 2021).

To find out the practice of giving wealth through full marriage in Tan Saril Village, researchers have interviewed a number of respondents, namely Gayo traditional leaders, village heads and a number of people who practice this tradition.

Mr. Mursada as the head of the Gayo Traditional Council in Bebesen District said:

"The work of *Angkap ni ngok* is also called *Angkap edet* which is the winner of the *minah ku ton tuen* for *morep*, *i wan janyi ini kile gere nguk ulak ku ton origin e*, *orom tuen i osah renye tanoh*, *empus or umah ken ton tareng orom berempus gune ken complete my livelihood banan orom anak*, *bierpe song noya ike happens cere sissy treasure tempah si osah tuen turah I ulaken*,

while ike reta dying keta turah i for due. but I wan kerje think this is a matter of dowry still i osah from kile party, cumen ike kile olok di mapa nguk iosah from tuen party but gere sahan pe mubetehe." (Mursada, 2023) [This step-up marriage is the same as customary step-up marriage, meaning that the son-in-law moves to the wife's parents' place and becomes their clan forever, in this step-up agreement the son-in-law is not allowed to move to his place of origin, with so, from the wife's side, she donated land as land to make a living. However, if there is a divorce, the property will be returned. In this common marriage, the dowry is still given by the husband].

Based on the results of the interviews with traditional figures above, it can be understood that the process of granting property through step marriage begins with the son-in-law moving to the wife's parents' place and becoming part of the wife's clan forever. Sons-in-law may not move to their original place. As a consequence of this marriage, the son-in-law will receive a gift from the wife in the form of land to earn a living, but the dowry must still be given by the husband. In the event of a divorce, the property must be returned to the wife.

Then, the researchers also interviewed the village head of Tan Saril, who is referred to as reje kampung. In an interview, he said:

"The practice of penosahen reta grant akibet ni arrest ni, turah i kataten orom turah i sign ari tuen orom kile, turah ara mu witness ari ken village officials prove ike kile nge i Angkapen orom nge i osah grant." [The gift of gifted assets through a full-time marriage must be registered and signed by village officials and also both parties to prove that there has been a gift of gifted assets through a full-fledged marriage.].

Furthermore, he also explained that the practice of giving assets as a result of a double marriage is by writing and signing it from both parties, also witnessed by village officials and signed by the chairman or reje to state that this grant is given because a double marriage has occurred. In a full-fledged marriage, there are two types of assets (tempah assets and dying assets), the tempah assets are given by the parents, the tempah assets are what are said to be gift assets given by the wife's parents to the husband as a result of a full-fledged marriage and if there is a full-fledged marriage then this property must be returned to the ex-wife's parents. Meanwhile, dying assets are joint assets, which if there is a sissy event, these dying assets can be taken by the ex-husband.

Meanwhile, the author also interviewed two people in the community who practice the tradition of step marriage which is related to the process of giving assets. One of the respondents, namely Mrs. MRM, revealed that she married her husband by being arrested, because her husband came from a poor family, but her future husband was pious and good. Because of that, there was a process of foster marriage and awarding of grants. Mrs. Maryam said that the property given by her parents to her husband was land that was 3

rows wide, which was where her husband earned his living. When he was arrested, the village officials also witnessed that grants had been given through this arrest marriage.

Furthermore, the researchers also interviewed Mr. SHN, as a resident of the village of Tan Saril, who had received a grant through a double marriage. He said that he received the gifted property through a step marriage, where he earned a living by utilizing the donated land given to him by his in-laws. But a few years later he divorced and the land grant that had been given was returned to his former in-laws.

## **Marital Assets From Wife's Family to Husband Through Marriage Capture the Perspective of Ulama of Bebesen District**

Providing marital assets in the form of a gift from the wife's family to the husband through a joint marriage, may on the one hand be beneficial to families who wish to build a household. The husband can manage agricultural land to grow crops so as to produce income that supports the economic life of his family. However, the problem arises if there is a divorce due to a dispute (cere sissy), then the gifts that have been given will return to the woman's clan or the wife. The husband cannot own and use the gifted property any longer, unless they have joint property, then he may own it. In this way, the assets given in the form of a gift are withdrawn by the wife's family, which of course in this case could cause the husband to feel disadvantaged.

In this case, the researcher wants to explore the actual validity of the gift of marital assets from the wife's family to the husband through the tradition of full marriage to ulama and religious figures in Bebesen District. In an interview the researcher with Ustaz Amiruddin, as a cleric who lives in Bebesen District, revealed:

*“This catch is rare for Ibueten Jema, because I think it's bad for Wani to work. Ike nge i Angkapen turah minah ton taring, your turah changed the identity of the song si i KTP, this easily resulted in me being disappointed in my implementation of the work, the term song nge i kulen nge i sekulohen but turah separated ton tareng turah minah rice fields. That's why it's rare for us to work hard. Indeed wan kerje apkap ni i osah ken ton wealth grant mumerah sustenance, cumen ike turah minah umah minah data minah bewene, dele ke mudharatan. Ike happened cere reta grant si iosah tuen turah i ulaken, cumen ike we cere mate reta si nge iosah gere daleh i ulaken orom work conditions orom sedere ari banan party”. Nowadays, it is very rare to find step-by-step marriages because it is felt that they have many disadvantages. If someone has been arrested, they must change their domicile. This has a big impact on parental disappointment. It's like having been raised, having been sent to school but having to move where you live, therefore in our place people rarely carry out step marriages. It is true that in a full-fledged marriage, assets are given as a gift to the man to earn a living, but if you move house and the data as a whole is moved, this still has many disadvantages. In the event of a divorce, the assets given by*

*the in-laws must be returned, but in the event of a divorce, the gift does not need to be returned on condition that one of the wife's relatives must remarry].*

The interview above explains that the double marriage tradition is rarely practiced, because it is considered to have a less positive impact on the husband's parents who have been raising their children, because the sons have to change their place of residence and change the identity data of their domicile address if they do this double marriage. The impact of parents' disappointment on the foster marriage is like *nge i kolen nge i sekulahen but turah minah ton tareng* (has been raised and has been educated and educated but has to move his place of residence). Indeed, in this shared marriage, property will be given to the husband, but if there is a divorce, the gift property must be returned to the wife, this will certainly bring harm. However, in the event of a divorce and death, the gift property does not need to be returned on condition that the husband must remarry to one of the wife's relatives.

He further explained that the grant for this foster marriage caused losses to one party because there was the term adopted son who sweeps the grave vault, *si murung i osah umah, si berukah i osah ume*, meaning adopted son or son-in-law as the grave dome, if the If you have a house, you are given a house, if you have land or rice fields, you are given rice fields. However, if there is a divorce, the property that has been given from the wife to the husband will be withdrawn. If the land that has been given is well managed with fertilizer, it is maintained so that the soil is fertile and the harvest at the time of divorce (*cere sissy*) must be returned to the parents-in-law, it will be detrimental to the husband. Therefore, assets given as a gift as a result of a double marriage to husbands must be made in the form of a letter and signed by village officials. Because it is considered to cause a lot of harm and is also detrimental to one party, then giving grants through common marriages is something that is permissible, but it is better not to do it.

Next, the researcher also interviewed Mr. Daud as the village priest. He explained that in the practice of grants through the dual marriage, the husband gets a place or property given as a gift by the wife's parents, as a place to make a living. Because the grant has been given to earn a living, the husband may not work outside the realm of the family from the wife's side. For step marriages, the dowry is still given by the man. There is a saying that adopted children sweep the graves of the graves, *si muruh i osah umah, si berukah i osah ume*, meaning adopted children or sons-in-law are the grave domes, if those who have a house then they are given a house, if those who have land or rice fields are given rice fields. In the shared marriage itself, what generally occurs is the grant of assets in the form of land for farming. If the husband and wife are still having trouble finding a place to live, then the wife's parents may provide a temporary house to live in, not donating the house to become the property of the husband. In a foster marriage, if there is a divorce, the property given by the wife's parents must be returned and the husband must return to his clan. The husband may only take joint assets that have been divided between the

two with his ex-wife. However, if you have children, the property automatically goes to the child. In the event of a divorce and death, the husband must be married off to the offspring of the wife as a connecting link.

Then the researchers also interviewed Mr. Anda Putra SH, who had served as Penghulu Bebesen District Young Expert. he said:

*“reta si nge iosah ni mayo ku grant conditional bierpe we gere i perenne conditione expressly. This also causes the dynamics of train distribution to occur later. Empatni aman mayak demu retani nge iwan marriage, in gayo general e tanoh iosah ku party kile artie kile gere neh muharap pusaka i tahoh kelahirene. This place is a treasure, so it's normal if you're half confused or you don't want to separate, then you're automatically interested. This is not true of a grant pledge, but the condition of the grant is conditional, namely the condition of the gere, we call it implied by custom, but in practice, it is tareng ne renye penosahen tuen e. From the beginning of this process, it was big according to my rice fields, but at the end it was still big according to Islamic law. Ari because gere is clear and only applies i tribe oya pelen.” [The assets that have been given are included in the conditional gift category, even though the conditions for the assets are not explicitly stated. This also causes a lot of dynamics to occur in the distribution of assets in the future, because the son-in-law gets the assets in the marriage. In Gayo, land is usually given to the son or son-in-law with the meaning that the son-in-law no longer hopes for an inheritance or earns a living in his homeland. The position of these assets is also usually if there is a divorce due to a dispute, then the assets that have been given are automatically attracted. This can be regarded as a pledge of grants. Because it is said to be a conditional grant, but the conditions are not mentioned but everyone knows due to custom or practice. It is also customary that if a divorce occurs, the assets are immediately left to the son-in-law. Regarding this practice it can be stated that it is not in accordance with Islamic law. From because it is not clear and only applies to Gayo customs.]*

He further explained, from the start the process of granting grants to this dual marriage was not appropriate, because the contract was not clear, something was implied. There is no mention of what is implied, it is just an understanding of traditional understanding. This means that it can only apply to the custom itself, whereas in the Islamic concept it is open and clear. There is even a verse in the Koran that emphasizes the need to record if this is an agreement.

Based on the interview above, it can be understood that the gift of marital property by the wife's family to the husband through the tradition of multiple marriages can be classified as a conditional grant, even though the conditions are not stated explicitly. However, each party already knows the consequences of giving the grant if there is a divorce based on local customs, namely the husband will automatically return or leave the donated property in the form of the land. With the land given by the in-laws to the son-in-law, the son-in-law can no longer work outside the domain of the wife's family. In

this case also if there is a divorce due to a dispute or it can be said to be a *sissy cere*, then, the assets that have been given are automatically withdrawn. The practice of giving grants like this is considered not in accordance with the provisions of Islamic law relating to grants, where there are still ambiguities or things that are not clear in the grant contract process.

Broadly speaking, the results of the study show that some religious leaders in Bebesen District view that giving marital assets from the wife's family to husbands in the form of agricultural land grants through joint marriages is something that is still permissible, but it is better to abandon it because it contains things that are harmful (something that is detrimental) to both the husband's parents and the husband himself because the gift property will be withdrawn or taken back by the wife's family automatically if there is a divorce due to a dispute (*cere sissy*). Meanwhile, some religious leaders considered that the grant was classified as a conditional grant, even though the conditions were not stated explicitly. However, each party already knows the consequences of giving the grant if there is a divorce based on local customs. Because there are still things that are not clear because there are no clear conditions stated in the grant-making contract, the grant process like this is considered not in accordance with the principles of contract agreements in Islamic law.

As the author explained at the beginning, grants are actually a form of generosity that is highly recommended in the Islamic religion, as is the case with giving gifts, alms, *infaq* and endowments. This means that those who give grants will receive reward and glory on the side of Allah SWT. This gift is also a source of marital assets that can be obtained by a husband or wife, and both have their own rights in controlling the gifted assets. In connection with the gift of marital assets from the wife's family to the husband in the tradition of joint marriage, in the author's opinion, it can be categorized as gifted assets which can actually be fully controlled by a husband and of course really help the husband in earning a living for the family by cultivating the agricultural land that has been gifted.

However, the problem arises when there is a divorce between husband and wife caused by a dispute between the two. Automatically, based on local habits and customs such as those in Tan Saril Village, Bebesen District, the donated assets were withdrawn by the wife's family. Withdrawing the donated assets will of course be detrimental or cause disappointment for the husband, as stated by previous religious figures. In fact, in the provisions of several hadiths and Article 212 of the KHI, it is emphasized that donated assets that have been given cannot be withdrawn, except for gifts from parents to their children. The gift of assets given in a full marriage is given by the wife's parents to their son-in-law, not to their daughter, even though it will be used jointly between husband and wife. However, there is a hadith which states that whoever gives a gift, he still still have more rights to the goods, as long as they have not received compensation.

In the end, the author was able to understand the opinion of religious leaders in Bebesen District who were of the opinion that giving marital property by the wife's family to the husband in the tradition of step marriage is something that is still permissible, but should be avoided. Giving assets as a gift during a full marriage on the one hand is certainly very beneficial for the family, but on the other hand it has quite serious consequences both for the husband's family and for the husband himself.

## CONCLUSION

One form of property in marriage can be obtained by the husband or wife in the form of gifts from parents, both for their children and also for their in-laws, as is the case with gifts of property to the husband from the wife's family in full marriage as is still practiced by the Gayo people in Tan Saril Village, Bebesen District. In an adoptive marriage, the man who is adopted will be given a gift in the form of property such as land for farming and earning a living to provide for the family. However, if there is a divorce or lawsuit, the husband cannot take the property, but will return it to the wife's parents. In the event of a divorce or death, the property remains the property of the husband but the woman's family is obliged to marry the husband to a relative of his deceased wife. Some ulama (religious leaders) in Bebesen District view that the process of giving grants through step marriage is something that is still permissible, but should be avoided as much as possible because it is detrimental to both the husband's parents and also the husband himself, especially if it happens. divorce due to disagreement. Some religious figures also believe that because there are still things that are not clear in the conditional gift giving agreement, this is not in accordance with the principles of agreements in Islam in general.

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# *Reslaj: Religion Education Social Laa Roiba Journal*

Volume 6 No 1 (2024) 64-80 P-ISSN 2656-274x E-ISSN 2656-4691

DOI: 10.47476/reslaj.v6i1.232

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