MARRIAGE MAHAR TO MINIMIZE THE LOW RATE OF MARRIAGE IN ACEH PIDIE, INDONESIA Roswita Sitompul1, Alesyanti2, Nurul Hakim2 1Universitas Islam Sumatera Utara (UISU), Indonesia 2Universitas Muhammadiyah Sumatera Utara (UMSU), Indonesia

Abstract: Marriage is a ceremony to worship God, God’s covenant to uphold the law, in order to build household sakinah (peacefull), mawaddah (hope) and wa-rahmah (full of love).

Marriage can avoid someone from disobedience, and prevent people from not comply with customary law. But when a person want to carry out an intention to get married, they often hit by costs to be incurred, in the form of higher provisions outlined in mahar (the property given by the groom to the bride at the time of marriage). This phenomenon is also widespread in Aceh Pidie regency, one of Indonesia provinces.

The value of mahar in Aceh Pidie occupies the second highest score in Indonesia after Sulawesi. Mahar in Aceh Pidie is attributed to gold measured in mayam. Mayam itself is referring to a kind of gold dosage prevailing in the people of Aceh. If converted with grams, one Mayam is estimated to be worth about 3.33 grams. Now, the price of one mayam is close to one million eight hundred thousand rupiah. Please imagine a marriage mahar provisions in Aceh Pidie set to 50-70 mayam.

What a expensive price that should be paid by the prospective bridegroom to engaged a woman. A man should provide funds of 90 to 126 million, and it does not include premium amenities and asoe talam (a set of suit). This is a very urgent problem on customary rules, which can not be regarded as a fairness. This issue needs to be handled very carefully.
We can examine and give contribution to handling it. Departing from the fact, this study aims to find an alternative to the concept and application of the marriage mahar in Aceh Pidie. Mahar who arbitrates "shall", which makes the people of Aceh Pidie choose not to obey much and they choose to the road elope or kawin lari, locked horns with traditional leaders that impact disharmony cultural order within existing communities.

The most severe course can also occur, such as sex outside of marriage because the delay time of the wedding, as a consequence of unmet mahar. Keywords: mahar; marriage; Islamic law

INTRODUCTION

Marriage is a sacred event in one's life. As soon as the urgency of the meaning of marriage so everyone strives to pass by the preparation and mature attention.

Marriage is one dimension of life that is very important in human life in any world. Once the importance of marriage is not surprising that is religion. Religion in the world regulates marital problems even custom or tradition of society and state institutions also do not miss the applicable governing marriage in his society.

It has become a common fact that the regulation of marital problems in the world does not show lack of uniformity, the otherness is not only between one religion to another religion, an indigenous people with indigenous community to another, from one country to another, even within a single other religion can occur differences marriage arrangement which is due to different ways of thinking because they adhere to different schools or streams.

In Indonesia, for example the law of marriage can be found in the treasures of the book or figh books which is also provided for in law, namely Law of Marriage No 1 of 1974 and the Compilation of Islamic Law. According to Islamic law in accordance with the philosophical foundations of marriage based on Pancasila, marriage is set forth in article 1 of Law 1 of 1974 by linking the first principle that marriage is based on God. Philosophical foundation is reinforced in Article 2 KHI (Compilation of Islamic Law) which contains: 1.

Marriage is solely to obey God's command. 2. Implementation of marriage is worship. 3. Marriage is bond solid. Qur'an, Yunus, 1979: 176). In the philosophical foundation, it is summarized in an integrated manner between creed and worship. Marriage is a sacred rite that became a meeting place for two people who love each other, without any more limitations that hinder each other (Soelaeman, 1994: 12).

In spite of, many people or parties are currently trying to take advantage of these rituals just to gain an advantage, either material or just to get sexual satisfaction only, or also
for other reasons. Addressing the religious requirements and the state of marriage, hinting to people that marriage is obligatory for those who have fulfilled the requirements.

The main requirements of the first and certainly the person's age. Couples who have had the age and maturity of the remaining provisions shall be married. According to Islamic law about the marriageable age is emitted as age limit. It often occurs along with the emergence of cases into the media spotlight in various areas, such as weddings committed against minors.

The problem is how does the limits age of marriage in law of Indonesia? To answer the question of course we need to refer to the legislative provisions relating to the issue. In Act No. 1 of 1974 on Marriage Chapter 2 Article 7, paragraph 1 shall read "Marriage is only permitted if the man has reached the age of 19 years (nineteen) years and the woman has reached the age of 16 (sixteen) years.

Furthermore, in the Minister of Religion 11 of 2007 Regarding Registration of Marriages Chapter IV, Article 8 "If a candidate has not attained the age of 19 (nineteen) years and a candidate's wife has not yet reached the age of 16 (sixteen) years, should be granted a dispensation from the court" (Marriage Law No. 1 th 1974). The articles above is very clear that there is hardly an alternative interpretation, that age are allowed to get married in Indonesia for men 19 (nineteen) years and for women 16 (sixteen) years.

But it is not enough, the level of implementation is still no requirement that must be taken by the bride and groom, that is, if the prospective husband and the candidate's wife has not reached the age of 21 (twenty one) years then there must take permission from their parents or guardian of marriage. It is in accordance with the Regulation of the Minister of Religious Affairs 11 of 2007 on Registration of marriage Chapter IV, article 7, "If a bride has not yet reached the age of 21 (twenty one) years, he/she obtain written permission of both parents".

(MORA Jabar, 2007: 4) This permit is mandatory, because of age is seen still require the guidance and supervision of a parent / guardian. Another case, if both brides and bridegroom is already more than 21 (twenty-one) years, then the bride and groom can perform marriages without consent from a parent/guardian. But for the bride is going to be a problem because the parents are nasab guardians well as those who would marry her.

Therefore permission and blessing of parents is certainly a very important thing because it will relate to one of the pillars of marriage yaknii their male guardians. However, the
limitation of age is not enough for a wedding, Wedding explicitly also require other provisions, **in the form of** mahar. It is expressly provided for in the rules of the religion and customs of mahar as a mandatory provision of the bridegroom **to the bride as a** wedding payment (Husaini, 2013: 1).

Proposition obligatory mahar in Islam is shown among other things in the word of Allah SWT: "Give mahar to the women who marry as a gift you with full compliance" (An-Nisa verse 4). Forms of mahar can be property, gold, home, jewelry, Quran, means of prayer. Mahar is expressly stated as one of Shari’ah (Islamic law) in Islam. But in its development, this Shari’ah long-gradually became customary in marriage almost all regions in Indonesia.

So in the end, we watches all of mahar given to the bride based on the groom financial ability. Sometimes mahar has become mandatory law without regard to the ability of the bride and groom to be implemented. It also happens in Aceh Pidie. Aceh Pidie is famous for its Islamic Shari’ah.

Seeing the requirements and procedures of mahar in Aceh Pidie, according to researcher, it is very sharp contrast to intrinsic of mahar in the context of Islam. Islam said the best of the mahar is the lowest. In Islam, **there is no minimum** standard amount of mahar that must be given to women. Rasulullah SAW said: "best mahar is the lightest". Further, in another hadith says "the great marriage is the least expensive mahar".

Rasullullah also said that the most noble woman is asking for at least mahar and the most noble man is that giving mahar a lot even though requested bit. Mahar in Aceh Pidie has become a symbol of honor and prestige of the woman’s family. The higher the mahar given by man, it will indicate **the social status of women in** society.

So therefore everyone will race with all their power to comply their obligation in mahar. But not all men **have the ability to fulfill** it. So mahar becomes a very frightening for many young men in Aceh. It often happens in the marriage delay due to "insufficient mahar". Value mahar in Aceh Pidie occupies the second value after Sulawesi. One mayam is equivalent to 3.3 grams of gold.

A man should provide 20 to 30 mayam gold, to married can be continued. In other places in Indonesia, mahar is much cheaper compared to Aceh Pidie. Meanwhile we know the price of gold has skyrocketed on the world market. Currently **the price of gold in** mayam is equivalent to one million eight hundred thousand rupiah.
Can we think about how much cost that must be man give to be married in shari'ah. Why do researchers say shari'ah, because Aceh Pidie puts the principle of religion/Islamic law/shari'ah in the formulation of their traditional order, while the religious rules on the simplification of mahar is not followed by the prevailing custom. It is truly contrast done by Aceh Pidie especially for marriage.

Is it not sticking to religious customs? For what Islam is often symbolized as two sides of a coin that can not be separated by customary law. Is there a rule of customary law in Aceh which seeks to deny the Islamic provisions that actually majority embraced by the people of Aceh Pidies? Is the Acehnese traditional leaders not afraid of the consequences of the high mahar? The consequences of this phenomenon causes the magnitude of the potential of doing immoral because of damage to social order.

Facts about the increasing cases of adultery, pregnant out of wedlock, the increase in women entering old age without the opportunity to marry that led to frequent defamation lesbian, cases of seclusion etc. The latest real data that researchers have found that large numbers eloped in Aceh, had no significant relationship with the rampant mating outside Islamic rules.

Of the 23 districts/cities, Aceh Pidie has the highest rank in mahar, namely the range of 50-70 mayam gold (Juanda. 2013), as shown in Table 1. Table 1. Amount per counties and / or cities in Aceh Num. _Regency/City _Center of Government _Sub district _Village (or equivalent) _Amount of Mahar (mayam)  
1. Aceh Barat _Meulaboh_ 12 _321_20-30  
2. Aceh Barat Daya _Blangpidie_ 9 _132_20-30  
3. Aceh Besar _Kota Jantho_ 23 _592_20-30  
4. Aceh Jaya _Calang_ 6 _172_20-30  
5. Aceh Selatan _Tapak Tuan_ 16 _369_20-30  
6. Aceh Singkil _Singkil_ 10 _127_20-30  
7. Aceh Tamiang _Karang Baru_ 12 _128_20-30  
8. Aceh Tengah _Takengon_ 14 _268_15-20  
9. Aceh Tenggara _Kutacane_ 11 _164_15-20  
10. Aceh Timur _Idi Rayeuk_ 21 _580_20-30  
11. Aceh Utara _Lhoksukon_ 27 _1.160_20-30  

From the table above, the research discovers a new thinking, that Aceh Pidie is an area that has the highest mahar bids in Aceh Province.

From one resident in Pidie, Ahmad, which researcher met at the time of pre-survey said:
ka dithee saboh tire (it is known) that mahar in Aceh Pidie is most expensive 50-70 mayam. It is a reality that is interesting and according to the researcher can not be taken lightly, with no alternative solution. According to investigators, it should be given a meeting point between the traditional concept of thought and religion.

The study will include an exciting breakthrough with the existence of a mahar marriage in Aceh Pidie as an effort to minimize the low number of marriages at age couple established. (Draft Concept Mahar: A Revitalization Shari’a and Customary Law). To answer this case, there are some problem formulation proposed: 1) How is the phenomenon of couple of marriageable age as a benchmark which gives thee impact of high mahar in Aceh? 2) What is the impact that can be caused by the existence of high rates of mahar marriage in Aceh?, 3) How does the design of mahar concept that can synergy revitalization of Islamic shariah and the customary law? With the formulation of the draft concept of mahar, it is expected long-term goal, the mahar is not a crucial problem that can delay a sacred marriage, and is a must for every person who has been deemed able to get married in Aceh.

This research was conducted in Aceh Pidie. The reasons for selecting the location of this research, because Aceh Pidie assigns the number 2 highest mahar provisions in Indonesia, and very thick with shari’ah customs and religion. THEORETICAL REVIEW 2.1 Marriage in the Context of Shari’a Marriage in Arabic is "marriage".

It means that there is a real sense, a figurative sense. The real meaning of marriage is "dham" which means "squeeze", "crushing" or "congregate. Figurative meaning is the same as "wathaa" which means "intercourse". Under Islamic law, marriage was essentially "aqad" between a husband and wife to allow the two get along as husband and wife. "Aqad" means the agreement.

Because it is a wedding/ marriage that is considered valid and legal impact. If there is one condition of marriage rules does not met then the marriage is not valid. Terms of validity of marriage is; the bride of men and women; the prospective bridegroom and bride must be of legal age (understanding); their free consent of the prospective bridegroom and the bride, that there is no compulsion of any; the woman who was about to be married by a man not including the one kind of woman who are forbidden to marry (Ramulyo, 1985: 176).

Pillars of marriage is; the parties will enter into marriage (male and female); of guardians; two witnesses; consent and Kabul (declaring a holly promise), (Al-Hamdani, 1989: 30). After all the conditions above are met, as a personal who is getting married, it is appropriate that the male urges to marriage. Therefore, postponement of marriage can
affect human that is not suitable of religious norms. And this is the most feared things in Islam. 2.2

Age Limit Rules Marriage in Islam Compilation of Islamic Law clearly specify age limits could be a requirement in marriage, namely: Part Two Prospective Bride of Article 15 (1) and (2): For the benefit of families and households marriage should only be carried out prospective brides who have attained the age specified in article 7 of Law No. 1 Year 1974. On marriage, the husband candidates at least 19 years old and the bride of at least 16 years old.

For the bride who has not attained the age of 21 years must obtain permission as stipulated in Article 6 paragraph (2), (3), (4) and (5) of Law No. 1 Year 1974. Compilation of Islamic Law expressly determine the age of the skills a person to be married at the age of 19 years and 16 years. 2.3 Setting Mahar The term of mahar in the Compilation of Islamic Law, also explains that mahar is a gift from the groom to the bride, in terms of goods, money or services that do not conflict with Islamic law. In the science of jurisprudence, mahr or mahar has many names.

Similarly, the Qur’an, mahar is often referred to as different, sometimes referred to shadaq, nihlah, faridhah, or ajrun. In hadith, said mahar commonly called the two words, namely shadaq, and mahar. The provision of this mahar necessarily refers to a legal basis mahar. The amount of mahar is not required by Islam. This is due to differences of human beings. In addition, every society has different customs.

Therefore, according to the author of the magnitude of mahar adapted to the habits of a country in addition to the economic conditions of the bride. Regarding the amount of mahar, mahar jurists agree that it has no limits, whether a little or a lot. But they disagree about the limitations of the least. Imam Shafi’i, Ahmad, Isaac, Abu Saur, and Fuqaha Madinah from among tabi’in said that mahar has no lower limit.

Imam Malik and his followers say that mahar is at least a quarter of dinar pure gold, or silver weighing three dirhams, or could with comparable goods weight in gold and silver (Husaini, 2013: 14). To continue the result of this internal research, so the researcher makes the formulation. The data of Islamic law, compared by value culture would become the first data for the marriage mahar concept design in Aceh Pidie.

Table 2 Research Roadmap IN 2012 _IN 2013 _ _MAHAR CONCEPT _MAHAR CONCEPT DESIGN _ _Islamic Sharia Conflict of cultural values and shari’a _Data age established in Aceh The phenomenon of the number of marriages at age couple established as a benchmark the impact of high mahar in Aceh The impact that can be caused by the
existence of high rates of mahar marriage in Aceh Management of shari’ah and customary law of the provisions of mahar Design draft concept of mahar by making synergy between revitalization of Islamic shari’ah and the customary law The benefits that can be applied to the cultural order by the birth of the design concept of the mahar by making synergy between revitalization of shari’ah and customary law RESEARCH METHODOLOGY The method used in this research is descriptive empirical.

The reasons for selecting descriptive method is to find the real situation with the correct interpretation in a research area. This descriptive study studies the problem in the community and specific situations, including about relationships, activities, attitudes, views, as well as an ongoing process and the effects of a phenomenon (Soendari, 2013).

Therefore, this study departs from the idea to provide a breakthrough innovation in the provision of the draft concept of mahar in Islamic law and custom, of course this research must depart from the phenomenon of crucial issues about mahar in Aceh Pidie. The public perception in Aceh Pidie as custom users, their anxiety about mahar that the higher as well as the impact of the consequences of mahar that synchronized with the price of gold, which is not controllable.

Questionnaires distributed to the people in Aceh Pidie to get on public perception of the phenomenon of mahar that is growing today. The variables of the questions in the questionnaire consists of: 1) Mahar type; 2) The size and content of mahar; 3) Benefits of mahar and 4) Customary provisions against mahar.

This research includes empirical legal research, as it strives to see the law in the real sense, or how the working of the law in society (Muhammad, 2004: 54). After getting the descriptive results, research will generate ideas about the model of synergy mahar according to Islamic law and customary law and to find a breakthrough model of mendongrak order mahar in Aceh Pidie through the revitalization of Islamic Shari’a and customary law. The steps that research does for 2 years.

The average percentage is formulated: $\bar{X} = \frac{\sum X}{n}$ (Sugiyono, 2010) Purposive sample used, ie 50 people with the criteria established age groups eligible to marry, according to the Islamic Law Compilation. As men age 19 years and women 16 years. Analysis of the data used is mix combination, namely qualitative and quantitative.

Data analysis is performed by combining two similar data thus expanded and deepened quantitative data with qualitative data is. Analysis can also be performed by comparing the two sets of data, so it can find the differences and similarities between the two groups of data (Sugiyono, 2011). DISCUSSION The Marriage Data of Aceh Pidie Society
Aceh Pidie (2014) The impact that can be caused by the existence of high rates of mahar marriage in Aceh? If traced and analyzed is more expensive considering the consequences do not always have a negative impact. Each culture is born first examined its effectiveness for the benefit of cultural actors. Some arguments are choosing to maintain the high mahar in every marriage, giving logical reasons: With high mahar, someone will appreciate the marriage and think twice even divorce would never do in the future. With the mahar that soar, the likely hood of free sex behavior among the younger generation.

With the high mahar, people would better appreciate their culture if you do not do custom prevailing in the community, it means that you do not appreciate ancestors made. But the rise in gold prices in the market really has been a very scary thing, especially in Aceh, particularly for men. Gold is used as the customary mahar provisions Aceh talks and responses often become sad when talking about gold and mahar in Aceh.

Important to remember that talking about customs in the context of the region cannot be separated from the legal issues (religion). Moreover, when someone realized that
marriage is a matter of religious refinement. Similarly, for the parents, when he understood that the shape and the amount of mahar is just customary, improper appear coercion that a new child marriage can be removed if there is a man who is able to hand over tens of mayam gold.

And keep in mind, the legal perspective in the context of Aceh refers syar'i, whose foundation is Al Quran and hadith. Unlike the case with customs, it is only a rule that lives and thrives in the community of an area, which is made by man. However, both customs have the same legal sanctions for violators.

Because the people of Aceh Pidie call law-based on the word and the word, of sanctions for offenders larger than traditional sanctions. In the same perspective, because custom created by man, it is never perfect. These imperfections provide opportunities that customs can still be changed, revised/ revitalization, even removed/not used anymore.

4.2.

The Concept Design of Mahar that Can be Revitalization synergy in Islamic law and the customary law? Revitalization is a process of making culture as being an important part in human life before it loses its meaning. The revitalization of local culture, should be explored, strengthened and developed in order to counteract globalization which is so heavily affecting the existence, legitimacy, and sustainability of the local culture.

Revitalization actually serves to make the local culture as something very useful, useful, and function in society (Sibarani, 2004: 31). According to Sibarani, there are some things that must be considered in the revitalization, among other things: 1) encourage every ethnic culture thrive without discrimination to avoid the dominance of the majority culture, cultural hegemony of the majority, and cultural uniformity; 2) establish the township of culture (cultural village) as a forum for cultural transfer, dissemination of culture, and as a cultural tourism destination; 3) all forms of development should be based on the local culture; 4) involve the local community as a player, deciding priorities, planners, implementers, and recipient profit from cultural activities, including development activities; 5) involves "people culture" in research, planning, and implementation of any development (Sibarani, 2004: 32).

The research results can be formulated in the draft concept design of mahar: revitalization of customary law and Islamic law as a matter of synergy. Scheme `1 The design concept of Mahar No _Customary law _ S Y N E R G Y _No _Islamic law _ _ 1. _Mahar in Aceh Pidie very expensive _ _1. _No provision amount of mahar in Islam _ _2. _Gold is not the only requirement for mahar _ _2.
Mahar should not be gold, but Property/valuable objects Good are sacred and can be taken advantage Not goods gasab Obviously its existence. The amount of mahar does not become the benchmark validity of a marriage. Customary and religious laws must be synergistic. The ideal marriage age for men 19 years and women 16 years. The amount of mahar does not become the benchmark validity of a marriage.

Marriage not yet reached the ideal age should be glossed no parental consent. Mahar should be simplified. Mahar reference to religious law. The ideal marriage age for men 19 years and women 16 years. Property: House, Al Qur’an can replace gold mahar. Marriage should be expedited. Conducting marriage no longer be required if there Mahar. Compilation of Islamic law should be used as a benchmark for a marriage.

Compilation of Islamic law is the most perfect marriage regulator. High mahar makes people delay to decide marriage. Marriage cannot be delayed due to fertilize. There must be coordination between religious leaders and traditional leaders in the community marriage Aceh. A good marriage should be recognized by custom and parents.

Customary law should not regulate things that violate Islamic law. Subject. Traditional leaders Shari’ah court.

CONCLUSION There is a big problem found in Aceh Pidie regarding to mahar and number of couple which can married. But this sacred willingness is destroyed by the highest mahar which should be prepared by man to marry woman while the economy problem has not finished till now.

People in Aceh Pidie live in poverty and we can find many low class families. Man who can give the highest mahar to woman is regarded as a rich man and the woman will get a prestigious in a society. Because of the expensive mahar, many couple do not want to marry, but doing commit adultery, doing sex outside freely. It is a big sin for Islamic point of view.


Perbedaan Jumlah Mahar Beberapa Daerah di Aceh.


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