

A Structural Functionalism Theory Review of the Prohibition of *Sara Urang* Marriage in Asir-Asir Village Central Aceh

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Abstract

The purpose of this paper is to examine further how the tradition of the prohibition of *sara urang* marriage in Asir-Asir Village, Lut Tawar District, Central Aceh Regency, and how the structural functionalism theory reviews the tradition of the prohibition of *sara urang* marriage in Asir-Asir Village, Lut Tawar District, Central Aceh Regency. The type of research in this paper is empirical legal research using a sociological approach and the data sources used are primary data sources and secondary data sources. This research shows: First, the prohibition of *sara urang* marriage in Asir-Asir Village, Lut Tawar Subdistrict, Central Aceh Regency is based on the tradition of the prohibition of *sara urang* marriage and its purpose is to avoid social impacts when domestic conflicts occur. So, if you violate the tradition of the prohibition of *sara urang* marriage, you will be subject to sanctions in the form of *parak* (seclusion) and also *muguleh koro* (pay a fine). Second, the prohibition of *sara urang* marriage as a means of creating order in society is supported by the role of an active and interconnected community structure. This is by the theory of structural functionalism which explains that the relationship between interconnected elements will help to create order in society.

Keywords

Structural Functionalism; Marriage Prohibition; *Sara Urang*

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1. INTRODUCTION

Legal plurality in Indonesia stems from the complex reality of societies that interact according to their diverse identities. Each community group is not only bound to a single value system, but has a variety of values in the form of culture, tradition, ethnicity, and race (Sumardi, 2016). In the work "Comparative Law in a Global Context: The Legal System of Asia and Africa" by Werner Menski, legal pluralism is defined as a method to understand the relationship between state law, social aspects, and natural law or morality, ethics, and religion. From this perspective, legal plurality is defined as a perspective that recognizes that the norms that exist in society can coexist with the regulations set by the state (Muhammadun & Murjazin, 2020).

In the context of the acceptance of customary law in the current globalization, it is important to understand that customary law still has significant relevance in responding to the complex challenges



that arise. Customary law not only reflects the cultural heritage and traditions of a society but also represents the principles of truth and justice that have long been applied and respected in the lives of indigenous peoples (Winardi, 2020). One concrete example is the recognition of indigenous peoples' rights to land and natural resources in their territories as reflected in Law No. 6/2014 on villages (Undang-Undang Nomor 6 Tahun 2014 tentang Desa, 2014). Similarly, the 1945 Constitution recognizes and provides a basis for the application of legal norms and legal institutions derived from existing legal practices and adopted in society, including customary law and Islamic law, which are considered an integral part of the national legal system that cannot be separated, this is stated in Article 18B and Article 28I paragraph (3) of the 1945 Constitution (Apriyani, 2018).

It is widely accepted that marriage regulations in Indonesia show no consistency. These differences occur between various religions, within religions themselves, and even between tribes. This is due to the different ways of thinking and customs adopted in society that have been passed down from generation to generation (Santoso, 2016). Customary law, as a direct result of the traditions and customs of the people, significantly influences the implementation of law in Indonesia. While it may face challenges in its widespread application, customary law remains effective for the communities that apply it and are subject to it (Aditya & Yulistiyaputri, 2019). It can even be said that people are more obedient to customary law than state law.

The diversity of ethnic groups in Indonesia creates a variety of traditions or customary laws that are actively practiced in the community, including rules related to marriage. One example is found in the Gayo community, precisely in Asir-Asir Village, Lut Tawar District, Central Aceh Regency, Aceh Province, which prohibits marriage for men and women who live in the same village. In Indonesia itself, this marriage prohibition is known as exogamous marriage, which means that a man is prohibited from marrying a woman from the same tribe or village or vice versa (Putriyah & Wahid, 2015).

The Gayo tribe is one of Indonesia's ethnic groups living in the highland region of Aceh. The majority of them reside in Bener Meriah Regency, Central Aceh Regency, and Gayo Lues Regency. As part of an indigenous community, the Gayo have a traditional legal system that regulates various aspects of their social life. One of them is the marriage prohibition "*sara urang*", *sara* means one while *urang* means village, so *sara urang* can be interpreted as one village (KA, 2022). In 2021 there was one case that violated this rule, when the rule was violated by a man and a woman, then they would be subject to *parak* or sanctions, namely prohibited from living in the village with a predetermined time limit in the Indigenous community (Rizka Selvia, Interview).

Islam has strictly regulated the prohibition of who is forbidden to marry, including marriage because of blood relations, breastfeeding relationships, marital relations, *li'an* oaths, and also those that are forbidden to marry not forever such as women in the *iddah* period (Tihami & Sahrani, 2018). Almost

the same narrative is also mentioned in the Marriage Law in Article 8 and the Compilation of Islamic Law in Article 39. Therefore, the prohibition of marriage in Gayo society, namely the prohibition of *sara urang* marriage, is certainly very different from what is described in Indonesian legislation. However, the tradition of the prohibition of *sara urang* marriage is not applied entirely in Gayo society, only a few villages still maintain the tradition (Rizka Selvia, Interview).

Based on the above problems, this paper will examine further the prohibition of *sara urang* marriage from the perspective of structural functionalism theory. Structural functionalism theory initiated by Talcott Parsons states that society is seen as a functionally integrated system in the form of balance. In the development of structural functionalism theory, four things must be fulfilled by society, namely adaptation (adaption), goal attainment, integration (integration), and pattern maintenance (latency) (Sulistawati & Nasution, 2022). Therefore, structural functionalism theory will look at how the prohibition of *sara urang* marriage can affect social stability and integration in Gayo society.

The discussion of the prohibition of *sara urang* marriage is not a new discourse, several previous studies discuss the prohibition of *sara urang* marriage. First, the research studied by Sandra Wani which discusses the Impact of the *Sara Urang* Marriage Ban (Wani, 2022) only focuses on community perceptions and sanctions from the *sara urang* marriage ban. Second, the research studied by Tawarniate which discusses the Prohibition of *Sara Urang* in the Gayo Tribe the Perspective of the Compilation of Islamic Law (Tawarniate, 2020) focuses on factors and prohibitions of *sara urang* work in the perspective of the Compilation of Islamic Law. Third, the research reviewed by Ismanija Tuahmi which discusses the Implementation of the Prohibition of *Kerje Sara Urang* in Gayo Society According to the Perspective of Islamic Law (Tuahmi, 2023) which focuses on the implementation of the prohibition of *sara urang* marriage and uses an Islamic legal perspective analysis knife. Fourth, the research reviewed by Putro Suka Ayomi discusses the Application of *Parak* Sanctions as a Prohibition of *Kerje Sara Urang* in the Gayo Tribe (Ayomi, 2024) which focuses on the sanctions of the prohibition of *sara urang* marriage and uses an analysis of knife from the perspective of Islamic criminal law. So that the novelty of the writing can be seen from the differences between the three studies above. Therefore, this paper will examine more specifically the prohibition of *sara urang* marriage from the perspective of structural functionalism theory. Based on the problems described above, this paper is limited to two things, namely: First, how is the tradition of the prohibition of *sara urang* marriage in Asir-Asir Village, Central Aceh? Second, how is the review of structural functionalism theory on the tradition of the prohibition of *sara urang* marriage in Asir-Asir Village, Central Aceh?

2. METHODS

The type of research in this paper is a type of empirical legal research, which means research that looks at how the application of law to individuals, groups, communities, and legal institutions in

society by focusing on community behavior about the application or enactment of law (Muhaimin, 2020). The research approach in this paper is a sociological approach that can help see how the norm system regarding the prohibition of *sara urang* marriage functions in society (Muhaimin, 2020). There are two sources of data in this paper: First, primary data sources obtained from the main source in the form of direct interviews with informants, namely some people and village officials who directly understand the prohibition of *sara urang* marriages, as well as questions asked about the prohibition of *sara urang* marriages by integrating indicators from structural functionalism theory, namely adaptation (adaption), goal attainment, integration (integration) and pattern maintenance (latency). Second, secondary data sources as support for primary data sources in the form of books, journals, and articles directly related to this paper. The data analysis is carried out using an analytical descriptive method, which is a method that explains, describes, or describes the object under study (Fajar & Acmad, 2023) which begins with several stages including data collection, data selection, and data presentation, and ends with conclusions.

3. FINDINGS AND DISCUSSION

3.1. Sara Urang Marriage Prohibition in Asir-Asir Village Central Aceh

In Islam, the prohibition of marriage is generally divided into two, namely *muharramatun muabbadan* and *muharramatun muaqqatan*. *Muharramatun muabbadan* refers to women who are permanently forbidden to marry, and the reasons can vary, such as kinship, consanguinity, and consanguinity. In addition to these, there are two additional situations for which there is no consensus among scholars regarding their legal status as women who are permanently prohibited from marriage. These situations include wives who divorce their husbands due to false accusations (*li'an*) and women who remarry during the *iddah* period after divorce (Syarifuddin, 2014). Whereas *muharramatun muaqqatan* refers to women who are prohibited from marrying within a certain period, included in this category are situations such as marrying two sisters in one period of time, polygamy carried out outside the established limits, prohibition due to certain marital relationships, prohibition due to three divorces, prohibition due to ihram status, prohibition due to adultery, and prohibition due to religious differences (Djun'astuti et al., 2022).

As for Law Number 1 of 1974 concerning Marriage, Article 8 stipulates that "Marriage is prohibited between two people who: (a) have a blood relationship in the direct line of descent up or down; (b) have a blood relationship in the sideways line of descent, such as between siblings, between a person and his parents' siblings, and between a person and his grandmother's siblings; (c) have a marital relationship, such as between in-laws, stepchildren in law, and stepmother/stepfather; (d) having an inbreeding relationship, such as between breastfeeding parents, breastfeeding children, breastfeeding siblings, and breastfeeding aunts/uncles; (e) having a sibling relationship with the wife,

or as an aunt or niece of the wife, in the case of a husband having more than one wife; (f) having a relationship that is prohibited for marriage according to the teachings of his religion or other applicable regulations." (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, 1974). Article 9 states that a person who is still in a marriage bond with another individual is not allowed to marry, except in cases stipulated in Article 3 paragraph (2) and Article 4 (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, 1974).

When viewed from the perspective of the Compilation of Islamic Law (KHI), the prohibition of marriage is regulated in such a way in the KHI, including Article 39, Article 40, Article 41, Article 42, and Article 43 (Intruksi Presiden Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam, 1991). While the prohibition of marriage is not regulated in the Marriage Law but it is regulated in KHI, for example, the prohibition of temporary marriage due to ihram, in the Marriage Law, is not regulated but in KHI it has been regulated precisely in Article 54, the prohibition of temporary marriage due to adultery is not regulated in the Marriage Law but is regulated in KHI Article 53, as well as the prohibition of temporary marriage due to different religions, in the Marriage Law, does not explicitly regulate but in KHI it has been explicitly regulated regarding the prohibition of marriages of different religions precisely in Article 44. Therefore, if you pay attention to the Marriage Law and KHI, they have comprehensively regulated the prohibition of marriage as well as the prohibited marriages in fiqh which are sourced from the Qur'an.

In the Gayo community, there is a customary prohibition of *sara urang* marriages, "*sara*" means one while "*urang*" means village, so the prohibition of *sara urang* marriages can be interpreted as a prohibition of marriage in one village (KA, 2022). However, not all Gayo people still maintain this customary law, only a few villages still maintain the custom of prohibiting *sara urang* marriages, one of which is in Asir-Asir Village, Lut Tawar District, Central Aceh Regency, Aceh Province. The Gayo community, especially in Asir-Asir Village, has been regulated in such a way related to the prohibition of endogamous marriage, even though the teachings of Islam and the legal order in Indonesia have been thoroughly regulated related to prohibitions in marriage.

However, not all Gayo people still maintain this customary law, only a few villages still maintain the custom of prohibiting *sara urang* marriages, one of which is in Asir-Asir Village, Lut Tawar District, Central Aceh Regency, Aceh Province. The Gayo community, especially in Asir-Asir Village, has regulated in such a way related to the prohibition of endogamous marriage, even though the teachings of Islam and the legal order in Indonesia have been thoroughly regulated related to prohibitions in marriage (Faramita, Interview).

The prohibition of endogamous marriages used to be limited to the prohibition of *sara belah* (one clan) marriages, along with the times with the mixing of clans in one village, the prohibition of

endogamous marriages is getting wider, namely the prohibition of *sara urang* (one village) marriages. The purpose of the prohibition of *sara urang* marriage is to protect each other, because the Gayo community, when living in one village is included as one brother and cannot marry each other so that later there will be no disputes within the group (Faramita, Interview). One of the other purposes is to deal with the social consequences when domestic disputes occur that lead to divorce, and above all, to maintain kinship relations so that they are maintained (KA, 2022).

Customary law is a dynamic law because it is a concrete manifestation of the legal understanding adopted by the community. By its nature, customary law continues in the process of growth and development as does life itself (Aditya & Yulistyaputri, 2019). In this context, the Gayo community, especially in Asir-Asir Village, holds a strong value for the religious knowledge and traditions that continue to develop in their midst. Religion and tradition become social controls that influence their lives, they become rules that must be obeyed and lived by, and if this is violated then sanctions will be imposed on what is violated (Faramita, Interview).

In maintaining the customary prohibition of *sara urang* marriages in Asir-Asir Village, when one of them wants to get married, they must find a partner outside the village and also from another clan. Likewise, when there are newcomers who want to become part of the village, then automatically the rules set out in the village must be obeyed, and also to become part of the village, these newcomers must be formalized by custom first. Even before marrying, both parties must first trace the genealogy of their families, so that later there will be no violation of the prohibition of *sara urang* marriage (Faramita, Interview).

Customary law over time will continue to be preserved by the community, it will only change over time. The sanctions for violating the customary prohibition of *sara urang* marriage include *parak*, *parak* is a punishment in the form of exile, so those who violate it must leave the village. This park penalty varies in time limit between one village and another village that still maintains the custom of prohibiting *sara urang* marriages. In Asir-Asir Village itself, the minimum time limit for not living in the village is 5 years, this sanction is to deter people who violate the provisions of the prohibition of *sara urang* marriage. However, with the development of the times, currently, the perpetrator may meet with his parents as long as it is not in the village. Then when the sanction period has ended, the violating party must pay a fine commonly referred to as *muguleh koro*, which means cutting 1 buffalo, which is then served to the village community. The term *muguleh koro* is also interpreted as cleaning the village because the offense has been considered dirtying the village. Then if the offender has served his *parak* (exile) period, but has not been able to pay a fine or *muguleh koro*, he is still not allowed to return to the village. Likewise, if the offender can pay the fine, but has not yet served his *parak* (exile) period, then he is still not allowed to return to the village (Mirza Muttaqin, Interview).

3.2 Structural Functionalism Theory

Structural functionalism theory is one of the theoretical approaches to social systems that is very popular among sociologists. This approach has had great influence among sociologists over the past two decades (Sariroh, 2017). This theory is a broad perspective in sociology and anthropology that sees society as a structure with interconnected components. Structural functionalism theory suggests that a system consists of elements that interact with each other, and if one of the elements does not function, this can cause an imbalance in the system (Fauzah, 2019). Significant developments in social theory occurred in the United States, which also witnessed a decline in the popularity of structural functionalism theory, which was very popular from the 1930s to the 1960s. This structural functionalism theory has its roots in the works of Emile Durkheim and several anthropologists of his time, such as Auguste Comte and Herbert Spencer (Nugroho, 2021).

Talcott Parsons also developed the theory of structural functionalism. Talcott Parsons is known for his concept of four action functions known as the "AGIL" scheme. This theory highlights the importance of social order while ignoring conflict and the dynamics of change in society. The main concepts in his theory are function, dysfunction, latent function, manifest function, and equilibrium. According to structural functionalism theory, society is a social system composed of several parts or elements that have an overall relationship that is mutually balanced (Prasetya et al., 2021).

The "AGIL" scheme, which stands for adaption, goal attainment, integration, and latency, explains four important functions that must be fulfilled by every social system to survive and develop. First, adaptation is the ability of society to adapt to its environment both internally and externally. This includes finding resources, negotiating with outsiders, and adjusting to change (Herawati, 2023). Second, goal attainment is the ability to have clear and measurable goals and to formulate strategies to achieve them. The system must mobilize resources and coordinate the activities of its members to achieve common goals (Herawati, 2023). Third, integration is the system must be able to maintain the cohesion and solidarity of its members. This can be done through shared norms, values, and culture, as well as through effective communication and coordination mechanisms (Tazkiyah, 2022). Fourth, pattern maintenance (latency) means that the system must be able to maintain and preserve its values, culture, and knowledge. This can be done through education, socialization, and certain rituals (Tazkiyah, 2022). Therefore, the four functions of "AGIL" are interrelated and mutually supportive. Systems that are unable to fulfill any of these functions will have difficulty surviving and the "AGIL" scheme is like a compass for social systems, helping them navigate the complex environment and achieve their goals (Niko & Yulasteriyani, 2020).

3.3. Structural Functionalism Theory of the Prohibition of Sara Urang Marriage in Asir-Asir Village Central Aceh

a. Adaptation

The concept of adaptation refers to the ability of people to interact and adjust to their environment and social institutions so that they can survive despite facing unfavorable external conditions (Sariroh, 2021). When associated with the customary system of prohibiting *sara urang* marriages, the customary system is still maintained in the village of Asir-Asir Aceh Tengah. The community in the village continues to maintain the custom of prohibiting *sara urang* marriages. The customary prohibition of *sara urang* marriage as a system in the Gayo community in Asir-Asir village, Central Aceh can survive because it goes through a process of adaptation. The adaptation process is where the customary system of the prohibition of *sara urang* marriage must be responsive to overcome situations from outside that are serious and must be able to adapt to the surroundings and their needs.

The prohibition of *sara urang* marriage as part of customary law no longer applies to all Gayo communities. The factor that causes the prohibition of *sara urang* marriage as customary law to no longer apply is the lack of adaptability. The *sara urang* marriage prohibition system in the expansion village is unable to cope with external situations because the expansion village is inhabited by people who are not from the original Gayo community (Khairani Gemasih, Interview).

In contrast, the prohibition of *Sara urang* marriages as customary law that still applies in the village of Asir-Asir, Central Aceh, is the result of a successful adaptation process. The Gayo people in this village were able to overcome the severe external situation and were able to adapt to their surroundings and needs. Not only that, but they also still uphold what was passed down by their ancestors, one of which includes the custom of prohibiting *sara urang* marriages. Gayo people who still lived in their ancestors' home villages for generations will continue the custom of prohibiting *sara urang* marriages. The external situation that affects the adaptation process of the *sara urang* marriage prohibition system is the assumption that arises from outside the Gayo community who disagree with the prohibition of *sara urang* marriage. The customary system of prohibiting *sara urang* marriages is perceived by people outside of Gayo as "narrowing the meeting of soul mates". Despite the disapproval of the *sara urang* marriage prohibition, the Gayo community in Asir-Asir village, Central Aceh, does not mind and still maintains this system because the customary system of the *sara urang* marriage prohibition can adapt to the Gayo community who still upholds what was passed down by their ancestors (Khairani Gemasih, Interview).

b. Goal Attainment

The prohibition of *sara urang* marriages has the initial purpose of avoiding marriages of one offspring. The marriage prohibition is carried out to prevent social impacts when domestic disputes occur that lead to divorce and most importantly to maintain silaturahmi relationships (Khairani

Gemasih, Interview).

Structural functionalism theory has goal attainment as one of the action function schemes. Goal attainment is the ability to plan and organize future goals and make provisions for these goals (Nisa et al., 2024). In the customary system of the prohibition of *sara urang* marriages, the ancestors of the Gayo community have formulated the purpose of the customary prohibition of *sara urang* marriages. The purpose that was made by the ancestors of the Gayo community is still valid today. The Gayo community in Asir-Asir village, Central Aceh, has great respect for the descendants of their ancestors, so if the Gayo community in this village marries a relative, it is considered a shameful act (Khairani Gemasih, Interview).

The purpose of the customary system of prohibition of *sara urang* marriage in the village of Asir-Asir Aceh Tengah is still valid today. This prohibition began as a prohibition on marriages of the same descent and developed into a prohibition on *sara urang* marriages, which includes a prohibition on marriages within the same village or clan. The same reason is that the Gayo people think that those who share the same village or one division (clan) have one common ancestor and have a very strong brotherhood bond. They must take care of each other. Men consider women in the same village or clan as their own younger siblings, and vice versa (Khairani Gemasih, Interview). The customary system of the prohibition of *sara urang* marriages has survived to this day because this customary system can plan and organize future goals and make provisions by these goals and has goal attainment.

c. Integration

The people of Asir-Asir village in Central Aceh are Gayo people who have lived in the village of their ancestors for generations. The Gayo community in this village has maintained and upheld the customs and traditions of their ancestors for generations. The custom of prohibiting *sara urang* marriage is one of the customs in the form of a system that is still maintained to this day.

The custom of *sara urang* marriage prohibition can survive until now also through the integration process. Integration in structural functionalism theory is mentioned as the harmonization of all members of the social system after reaching a general agreement on community values or standards (Rahman et al., 2020). In other areas, the custom of prohibiting *Sara urang* marriages is no longer maintained, this is because in other areas there is no process of integration and harmonization among all community members. Integration and harmonization do not occur as a result of expansion by non-Gayo communities. In contrast to what happens in Asir-Asir village in Central Aceh, the Gayo community in this village has strong integration and harmonization among all members of its social system. The Gayo people in this village still practice and uphold the traditions of their ancestors. The custom of prohibiting *Sara urang* marriages is still maintained and implemented because they consider and still believe in the good purpose of the custom of prohibiting *Sara urang* marriages. The Gayo

community's agreement on the values contained in the customary prohibition of *Sara during* marriage creates integration and harmonization so that this custom is still valid and maintained in the village of Asir-Asir Central Aceh.

The implications of the enforcement of customary law on the prohibition of *sara urang* marriages include several important social and cultural aspects. Firstly, socially the *sara urang* marriage ban strengthens the identity of the Gayo tribe and maintains its distinctive cultural diversity, but can lead to inter-ethnic tranquillity and difficulties in social integration between individuals. Secondly, within the family structure, the *sara urang* marriage ban influences marriage and inheritance patterns, strengthening family closeness but also creating tensions within different ethnic family relationships. Third, in the pattern of social interaction, the prohibition of *sara urang* marriage affects the way individuals interact with each other, emphasizing the importance of tribal identity in social relations. Thus, the implications of the *sara urang* marriage ban reflect the complexity of social and cultural relations within Gayo society, with a religious impact on family structures and patterns of social interaction.

d. Pattern Maintenance (Latency)

In structural functionalism theory, latency can be defined as a social system that requires an internal maintenance mechanism, which is driven by values in the cultural system to be able to maintain the continuity of the social system (Setiawan & Solikhudin, 2022). The *sara urang* marriage prohibition custom as a system that still survives and continues to take place in Gayo society also undergoes a process of pattern maintenance (latency). The process of pattern maintenance in the *sara urang* marriage prohibition custom is carried out by preserving values, and beliefs, and providing punishment for custom violators. The values possessed by the customary prohibition of *Sara urang* marriages that are still preserved and believed in from generation to generation consist of three: First, traditions or customs in Gayo society are still well maintained and preserved amid increasingly sophisticated times and more and more people leave their customs or traditions. Second, mutual respect among each other because of the enactment of customary laws that must be upheld in the Gayo community". Third, with the prohibition of *sara urang* marriages, Gayo people are required to find partners outside of their village or clan. That way, their interactions and relationships become wider and there is also a demand to understand the customs of other regions/tribes without leaving their tribal customs (Rizka Selvia, Interview).

The Gayo community highly upholds and respects the customs or traditions passed down by their ancestors. Maintaining and continuing the tradition of the prohibition of *sara urang* marriage is not something difficult. Another factor is that Gayo people have been emphasizing from childhood that one village or one division (clan) is one family and cannot marry into their own family. Naturally, Gayo

people will understand and avoid things that have been prohibited.

Pattern maintenance in the customary prohibition of *sara urang* marriage can be in the form of punishment for those who do not comply with these rules. The customary prohibition of *sara urang* marriage is a customary law that certainly has sanctions that ensnare the perpetrator if the customary rules are violated. There are several sanctions for perpetrators who violate the prohibition of *sara urang* marriage, including *parak*, *parak* is a punishment in the form of exile for those who violate this custom, namely with a predetermined time limit and varies the period according to what has been determined in the village. For Asir-Asir village itself, the minimum is 5 years and after carrying out the *parak*, the perpetrators pay a fine in the form of 1 buffalo when they want to return to the village, the purpose of which is to entertain the people in the village.

In this context, customary law as defined by C. Van Vollenhoven, customary law refers to all norms of behavior binding on Indigenous Indonesians that are enforced by force and not regulated in writing (Efrianto, 2024). This definition has three important points that must be considered in the conception of customary law. First, customary law includes all norms of behavior for indigenous Indonesians and foreign Orientals. Within the framework of the Dutch East Indies Code, the population in the region was divided into three groups: indigenous Indonesians, foreign Orientals, and Europeans. Second, customary law involves norms of behavior that are enforced by sanctions or force. This means that violations of the rules will be reinforced with certain actions to ensure compliance with the rules. Thirdly, customary law is not compiled in the form of a written code like a specialized code of laws. This means that there is no specific document that officially regulates and organizes customary law in a specific written form (Syahbandir, 2010).

Positive law and customary law have similar concepts, both of which are a set of rules that regulate community behavior to maintain order. The fundamental difference between the two lies in customary law which consists of all (unwritten) customs that live in society, including morals, habits, and conventions that have legal consequences (Hakim, 2017). Customary law is based on traditions that are inherited and continue to develop in the beliefs of the community, while positive law is the law written and listed in various state regulations, which are rigid, firm, and guarantee legal certainty (Sulistiani, 2021). Therefore, this difference reflects variations in the source, authority, and characteristics of their application in people's lives.

During Indonesia's constitutional history from the Old Order era to the Reformation period, the government has shown a consistent positive response to the implementation of legal certainty related to customary law. The decision of TAP II/MPRS/1960, through its appendix, confirmed that customary law would become the foundation of the national legal system (Manan & Ruzaipah, 2021). Meanwhile, in TAP IV/MPR/1973, the second point highlights "the importance of legal development that can

accommodate legal needs by the legal awareness that develops in society towards modernization, in line with development progress in all fields, to achieve order and legal certainty as an instrument to strengthen national unity and play a role as a supporting tool for modernization and development". TAP IV/MPR/1999 in Chapter III of Legal Development, emphasizes that "the process of legal development must be carried out with due regard to the values of truth and justice, by giving recognition and respect to religious law and customary law". Meanwhile, TAP IX/MPR/2001 on Agrarian Reform and Natural Resource Management emphasizes the importance of recognizing, respecting, and protecting the rights of communities rooted in customary law (Maladi, 2010).

The Constitution of the Republic of Indonesia recognizes two types of law, written and unwritten. Recognition of the role of customary law in the Indonesian legal system is reflected in Article 18B paragraph (2) after the amendment, which states that "The State recognizes and respects customary law units and their traditional rights as long as they are still alive and by the development of society and the principles of the Unitary State of the Republic of Indonesia, which are regulated in Law" (Undang-Undang Dasar, 1945). This article confirms that customary law is still officially recognized by the state, but its application is still limited (Safitri et al., 2022).

4. CONCLUSION

From the discussion that has been analyzed above, it can be concluded that the ancient marriage prohibition regulated in Gayo society is the prohibition of *Sara belah* (one clan) marriage, along with the times, the prohibition of *Sara urang* (one village) marriage was born due to the many village divisions and clan mixtures in the village. The purpose of the marriage prohibition is to avoid social impacts when there is a dispute in the household. If you violate the tradition of the *Sara urang* marriage ban, you will be subject to sanctions in the form of a *park* (seclusion) and also *muguleh koro* (pay a fine). The prohibition of *Sara Urang* marriage is a means of creating order in society supported by the role of active and interconnected community structures. This is by the theory of structural functionalism which explains that the relationship between interconnected elements will help to create order in society.

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