RECONSTRUCTION OF SUMANG CUSTOMS IN GAYO COMMUNITY AS AN EFFORT TO PREVENT UNDERAGE MARRIAGE

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<table>
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<th>Article Info</th>
<th>Abstract</th>
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<td>Sumang custom in the Gayo community is an idea of cultural and religious values adopted by the community which is a reference for community behavior packaged in customary law. But at this time, Sumang shifted, faded, and even slowly disappeared its values in the Gayo community of Central Aceh Regency. The objectives of this study are: First, the nature of sumang customs in gayo society according to Indonesian positive law? Second, Factors for the fading of sumang customs in the Gayo community in Central Aceh district? This research is an empirical juridical research using primary data sources (field data) and secondary data obtained from primary legal materials, secondary legal materials and tertiary legal materials. Furthermore, the data obtained were analyzed in a qualitative descriptive manner. The results of the study explained, the nature of Sumang customs in the Gayo community as rules in manners and politeness that regulate the way of association of a man and a woman who is not his muhrim, which aims to avoid promiscuity and adultery. Factors of the fading of sumang customs in the gayo community, the lack of role of parents in introducing and teaching their children about sumang, due to technological advances, and the lack of functioning of supervisory roles carried out by Sarak Opat and bebujang (youth) in the village environment.</td>
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<td>Accepted: 2024-06-10</td>
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1. Introduction

Article 18B paragraph (2) of the 1945 Constitution affirms that the State recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia (NKRI) stipulated in the Law. Constitutional guarantees are a very strong legal basis for the unity of indigenous peoples. However, to be able to survive and exist, revitalization efforts are certainly needed, both by the state through legal instruments, academic efforts, and real efforts towards the unity of indigenous peoples themselves.¹

In the Indonesian legal system, customary law is called unstatuta law which is different from written law (statuta law). Customary law is born from awareness of human needs and desires to live justly and civilly as the actualization of human civilization.² The same thing stated by the Tutik Quarterly Point quoted by Suhartini, the customary law system is based on unwritten regulations that grow and develop and are maintained with the legal awareness of the community, and customary law has a traditional type based on the will of the ancestors, meaning that for the order of the law is always given great respect for the sacred will of the ancestors.³

The implementation of customary law in Indonesia is very diverse, each region has its own customary law and is different from each other. Starting from those that are clearly very close to Islamic law to those that still adhere to anismism, there are customary laws that adhere to patrilineal, matrilineal, but there are also those who adhere to the parental system.⁴ Customary law is a product of culture that contains substance about cultural values as human creation and taste, which means that customary law grows to follow the mindset and pattern of life that lives in the community and is still obeyed by the local community. As is the case, Gayo customary law has value, it also has norms consisting of commandments or what should or may be done and prohibitions or what should not be done.

Sumang custom in the Gayo community is an idea of cultural and religious values adopted by the community which is a reference for community behavior packaged in customary law. Sumang customs in the Gayo community have existed since before Islam entered the Gayo highlands, Sumang customs regulate the social system of the community in interacting in association. The association referred to in sumang is a regulation in the form of a prohibition in association between men and women, both young and adults who are not muhrimnya. The purpose of the existence of the sumang custom is to avoid promiscuity and adultery. Promiscuity and adultery can begin with contact between men and women. As Islam explains, "do not approach adultery".

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The Gayo people construct the religious prohibition in the gayo customary law called Sumang. Sumang actions can occur for 4 reasons, namely by sitting with non-muhrim (sumang kenunulen), speaking (sumang percerakan), walking (sumang pelangkahan), association (sumang pergaulen). These four types of sumang are ways that can bring a person closer and plunge into adultery, rape and sexual abuse. The custom is also a signpost to avoid someone from committing prohibited acts.

But at this time, Sumang shifted, faded, and even slowly disappeared its values in the Gayo community of Central Aceh Regency. Due to the fading of sumang customs in the Gayo community, the current behavior is more contrary to the values and norms that apply to the Gayo community. Such as the increase in underage marriage with the application for marriage dispensation to Mahkamah Syar’iyah Takengon. The factor of underage marriage is based on promiscuity or pregnancy out of wedlock in the sense that having had conjugal relations is the biggest factor in the implementation of underage marriage.

The above incident, because there are no longer boundaries or social signs that regulate life among adolescents in Central Aceh Regency, or rather shame as regulated in sumang which is no longer applied in the Gayo community in Central Aceh Regency. Therefore, in an effort to prevent underage marriage due to promiscuity, it is important to reconstruct sumang customs in the Gayo community in Central Aceh Regency.

As far as literature search, internet and other forms of publication that the author did, that this research has never been done by researchers before. Therefore, based on the background of the above problems, the formulation of the problem to be discussed in this writing is: First, the nature of sumang customs in gayo society according to Indonesian positive law? Second, Factors for the fading of sumang customs in the Gayo community in Central Aceh district?

2. Research Methods

This research is an empirical juridical research by combining primary data sources obtained from the field through interviews with related sources in this study and secondary data obtained through searching library data. Data sources are used through the collection of primary data (field data) and secondary data obtained from primary legal materials, secondary legal materials and tertiary legal materials. Furthermore, the data obtained are analyzed in a qualitative descriptive manner so that answers to these research problems are obtained.5

3. Result and Discussion

The Nature of Sumang Customs in Gayo Society According to Indonesian Positive Law

Customary law in Indonesia is born, grows, and develops from a society that has unwritten positive laws. Indonesian society is a diverse society. The term diverse

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society is the same as plural or pluralistic society consisting of various tribes, religions, and cultures. In community life, customs and culture are very instrumental in running the wheel of life both between individuals and individuals and between groups and other groups. Customs themselves are very functional in regulating how to associate and speak in society which we often refer to as norms that have actually been adopted for generations.

Gayo customary law is based on values, norms, and practices that have existed for centuries in Gayo society. Gayo customary law is not much different from customary law that applies in some regions of Indonesia in general. Gayo customary law respects the sustainability of society and emphasizes the importance of harmony between individuals, families, and communities. Gayo people have a specific character and culture as Indonesian society in general.

Edet sumang is one of the results of customs that have long developed in the life of the Gayo people as evidence that the Gayo tribe has its own characteristics. The same thing stated by Titit Lestari, sumang culture has existed since the ancestors of the Gayo people settled in the Gayo highlands, but customs including sumang were set back during the Linge I Kingdom (416 H/1025 AD). Sumang was further established with 45 articles of Linge customary which in 1940 was strengthened into Gayo customary law. Since then, sumang has become the customary law of Gayo Central Aceh Regency.

Sumang is an unwritten term of law, norm, and ethics. The Gayo people themselves make sumang as a rule in manners and politeness. In Sumang custom it self includes prohibitions and rules about talking, walking, sitting/living, and views. This prohibition is unique and distinctive to the Gayo people because sumang itself is a combination of local culture and Islamic teachings. Islamic teachings that entered the land of Gayo were further assimilated with Gayo culture and customs. Cultures and customs that have been completed in accordance with religious sharia are called “adat mutmainah or adat muhkamat”.

The combination of Islamic teachings with customs such as two sides of a coin that support each other, so that the combination of customs and religions is termed like substances and properties. The integration of custom and religion can be seen from customary expressions such as edet munukum bersifet ujud (adat establishes laws based on evidence), ukum munukum is kalam (sharia establishes laws based on the Qur’an and hadith). Agama kin senuen, edet kin peger (religion as plants and customs as fences).

The same thing stated by M. Joni as a member of the Gayo Customary Council of Central Aceh Regency, the Gayo customary value system formulated in people’s lives is bound by the integration of shari’a and custom as contained in one of the Gayo traditional philosophies developed that religion “urum edet song zet urum sifet, religion

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kensenuen edet ken peger”, meaning the religion of Islam and Gayo customs such as substances and properties, religion as plants, customs as fences. Obviously, the Gayo customary value system is inseparable from Islamic teachings, even the Gayo custom is a support for the implementation of Islamic shari’ā in Gayo society.

The Gayo people highly value and uphold traditional values in addition to religious teachings. Sumang custom in Gayo society is a custom that regulates the social order of the community in interacting in association. The association referred to in sumang is a regulation in the form of a prohibition of association between men and women, both young and adults who are not muhrimnya. The purpose of this custom is to avoid promiscuity and adultery. Promiscuity and adultery can begin with contact between a man and a woman. Religion says, "do not approach adultery". The community constructs the prohibition in the customs of their lives called sumang.

The same thing stated by Aspala Banta Cut as Chairman of the Gayo Customary Council (MAG) of Central Aceh Regency explained, Sumang customs in the Gayo community are often referred to as sumang opat, including ideas that unite cultural values and Islamic religious teachings adopted since the time of the Linge Kingdom, and this is a reference for the behavior of the Gayo people today who have become part of customs and culture. The purpose of existence The sum of the Opat is to avoid promiscuity between men and women which leads to adultery. In addition, it is also to form manners in Gayo society.

Sumang that generally applies in Gayo society is divided into four, namely: First, sumang kenunulen (sumang when sitting) is someone who behaves indecently when sitting, such as adults of different sexes and not muhrim sitting together or visiting without being accompanied by his muhrim; Second, sumang percerakan (sumang and cara isi percakapan) is the way or place or content of naughty or pornographic speech, such as adults saying something unnatural to their parents/in-laws or to people who are taller.

Third, sumang pestepan (sumang travel) is to go women who are not husband and wife or not muhrim go together to an open or crowded place what else to a lonely place; Fourth, sumang penengonen (sumang penglihatan) is a way or target of seeing that is not good or out of place, such as seeing a male aurat or men looking at women and vice versa mischievously such as poking at the eyes or other signals to seduce others in the process of love or to commit immorality.

The current behavior is more contrary to the values and norms that apply to the Gayo community as well as violence and degrading acts committed by some students against teachers. This event is because there are no longer any boundaries that govern the lives of teenagers, or rather shame as stipulated in sumang is no longer applied in Gayo society. Furthermore, the arrest of 5 young couples in a dimly lit café who were

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not muhrim. Even worse, the case of sexual abuse committed by a religious teacher arrested by the police for molesting 12 students between the ages of 8-12 years, this is also a sexual crime involving pedophilia.\(^\text{13}\)

Some behaviors that have occurred in the Gayo community recently, many teenagers engage in underage marriage due to young pregnancy due to promiscuity. This can be seen from the many applications for marriage dispensation made by parents of underage children to the Takengon Shar'iyah Court. Based on the results of case report data received by the Syar'iyah Takengon Court, the number of applications for marriage dispensation from 2020 to 2023 was 440 cases. Data recorded 54 applications in 2020 and bonded in 2021 as many as 143 applications. Furthermore, there was a decrease in 2022 there were 119 applications and in 2023 there was another increase of 124 applications for marriage dispensation received at the Takengon Shar'iyah Court.

M Yanuar Rabaq as the Substitute Registrar of the Shar'iyah Court said that from this data, many parents apply for marriage dispensation, one of which is the concern that parents will have children if they are not married off will violate local village customary law, which often happens that most parents apply for marriage dispensation because their children are pregnant out of wedlock. The violation of customary law can lead to marriages regardless of age.

Seeing the phenomenon of rampant underage marriage due to promiscuity, Aspala Banta Cut as Chairman of the Gayo Customary Council of Central Aceh Regency emphasized that at this time violations against sumang began to be very often encountered, young people who were not muhrim walked alone without realizing the consequences, there were also forms of Sumang violations that were disrespectful to parents, teachers or adults, different from the conditions Sumang in the previous community which was still thick so that good relations were maintained. In terms of association between young men and women, it is very orderly and maintains signs and ethics. For example, in dating not meeting directly because of fear and shame, the dating process is done through intermediaries and sending letters to each other. Dating ethics in Gayo culture is often termed by the word "seize sangkan, usuh tunin" (seize rushed, steal hidden), meaning that the act can be done, but it is kept secret and not known by the public.

According to Amir Syam as a Gayo traditional leader, the rampant implementation of underage marriages caused by customary violations is called kepeten marriage. This simple marriage is a condition in which a man and a woman who are not his muhrim are arrested by society in a quiet place or in a house where there is no one other than the two partners. Under the circumstances of committing adultery by violating Islamic law and Gayo customary provisions, namely "sumang perascuan" or deeds.

Amir Syam added that in cases of violation of customary law, most parents do not want anything untoward to happen to their children and choose to marry off their children because of deviant acts. As the Gayo proverb "Kemel mate" means, it is better to

die than to bear shame for the actions done. Marriage is a disgrace to the family of the couple who commits and includes family defamation.

In Gayo custom, marriage tradition has an important role and is governed by a series of norms and rules that are passed down from generation to generation. However, Gayo custom does not explicitly allow or regulate underage marriage. According to the law, marriages involving one or both partners who have not reached the minimum age stipulated by law are called underage marriages. In Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, the minimum age for marriage for men and women is 19 years. However, the marriage law provides for the possibility of deviation if a minor marriage is performed, the court can grant dispensation to those who have not reached the minimum age for marriage.

Sumang custom is one of the customary rules that has existed since ancient times, Sumang custom is a source of behavior that is very thick and strong in association. The community highly values and upholds customary values in addition to religious teachings. The prohibition of committing evil acts aims to build and maintain moral charisma and minimize violence such as Allah's prohibition in the Qur'an Sura Al-Isra verse 32: "Do not approach adultery, indeed adultery is a heinous act and a bad way.

From the provisions of the above verse, it is generally understood that any form of action that can approach adultery, then it is forbidden in religion. Including the prohibition contained in the verse is sumang. Women or men who are given the way to mingle or perform sumang of the opposite sex are the root of corruption and ugliness. Therefore, this act is the cause of adultery.

According to Mustafa Kamal as Head of the Sharia Office of Central Aceh Regency, in Islam the act of sumang is part of the jarimah ikhtilath which is regulated in Article 25 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law. Ikhtilath is a mistake and violation in the association or daily system of association between men and women according to customary law and Islamic law / sharia or in another sense, sitting alone either in the house or outside the house or alone in a quiet place. The punishment for sumang or ikhtilaṭ perpetrators in the Qanun Jinayat is 'uqubat caning a maximum of 30 (thirty) times or a maximum fine of 300 grams of gold or imprisonment for a maximum of 30 (thirty) months.

Furthermore, the act of sumang is regulated in the Qanun of Central Aceh Regency Number 10 of 2002 concerning Gayo Customary Law states that Sumang is an immoral act committed by an adult woman and man which is an act prohibited in the Gayo custom. Therefore, Sumang custom itself regulates the social system of the community in interacting in association. The association in question is a regulation in the form of a prohibition in the association between men and women, both young and adults, who are not muhrimnya, sumang is inherent and bound by values and norms, if both exist, the words moral and ethical will also appear.

Factors of the Fading of Sumang Customs in the Gayo Community in Central Aceh Regency

The Gayo community since ancient times until now prohibits the social system that is contrary to moral values, Islam and Sumang Customary values which are cultural
systems that have been rooted in society, as an archetype and foundation of life both in association, kinship, social society, knowledge, beliefs, values and rules that are a reference for behavior in community life. Gayo traditional values and culture, they make as customary law in everyday life. The cultural system of the Gayo people is full of knowledge, beliefs, religion, norms, rules, and laws that guide behavior in people’s lives.\textsuperscript{14}

Everything is expressed as edet (adat) and added from the result of non-binding customs called resam, that is, what is done in accordance with the applicable rules, ada-istiadat. Therefore, the culture of the Gayo people is an important factor in shaping the lifestyle of the Gayo people to be more advanced, optimistic, courageous, acting, acting, and behaving cooperatively.\textsuperscript{15}

Each community group has certain norms that have been mutually agreed upon for generations regarding how to get along, behave, and interact with each other. All the ordinances that govern this are called customary norm systems. For the sake of continuity and harmony of community life, the entire system of customary norms that have been mutually agreed upon must be obeyed by every member of the community. All forms of behavior and actions that deviate and contradict customary norms are called customary violations.

According to Banta Cut as Chairman of the Gayo Customary Council of Central Aceh Regency, the very principle in Gayo traditional life is to pay attention to "traditional taboos" in the Gayo language called, kemalun edet and madu ni edet. So that people do not violate these taboos, sumang is a customary norm that is prohibited from doing so or sumang (donation) is an act or behavior that violates Islamic religious values, norms and Gayo customs.

Sumang has a very important role in regulating the social harmony of the Gayo community which needs to be preserved and developed. In addition to being customary law, sumang must also be worked on seriously in order to maintain the local wisdom of the Gayo community which has high value.\textsuperscript{16} To avoid the act of sumang, gayo custom regulates the way of relationship between teenagers and sons with young women (beberu). In principle, some are not allowed outside the house at night. If forced to leave the house there is a need, then some who go alone or with other people are considered taboo and if they are with bachelors who are not mahram and if they are with bachelors who are not marhamnya it is a bad act as previously explained.\textsuperscript{17}

The lack of knowledge about sumang customs that are fading day by day makes many parents overwhelmed by the development of the times that continue to be followed by their children, many parents are worried about the association of children today because they seem to be smarter than their parents because they master more sophisticated modern technology, as well as some communities who complain about the

\textsuperscript{17} Titit Lestari, T. Op.Cit., p. 28.
condition of teenagers now who have reduced karmic system. This statement was confirmed by the results of an interview with Wira as Reje Kampung Tami Delem, who said, now as it is common for us to see teenagers who go together, things that should be taboo and should not be done, especially if people of the era let alone to go together who are not Mukhrim to just meet if only alone are very taboo, and that has been said by Sumang.

The same thing stated by Ridwansyah as Reje Kampung Serule, this is because parents do not explore sumang and do not teach their children about sumang. The most frequent violation of sumang today is walking, sitting, and going alone with non-mukhrim. Speaking disrespectfully to the opposite sex, parents or to younger people, sitting carelessly disrespect the elderly. Unlike the conditions of Sumang in the previous community which were thick and upheld Sumang customs so that good relations were maintained.

According to M. Joni as a Member of the Gayo Customary Council of Central Aceh Regency, the fading factor of Sumang customs is currently caused by technological factors that have developed, so that adolescents are affected by the current technological sophistication, mobile phones, internet and so on. In addition, teenagers now do not appreciate the culture of sumang, teenagers do not know what sumang is, let alone practice the value of sumang, indifferent attitude towards sumang and only think about their own pleasure even if it is contrary to the values of sumang.

According to Amir Syam, the fading factor of Sumang customs at this time is the lack of functioning of the supervisory role carried out by Sarak Opat and bebujang (youth). In the past, sarak opat and pemuda (bebujang) worked together, because the young man who was given the task of being the village security supervisor by sarak opat, the bebujang respected their parents very much, and was fully responsible for maintaining security, including sumang. Meanwhile, at present, teenagers are no longer familiar with the philosophy of Gayo custom, known as "Bujang berama, beru berine" meaning that in one village does not distinguish that this Polan father, Mrs. Polan is the highest family concept in Gayo society. So that the fading of sumang customs at this time, teenagers do not want to be reprimanded or even fight against people who have advised or reprimanded the teenager.

Ibnu Hajar Lut Tawar as a Gayo traditional figure, emphasized that actually the Gayo people are honorable people but because sumang culture is not perfectly applied in people's lives, one can no longer distinguish between Gayo people and non-Gayo people. The introduction of culture should be mandatory, as the saying goes, "mosop barang nguk i know, mosop edet kusi i know" means that lost goods can be searched if lost customs where they are searched. If the culture has been lost, how does the community explain their original identity as Gayo people? There is nothing more to be proud of from the people of Gayo themselves.

Based on the description above, the fading factor of sumang customs in the gayo community in central Aceh Regency, is influenced by several factors: First, the lack of role of parents to introduce and teach their children about sumang, so, many teenagers do not understand and do not even know what sumang Adat is, so there are still many
violations committed due to not knowing the cause and effect. Second, due to technological advances, which make it easier for today’s teenagers to idolize outside cultures and customs that are easily accessible through social media, which are easily available anywhere. Third, at this time the lack of functioning of supervisory roles is carried out by Sarak Opat and bebujang (youth) at the village level.

4. Conclusion

The nature of sumang customs in the Gayo community as a rule in manners and modesty that regulates the way of association of a man and a woman who is not his muhrim, which aims to avoid promiscuity and adultery. The fading factor of sumang customs in the gayo community, First, the lack of role of parents in introducing and teaching their children about sumang, so, Second, due to technological advances. Third, at this time the lack of functioning of supervisory roles is carried out by Sarak Opat and bebujang (youth).
REFERENCES


Rosdina, (2017), Hukum Adat, Deepublish, Yogyakarta.


Undang-undang Nomor 16 Tahun 2019 tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.

Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat

Qanun Kabupaten Aceh Tengah Nomor 10 Tahun 2002 tentang Hukum Adat Gayo