

## Framing Grief, Weaving Law: An 'Urf-Based Perspective on the *Tukam Khekhaya* Tradition among the Gunung Meriah Community

Khairuddin

Sekolah Tinggi Agama Islam Syekh Abdur Rauf Singkil, Indonesia

\*Corresponding Author: [khairuddinazka15@gmail.com](mailto:khairuddinazka15@gmail.com)

**Abstract:** The *Tukam Khekhaya* tradition is a form of social practice that continues to be preserved by the Gunung Meriah community in Aceh Singkil. This tradition involves visiting families who are grieving the loss of a loved one before the arrival of the month of Shawwal. The values embedded in this practice—such as respect, solidarity, and the strengthening of familial bonds—are closely aligned with the principles of Islamic law. This study aims to examine the relevance of the *Tukam Khekhaya* tradition through the lens of 'urf within the framework of Islamic legal thought. The research employs an Islamic legal anthropological approach, utilizing field observations, interviews with traditional leaders, religious figures, and local practitioners, as well as documentation of practices and oral narratives. The findings reveal that *Tukam Khekhaya* has become a customary practice that is repeated and transmitted across generations. From the perspective of Islamic law, this tradition qualifies as 'urf *ṣaḥīḥ* (valid custom), as it does not contradict the principles of the Sharia and provides tangible benefits (*maṣlaḥah*) to the community. Further discussion demonstrates that the existence of this tradition reinforces a contextual approach in Islamic legal reasoning and reflects core values of *maqāṣid al-sharī'ah*, such as *ḥifz al-'ird* (protection of dignity) and *iṣlāḥ* (reconciliation). Accordingly, *Tukam Khekhaya* deserves recognition as a legitimate expression of Islamic legal practice rooted in local wisdom.

**Keywords:** Tukam Khekhaya, 'Urf, Islamic Law, Local Tradition

Submitted: April 13, 2025

Accepted: June 29, 2025

Published: June 30, 2025

**To Cite this Article:** Khairuddin, Khairuddin. "Framing Grief, Weaving Law: An 'Urf-Based Perspective on the *Tukam Khekhaya* Tradition Among the Gunung Meriah Community". *Ahlika: Jurnal Hukum Keluarga Dan Hukum Islam* 2 no 1 (2025):67-90. <https://doi.org/10.70742/ahlika.v2i1.192>.



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**Abstract:** Tradisi *Tukam Khekhaya* merupakan salah satu bentuk praktik sosial yang masih dilestarikan oleh masyarakat Gunung Meriah, Aceh Singkil. Tradisi ini dilakukan dengan mengunjungi keluarga yang sedang mengalami duka karena kehilangan anggota keluarga sebelum datangnya bulan Syawal. Nilai-nilai yang terkandung di dalamnya seperti penghormatan, solidaritas, dan penguatan hubungan kekeluargaan memiliki korelasi dengan prinsip-prinsip hukum Islam. Penelitian ini bertujuan untuk menelaah relevansi tradisi *Tukam Khekhaya* dalam perspektif 'urf menurut hukum Islam. Metode yang digunakan adalah pendekatan antropologi hukum Islam dengan teknik pengumpulan data melalui observasi lapangan, wawancara dengan tokoh adat, tokoh agama, dan masyarakat pelaku tradisi, serta dokumentasi terhadap praktik dan narasi lokal. Hasil penelitian menunjukkan bahwa *Tukam Khekhaya* telah menjadi bagian dari kebiasaan masyarakat yang dijalankan secara berulang dan diwariskan lintas generasi. Dari perspektif hukum Islam, tradisi ini memenuhi syarat sebagai 'urf sah karena tidak bertentangan dengan prinsip-prinsip syariat dan memberikan maslahat bagi masyarakat. Pembahasan lebih lanjut menunjukkan bahwa keberadaan tradisi ini dapat memperkuat pendekatan kontekstual dalam hukum Islam serta mencerminkan nilai-nilai *maqashid al-syari'ah* seperti *hifz al-'ird* (menjaga kehormatan) dan *ishlah* (perdamaian). Dengan demikian, *Tukam Khekhaya* layak diakui sebagai bagian dari praktik hukum Islam berbasis kearifan lokal.

**Keywords:** *Tukam Khekhaya*, 'Urf, Hukum Islam, Tradisi Lokal.

## Introduction

Core values such as solidarity, empathy, and communal harmony serve as the foundation for various religious moments,<sup>1</sup> including the celebration of Eid al-Fitr.<sup>2</sup> Eid is not merely a commemoration of spiritual triumph following a

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<sup>1</sup> Sofyan A P Kau et al., "Gorontalo Tradition of Molobunga Yiliyala: Cultural and Islamic Law Perspectives," *QIJS (Qudus International Journal of Islamic Studies)* 11, no. 2 (2023): 427–66. Khoiri Khoiri, "Antara Adat Dan Syariat (Studi Tentang Tradisi Mandi Safar Di Tasik Nambus, Riau, Ditinjau Dari Perspektif Islam)," *Jurnal Ilmiah Islam Futura* 16, no. 2 (July 18, 2017): 196, <https://doi.org/10.22373/jiif.v16i2.873>.

<sup>2</sup> Halimatus Sa'diyah, "Peran Agama Islam Dalamperubahan Sosial Masyarakat," *Islamuna: Jurnal Studi Islam* 3, no. 2 (December 31, 2016): 195–216, <https://doi.org/10.19105/islamuna.v3i2.1152>; Widia Dwi Rahmawati and Agus Mahfudz Fauzi, "The Social Construction of Yasinan in the Form of Social Identity 'a Case Study in Ketapangking Village, Ngusikan Subdistrict, Jombang Regency,'" *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 14, no. 1 (June 7, 2021): 1–18, <https://doi.org/10.35905/kur.v14i1.1972>. Hasse Jubba et al., "Social Construction of Islamic Local Tradition in Malay Community, Indonesia," *Islam Realitas: Journal of Islamic*

month of fasting; it also serves as a meaningful occasion for the manifestation of humanitarian and social values within the broader context of communal life.<sup>3</sup>

One such expression is embodied in the *Tukam Khekhaya* tradition, practiced by the people of Gunung Meriah in Aceh Singkil. This tradition represents a distinctive form of social support that reflects profound Islamic values and moral principles.<sup>4</sup>

These visits are typically carried out on the first day of Eid al-Fitr in the month of Shawwal.<sup>5</sup> The presence of neighbors and relatives at the mourning household is intended to provide comfort and convey empathy to the bereaved, particularly because the previous Eid had been celebrated together with the deceased parent, while this year marks their absence. The sense of loss becomes more profound during the festive season, as moments of togetherness are transformed into memories.

Visitors usually bring traditional Eid pastries as a gesture of care and consolation. Children or family members in mourning refrain from wearing new clothes, as a sign of respect for the departed parent. This practice reflects a deep sense of social and spiritual consciousness embedded within the social structure of the Gunung Meriah community.

Wulan Afriyani, for instance, examined the celebration of Eid as a means of enhancing psychological well-being, highlighting its positive effects on the emotional state and happiness of Muslims.<sup>6</sup> Similarly, Mia Asri Azzahra studied the tradition of *silaturrahim* in Pontianak, demonstrating how social interactions

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*and Social Studies* 9, no. 2 (December 30, 2023): 139, [https://doi.org/10.30983/islam\\_realitas.v9i2.7551](https://doi.org/10.30983/islam_realitas.v9i2.7551).

<sup>3</sup> Wulan Afriyani, "Pengaruh Idul Fitri Terhadap Kesejahteraan Psikologis Dan Emosional Umat Muslim," *Jurnal Pendidikan, Kebudayaan Dan Keislaman* 3, no. 2 (August 28, 2024): 67-76, <https://doi.org/10.24260/jpkk.v3i2.3294>.

<sup>4</sup> Yuli Kurnia Rohmawati and Mukhammad Baharun, "Relasi Kerukunan Antaretnik Dalam Perayaan Idul Fitri Masyarakat Desa Adat Tuban Bali," *Maddah: Jurnal Komunikasi Dan Konseling Islam* 1, no. 1 (January 5, 2019): 54-67, <https://doi.org/10.35316/maddah.v1i1.239>.

<sup>5</sup> Interview with Nanda Manik, Tanah Bara Community Leader, 2025

<sup>6</sup> Afriyani, "Pengaruh Idul Fitri Terhadap Kesejahteraan Psikologis Dan Emosional Umat Muslim."

during *Lebaran* foster deep feelings of joy.<sup>7</sup> In Nanga Tayap, Ratmi Fathia observed that Eid traditions serve as a medium for building happiness through warm social relations.<sup>8</sup> However, these studies have yet to explore the *Tukam Khekhaya* tradition through the lens of 'urf.

The *Tukam Khekhaya* tradition—representing a unique form of social solidarity in the Gunung Meriah community—has received limited scholarly attention, despite its rich symbolic and spiritual values, as well as its embeddedness in Islamic customary legal norms, which offer strong potential for analysis through the lens of 'urf.

This study focuses on the community's social practice of visiting bereaved families on the first day of Eid al-Fitr as an expression of empathy, and on the values embodied in the symbols, behaviors, and customs manifested in the *Tukam Khekhaya* tradition. It illustrates how local Islamic cultural resilience frames Eid not merely as a festive celebration but as a moment for reinforcing social and spiritual bonds in a distinctly meaningful way.

To achieve this aim, the article poses three central questions: First, how is the *Tukam Khekhaya* tradition practiced by the Gunung Meriah community? Second, what symbolic and social meanings are embedded in the *Tukam Khekhaya* tradition? Third, how can the status and relevance of the *Tukam Khekhaya* tradition be understood from the perspective of 'urf?

The analysis is further developed through the lens of *uṣūl al-fiqh*, particularly the concept of 'urf within Islamic legal theory. The primary focus is on living practices within the community, which serve as the main empirical data. This approach is descriptive in nature, grounded in social realities observed directly in the field.

Data were collected through field observations of the *Tukam Khekhaya* tradition during the month of Shawwal 2025. Observations were conducted in

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<sup>7</sup> Mia Asri Azzahra and Latifah Muliji, "Analisis Kebahagiaaaanalisis Kebahagiaan Masyarakat Saat Silaturahmi Lebaran Di Pontianak Sungai Jawi," *Jurnal Pendidikan, Kebudayaan Dan Keislaman* 3, no. 2 (August 28, 2024): 103–15, <https://doi.org/10.24260/jpkk.v3i2.3256>.

<sup>8</sup> Ratmi Fathia and Siti Khairisa, "Lebaran Dan Psikologi Positif : Membangun Kebahagiaan Melalui Tradisi Dan Interaksi Sosial Di Nanga Tayap," *Jurnal Pendidikan, Kebudayaan Dan Keislaman* 3, no. 2 (August 28, 2024): 77–88, <https://doi.org/10.24260/jpkk.v3i2.3298>.

the villages of Tanah Bara, Gunung Lagan, and Cingkam, where the tradition remains actively practiced. In-depth interviews were conducted with two traditional leaders, two religious leaders, four bereaved families, and one village official. Informants were selected based on their direct involvement in the tradition. The interviews aimed to uncover the meanings attributed to the tradition by local residents. The data obtained from these interviews were used to support and enrich the findings from observation.

The analysis connects the practice of *Tukam Khekhaya* with the essential elements of *'urf ṣaḥīḥ* (legitimate custom). Key aspects examined include continuity, communal acceptance, and conformity with the values of the Sharia. The findings reveal the extent to which this tradition meets the criteria for *'urf* as recognized in Islamic law. The analytical process was inductive, moving from field-based empirical findings to theoretical conceptualization.

### **Gunung Meriah is one of the sub-districts within the Aceh Singkil Regency**

It is among the most densely populated of the eleven sub-districts in the regency. Covering an area of 224.30 hectares, Gunung Meriah consists of residential land, agricultural fields, and plantation areas. The majority of the population are palm oil farmers by occupation. The region has a total population of 42,435, comprising 19,213 males and 23,222 females.<sup>9</sup> Strategically located along the main provincial highway, Gunung Meriah borders the sub-districts of Simpang Kanan and North Singkil. The vast majority of its residents adhere to Islam.<sup>10</sup>

It involves visiting families who are mourning the loss of a loved one prior to the arrival of the month of Shawwal. The community utilizes the occasion of Eid al-Fitr to convey their empathy and solidarity to the bereaved. This practice has been carried out for a long time and continues to be preserved to this day,

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<sup>9</sup> Abi Hasan and Khairuddin Khairuddin, "Pandangan 'Urf Terhadap Uang Pekhanjangan Dalam Perkawinan Melangkahi Kakak Kandung," *Istinbāth Jurnal Hukum Dan Ekonomi Islam* 20, no. 1 (2021): 176–88, <http://istinbath.or.id/index.php/ijhi/article/view/337>.

<sup>10</sup> Khairuddin Khairuddin, *Khazanah Adat Dan Budaya Singkil: Mengungkap Keagungan Tradisi Dan Memelihara Kebudayaan* (Yogyakarta: Zahir Publishing, 2020).

forming a significant part of the social rites of the Gunung Meriah community.  
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The *Tukam Khekhaya* procession begins after the Eid al-Fitr prayer. On the morning of Eid, the bereaved family first visits the homes of respected community figures such as the village *imam* or the woman who performed the ritual cleansing of the deceased family member. This woman is commonly referred to as *Rubiah*. Such visits serve as a gesture of respect for their role and service during the previous funeral process. After these initial visits, members of the community begin to arrive in turn at the home of the grieving family.<sup>12</sup> They bring various traditional Eid pastries and snacks, such as *kue sapik*, *kue loyang*, and *kipang*.<sup>13</sup> These offerings, predominantly traditional in nature, are commonly associated with Eid al-Fitr celebrations. The custom of bringing such food is locally known as *mendudukhi*—a gesture of giving during mourning—since bereaved families generally do not prepare festive meals.<sup>2</sup> Community members come with the intention of offering support and fostering a warm, familial atmosphere in the midst of sorrow.<sup>14</sup>

Upon arrival, visitors are met with a quiet and solemn environment. One by one, they greet and shake hands with grieving family members, offering salutations and words of comfort.<sup>3</sup> These moments are often accompanied by tears. Many guests, as well as family members, are emotionally moved as they recall memories with the deceased, particularly if the loss is recent or occurred around the previous Eid celebration.<sup>15</sup>

The *Tukam Khekhaya* tradition unfolds in waves, with residents from neighboring hamlets or villages arriving in succession. These visits may continue for several days following the first day of Eid, depending on how many families are in mourning. Typically, people arrive without formal invitation. Their presence is driven by a collective sense of moral responsibility, rooted in communal ties and mutual familiarity.

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<sup>11</sup> Interview with Nanda Manik, Tanah Bara Community Leader, Gunung Meriah 2025

<sup>12</sup> Interview with Karyanto, Religious Leader of Mount Lagan, Gunung Meriah, 2025

<sup>13</sup> Traditional Cakes of Aceh Singkil Regency

<sup>14</sup> Interview with Alimuddin, Cingkam traditional leader, Gunung Meriah, 2025

<sup>15</sup> Interview with Salman Manik, Tanah Bara Community Leader, Gunung Meriah, 2025

There is no formal order or structure governing who visits first. However, close relatives, neighbors, and local elders are generally prioritized to visit earlier in the day. This occurs organically, without any formal arrangement, reflecting the community's ingrained social mechanisms developed through lived experience and oral tradition.

The types of pastries brought by the community vary, yet they consistently maintain a traditional character. *Kue sapik* and *kue loyang* are signature confections associated with the festive spirit of Eid in Gunung Meriah, while *kipang*—a sweet made from glutinous rice and palm sugar—symbolizes simplicity imbued with meaning. These offerings are typically arranged in boxes or on trays and placed in the corner of the room, symbolizing social contributions to the grieving family.

Unlike other households adorned for the holiday, homes in mourning remain undecorated during *Tukam Khekhaya*. There are no festive lights or typical Eid decorations. The atmosphere is kept intentionally simple to reflect the solemnity of loss. Nevertheless, the presence of the community breathes new life into the home, gradually transforming grief into moral strength for the bereaved.<sup>16</sup>

The involvement of youth and adolescents is also visibly present in this tradition. They assist in delivering food, cleaning the home, and attending to arriving guests. *Tukam Khekhaya* provides a space for the younger generation to learn the values of solidarity and social empathy from their elders. Through direct participation, they witness how the community works together in navigating collective sorrow.

Overall, the practice of *Tukam Khekhaya* in Gunung Meriah reveals strong social cohesion among residents. The tradition is not merely about visiting and giving; it is about offering warmth amid loss. Its continued preservation has made *Tukam Khekhaya* a distinctive marker of social identity for the people of Gunung Meriah, symbolizing a vibrant local cultural strength embedded in everyday life.

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<sup>16</sup> Interview with Jamin, Religious Figure, Gunung Lagan, Gunung Meriah, 2025

## **Symbols of Grief and Solidarity: Festive Cakes, Attire, and Meaningful Silence**

One of the most prominent elements in the *Tukam Khekhaya* tradition is the presence of a variety of traditional cakes brought by visiting guests. Cakes such as *sapik*, *loyang*, and *kipang* are not merely typical festive offerings; they represent tangible forms of empathy extended by the community to grieving families. These contributions go beyond symbolic gestures—they directly address the practical needs of mourning families who, due to profound sorrow, are often unable to prepare celebratory meals for Eid.<sup>17</sup>

This phenomenon demonstrates that Eid cakes, within the context of *Tukam Khekhaya*, have undergone a transformation in meaning. What once symbolized joy and celebration has evolved into a medium of social solidarity and emotional connection between the community and the bereaved. Rather than signifying festivity, these cakes now serve as tokens of comforting presence, filling emotional voids in a time of mourning.<sup>18</sup>

Their presence also subtly signifies communal awareness of how difficult it is to grieve during a moment that is generally associated with collective happiness. Thus, the act of *mendudukhi*—bringing cakes to mourning families—is not only about fulfilling material needs but also affirms the Gunung Meriah community's profound sensitivity to the emotional state of others, especially during significant religious occasions.

Beyond food, another striking symbol within this tradition is the clothing worn by the bereaved. In contrast to other families who wear new or festive clothing for Eid, mourning families are often seen wearing ordinary or dark-colored garments. This is not merely a matter of aesthetic choice but a visual symbol reflecting the emotional state of loss. The contrast in clothing creates a strong social marker, distinguishing the grieving from the general atmosphere of joy and reinforcing the meaning of bereavement in a shared social space.

In the context of *Tukam Khekhaya*, attire serves a representational function. It marks one's social position as someone in mourning and thus evokes heightened collective empathy from visitors. Visitors typically respond by

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<sup>17</sup> Interview with Khalisah, Traditional Leader of Tanah Bara, Gunung Meriah, 2025

<sup>18</sup> Interview with Anto, Cingkam Traditional Leader, Gunung Meriah, 2025

refraining from wearing brightly colored or ostentatious clothing, as a form of respect for the solemn atmosphere.<sup>19</sup>

The silence of visitors upon entering the mourning household also serves as a powerful symbol in shaping the meaning of the *Tukam Khekhaya* tradition. In this context, silence is not void of meaning—it carries deep emotional intensity. It becomes a nonverbal means of expressing grief, conveying unspeakable sorrow, and honoring the memory of the deceased.

In many observations, the mutual silence between grieving families and their guests creates a profoundly intimate and emotional space. Many guests are seen lowering their heads, shedding tears, or simply holding the hands of bereaved family members without uttering a word. This demonstrates that emotional communication in Gunung Meriah society is not always verbal but is often mediated through meaningful symbols and embodied gestures.

The weeping that emerges in these moments is not merely personal sorrow. It forms part of a socially recognized performance of mourning.<sup>17</sup> Crying is regarded as both legitimate and necessary in such moments, affirming that loss is not only individual or familial but also communal. It becomes a form of collective expression that strengthens emotional solidarity and unity within the community.

Ultimately, the symbols of cakes, clothing, silence, and weeping coalesce into a unified system of meaning within the *Tukam Khekhaya* tradition. Each element plays a role in creating a space of mourning that is humane, warm, and socially attentive. This tradition is not merely a formal ritual, but a representation of deeply rooted values of solidarity and empathy within the local culture of Gunung Meriah.

This symbolic system demonstrates that *Tukam Khekhaya* has evolved into a social institution that not only preserves ancestral heritage but also responds to the emotional needs of contemporary society.<sup>21</sup> These symbols effectively bridge the divide between private grief and collective presence, transforming mourning into a profoundly human experience shared by the entire community.

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<sup>19</sup> Interview with Islamlo, Religious Leader of Tanah Bara, Gunung Meriah, 2025

## The Social Space of *Tukam Khekhaya*: Preserving Memory and Strengthening Social Ties

The *Tukam Khekhaya* tradition is held annually on Eid al-Fitr, particularly for families who have lost a loved one prior to the month of Shawwal. The event involves community members visiting mourning households in succession, moving from one home to another. Its timing during the Eid celebration creates an atmosphere filled with silence and solemnity.<sup>20</sup>

The mourning house becomes a communal gathering point. Residents arrive in large numbers, bringing an array of traditional cakes, which are then offered to the bereaved family as expressions of empathy and moral support. This act is known locally as *mendudukhi*, a term referring to the gesture of filling the emotional void left by the deceased.

Each visit begins with the offering of cakes, followed by handshakes with every surviving family member. Words are few and often unnecessary—visitors' solemn expressions communicate a profound sense of empathy. Silence becomes a shared language of grief, understood intuitively by all.

Families in mourning typically do not prepare cakes or festive meals for Eid. Many refrain from wearing new clothes, unlike most families celebrating the holiday. This visual distinction becomes a recognizable marker of grief, signaling loss within the social space of *Tukam Khekhaya*.<sup>21</sup>

Visitors carry with them personal memories of the deceased. The quiet atmosphere is frequently punctuated by sobs—either from family members or from guests who are emotionally affected.<sup>8</sup> This moment becomes a space for shared emotional expression without the need for spoken language. The experience of grief is communally felt.

The procession embodies a form of solidarity born from the experience of loss. The community collectively understands that grief is not a private burden, but an emotional weight to be carried together. *Tukam Khekhaya* brings individuals together in a social space marked by empathy and healing.

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<sup>20</sup> Interview with Jinun Traditional Leader of Tanah Bara, Gunung Meriah, 2025

<sup>21</sup> Interview with Salman Manik, Tanah Bara Community Leader, Gunung Meriah, 2025

The social bonds forged during this tradition go beyond ordinary Eid visits. It opens opportunities to strengthen ties between families, neighbors, and even distant relatives. People who rarely interact in daily life find meaningful reconnection in this deeply contemplative atmosphere.

The memory of the deceased is kept alive through the stories brought by visitors. Small anecdotes, whispered or silently remembered, contribute to the collective memory of the community. The mourning house becomes a site for preserving memory, not merely a place of lamentation.

For the people of Gunung Meriah, *Tukam Khekhaya* is a social legacy that must be maintained. Although participation is voluntary, high community involvement reflects a shared awareness of its significance. The social space created by this tradition reinforces the community's commitment to mutual care.

The selected time, the places visited, and the manner in which the tradition is practiced all reflect a deep-rooted cultural experience. *Tukam Khekhaya* is not merely a remembrance of loss; it is a tangible expression of solidarity and the continuity of social relationships within the Gunung Meriah community.

### **Living Local Wisdom within the Framework of 'Urf: Islamic Legal Validation of *Tukam Khekhaya***

Customs cultivated and practiced within a community are generally referred to as *'urf* or *adat*.<sup>22</sup> Etymologically, the Arabic term *'urf* refers to something continuously practiced and is also associated with goodness or propriety.<sup>23</sup> In terminological terms, *'urf* denotes a long-established tradition—expressed either in speech or practice—that has become embedded in the life of

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<sup>22</sup> Khairuddin Khairuddin et al., "Belo Bellen as Compulsory Delivery in Aceh Singkil Wedding; 'Urf and Islamic Law Anthropology Review," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (2024): 151-73, <https://doi.org/10.19105/al-lhkam.v19i1.10222>.

<sup>23</sup> Teungku Muhammad Hasbi Ash Shiedieqy, *Pengantar Hukum Islam* (Semarang: Grup Toha Putra, 1994), 226.

a community.<sup>24</sup> It is often understood as a habitual practice that has gained popularity and social acceptance over time.<sup>25</sup>

In the Indonesian context, the term *adat* is derived from the same Arabic root ('*adah*) meaning habit or custom, and is synonymous with '*urf*. Both *adat* and '*urf* represent long-standing consensual practices that are adopted or adapted to specific social and cultural contexts, and have been widely observed across generations.<sup>26</sup> They are manifestations of lived tradition, reflecting the collective experience and moral compass of a society.

From the perspective of Islamic law, '*urf*—particularly when consistent, widely accepted, and not in contradiction with sharī'ah principles—may serve as a source of legal consideration (*dalīl*).<sup>27</sup> It is especially relevant in contextualizing Islamic jurisprudence (*fiqh*) within diverse sociocultural settings. Hence, local customs such as *Tukam Khekhaya* warrant examination not merely as cultural practices, but as potentially legitimate components of Islamic legal tradition, especially when they reflect values such as solidarity, empathy, and social justice.

Scholars of *uṣūl al-fiqh* have long examined the concept of '*urf* as a means to address legal issues within society, given that '*urf* represents recurring and socially recognized customs.<sup>28</sup> The consistent and widespread nature of '*urf* makes it a valuable source for understanding community norms and resolving practical legal dilemmas. Notably, '*urf* has received broad acceptance among jurists (*fuqahā'*) across various legal schools. Ibn 'Ābidīn, a prominent Ḥanafī scholar, asserts that '*urf* has the capacity to influence, and even alter, the outcomes of *ijtihād*, whether in general or specific legal contexts.<sup>29</sup> This perspective underscores the dynamic role of customary practice in shaping legal

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<sup>24</sup> Abdul Wahhab Khallaf, *Ilmu Ushul Fiqh, Terjemah Moh Zuhri Dan Ahmad Qarib* (Semarang: Toha Putra Group, 1994), 13.

<sup>25</sup> Wahbah Az-Zuhaili, *Ushul Fiqh Al-Islam* (Beirut: Dar al-Fikr, 1986), 828.

<sup>26</sup> Wahbah Az-Zuhaili, *Ushul Fiqh Al-Islam* (Beirut: Dar al-Fikr, 1986), 828.

<sup>27</sup> Reuben Levy, *The Social Structure of Islam* (Cambridge: Cambridge University Press, 1957), 248.

<sup>28</sup> Mustafa Ibrahim Al-Zilmu, *Dilalat Al-Nusyusy Wa Turuq Istimbath Al-Ahkam Fi Daw Ushul Al-Fiqh Al-Islami* (Baghdad: Matba'ah As'ad, 1983), 59.

<sup>29</sup> Ahmed Fekry Ibrahim, "Customary Practices as Exigencies in Islamic Law: Between a Source of Law and a Legal Maxim," *Oriens* 46, no. 1–2 (2018): 222–61, <https://doi.org/10.1163/18778372-04601007>.

interpretation and highlights the importance of contextual responsiveness in Islamic legal reasoning.

Meanwhile, the Ḥanafī school, represented by Imām Abū Ḥanīfah, recognizes 'urf as a valid source of legal reasoning (*ḥujjah*) in cases where no clear ruling can be derived from the Qur'an, ḥadīth, scholarly consensus (*ijmā'*), or juristic preference (*istiḥsān*). For Abū Ḥanīfah, 'urf serves as a critical interpretive tool in the absence of explicit textual evidence, reflecting the lived realities of the community.<sup>30</sup>

Imām Mālik, founder of the Mālikī school, went even further by preferring 'urf over *qiyās* (analogical reasoning) when the two were in conflict.<sup>2</sup> In his view, customary practices that had been consistently observed in Madinah carried considerable legal weight, often taking precedence over purely deductive reasoning. This approach highlights the practical orientation of Mālikī jurisprudence, grounded in the actions of the early Muslim community.<sup>31</sup>

Similarly, scholars of the Shāfi'ī and Ḥanbalī schools accepted the use of 'urf as a secondary legal source, provided that it did not contradict the explicit texts of the Qur'an and Sunnah. In all these traditions, 'urf is not viewed as an isolated custom but as an expression of communal wisdom that complements textual sources and enhances the relevance of Islamic law in diverse social contexts.

Based on the exegesis of *Surah al-Baqarah* (2:233), 'urf is commonly accepted as a valid source of legal evidence (*ḥujjah*). This verse provides a textual foundation upon which jurists have established the legal maxim *al-'ādah muḥakkamah*, meaning that customary practice can serve as a legitimate basis for legal rulings.

A derivative of this maxim further affirms the equivalence between rulings derived from 'urf and those derived from textual sources, expressed in the legal principle: *al-thābit bi al-'urf ka al-thābit bi al-naṣṣ*—"what is established by custom is akin to what is established by scriptural text."<sup>2</sup> This indicates that

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<sup>30</sup> Teungku Muhammad Hasbi Ash Shiedieqy, *Pokok-Pokok Pegangan Imam Mazhab* (Semarang: Pustaka Rizi Putra, 1997), 174-175.

<sup>31</sup> Narul Rusli, *Konsep Ijtihad Al-Syaukani Relevansi Bagi Pembaruan Hukum Islam Di Indonesia* (Jakarta: Logos Wacana Ilmu, 1999).

customs, when consistent with Islamic values and widely observed, hold normative power in legal reasoning.<sup>32</sup> Another important textual reference supporting the inclusion of 'urf within the sources of Islamic law is *Surah al-Hajj* (22:78), particularly the phrase *wa mā ja'ala 'alaykum fī al-dīn min ḥaraj*—"and [God] has not placed upon you in the religion any undue hardship." Abandoning well-preserved and widely practiced customs could lead to unnecessary hardship (*ḥaraj*), which Islam seeks to prevent. Therefore, preserving 'urf is seen as a means of upholding ease and flexibility within the framework of *sharī'ah*. These scriptural foundations validate the juristic position that 'urf, when aligned with Islamic principles, is not only permissible but also integral to maintaining legal relevance in diverse cultural settings.

Mengkaitkan kekuatan hukum dengan adat tidak bisa dihindari dalam Islam karena sifat hukum Islam. Hukum Islam berurusan dengan umat manusia universal serta norma-norma masing-masing kelompok etnis yang sangat berbeda satu sama lain. Selain itu, karena adat secara intuitif mengakar dalam kehidupan masyarakat dan ucapan mereka, memperhitungkan adat istiadat mereka tidak bisa dihindari.<sup>33</sup> Dalam konteks khusus ini, 'urf disetujui untuk menjadi bagian dari sumber hukum Islam karena mewakili akal publik. Aktivitas apa pun dianggap baik jika orang atau akal sehat mengatakannya baik.<sup>34</sup> Oleh karena itu, reinterpretasi 'urf menjadi penting untuk memperkuat dan memperkaya hukum Islam sehingga dapat terus memainkan peran penting di masa depan. Penguatan 'urf dapat dilakukan melalui perbaikan cara pemahaman dan penggunaan ayat-ayat Al-Qur'an dan hadits sebagai landasan hukum Islam. Seseorang juga harus menegaskan posisi fiqh sebagai hasil interpretasi

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<sup>32</sup> Sulfan Wandī Sulfan Wandī, "Eksistensi Urf Dan Adat Kebiasaan Sebagai Dalil Fiqh," *SAMARAH: Jurnal Hukum Keluarga Dan Hukum Islam* 2, no. 1 (May 5, 2018): 181, <https://doi.org/10.22373/sjhk.v2i1.3111>.

<sup>33</sup> Luqman Zakariyah, "Custom and Society in Islamic Criminal Law: A Critical Appraisal of the Maxim 'Al-Ādah Muḥakkamah' (Custom Is Authoritative) and Its Sisters in Islamic Legal Procedures," *Arab Law Quarterly* 26, no. 1 (2012): 75-97, <https://doi.org/10.1163/157302512X612159>.

<sup>34</sup> M Noor Harisudin, "'Urf Sebagai Sumber Hukum Islam (Fiqh) Nusantara," *Jurnal Ushuluddin: Media Dialog Pemikiran Islam* 20, no. 1 (2016): 66-86.

sejarah dan budaya serta negosiasi antara teks ajaran Islam dan praktik lokal.<sup>35</sup>

The correlation between legal authority and local custom (*'urf*) in Islam is both inherent and unavoidable, owing to the very nature of Islamic law itself. As a legal system intended for universal human application, Islamic law must inevitably engage with the diverse normative frameworks of various ethnic and cultural groups.<sup>1</sup> Each community carries its own set of traditions, values, and socio-legal practices that shape how legal norms are understood and enacted.

Moreover, because custom is intuitively embedded within the lived experiences and verbal expressions of a community, consideration of local traditions becomes essential. In this context, *'urf* is recognized as a valid component of Islamic legal sources, as it reflects the collective moral reasoning—or *'aql jamā'ī*—of society. An action is deemed good when it is judged as good by sound reason and communal consensus.<sup>36</sup>

Accordingly, reinterpreting *'urf* is crucial for strengthening and enriching Islamic law so that it may continue to serve effectively in contemporary and future societies. This can be achieved through a more dynamic and contextual approach to the understanding and application of Qur'anic verses and prophetic traditions, not as rigid textual injunctions but as evolving legal and ethical references.

It is equally important to reaffirm the position of *fiqh* as a historically and culturally contingent interpretive effort—a product of human negotiation between the divine texts of Islam and the socio-cultural realities in which they are applied. In this light, *'urf* does not stand in opposition to Islamic law, but rather complements it, enabling Islamic jurisprudence to remain relevant, humane, and responsive to the needs of diverse Muslim communities.

*'Urf* can be classified into three main categories: *'urf ṣaḥīḥ* (legitimate custom), *'urf fāsid* (corrupt or invalid custom), and *'urf maḥallī* (localized or regional custom). The tradition of *Tukam Khekhaya* in Gunung Meriah qualifies

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<sup>35</sup> Ach Maimun, “Memperkuat 'Urf Dalam Pengembangan Hukum Islam,” *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 12, no. 1 (August 6, 2017): 22, <https://doi.org/10.19105/al-ihkam.v12i1.1188>.

<sup>36</sup> Maimun.

as *'urf ṣaḥīḥ*, as it embodies socially and ethically sound practices. It reflects communal empathy and social solidarity, where members of the community express collective care and moral support during times of grief. Participation in the tradition signifies respect and emotional presence for families who have lost a loved one.

The tradition has been consistently practiced across generations, indicating a strong degree of continuity and acceptance. The absence of social resistance or objection suggests broad communal endorsement. Furthermore, no elements of deviation or contradiction with Islamic principles have been observed in its implementation. On the contrary, the tradition strengthens both social harmony and spiritual cohesion. Its orderly and respectful execution demonstrates alignment with Islamic ethical norms and communal values.

The legal maxim *al-'ādah muḥakkamah* (custom becoming law) provides normative legitimacy for this practice. This principle affirms that customary practices may serve as a basis for legal rulings, provided they do not contradict the tenets of *sharī'ah*.<sup>37</sup> In the case of *Tukam Khekhaya*, the tradition operates within this framework, offering a culturally embedded expression of social and religious values.

The tradition involves a range of local actors, including customary leaders (*tokoh adat*), family members, and in some instances, religious figures (*tokoh agama*), indicating the integration of cultural and religious authority. Its mechanism reflects a socially structured model that respects religious norms while being grounded in local wisdom. Moreover, the implementation of *Tukam Khekhaya* reveals an emergent form of legal consciousness shaped by local cultural systems. Rather than relying solely on formal jurisprudential structures, this tradition exemplifies how Islamic legal values are lived and practiced through community-based rituals and ethical conduct.

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<sup>37</sup> Heri Mahfudhi and M. Kholis Arrosid, "Teori Adat Dalam Qowaid Fiqhiyah Dan Penerapannya Dalam Hukum Keluarga Islam," *Familia: Jurnal Hukum Keluarga* 2, no. 2 (December 31, 2021): 119–36, <https://doi.org/10.24239/familia.v2i2.28>; Afrinald Rizhan, "Kedudukan Al-'Adah Dan Al-'Urf Sebagai Sumber Hukum Islam," *Jurnal Gagasan Hukum* 6, no. 01 (June 30, 2024): 77–93, <https://doi.org/10.31849/jgh.v6i01.19526>.

The value of *silaturrahim* (maintaining kinship and social ties) is profoundly embedded within this tradition. Islam strongly encourages the preservation of familial and communal relationships as a means of fostering social cohesion and spiritual well-being. The presence of community members during *Tukam Khekhaya* offers psychological comfort to bereaved families, mitigating their sense of loss through shared emotional support.<sup>38</sup> Prayers offered during the visit serve not only to console but also to reinforce the family's faith and resilience in the face of grief. These supplications function as spiritual anchors, reflecting the Islamic emphasis on collective compassion and divine remembrance.

For the local community, participation in this tradition transcends cultural obligation—it is regarded as an act of social worship (*'ibādah ijtimā'iyah*), where fulfilling communal responsibilities is seen as part of religious devotion. Through this lens, *Tukam Khekhaya* illustrates how local customs can operate as spiritually meaningful practices that align with and reinforce Islamic ethical teachings.

The concept of *maṣlahah* (public benefit or welfare) plays a central role in the implementation of the *Tukam Khekhaya* tradition. This communal practice provides a supportive framework for bereaved families to navigate their grief with greater emotional stability. Social solidarity emerges organically through communal initiative, without reliance on formal institutional mechanisms. As a result, social bonds are strengthened through collective awareness and shared cultural responsibility. The tradition serves not only as an emotional support system but also as a medium for spiritual renewal and resilience.

This aligns with the contextual approach within Islamic legal thought, which emphasizes the need to respond to specific social realities. Jamal al-Din 'Atiyah's legal philosophy advocates for jurisprudential responsiveness to local

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<sup>38</sup> Zubir Zubir and Kamaruzzaman Bustamam Ahmad, "The Dialectics of Islam and Custom in the Kenduri La'ōt Tradition of the Coastal Muslim Community of East Aceh," *Jurnal Ilmiah Peuradeun* 10, no. 3 (September 30, 2022): 899, <https://doi.org/10.26811/peuradeun.v10i3.778>.

contexts and lived experiences.<sup>39</sup> In this light, *Tukam Khekhaya* represents a manifestation of Islamic values as practiced and embodied by the community. It addresses emotional and social needs often overlooked by formal legal frameworks.

The presence and persistence of this tradition reveal the inherent flexibility and adaptability of Islamic law. Rather than being confined to rigid textual interpretation, Islamic jurisprudence—when informed by 'urf and contextual reasoning—has the capacity to accommodate localized expressions of solidarity, compassion, and spiritual care.

This tradition encompasses not only a social dimension but also a deeply spiritual one. The prayers (*du'ā'*) and acts of almsgiving (*ṣadaqah*) performed during *Tukam Khekhaya* are regarded as part of ongoing charitable deeds (*ṣadaqah jāriyah*), contributing to the spiritual merit of both the deceased and the living.<sup>40</sup> Through these rituals, the community is invited to reflect on mortality and renew their faith, fostering a heightened sense of religious consciousness.

The timing of the tradition—on the threshold of *Eid al-Fitr*, a day that symbolizes spiritual triumph—adds a contemplative layer to its meaning. It becomes a moment of collective introspection, allowing grief to be transformed into spiritual resilience and communal solidarity.

In this context, Islam, as practiced through local tradition, becomes more tangible and grounded. Rather than existing only in abstract legal discourse or formal ritual, Islam is embodied in everyday cultural practices that are emotionally resonant and socially meaningful.

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<sup>39</sup> Ali Sodikin, "Antropologi Hukum Sebagai Pendekatan Dalam Penelitian Hukum Islam," *Al-Manahij: Jurnal Kajian Hukum Islam* 7, no. 1 (January 1, 1970): 115–26, <https://doi.org/10.24090/mnh.v7i1.581>; Suparji Suparji, "Eksistensi Hukum Islam Dan Kearifan Lokal," *JURNAL AL-AZHAR INDONESIA SERI HUMANIORA* 5, no. 1 (March 30, 2019): 21, <https://doi.org/10.36722/sh.v5i1.327>.

<sup>40</sup> Saiful Hadi, "The Qur'anic Spiritual Value of the 'Pé-Sapéyan Pappa' Social Learning to Improve the Madurese Migrants' Quality Life," *Ulumuna* 27, no. 2 (December 31, 2023): 854–75, <https://doi.org/10.20414/ujs.v27i2.790>. Mohamad Abdun Nasir, "Revisiting the Javanese Muslim Slametan: Islam, Local Tradition, Honor and Symbolic Communication," *Al-Jami'ah: Journal of Islamic Studies* 57, no. 2 (December 24, 2019): 329–58, <https://doi.org/10.14421/ajis.2019.572.329-358>.

Islamic law does not reject traditions that do not deviate from *sharī'ah* principles. The *Tukam Khekhaya* tradition exemplifies how religious law can harmoniously coexist with cultural practices. In multicultural societies, such flexible and context-sensitive approaches become essential. Islam does not aim to erase local identities, but rather to engage with them in a just and meaningful way. In this sense, tradition serves as a bridge between spiritual values and social structures.

The implementation of *Tukam Khekhaya* involves active community participation. Neighbors and relatives offer assistance voluntarily, demonstrating a deeply rooted ethos of mutual aid (*gotong royong*). Moments of grief thus become opportunities for solidarity, where community members support and uplift one another. The tradition not only affirms shared emotional bonds but also reinforces social cohesion.

From the perspective of Islamic jurisprudence, *Tukam Khekhaya* fulfills the conditions of a valid (*ṣaḥīḥ*) 'urf. It aligns with the core tenets of *sharī'ah* and delivers tangible benefits to the community. The values it promotes—compassion, solidarity, and spiritual reflection—are deeply grounded in Islamic teachings. As such, this local tradition enriches the contextual expression of Islamic law, offering a culturally resonant model for integrating faith with lived social realities.

## **Conclusion**

The *Tukam Khekhaya* tradition among the Gunung Meriah community is practiced through a series of customary rituals passed down through generations, beginning with the act of seeking forgiveness and offering symbolic gifts in the form of traditional food items. This tradition carries deep symbolic meanings, including the acknowledgment of past wrongs and efforts toward the restoration of social harmony. It also possesses strong social significance, reinforcing communal bonds, respect for customary norms, and moral restoration within the local social structure. Each element of the ritual embodies distinct values that reflect the community's local ethics and spirituality.

From the perspective of 'urf, *Tukam Khekhaya* qualifies as 'urf *ṣaḥīḥ*—a legitimate custom—since it does not contradict the foundational principles of Islamic law. In fact, it upholds key Islamic values such as *maṣlaḥah* (public welfare), *ṣulḥ* (reconciliation), and social justice. Accordingly, this tradition holds a significant position as a culturally rooted source of legal authority and offers a meaningful alternative approach to dispute resolution within families and the wider community, one that is more humane and contextually grounded.

However, this study is limited to a single research site—Gunung Meriah Subdistrict—and does not account for the potential variations of *Tukam Khekhaya* in other parts of Aceh Singkil, where different forms or interpretations may exist. Future research should consider conducting comparative studies across other regions in Aceh or Sumatra that practice similar traditions. Such investigations would enrich our understanding of 'urf-based customary legal constructions and their potential roles in resolving social and familial disputes.

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### Interviews

- Interview with Nanda Manik, Tanah Bara Community Leader, Gunung Meriah 2025
- Interview with Karyanto, Religious Leader of Mount Lagan, Gunung Meriah, 2025
- Interview with Alimuddin, Cingkam traditional leader, Gunung Meriah, 2025
- Interview with Salman Manik, Tanah Bara Community Leader, Gunung Meriah, 2025
- Interview with Jamilin, Religious Figure, Gunung Lagan, Gunung Meriah, 2025
- Interview with Khalisah, Traditional Leader of Tanah Bara, Gunung Meriah, 2025

Interview with Anto, Cingkam Traditional Leader, Gunung Meriah, 2025

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