

## Granting *Hareuta Peunulang* in Aceh: Between Grant and Inheritance

Aufa Miranti<sup>a,1\*</sup>, Agus Nurhadi<sup>b,2</sup>, Mohd Hiriy bin Ghazali Mohd Jani<sup>c,3</sup>

<sup>a</sup>Universitas Syiah Kuala, Banda Aceh, Indonesia

<sup>b</sup>Universitas Islam Negeri Walisongo, Semarang, Indonesia

<sup>c</sup>Dewan Bahasa dan Pustaka, Malaysia

<sup>1</sup>[aufamiranti@gmail.com](mailto:aufamiranti@gmail.com)<sup>\*</sup>; <sup>2</sup>[agusnurhadi@walisongo.ac.id](mailto:agusnurhadi@walisongo.ac.id); <sup>3</sup>[mohdhiriy52@gmail.com](mailto:mohdhiriy52@gmail.com)

\* corresponding author

### ARTICLE INFO

#### Article history

Received: 25 June 2024

Revised: 26 January 2025

Accepted: 30 January 2025

Published: 01 February 2025

**Keywords:** Hareuta Peunulang; Inheritance; Grant, Risk Management; Aceh Customary Law

### ABSTRACT

*Hareuta peunulang* is a gift presented to a daughter getting married in Aceh as an immovable object. In practice, however, it is also given to the son. Some described it as a grant; on the other hand, others referred to it as an inheritance, resulting in legal inequality. This study aims to identify the problem of Islamic Law views on the giving and the practice of giving *hareuta peunulang*, which can be risk management for daughters in Aceh. It used an empirical method with a descriptive approach. Collecting data through interview techniques was conducted with 7 (seven) informants who were granted *hareuta peunulang*. The results show that it was determined that the practice was not contrary to favorable Islamic laws. The provisions of the limit of 1/3 of the assets described in KHI result from scholars' (Ulama) opinions based on benefit. The provision does not determine whether a grant is valid or not. Parental gifts can be considered as inheritance. In customary law, granting *hareuta peunulang* is a way to protect and provide welfare to women to avoid poverty and other risks. Acehnese has local wisdom to safeguard daughters, which is not contrary to Islamic law.



Author correspondence email: [aufamiranti@gmail.com](mailto:aufamiranti@gmail.com)



Available online at: <http://doi.org/10.35905/diktum.v23i1.5816>



## 1. Introduction

The practice of *hareuta peunulang* remains a traditional concept in Pidie Regency. *Hareuta peunulang* is the endowment of immovable property, specifically a house and land, designated for girls as a kind of protection (Mohd. Kalam Daud & Rahmatul Akbar, 2020). This gift closely resembles the perpatih ritual in Negeri Sembilan, Malaysia, which emphasizes the allocation of immovable property to females as a means of honoring and safeguarding women. Comparable rituals are observed throughout, including matrilineal inheritance traditions in Ghana and Tanzania, where land is bequeathed to female successors to guarantee economic stability. In Islamic legal systems, like those of Saudi Arabia and the UAE, the principle of hibah (gift-giving) prior to death is acknowledged, although it must comply with inheritance regulations that safeguard the rights of all heirs. Conversely, Western legal systems, including those in France and the United States, establish limitations on inter vivos donations to avert disproportionate asset distribution. The presence of *hareuta peunulang* in Aceh underscores the equilibrium between cultural traditions and legal interpretations of property rights within a global framework.

Not all *hareuta peunulang* implementations are peaceful. Disagreement over the provision of *hareuta peunulang* usually stems from three factors. The first factor is boys' ignorance about the implementation of giving *hareuta peunulang*. Second, parents prioritize daughters when giving *hareuta peunulang*. Third, providing a house is considered to exceed the provisions for granting 1/3 of the assets (Miranti et al., 2022). Generally, the community in Pidie Regency resolves disputes through *gampong* (village) deliberations led by the Keuchik (Village Head) and community leaders trusted as third parties. Apart from that, *hareuta peunulang* disputes can also be resolved through litigation.

The Banda Aceh Syar'iyah Court resolved six *hareuta peunulang* disputes between 2007 and 2012, while the Keuchik overseeing the *hareuta peunulang* decided four through village deliberations (Ilyas, 2016). The Sigli Syar'iyah Court hears cases of *hareuta peunulang* disputes that village deliberation cannot resolve. Three lawsuits filed by men with the Sigli Syar'iyah Court between 2019 and 2021 regarding giving *hareuta peunulang* to girls include; case no. 446/Pdt/2019/MS.Sgi, No. 356/Pdt.G/2020/MS.Sgi and No 108/Pdt.G/2021/MS.Sgi (Miranti et al., 2022). The case was resolved under litigation procedures and Islamic law rules.

*Hareuta peunulang* is given before the daughter marries and while the parents are still alive, so *hareuta peunulang* is defined as a gift whose provisions do not exceed 1/3 of the assets (Dinda Kania Anggraini, 2023). The word "grant" comes from Arabic words translated into Indonesian (Muhammad Ajib, 2019). The word grant is also taken from the words *hubuubur riih*, meaning *muruuruha* (wind travel). Therefore, the word gift is used when giving to other people, whether in the form of property or not (Nor Mohammad Abdoeh, 2020). In legal terms, a gift is a contract (agreement/agreement) that requires the voluntary transfer of ownership of assets from one living individual to another without compensation (Harun, 2017). Grants given more than 1/3 of assets are contrary to the provisions of Article 210 paragraph 1 KHI, which states that a person can only donate a maximum of 1/3 of their assets to other people.

In Jurong Baro Village, Pidie Regency, Aceh Province, *hareuta peunulang* is still given based on the provisions of local customary law. *Hareuta peunulang* is considered a gift. Unlike general customs, in Jurong Baro Village, boys receive *peunulang*, just like girls. Boys are given rice fields or land, while girls are given *peunulang* houses (Iskandar, n.d.). It is interesting to research because the practice of providing *hareuta peunulang* in Pidie Regency society is generally identical to girls.

The people of Jurong Baro Village have varying understandings of *hareuta peunulang*. Some consider it a gift, such as understanding customary law. Others also consider them heirs. According to research data, 2 (two) of the 7 (seven) informants interviewed carried out *hareuta peunulang* as heirs. Meanwhile, 5 (five) other informants equated *hareuta peunulang* with a grant. However, if calculated, the amount of giving *hareuta peunulang* practiced by 5 informants exceeds the requirement of 1/3 of the assets. Thus, there is a dissimilarity in public perception of understanding *hareuta peunulang*, resulting in a debate between gift and inheritance laws in Islam.

The Messenger of Allah advised that the guiding concept governing giving gifts from parents to their offspring must be the same. Even if they are differentiated, they must mutually agree to do so (Rusydi, 2017). Imam al-Syafi'i strongly recommended giving gifts to children of the same value (*taswiyah*) and was prohibited from providing children gifts that were too large. Imam al-Syafi'i emphasized that the law of *taswiyah* (leveling) is sunnah and that giving grants in an excessive manner (*tafdil*) is hated (Noor Syahida Abdul Rahman, Mohd Musa Sarip, 2021). Divining inheritance and gifts is always a debate within the family and often leads to fights. Heirs carry out many inheritances in the Indonesian Muslim community, who use the alternative of giving a gift to a child (Isnina, 2021). Viewed from the perspective of justice regarding Islamic Inheritance, giving *hareuta peunulang* is an effort to balance the provisions of Islamic inheritance law (*faraid*), which is based on the fact that a son's share is twice that of a daughter. Generally, people follow and obey the rules of Islamic inheritance law, which gives a more significant portion to sons than daughters. Based on this understanding, according to customary law and Islamic law, this gift already upholds justice because boys get a more significant portion of Islamic Inheritance. In contrast, girls get *hareuta peunulang* as a balance.

Research focuses on giving *hareuta peunulang*, and giving *hareuta peunulang* can be a risk management strategy for girls in Aceh. The study aims to determine Islamic law's view regarding giving *hareuta peunulang* and whether it is classified as a gift or inheritance. This research is essential because in providing *hareuta peunulang* in Aceh, there are still differences in understanding about gifts and inheritance, which results in legal inequality.

## 2. Literature Review

The Acehnese people, famous for their strict application of Islamic law, have different customary orders and patterns from other regions. There are two significant factors in Acehnese society: sharia-based customs. The giving of *hareuta peunulang* is taken from traditional and Sharia values (Dinda Kania Anggraini, 2023). The custom of giving *hareuta peunulang* grants to girls in the Acehnese community has been carried out since the Aceh Darussalam Kingdom until now (Munadi Usman, 2020). *Hareuta peunulang* is still a custom that is implemented and adhered to by the people of Aceh, but its implementation varies depending on the culture of the community. The traditional *peumeugkleh* (separation) ceremony is no longer carried out (Lulu Munirah dan Teuku Muttaqin Mansur, 2017).

*Hareuta peunulang* consists of a house, land, garden, household equipment, livestock, or other forms of assets that can be used as capital in living a new life after getting married and separating from their parents (Mohd. Kalam Daud & Rahmatul Akbar, 2020). The type of gift follows the parents' economic capabilities. Generally, the house is the main object in giving *hareuta peunulang* (Miranti et al., 2022).

Mohd Kalam Daud assessed that from the perspective of Islamic law, this gift contains beneficial values, such as fostering harmony, preventing divorce, and strengthening brotherhood between nuclear families. Providing these assets has been proven to protect women economically, socially, and psychologically. The daughter who is given will have her life, dignity, and even her children protected if she is abandoned by her husband (Mohd. Kalam Daud & Rahmatul Akbar, 2020).

There is no difference between giving *hareuta peunulang* and gifts in Islam. Peunulang is given when the parents are still alive and takes effect when the parents have died. Therefore, girls are prohibited from entering into rental agreements, sale and purchase agreements, and other contracts that eliminate the child's right to use them to donate property (Daud & Akbar, 2020). Hence, the child who receives the property only has the right to use it (Zaitun Muzana et al., 2020). This rule is also seen in the family agreement that implements the traditional practice of *hareuta peunulang*, so several cases of *hareuta peunulang* were considered Inheritance (M. Roem Syibyl et al., 2020).

In Islamic law, giving *hareuta peunulang* to girls by their parents is, in theory, appropriate and does not violate religious provisions. However, several disputes arose from the traditional practice of *peunulang* being given more than 1/3 (one-third) of assets (Ilyas, 2016). Settlement of *hareuta peunulang* disputes can be achieved through formal litigation in religious courts (Syar'iyyah Court) and non-litigation through *gampong* customary courts or customary courts under the customary laws that exist in Acehnese society (Miranti et al., 2022). *Gampong* customary courts in Aceh have systematic conflict resolution procedures, including discussions between the local government and the heirs. *Gampong* customary justice is essential in resolving conflicts at the *gampong* level (Court et al., 2024).

Considering the limited research examining the unequal perceptions of society in understanding *hareuta peunulang*, this has resulted in a debate between gift and inheritance laws in Islam. So, this research aims to fill this gap, which can be used as new research to differentiate it from previous research.

### 3. Research Method

This research uses empirical legal studies (socio-legal). Empirical legal research is related to the actual application of law in society (Abdulkadir Muhammad, 2004). The practice of giving possessions is the focus. This research uses a descriptive approach because the researcher describes the community's practice of providing *hareuta peunulang*. In addition, the researcher also described how giving *hareuta peunulang* was perceived as an object of research. Research with a descriptive/narrative approach is a systematic process of collecting information or data about the practices and perceptions of the community (Suwardi Endraswara, 2006). A descriptive approach is also essential to understanding and articulating Islamic society's reality, including concepts, behavior/customs (customary law), and artistic production (Tampubolon, 2021). The descriptive/narrative approach is appropriate and relevant in this research, which examines Islamic law and *hareuta peunulang* customs.

The research was conducted in Jurong Baro Village, Pidie Regency, Aceh Province. The choice of location was considered because the practice of giving *hareuta peunulang* in Jurong Baro Village, Pidie Regency, Aceh Province, was still being implemented (Makhrup, 2024). A purposive sampling technique is used to select informants with characteristics or experiences relevant to the research topic. They must be key people who know issues regarding *hareuta peunulang*. Primary data in this research is the results of interviews obtained directly from the community. Data was obtained through observation and interviews (in-depth interviews) using an unstructured list of questions. There were 9 informants interviewed. The names of the informants are Iskandar (Iskandar, n.d.), *Keuchik* (Village Head) of Jurong Baro Village, and M. Gade Husein (M. Gade Husin, n.d.), as Head of *Tuha Peut* (Traditional Councilor) of Jurong Baro Village. They are figures who are often involved in handling *hareuta peunulang* affairs. Other informants interviewed were: Kaoy (Kaoy, n.d.), Muchsin (Muchsin, n.d.), Rosmiati Abdullah (Rosmiati Abdullah, n.d.), Sakdiah (Sakdiah, n.d.), Helmiah (Helmiah, n.d.), Zainal Abidin (Abidin, n.d.), and Idawati (Idawati, n.d.). Data were analyzed using a qualitative descriptive approach. After the data is collected, the researcher describes the

data. At the same time, researchers also carried out data categorization and reduction. After that, an interpretive analysis was carried out. If the data is still lacking, the researcher retorts the data collection process. This process is called the interactive cycle.

#### 4. Results

##### a. Practice of Giving *Hareuta Peunulang*

*Hareuta peunulang* is a gift from parents to their daughters who are about to get married or are already married while the parents are still alive. However, in reality, boys are included in the gift of *hareuta peunulang*. Girls are often given more than boys. *Hareuta peunulang* is provided in the form of immovable objects that can be used by the family, including houses, land, gardens, rice fields, and so on. Giving depends on the parents' abilities (Aufa Miranti, Teuku Muttaqin Mansur, 2023). Similar giving practices are also carried out in several other areas, such as the *perpatih* tradition in Negeri Sembilan, Malaysia.

In contrast to the Temenggung tradition, which follows the father's lineage in inheriting property, the community in the Perpatih tradition follows the mother's lineage system (Shamsuddin Ahmad, Kamarul Afizi Kosman, 2019). Not only in Negeri Sembilan, but in several areas of Melaka, areas such as Naning also practice it. This personalization is an old practice passed down from previous generations. Community elders pass on the knowledge of *perpatih* traditions orally to their descendants (AW RADZUAN, 2023). The Minangkabau people, who live in the western region of Sumatra Island, Indonesia, are believed to be the originators of this custom. Perpatih custom covers all aspects of tribal life, including social structure, criminal justice, muamalat, inheritance distribution, and interpersonal relationships (Gunardi et al., 2017). Like the Minangkabau inheritance system, which tends to be matrilineal, the *perpatih* custom of dividing inheritance also prioritizes the female lineage. Assets in the form of houses and traditionally inherited land are generally given to the youngest daughters (Wan Rushdan et al., 2023). In short, the *perpatih* custom that makes Negeri Sembilan and several other regions in Malaysia is similar to giving *hareuta peunulang*, carried out in Jurong Baro Village, Pidie Regency, Aceh Province.

The people of Jurong Baro Village practice giving *hareuta peunulang*, which is also given to men. Some parents expressed their fear that their absence (death or divorce) might make their children jealous as a reason for giving them *hareuta peunulang* (Moechthar et al., 2022). The people of Jurong Baro Village have varying opinions regarding *hareuta peunulang*. Even so, they usually consider *hareuta peunulang* as parents' gifts to their children. *Hareuta peunulang* will be given to boys and girls. What makes the difference is the type of *hareuta peunulang* provided (M. Gade Husin, n.d.). *Peunulang* is given to women in the form of a house and yard. Meanwhile, *peunulang* is given to men through gardens or rice fields. Women are given a place to live because, in Pidie, daughters are usually the ones who will take care of their parents in the future.

Every married girl in Jurong Baro Village will receive a house from her parents - the structure (house) and the land on which it is built. If the girl's parents are wealthy, they will also give cash/business capital to their child in addition to the house. This house is a gift with practical application. Parents also want their daughters to live close to them so their grandparents can look after their grandchildren while their parents work. Thus, the girl's parents' house and the *peunulang*'s house are close (M. Gade Husin, n.d.). If a girl's parents can only provide a house, usually the parents donate the house to a house for people experiencing poverty.

Before providing a *peunulang* house is completed, the girl and her partner will live with the girl's parents for two to three years or until the first child is born. It all depends on family consensus. After the specified time is up and they can build a new family, the

husband and wife will be separated from their parents (*geupeumeukleh/peumeugkleh*) (M. Gade Husin, n.d.). In short, *peumeugkleh* separates the central kitchen from the kitchen used by husband and wife. Alternatively, this could be seen as a situation where parents allow their daughter to set up a home independently. Youth leaders *Tuha Gampong*, and *Keuchik* were brought in to carry out the *peumeugkleh* procedures. On this occasion, parents will share what they will offer their children who will be separated at that time (Aufa Miranti, Teuku Muttaqin Mansur, 2023). The steps taken in giving *hareuta peunulang* are as follows: The head of the family holds a discussion/deliberation between family members.

1. If all parties have approved the decision, *Ureungtuha Gampong* is summoned by family members to inform them about the *hareuta peunulang* gift, which each individual is entitled to receive according to the results of deliberations in an event called the annual kenduri.
2. After *Ureungtuha Gampong* discovered that the next *Keuchik* and Chairman of *Tuha Peut* would be involved in this situation.
3. *Keuchik* provides opportunities for family members who receive *hareuta peunulang* so that conflicts do not occur in the future for families who receive *hareuta peunulang*.
4. Because the *Keuchik* and members of the *Tuha Peut* are in control, the *Keuchik* must make an official statement or letter signed by the *Keuchik*, the Chairman of the *Tuha Peut*, and the family members who will receive the *hareuta peunulang*, witnessed by all family members present at the deliberation event (M. Gade Husin, n.d.).

Only heirs and family members currently participate in giving *hareuta peunulang* in Jurong Baro Village. The family will then ask the *Keuchik* and village traditional officials to sign the *peunulang* grant deed. The following is a table of the practice of giving *hareuta peunulang* in Jurong Baro Village based on the results of interviews with 7 informants:

Table 1. The Practice of Giving *Hareuta Peunulang* in the Village Jurong Baro

No	Giver	Recipients and Types of <i>Peunulang</i>	Classification of Giving
1	Rusli dan Kaoy	1. Tarmizi / Soil 2. Fitri / House 3. Azhari / land 4. Zarkiyyah / House 5. Ainun / House	Inheritance
2	Zakariyya dan Aisyah	1. Kamaliyyah / Houses and Rice Fields 2. Muchsin / Land and Rice Field 3. Masykur / Land and Rice Field 4. Zubir / Land and Rice Fields 5. Lukman / Land and Rice Field	Grant
3	Abdullah Badal dan Sapiyah	1. Saidah Abdullah / House 2. Rosmiati Abdullah / House 3. Fauzi Abdullah / Rice field 4. Marzuki Abdullah /Rice Field	Grant
4	Ahmad bin Yakob dan Khadijah	1. Sakdiah / Land and Rice Field 2. Helmiah / Land and Rice Field 3. Faridah / Land and Rice Field	Grant
5	Muktar Risyad dan Helmiah	1. Afrizal / Rice Field 2. Faisal / Rice Field 3. Januar / Rice Field	Grant

		4. Musrina / Land and Rice Field	
6	Abdurrahman Ali dan Hafsa	1. Suryati / Rice Fields and Land 2. Nurjani / Land and Rice Field 3. Idawati / Rice Field and Land 4. Riswandi / Rice Field and Land 5. Inavianti / Rice Field and Land	Waris
7	Tgk. Amin dan Siti Maryam	1. Abdullah / Rice Field and Land 2. M. Jakfar / Rice Field and Land 3. Razali / Rice Fields and Land 4. Zainal Abidin / Houses and Rice Field	Grant

Based on the table above, two of the seven informants classified *hareuta peunulang* as inheritance, and the other five informant classified it as a gift. According to customs in Jurong Baro Village, if a family has more than one daughter but only one house, *tulak meunulak* will be carried out. The stage where a woman has to pay house expenses to another daughter is called *tulak meunulak*. *Tulak meunulak* was carried out by the families of Rusli and Kaoy, who were among the informants. Kaoy can only provide one house for his three daughters. As the youngest child in this case, Ainun handed over to her two older sisters, Fitri and Zarkiyah, an amount equal to the house's purchase price (Kaoy, n.d.). In Jurong Baro Village, *tulak meunulak* is still carried out by the local community if the situation is comparable to Rusli and Kaoy's family. It is also adjusted to the family agreement.

Providing girls with a place to live also helps protect them from calamities such as divorce and death. If the husband dies or the wife gets divorced, she still has the house in her name. The wife can raise and educate her children in the home provided by her parents (M. Gade Husin, n.d.). It serves as parental protection for girls. Parents ensure that their daughters can continue to lead honorable lives in the event of unfortunate circumstances such as divorce or death. Giving the daughter her husband left behind in the form of *hareuta peunulang* is another name for risk management on the part of the parents. Sometimes, parents in Jurong Baro Village who do not have daughters also provide *peunulang* houses to their youngest sons, as the families of Tgk Amin and Siti Maryam did.

### b. *Hareuta Peunulang* as a Grant

In general, in Acehnese custom, *hareuta peunulang* is also called grant (M. Gade Husin, n.d.). Grant is the masdar form of the word *wahaba*, which appears 25 times in 13 letters in the Koran and its derivatives. *Wahaba* is Arabic for "to give," and if the subject Allah SWT is used, it means "to give a gift" or "to bestow" (Rofiq, 2013). Grant has the etymological meaning of passing or distribution from the hands of the giver to the hands of the recipient (Muhammad Ajib, 2019). According to Sharia language, a gift is the direct and absolute transfer of ownership rights to an object to someone without payment, even though that person has a higher rank (Nor Mohammad Abdoeh, 2020). Judging from Table 1, five families categorized the giving of *hareuta peunulang* as a grant.

There is no legal basis for discussing grants in depth. However, this is essential advice to encourage someone to share some of their wealth (sustenance) with other people. The Qur'an implies that those given sustenance must give part of their wealth to others (Rofiq, 2013). A gift is a voluntary and uncompensated transfer of assets from one person to another living person, as explained in Article 171 letter g of the Compilation of Islamic Law (KHI) (Rofiq, 2013). In another sense, a gift is from someone still alive to the person desired by the grantor.

A gift is a property from someone during their lifetime to benefit other people, charitable or religious institutions, and their heirs. The goal is to give without expecting anything in return throughout one's life. From this perspective, bequests are ordinary gifts

and do not fall within the definition of inheritance. According to this definition, a gift is made by someone still alive, but inheritance can only be done if the testator has died (Ali, 2014). The conditions of the grantor, the recipient of the grant, and the goods donated are the terms and conditions of the grant.

The pillars of gifts used by most Ulama are: the person who gives or grants (*al-wahib*), the person who is given or receives the gift (*al-mauhub lahu*), the object given or gifted (*al-mauhub/al-hibah*) and greetings in consent (*sighat*) (Nor Mohammad Abdoeh, 2020). According to the imams of the school of thought, a gift is valid if it is made in the following 3 (three) ways: *Ijab*, *Kabul*, and *Qabduh* (delivery of the donated item). Therefore, gifts are considered invalid by Hanafis, Syafi'iis, and Hanbalis unless these three conditions are combined. According to Maliki, a gift to be valid only requires consent and acceptance, not *Qabduh* (handover of the donated item) (Rosnidar Sembiring, 2016).

Grants can be given by anyone who can carry out legal activities themselves without pressure from other parties (legally competent). Parents can also make grants to their children. Compilation of Islamic Law article 211 allows such gifts to be counted as Inheritance (Rofiq, 2013). Gifts can be counted as inheritance from parents to their children.

Grants can be presented orally in the presence of two qualified witnesses. However, to achieve legal certainty, the implementation should ideally be carried out in writing, under the recommendations of the Al-Quran surah Al-Baqarah (2) verses 282 and 283 (Ali, 2014). The implementation of the granting of *hareuta peunulang* in Jurong Baro Village was conveyed orally in the presence of two witnesses who met the requirements and witnessed by all the heirs concerned.

The giving of *hareuta peunulang* is not regulated by law or Islamic law but by customary law in Aceh (Ilyas, 2016). People in Jurong Baro Village consider giving *hareuta peunulang* the same as giving a gift before the person giving the property dies. The Zakariyya/Aisyah family (Muchsin, n.d.), the Abdullah Badal/Sapiyah family (Rosmiati Abdullah, n.d.), the Ahmad bin Yakob/Khadijah family (Sakdiah, n.d.), the Mukhtar Risyad/Helmiah family (Helmiah, n.d.) and the Tgk. Amin/Siti Maryam (Abidin, n.d.) has implemented *hareuta peunulang* as a grant. However, the five families still left some assets to be passed on to their heirs.

### c. *Hareuta Peunulang* as Inheritance

Grants and inheritances are closely related, as previously mentioned. The word "*mawaris*" is the plural form of "*mirats*," namely heirlooms left by a deceased person and given to the family who are his heirs. The term *muwarits* refers to a person who inherits the inherited property. *Warits* are those who are eligible to receive an inheritance. *Faraidh* is the plural form of *faraidhah*. This word comes from *fardhu*. Fiqh experts state that *fardhu* is a specific portion for heirs that has been determined by sharia', such as half (*nishfu*), a quarter (*rubu'*), a third (*tsuluts*), a sixth, and so on (Turmudi, 2015).

Inheritance is the process of transferring the assets of a deceased person to a recipient with a specified number and size of shares. The inheritance uses a testamentary distribution mechanism. If there is no will, the share's amount or size is determined based on the inheritance distribution mechanism (Shahrur, 2015). In contrast, inheritance law is the law that controls how the assets of a deceased person are distributed and the implications for the heirs (Perangin, 2016). So, the time to distribute inherited assets is after the heir dies and carrying out the heir's obligations, namely, paying the heir's funeral costs, paying off the heir's debts, and carrying out the heir's will, not exceeding 1/3 of the assets left behind.

The Al-Qur'an and Hadith are fundamental sources of heritage in Islam, which are then elaborated by experts in Islamic jurisprudence through the ijtihad of Ulama in time, space and time, context and social conditions (Iman Jauhari, 2021). Al-Quran verses explain inheritance, namely Q.S. 4 [An-Nisa]: 11, Q.S. 4 [An-Nisa]: 12 and Q.S. 4 [An-Nisa]: 176: (Syuhud, 2018). When an heir receives an inheritance, these verses detail each heir's portions. The three pillars of inheritance are as follows: Death of the testator (*al-muwarrits*), either actually or legally;

- a. Those who inherit or heirs (*al-waris*), namely those who live after the death of the testator;
- b. inheritance (*al-mauruts*) refers to the inheritance left by the heir after his death (Syuhud, 2018).

Two informants interviewed practiced giving *hareuta peunulang* as an inheritance. They reasoned that because they no longer had the property that could be inherited, there would be no dispute between the heirs if the giver of the property died. The Rusli/Kaoy family (Kaoy, n.d.) and the Abdurrahman Ali/Hafsa family (Idawati, n.d.) have practiced this. The gift of *hareuta peunulang*, which was also used as an inheritance by the Rusli and Kaoy families and the Abdurrahman Ali and Hafsa families, was approved by all the heirs of the two families.

## 5. Discussion

### a. *Hareuta Peunulang* between Grants and Inheritance

The Ulama has different views regarding giving/donating someone's property. Adherents of Maliki, Isaac, and Imam Ahmad forbid anyone from dividing their wealth unfairly among their children. According to different points of view, providing equal support to all children is sunnah. But giving too much to one child is *makruh*. Jumhur Ulama's view is that someone can give away all their assets.

Meanwhile, Muhammad Ibnu Hasan believes that handing over all his property, even if done for good, is invalid (Rahmita & Budiono, 2017). Most Islamic law experts agree that there are no restrictions if gifts are given to legal entities or other people (other than heirs). However, Imam Malik and Ahlu al-Zahir said that providing a gift to just one child is not permissible, while Fuqaha Amsar stated that it was *makruh* (Abdoeh, 2018). Most Ulama generally agree not to give all their assets to just one heir.

The 1/3 limit of assets, explained in the KHI (Compilation of Islamic Law), is the result of the opinion of Indonesian Ulama based on benefit. However, it is not stated explicitly in the Qur'an and Hadith. The 1/3 provision must be implemented textually, becoming a formal regulation (Jajuli, 2015). Compilation of Islamic Law article 211: "Gifts from parents can be counted as inheritance." However, no verse in the Koran or Hadith explicitly permits giving gifts as inheritance. If the Compilation of Islamic Law has confirmed this, then the habit/behavior is considered good or socially acceptable by society (Rofiq, 2013). So, if the gift of *hareuta peunulang* is used as an inheritance under Article 211 KHI, then this is permitted.

In theory, access to justice is possible with the definition of a gift from parents to children as a substitute for Inheritance in Article 211 KHI. Even though it has been determined in normative law, inheritance is only given to heirs through the proper channels. The development of Islamic law in Indonesia has become the driving force behind the distribution of gifted assets to children as a substitute for inheritance. Discussion of the renewal of Islamic law towards the rule of justice cannot be separated from the depiction of Islamic law itself (Sakirman, 2018). The essence of the gift has nothing to do with inheritance unless it turns out that the gift will affect the interests and rights of the heirs (Ali, 2014). However, as already mentioned, Article 211 of the

Compilation of Islamic Law allows gifts from parents to their children to be used as inheritance. The heirs' consent is the most crucial thing in giving a gift.

### ***b. Hareuta Peunulang as Risk Management***

Grants can be one way to avoid perceptions of injustice during the inheritance distribution process. In this situation, the heirs can receive a gift from the giver before the giver dies because they cannot receive the deceased person's inheritance for other reasons (Ali, 2014). Acehnese customary law adopts the provision of *hareuta peunulang* as a form of justice, respect, and protection for women (Munira et al., 2018). So, grants can be used as a risk management strategy for heirs whose inheritance is blocked. The people of Jurong Baro Village also apply this strategy to give *hareuta peunulang*. Giving *hareuta peunulang* is their way of reducing the potential negative impact of their children's marriage. If an event such as death or divorce occurs, their children still have the assets to live independently with their descendants.

The tradition of giving *hareuta peunulang* was developed to balance the tendency of male inheritance. Legally, these assets are not included in the parents' inheritance and do not reduce the daughter's inheritance rights, even though they can be considered part of the Inheritance (Ilyas, 2016). This understanding shows that Acehnese customary law upholds justice and gender equality and respects women when giving *hareuta peunulang*.

Most scholars agree that it is sunnah for parents to be fair and equal in giving to their children. Parents who discriminate in terms of Inheritance and legal gifts are makruh. However, if parents plan to exaggerate, it must be with the heirs' consent. Considering the prevalence of giving *hareuta peunulang* in Jurong Baro Village, Glumpang Baro District, Pidie Regency, it is natural that each family in the village has a different view about how much *hareuta peunulang* should be given to each child. Of the 7 (seven) informants interviewed, not all gave the same number of repeaters for each of their children. They consider in terms of priorities which of their children has the most material needs. Moreover, everything is done with the consent of the other heirs.

The results indicate that *hareuta peunulang* functions as both an economic and social safeguard for women in Acehnese society. Nonetheless, its execution is frequently discordant, with conflicts commonly emerging between male and female beneficiaries. Comparable inheritance disputes have been recorded in India, where the allocation of familial assets frequently incites discord among siblings. In Ghana and Tanzania, legislative measures have been instituted to uphold matrilineal inheritance traditions, ensuring that female heirs retain authority over land and safeguarding against expropriation by patriarchal forces. The comparison of Acehnese, African, and Middle Eastern inheritance customs indicates that gender-sensitive inheritance practices are worldwide important for influencing economic security and societal stability.

Islamic law, especially Ibn Qayyim's legal theory, underscores the necessity of reconciling textual faithfulness with social welfare (maslahah). In the context of *hareuta peunulang*, this entails ensuring that the practice is congruent with both religious doctrines and the modern exigencies of society. The adaptability of Islamic law, exemplified by nations such as Tunisia and Morocco, has facilitated legal reforms that enhance women's inheritance rights while preserving compliance with Islamic tenets. The continuous discourse in Aceh regarding *hareuta peunulang* underscores the necessity for a legal framework that harmonizes traditional practices with Islamic doctrine, guaranteeing equitable treatment of all heirs. Contrasting these findings with research from alternative legal traditions illustrates the variety of methodologies regarding inheritance and property allocation. Islamic and matrilineal traditions prioritize gender-sensitive distribution of assets, whereas Western legal frameworks predominantly emphasize contractual arrangements and legal wills.

In the United States, estate planning laws permit individuals to allocate assets using legally binding papers that may favor specific heirs while complying with legal constraints. The disparity between these systems offers significant insights into how other communities reconcile tradition, legislation, and economic equality in inheritance customs. This study's originality is found in its cross-cultural examination of *hareuta peunulang* within a global context. This research analyzes inheritance norms in Aceh in conjunction with those in Africa, the Middle East, and the West, emphasizing the wider ramifications of gender-sensitive property rights. The study further contributes to the discourse on Islamic legal reform by illustrating how cultural traditions might be integrated within an Islamic legal framework to tackle modern societal issues. Future study should investigate policy solutions that align customary inheritance processes with statutory legal frameworks to guarantee equitable and sustainable property distribution.

## 6. Conclusion

Giving *Hareuta peunulang* is a form of parental protection for daughters so they can live an honorable life if lousy luck occurs, such as divorce or death. It is a form of risk management for parents and their daughters. The community agrees that *hareuta peunulang* is a tradition that benefits their descendants. The *hareuta peunulang* that parents give their children is likened to a gift. The terms and conditions of the grant are fulfilled in the process of granting *hareuta peunulang*. Article 211 of the KHI confirms that "gifts from parents can be counted as inheritance." When viewed from the perspective of Islamic law, the Al-Quran and Hadith do not prohibit giving *hareuta peunulang* in Jurong Baro Village. The fact that a gift can only be up to 1/3 of the assets does not make it unlawful. Because grant restrictions are not a condition or pillar of the grant.

Giving *hareuta peunulang* is a matter of ijtihadiyah. Therefore, we must respond to differences of opinion with objectivity. Giving *hareuta peunulang* is valid according to Islamic law. To resolve disputes over implementing *hareuta peunulang*, stipulating that 'gifts must not exceed one-third of assets,' the grants can be made in stages. Therefore, the gift limitation is not violated if more than one-third of the assets are not included. Apart from that, this is under KHI article 210, paragraph 1, which regulates that a person may only give away a maximum of one-third of his assets. *Hareuta peunulang* must be given relatively to avoid conflict in the future.

This study has limitations. Several recommendations for further, more comprehensive research require more informants. The research location must also be expanded to other areas in Aceh, where *hareuta peunulang* is implemented. This issue also requires regional government policy proposals to document *hareuta peunulang* or provide customary law training to the community to maintain justice and provide more significant understanding in providing *hareuta peunulang*.

## 7. References

Abdoeh, N. M. (2018). Hibah Harta Pada Anak Angkat: Telaah Sosiologis terhadap Bagian Maksimal Sepertiga. *Cakrawala*, 13(1), 1. <https://doi.org/10.31603/cakrawala.v13i1.1843>

Abdulkadir Muhammad. (2004). *Hukum dan Penelitian Hukum*. Citra Aditya Bakti.

Abidin, Z. (n.d.). *Wawancara selaku Penerima Hareuta Peunulang*.

Ali, Z. (2014). *Hukum Perdata Islam*. Sinar Grafika.

Aufa Miranti, Teuku Muttaqin Mansur, S. T. (2023). *Dominasi Hukum Negara Terhadap Hukum Adat*. Bandar Publishing.

AW RADZUAN. (2023). the Intergenerational Knowledge Transfer in Safeguarding the Customary Law of Adat Perpatih in Negeri Sembilan, Malaysia. *Lex Humana*, 15(3), 165-181.

Court, C., Bin, F., & Ismail, H. (2024). *Al-Risalah CUSTOMARY AND ISLAMIC PRACTICES IN INHERITANCE DISTRIBUTION: Insights from The Gampong*. 24(2), 1-16. <https://doi.org/10.30631/alrisalah.v24i2.1544>

Daud, M., & Akbar, R. (2020). *Hareuta Peunulang: Protection of Women in Aceh according to Customary and Islamic law*. 4, 259-281. <https://doi.org/10.22373/sjhk.v4i1.5921>

Dinda Kania Anggraini, D. (2023). Pembagian waris masyarakat Aceh Hareuta Peunulang menurut hukum adat. *Indonesia Journal of Social Sciences and Humanities*, Vo. 3(2), 74-79.

Gunardi, S., Mochammad Sahid, M., Mohd Nor, A. H., Ab. Rahman, A., Abdul Rab, M. A., Ali, M. M., Wardi, F., Nik Wajis, N. R., & Hami, M. I. (2017). Konsep Al-Adah Muakkamah Dalam Pewarisan Tanah Adat Menurut Adat Perpatih Di Malaysia. *Malaysian Journal of Syariah and Law*, 5(2), 161-177. <https://doi.org/10.33102/mjsl.vol5no2.67>

Harun. (2017). *Fiqh Muamalah*. Muhammadiyah University Press.

Helmiah. (n.d.). *Wawancara selaku Pemberi Hareuta Peunulang*.

Idawati. (n.d.). *Wawancara selaku Penerima Hareuta Peunulang*.

Ilyas. (2016). Analisis Penyelesaian Hareuta Peunulang Menurut Hukum Adat dan Hukum Islam di Kota Banda Aceh. *Kanun Jurnal Ilmu Hukum*, 18(1), 93-107.

Iman Jauhari, T. Mu. A. B. (2021). *Hukum Waris Islam*. Deepublish.

Iskandar. (n.d.). *Wawancara selaku Kepala Desa Jurong Baro*.

Isnina. (2021). Hibah Orang Tua Kepada Anak Dapat Diperhitungkan Sebagai Penganti Waris (Analisis Konsep Maslahah Pasal 211 Kompilasi Hukum Islam). *Proceding Seminar Nasional Kewirausahaan*, 2(1), 899-906. <https://doi.org/http://dx.doi.org/10.30596%2Fsnk.v2i1.8404>

Jajuli, M. S. (2015). *Fiqh Madzhab 'Ala Indonesia*. Deepublish.

Kaoy. (n.d.). *Wawancara selaku Pemberi Hareuta Peunulang*.

Lulu Munirah dan Teuku Muttaqin Mansur. (2017). Pelaksanaan Hareuta Peunulang Menurut Tinjauan Kompilasi Hukum Islam di Kabupaten Pidie, Aceh, Indonesia. *Jurnal Ilmiah Mahasiswa: Bidang Hukum Kependidikan*, 1(1), 118-125.

M. Gade Husin. (n.d.). *Wawancara selaku Ketua Tuha Peut Desa Jurong Baro*.

M. Roem Syibly, Sidik Tono, & Amir Mu'allim. (2020). Reinterpretation to Balance in Inheritance Distribution on Bilateral Kinship in Aceh. *INSLA E-Proceedings*, 3(1), 706-716.

Makhrup, A. G. (2024). Dispute over Sasak Customary Inheritance Rights and the Evolution of Granting Inheritance Rights to Girls. *JILPR Journal Indonesia Law and Policy Review*. <https://doi.org/10.56371/jirpl.v5i2.225>

Miranti, A., Mansur, T. M., Sulaiman, S., & Jalil, F. (2022). Dispute Resolution Model for Granting Hareuta Peunulang through the Customary Court in Pidie Regency, Aceh Province. *Al-Ahkam*, 32(1), 1-16. <https://doi.org/10.21580/ahkam.2022.32.1.10932>

Moechthar, O., Sekarmadji, A., & Katherina, A. M. F. (2022). A Juridical Study of Granting Wills to Heirs in the Perspective of Islamic Inheritance Law. *Yuridika*. <https://doi.org/10.20473/ydk.v37i3.41161>

Mohd. Kalam Daud, & Rahmatul Akbar. (2020). Hareuta Peunulang: Protection of Women in Aceh according to Customary and Islamic law. *Samarah*, 4(1), 259-281. <https://doi.org/10.22373/sjhk.v4i1.5921>

Muchsin. (n.d.). *Wawancara selaku Penerima Hareuta Peunulang*.

Muhammad Ajib. (2019). *Fiqih Hibah dan Waris*. Rumah Fiqih Publishing.

Munadi Usman. (2020). Tinjauan Hukum Islam Terhadap Praktik Hibah Hareuta Peunulang di Aceh. *AL-HUKAMA'*, 10(1), 1-19. <https://doi.org/10.15642/alhukama.2020.10.1.1-19>

Munira, W., Akhyar, M., & Djono, D. (2018). Women's Leadership and Gender Equality in Aceh: A Socio-historical Perspective. *International Journal of Multicultural and Multireligious Understanding*, 5(4), 79. <https://doi.org/10.18415/ijmmu.v5i4.187>

Noor Syahida Abdul Rahman, Mohd Musa Sarip, N. S. A. R. dan H. T. (2021). Hibah Kepada Anak-anak Menurut Imam al-Syafi'i dan al-Syirbini. *Journal of Muwafaqat*, 4(1), 81-92.

Nor Mohammad Abdoeh. (2020). *Hibah dalam Tinjauan KHI, KUHperdata, Sosiologis & Filosofis*. IAIN Salatiga, Lembaga Penelitian dan Pengabdian kepada Masyarakat (LP2M).

Perangin, E. (2016). *Hukum Waris*. PT. RajaGrafindo Persada.

Rahmita, N. M., & Budiono, R. (2017). Analisis Kompilasi Hukum Islam Tentang Tolok Ukur Hibah Yang Diperhitungkan Sebagai Warisan. *Jurnal Cakrawala Hukum*, 8(1), 75-85. <https://doi.org/10.26905/ijdch.v8i1.1733>

Rofiq, A. (2013). *Hukum Perdata Islam di Indonesia*. RajaGrafindo.

Rosmiati Abdullah. (n.d.). *Wawancara selaku Penerima Hareuta Peunulang*.

Rosnidar Sembiring. (2016). *Hukum Keluarga: Harta-harta Benda dalam Perkawinan*. PT. RajaGrafindo Persada.

Rusydi, I. (2017). Hibah dan Hubungannya dengan Kewarisan Menurut Kompilasi Hukum Islam dan Hukum Perdata. *Jurnal Ilmiah Galuh Justisi*, 4(2), 212. <https://doi.org/10.25157/jigj.v4i2.324>

Sakdiah. (n.d.). *Wawancara selaku Penerima Hareuta Peunulang*.

Sakirman, S. (2018). Telaah Hermenutika Pasal 211 KHI dalam Memberikan Access to Justice terkait Hibah dan Waris. *Jurnal Konstitusi*, 15(1), 95. <https://doi.org/10.31078/jk1515>

Shahrur, M. (2015). *Metodologi Fiqih Islam Kontemporer*. Kalimedia.

Shamsuddin Ahmad, Kamarul Afizi Kosman, S. Y. A. & M. N. A. G. (2019). Teras Adat Perpatih Negeri Sembilan Sebagai Satu Keunikan Identiti Warisan Bangsa (' Adat Perpatih ' Negeri Sembilan As A Unique Identity Of National Heritage ). *Asian Journal of Environment, History and Heritage*, 3(2), 271-278.

Suwardi Endraswara. (2006). *Metode, Teori, Teknik: Penelitian Kebudayaan; Ideologi, Epistemologi, dan Aplikasi* (Cetakan Pe). Penerbit Pustaka Widyatama.

Syuhud, A. F. (2018). *Hukum Waris Islam*. Pustaka Alkhairot.

Tampubolon, I. (2021). Perspektif Etnografi dalam Pengkajian Keislaman (Islamic Studies). *Tadbir Jurnal Manajemen Dakwah*, 3(1), 105-120.

Turmudi, A. (2015). *Fiqh Waris Di Indonesia*. CV. Karya Abadi Jaya.

Wan Rushdan, W. N. A. M., Muda, M. Z., & Mohd Kusrin, Z. (2023). The Difference between The Inheritance of Common Heritage and Customary Heritage in The Practice of Adat Perpatih. *International Journal of Academic Research in Business and Social Sciences*, 13(3). <https://doi.org/10.6007/ijarbss/v13-i3/16398>

Zaitun Muzana, Zahri Hamat, & Faisal Husen Ismail. (2020). Pemberian Hareuta Peunulang di Aceh: Analisis Terhadap Pengurusan Hareuta Peunulang. *Jurnal Advances in Humanities and Contemporary Studies*, 1(1), 47-54.