

## ***Pulang Bale* Marriage Traditions and Child Care Issues: A Study of *Ḥaḍānah* and Family Resilience in Aceh**

**Fauzi<sup>1\*</sup>, Lukman Hakim<sup>1</sup>, Ahmad Sunawari Long<sup>2</sup>, Taslim HM. Yasin<sup>1</sup>**

<sup>1</sup>Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

<sup>2</sup>Universiti Kebangsaan Malaysia, Malaysia

\*Corresponding Author: fauzisaleh@ar-raniry.ac.id

| Recieved: 23-01-2023

| Revised: 31-05-2024

| Accepted: 20-06-2024

**Abstract:** *Pulang bale* refers to a marriage that is carried out after death of the spouse (either husband or wife) with his/her siblings. This article aims to analyze *pulang bale* marriages in Aceh in relation to child protection. The facts so far show that many marriage models do not support their protection. To elaborate on this, researchers will highlight how this marriage typology can ensure support for the *ḥaḍānah* and how this typology encourages family resilience in protecting the children. Data was obtained through in-depth interviews and observations using qualitative technical analysts. This research used a *Fiqh Munakahat* and a sociological approach. The results of the research were; first, marriage strengthens the *ḥaḍānah* of children due to blood relationships (*musaharah*) and emotional between the child's mother and stepmother. Second, family resilience is strengthened by the same extended family and there is minimal chance of conflict both economic and social. As a finding, *pulang bale* with the applicable customary provisions is a marriage typology that strengthens the family's commitment and resilience.

**Keywords:** *Pulang bale* marriage, Child care, *Ḥaḍānah*, Family resilience; Aceh.

### **Introduction**

Marriage is a form of *mīṣāqan galīẓan* that means solid agreement in order to live a lasting life in *sakīnah, mawaddah wa rahmah* (serenity, love and affection) (Hori & Cipta, 2019) and it is of great concern to society and the government (Hariyanto et al., 2021) and avoid conflict within the household (Sa'bana & Navlia, 2023). In fact, many marriage ties fall in a relatively short period either due to divorce or separation due to death. The life problems faced by married couples with diverse partner backgrounds such as economic problems (Fauzi, 2017), culture and environment (Vaez et al., 2015) become obstacles to continuing a happy household life. Religious ulemas and traditional institutions strive to find a win-win solution for husband and wife so that they can foster harmony continuously. The tradition of *pulang bale* in Acehnese customs is one of the efforts to continue life for a family because one of their spouses has died. The term for *pulang bale* is to marry a brother-in-law or even marry a sister-in-law if one of the spouses (husband or wife) dies. This term is used with several synonyms. In Aceh Tamiang, this term is called "ganti tikar" as this is also the term used by the *Aneuk Jamee* people. While the people of Alas call it *sambat* (Karmila, 2010). The typology of marriage occurs when a husband/wife whose partner has died, if they still live with their partner's family, they often marry in-laws (Hasjmy, 1979).

The type of *pulang bale*, considered an option and tradition (for strengthening the local wisdom values (Munir et al., 2021), recommendation or provision of a custom is an interesting subject for further study. This is because such marriages are based on the basis of a willingness to marry an ex-wife's sister or ex-husband's brother. This marriage form reflects local wisdom which intends to realize *ḥaḍānah*, a case that often arises after divorce or the death of a parent in the previous marriage and to maintain relationship with the family of the ex-wife or ex-husband. The substance of the issue is better understood when it is read in the context of contextual *fiqh* according to social dynamics (Humphreys, 1991).

In addition to biological functions, social functions are crucial concerning this type of marriage. Newly married couples in a bond are recognized and approved by community member, besides the guardian's approval as a pillar. Husband and wife are able to strengthen human spirit called with *al-nafs al-insāniyyah* (Hj Jaapar & Azahari, 2011) in addition to the *jasadiyyah* aspect, to cooperate with each other and sometimes with other relatives in the household, fostering reciprocal relationships as non-*maḥīẓah* worship (Fauzi, 2020). This principle is integral to Acehnese community groups. One of the purposes of marriage in society is to expand the range of relatives while maintaining existing relationships at the same time. Furthermore, people may feel that their social and religious lives are more meaningful (Michael & Gade, 1998). In the Tamiang's community, one of marriage's goals is to expand the marriage system, known as "*suku sakat kaum biak*" and to strengthen relationships that were considered to have drifted apart. Whereas in the Gayo and Alas communities, the emphasis is on strengthening the clan system, which is called "*belah* (split)" or "*merge*" (Hasjmy, 1979).

So far, the study of *pulang bale* has not been studied in depth, especially in terms of philosophy and the impact on family resilience. Sociologically and anthropologically, research on *adat* and Islamic law has been extensive. A study entitled "Islam dan Akulturasi Budaya Lokal di Aceh Studi terhadap Ritual *Rah Ulee* di Kuburan dalam Masyarakat di Aceh" stated that traditions and a number of cultures in Aceh were acculturated with foreign cultures such as *rah ulee*. Meanwhile, from an Islamic perspective, worshipping grave experts and invoking the spirits of grave experts is something that violates Islamic beliefs (Arifin & @ Hambali, 2016). The sociological study of marriage also relates to dowry, which is an interesting issue. When discussing dowry, Noryamin Aini started with a legal classification. There are two laws; moral and formal elements. These two aspects present the tradition of legal positivism which usually reduces the moral basis and gets stuck in a formal logical construct. This research proves that the practice of dowry law in a number of Islamic societies experiences significant changes and differences across space and time. The form of dowry changed from a money tradition to a tradition of displaying jewelry and religious symbols (Aini, 2014). The discussion of dowry is also linked to what is termed the 'Dowry for Groom' Tradition (Busyro et al., 2023). In this traditional context, the role of traditional leaders (Nurdin et al., 2023) is important to see the synergy between custom and *Fiqh*. No less important is the discussion of children's filiation and its relationship to maintenance and inheritance (Azwar et al., 2024). This discussion is an accumulation of problems where customs and their wisdom are tested by time and place.

If reexamined, traditional concepts such as *patah titi* (Fauzi, 2019), *ḥaḍānah* (Fauzi, 2017), *gala* (Fauzi, 2020), *jeulame* (Hidayat et al., 2020), returning door (Al Farisi et al., 2023) are considered capable of contributing to the resolution of contemporary issues. On the other hand, problems surrounding the family are numerous and dynamic. These issues include the neglect of children's rights after divorce (Kamarusdiana et al., 2023), problems with marriage administration (Mustafid et al., 2024), child marriage (Aziz et al., 2023; Samuri et al., 2022) and education to prevent child marriage (Nurmila & Windiana, 2023), underage widows (Faiz et al., 2023), Sirri Marriage Problems (Zainuri et al., 2023), family instability during pandemics (Elimartati et al., 2023), sexual violence (Danial et al., 2023), marriage within the frameworks of Islamic law and customary law in Legal Pluralism (Anggraeni, 2023), families face contemporary realities and problems in the Islamic world including in Southeast Asia (Nasohah, 2024), public perception of polygamy (Ridwan et al., 2024) and a number of others. *Pulang balee* has also been discussed as the potential concept that could address family problems, especially in terms of provision of gifts and enhancing resilience of the family.

Based on the background of the problem stated above, this article undertakes a comprehensive study of the typology of homecoming marriages. It is expected that this study will offer new alternative solutions to protection problems particularly in Aceh. According to researchers, this problem is not merely a local problem but also a global one. Therefore, researchers focus on *bale* marriages in Aceh in relation to child protection. The research questions addressing this focus are: how can a marriage typology ensure support for the *ḥaḍānah* and how does this typology encourage family resilience in protecting children?

## Literature Review

Among the substances of customary practice in Aceh, especially concerning law, is to ensure that the *ḥaḍānah* process is accompanied by family resilience. *Ḥaḍānah* etymologically means *al-janb* (side, stomach) where the babysitter used to hold him. Whereas according to Sharia, it is educating children who are not yet independent with things that can benefit them and prevent things that harm them (Sadida & Triman, 2019). *Ḥaḍīn* is defined as the person who is worthiest of being a perpetrator of *ḥaḍānah*; women. They are considered the most affectionate and relevant people to provide education, as well as their patience in carrying out this obligation because of their *syafaqah* (affection). In the realm of home education, (Achmad, 2017) The biological mother holds the highest priority of the hadith, followed by those closest to her. Then the father becomes the next priority, this happens if the mother does not meet the conditions of *ḥaḍānah* (Mursalin, 2015) and several other factors (Abdullah & Ismail, 2019).

*Ḥaḍānah* is the process of caring for the child being protecting it from things that have a negative impact and carrying out all the processes that encourage achieving goodness and benefit in the future by meeting needs and avoiding things that can drop them into the destruction. *Ḥaḍānah* is legally an obligation in the word of Allah at-Tahrīm: 6. Indeed, keeping the family from the fire of hell by carrying out the process of coaching them to realize the benefit and protect them from things that can lead to evil is a necessity (Chandra & Andiko, 2020) as mentioned in Qs. at-Tahrīm: 6. The proper perpetrators of *ḥaḍānah* are women. The position of women in the context of *ḥaḍānah* becomes crucial, and it can be transferred to the father's side when the conditions for *ḥaḍānah* are not met by the mother's side (Al-Kandari, 2020).

*Ḥaḍīn* (the perpetrator of *ḥaḍānah*) takes care of his welfare, including food and drink, cleanliness of the physical and mental, taking care of his sleep, his guard and all his needs. Indeed, in essence, *ḥaḍānah* is the obligation of parents, different from education which is not only carried out by the family, also other parties (Afriyani, 2021). There is one other thing related to this research, how is it legal in Islam for someone to marry an older brother or sister-in-law. This is important considering that *pulang bale*, which will be discussed, is related to this issue. As for the law, marrying ex-husbands, brothers' wives, sister-in-law is permissible because they are classified as temporary *maḥram* (people who cannot be married because of blood relations or marrying connection or breastfeeding relationship), not permanent *maḥram*. So, if a divorce has occurred either through a court decision or by death, then their status becomes lawful for marriage (Idris, 2006).

*Ḥaḍānah* then also depends on the public's perception which is further highlighted by the sociology of law. Soekanto (2005) argues that the sociology of law produces a synthesis between law as a means of organization and a means of justice. In its function, law receives assistance from the sociology of law in identifying the social context in which law is expected to function. The sociology of law is expected to provide the ability to understand law in a social context and analyze the effectiveness of law in society. This includes its role as a means of social control, a means of changing society and regulating social interaction in order to achieve certain social conditions and also to evaluate the effectiveness of law in society. This includes forms of child protection which are the efforts of the Government as stated in Law Number 23 of 2002 concerning Child Protection (Jayati, 2020).

The legal system is closely related to a certain society; the rule of law is, in other words, a symptom of society. Judging and the influence of the legal system on other phenomena such as art, language, beliefs and welfare and other aspects from the society is significant. The entire structure of society can become a separate object of the science of law which is called the sociology of law (Sudarsono, 2005). In sociology, there are a number of theories related to this research study. First, functionalism, aims to provide an objective analysis of an action or social actor formed by activity patterns that have a purpose. In studying behavior or social or legal structures, it must be related to manifest functions (the expected consequences of social actions) in relation to latent functions, both unexpected and unknown. Law is a social phenomenon that is independent or dependent on other factors in society. Legal functionalism is not only seen as a framework of social standards, but also seen as something that stands apart from an independent social system (Amiruddin & Asikin, 2014). The theory used includes the *Fiqh Munākahah* approach, in this

case *ḥadānah* in addition to the sociology of law and its content can be studied further in the Compilation of Islamic Law as a reference for community practice (Anggraeni, 2023). In relation to the case being studied, the use of an Islamic legal approach intends to see how the case regarding the implementation of *pulang bale* affects people's lives in an empirical juridical frame. In Islam, there are several things related to the pillars of marriage; the prospective husband, the prospective wife, dowry, guardian and witness. The emphasis here is related to *al-muḥarramāt*, a number of people who are forbidden to marry as mentioned in the Koran. But more than that, whether there are aspects of recommending or not marrying the closest people with a number of considerations. Overall, the point is to help family resilience through various customary practices. As Maputra et al. note, culture has an impact on family resilience in the physical, social, psychological and religious aspects (Maputera et al., 2018).

*Al-'Ādat* is an instrument in building society and it cannot be separated from national and Islamic values (Kamaruddin et al., 2023). *Al-'Ādat*, in the existing typology of marriage, aims to achieve family resilience. Family resilience in society is built by providing some customary terms. In the context of marriage, parents marry their children who have reached the age of sexual maturity, referred to in the Acehese language called *trok umu*. Marriage maturity in Aceh is not solely biological, there are also considerations of social values. Parents who neglect their duty to marry their children, especially girls, so that they become old maids are often ridiculed in society. This spinster status in society is considered to be unlucky. Society's view of the position of widows has a direct influence on marriage. Conditions differ from one region to another. In Mutiara Pidie Subdistrict, it is not so difficult for widows to remarry. Meanwhile, in Jaya District (formerly West Aceh District, now Aceh Jaya) it is difficult for a widow to find a new husband. This really depends on how society's perspective on divorce occurs. In contrast, a widower in Aceh is not that difficult to remarry and often in the not-too-distant time after his wife dies, he remarries (Hasjmy, 1979).

Family resilience is needed in an effort to deal with social problems in society (Warman et al., 2023). This resilience is an illustration of the family's ability to meet their basic needs. In a study conducted in the KB RW 18 village, Kadipiro Village, Surakarta City, for example, the results showed that all respondents had knowledge about family resilience. Knowledge of legal resilience and family integrity related to physical resilience was 80%, economic resilience was 90%, social psychology resilience was 100% and socio-cultural resilience was 80%. This shows that family resilience is relatively high in the mentioned aspects earlier (Musfiroh et al., 2019). Disharmonious factors in the family are one of the causes of divorce. A study shows that there is a need for community understanding of family resilience so that each couple understands the concept and purpose of household optimization of the BP-4 institution in bridging household conflict resolution and strengthening the family joints in social and other economic aspects. This can reduce the divorce rate (Amalia et al., 2018). The resilience perspective helps social workers observe factors outside the family. Among them are physical, economic and social factors that influence families in facing difficulties. An understanding of family power struggles and protective factors helps social work professionals determine certain approaches that are considered effective according to the development of the family (Siahaan, 2012).

Family resilience is viewed from various perspectives. In the traditional view, family resilience is the sum of the resilience of family members. In a contemporary perspective, the emphasis is more on the nature of resilience as a unit. The family resilience framework is highly relevant in clinical practice and provision of social services. Resilience involves strength under pressure from natural crises and prolonged adversity. In addition to overcoming problems, resilience also involves positive transformation and growth in building family relational resilience forming stronger bonds to create more solutions for facing future challenges (Herdiana, 2019).

## Method

This research employed a qualitative methodology with data collection techniques consisting of in-depth interview and observation. The data was reduced to filter out information that was not substantive

or directly related to the research. Following this, the researcher classified and interpreted the data. The data analysis was conducted using descriptive analysis, which was then elaborated and examined in detail using the *Fiqh Munākahah* approach (Islamic Law relating to Marriage) and a sociological approach. Researchers conducted interviews with couples practicing this marriage model, as well as with the traditional and religious leaders. The reason for selecting these interviewees is that couples who practice this marriage model are expected to provide both public and private arguments. Meanwhile, religious and customary leaders are an objective point of view from religion and customs to shedding light on this issue. Additionally, researchers also made observations to understand how this marriage typology is practiced in reality.

## Results and Discussion

“*Pulang Bale*” is derived from the word “*pulang*” which means to return. And “*bale*” which refers to a building on stilts, an open hut. The word “*bale*” originates from the word “*Inoeng Balee*” meaning a widowed woman. *Pulang Bale* is involved a man marrying deceased wife’s sister-in-law. *Pulang Bale* also means that if a wife has died during the promise dowry, then she can be replaced by marrying the wife’s sister or close relative. If no siblings or close family members are available, then search extended to step sister, cousins and other unmarried or widowed females relatives. The term *Pulang Bale* is a widely known in Aceh, although in certain areas of Aceh uses different terms to refer to *Pulang Bale*. For instance, the term meant by marriage *turun ranjang* which is known in Indonesia, “*gantoe tika*” in Southwest Aceh and “*ganti lapik*” in Simeulu (Jakfar & Fakhrurrazi, 2017). It is undeniable that returning to *bale* in marriage in Aceh has a full meaning from a normative religious, sociological and anthropological point of view. The practice of this marriage typology in Aceh is based on several objectives;

### *Pulang Bale* Marriage Supporting *Ḥaḍānah* for Children

The first, the aim of *ḥaḍānah* comes from a religious normative point of view, children need maximum guidance and care so that they can become independent human beings in the future. If one of the parents dies or there is a divorce which can cause at least some impact on their children, then religion requires efforts to anticipate the impact that might occur. Many have seen in real life that a lack of *ḥaḍānah* can lead to juvenile delinquency. Most of them come from families that are not in harmony as a result of divorce and forth. This disharmony indirectly impacts on the deviation of the attitude and behavior of the child and his character development, often leading them to fall into, what is called as the black world, juvenile delinquency, bad life and various other crimes. A number of habits in society as an effort to find solutions and anticipation to the children so they do not to get caught up in various kinds of social diseases that occur in the future. *Pulang bale* is considered a promising solution and offer, although not all of them can prove the effectiveness of this marriage model.

At least in terms of emotional connection, *pulang bale* has a greater impetus for attention and education for children in the future. This encouragement departs from *hadin* (caregivers) who share *nasab* (lineage) with one of the child’s previous parents. For instance, the stepmother is the child’s mother’s sister or brother. *Nasabiyah* relationships facilitate the communication in both material and non-material needs of children’s lives. Based on these considerations, in the case of a husband whose wife has deceased in Aceh, it is usually recommended that he marry his wife’s sister. This matchmaking actually aligns very relevant to Islamic religious guidance in relation to *ḥaḍānah* because in Islam if the mother is not absent, deceased or remarries after a divorce, then the next in line for *ḥaḍānah* is the wife’s mother (maternal grandmother). If she is unavailable, the responsibility then falls to the mother’s sisters. These familial connections often mean that the child already has a close emotional bond with the wife’s sisters. The transfer of wealth from mother to sisters is thereby facilitated. Typically, the wife’s sister loves her nephew more because of her bloodline relationship and also sociological relationship.

If this fact occurs in the wider community and can help foster children, then at a minimum suggestion to carry out *pulang bale* marriages is one of the solutions in dealing with various problems of

juvenile delinquency and nothing else. They are the result of family disharmony including broken homes, divorce and forth.

"My late brother died during the tsunami disaster in 2004, his wife and children, fortunately, survived. Two years later, I was arranged to marry my former sister-in-law, who is now my wife. The consideration from both my family and my wife's family is to reconnect the close bond of the two families that had been quite strong. At that time, I accepted this well-intentioned plan and *alhamdulillah* everything was fine. I also thought at the time that my sister-in-law were later to marry a man from another family, I was worried that my niece might not necessarily receive the same loving care from a stepfather." (Interview with Tengku MA, August 12<sup>th</sup> 2022)

From the discussion above, it can be noted that the family development between the husband and his wife, who is his brother's ex-wife, aims for sustainable family education, especially for children left behind. The noble goal of this marriage is to ensure continuous guidance and care for the children, based on the principle of social interaction that helps one another by looking at the point of view and perspectives that are built. This foundation strengthens the formation of future generations, supported by the parties' strong desire to continue *ḥaḍānah*. Family problems extend beyond the interaction between husband and wife, they encompass the ability to provide a continuous educational function to the next generation. This is crucial because these children are the ones who will continue the relay of life in the future. From the perspective of customs and sociology of law, the wishes of the parties in such a community must be developed and encouraged to improve better social arrangements because the family is the smallest core in a society. A good family institution will provide a strong foundation in a particular community.

*Pulang Bale* is an old customary heritage in Aceh and continues to be developed even with various kinds of dynamics. This is in line with the development of time and age. This philosophy certainly penetrates the void of life lessons when some people only think about the material aspects of family life and often ignore the life of generations. *Pulang bale* is considered a typology of marriage which has a role in the development of future generations. This is realized as practiced by many who uphold this custom.

"*Pulang bale* is a wisdom inherent that exists in the community, even though it rarely practiced now, typically the tradition of *pulang bale* is indeed profound a wisdom mean. The family regulates this *pulang bale* marriage with consideration of the continuity of family relationships. There is also a desire to help both psychologically and economically from the deceased of husband or wife. This is motivated by compassion for seeing their in-law living in hardship and raising their nieces and nephews alone. Thus, there are many benefits derived from the tradition of *pulang bale*, especially from a kinship perspective." (Interview with MA, Kechik Gampong Lamraya Aceh Besar on March 5<sup>th</sup> 2022)

This expression of traditional actors also illustrates a profound sense of responsibility. He feels that generational education and family responsibility are not only thought of by the parties directly involved, but also by the extended family to think about their situation. This is understood from the notion that a family is successful because the ability to cooperate and interact mutually is built modestly so that opportunities for deficiencies can be covered.

Another aspect that is the focus of implementing this *pulang bale* is the coaching of *ḥaḍānah*. As previously mentioned, *ḥaḍānah* refers to the nurturing and development of children who are not yet able to care for themselves. Such children need guidance from other parties, which in the early stages is carried out by his family, husband and wife or mother and father. When they are unable to do so, Islamic law gives a signal that other parties must continue the effort. The absence of *Ḥaḍānah* in the formation of future generations can have fatal and negative consequences for their development. This gesture is often evident in the practice of *pulang bale* to the people of Aceh in particular.

*Ḥaḍānah* and education are expected through *pulang bale* marriage. Interview with R, MA's wife gave such a hint:

"After the tsunami, I have never even thought about grandiose things, I am grateful to have survived, and my child was safe as well. At that time, I thought how to raise children and provide

proper education. I didn't even think about getting married again at that time. But maybe it was because it had been several years since the late husband's family conveyed the plan to set me up with my sister-in-law, so I finally accepted it. At first it was a bit odd because we really knew each other and often joked around within the family.” (Interview with RM, wife of Tengku MA, August 12<sup>th</sup> 2022)

The family, especially the wife, initially had no intention of remarrying. But the factors that encourage the continuity of family life coupled and the potential to educate their children for future generation encouraged them to consider. However, the family actually wants this couple to be united and continue family coaching activities. This is considered because the positive impact will be better in carrying out the duties and obligations as a family coach.

The second, the aim of keeping the inheritance. The factor that prompted the parties to practice *pulang bale* marriage was the large amount of inheritance left by the deceased husband and wife. There was a desire to ensure that the property would then remain the property of the family of the previous wife and would not be transferred to another clan. The impetus to *pulang bale* is the hope that the couple's families and their children will enjoy what the husband and wife have produced before and their efforts can still be enjoyed by the families of the two couples. This approach aimed to prevent conflict of interest, which usually arise when there is a marriage with another family it is possible to have very complicated dynamics in resolving this property issue. But by maintaining connections within the ancestral family context, then the communication will be more intense and easier to establish. With the *pulang bale* marriage system, thus serves to minimize conflicts in the distribution of assets in the future. Also, the assets can be used as much as possible for the needs of the children and their needs, both in the field of education, material and other needs.

The third, the aim of character building. Another factor driving the implementation of *pulang bale* is moral considerations. Often, a good husband in his daily life gets a positive recognition from the wife's family. They hope that the he will not move to another clan. They make an effort so that when the wife dies, the husband will continue to be part of the family or a member of the community. Such consideration often occurs in society because it is not easy for them to find an individual who is tested in the moral integrity (*muamalah*). Also, exemplary worship that has a positive impact on the life of small households and society at large. If this couple has advantages in the field of science, for example and is needed by the local community. They strive to maintain this stature so that they can spread benefits and contribute as community leaders in the future. The *gampong* (village) apparatus will usually try and find a solution to facilitate the husband's marriage to the younger brother or sister of his deceased ex-wife earlier. This ensures the emotional bonds within this family to be guaranteed. In addition, the general public can also benefit from the husband's contribution and dedication if he chooses to remain in the village. This essence can be seen from the following interview results:

“Marriage is sunnah, so as long as the goal of establishing a household is to build a harmony family, everything will be good. Likewise, with this *pulang bale* marriage, if the intimation is for goodness, especially because there is a sense of sacrifice, marrying a widower or the widow of our deceased relative is an extraordinary sacrifice. So, once again, marriage is very dependent on the intention and purpose of the marriage itself.” (Interview with Tgk Muslim, Religious Leader at Lamblang Settlement, November 11<sup>th</sup> 2022)

Usually, *pulang bale* marriages are carried out on the basis of wanting to help and maintain family relationships. It can also be done for the sake of taking care of nephews if the deceased relative has children. So, let the care of the children remain within the family itself, and not worry that something unexpected will happen, such as raising a stepmother or stepfather. But the case of *pulang bale* is now very rare for us to find. This was also revealed in an interview with R (43), MA's wife when asked what prompted her to accept marriage with the younger sister of her late husband?

“Yes, the first one is because I already know his family, and so far, I also often stay at my parents-in-law's house. So, when the plan was conveyed to support me marrying with my deceased sister, I

thought this might be the best fate. After all, I have already known him and there is a resemblance to his late husband. So, I feel that the family ties that have existed so far must be strengthened again. Since the deceased was still alive, my son has been closed to his uncle who is now his father.” (Interview with RM, Isteri Tengku MA, Agustus 12<sup>th</sup> 2022)

### ***Pulang Bale* Encouraging Family Resilience**

Family stability is very important. Efforts to achieve this are done with various things including premarital courses (Bidayati et al., 2020) and *pulang bale* is one form of effort for that. People who practice *pulang bale* usually focus on "how" family development can be cared well and lead to family resilience. The indicator is the progress of the process of fostering children and their future, as well as a dynamic development that is the focus and accommodated in family law (Maimun et al., 2024). This has a very positive effect, especially in building future generations. This type of marriage is recommended considering that many children lose their future without being support of compatible parents.

MA, an interviewee, said that he personally never knew there was such a cynical view. In fact, from the family's side, everyone really pushed for our marriage for good family relations and to keep his late brother's family running normally, as well as my nephew who also needs a father figure in his life. Even if there are cynical views from other people, he doesn't care, the most important thing for him is for the welfare of the family (Interview with Tengku MA, Agustus 12<sup>th</sup> 2022)

The interview shows how focus this couple is in giving full attention on choosing a family without paying too much attention to the baseless ridicule from others. Building a strong family with this emotional relationship helps in finding common ground in the vision and mission of family development. This is a key aspect of this process model. The hope is for continuity and the system belongs to what was built before. This becomes continuity in reaching for a brighter future by referring to the principles that have been built before.

The interview with MA above indicates that there is a relationship between returning home and family resilience. According to him, traditional and religious leaders in this case only comply with the wishes of the family. If both parties have agreed, it must have been thought out wisely with careful consideration. Usually the family will seek the views and approval of those who will remarry this *bale* (widow) and there is no coercion, everything is based on willingness. (Interview with Tengku MA, Agustus 12<sup>th</sup> 2022)

According to Alyasa Abubakar, an Islamic law expert at Ar-Raniry State Islamic University, it holds the opinion that the custom of *ganti tikar* (read: *pulang bale*) is indeed practiced in Acehese society. This means that if someone dies, the family will look for a replacement to marry the partner left by the family itself. Over time, this custom has decreased in frequency compared to the earlier times. Another possibility is that the number of people who died young was greatly reduced compared to previous times. At that time many people who gave birth died young. From a social perspective, Alyasa Abubakar views the practice of *pulang bale* is positively. This suggest that if the child has an emotional bond with the surrogate mother, it can enhance family resilience and the child's future. The question arises whether the new mother can develop a strong emotional relationship with her husband. This means that despite coming from the same sibling, their character and behavior do not necessarily have the same thing in common (Interview with Alyasa Abubakar, November 24<sup>th</sup> 2022)

*Pulang bale*, as an option to help foster family resilience, was experienced by MR who explicitly stated that when his wife passed away in 2012, his household affairs, including caring for his young children were largely manage by the late wife's family (in-laws). Then, he remarried with the young sister of his deceased wife. (Interview with MR, November 21<sup>th</sup> 2022 at Tungkop, Darussalam District). This example illustrates that *pulang bale* marriage does not guarantee family resilience entirely, but there are many factors that help and encourage family harmony, peace and resilience. These supporting factors have been taken into consideration initially, especially by the family and local traditional leaders who endorse this practice. This shows that *adat* plays an important role in family development and child protection. Traditional customs in many places also protect against negative effects on members of their community (Zurnetti et al., 2023).



The supported factors for this customary practice, according to Alyasa, include responsibility for children, not only *ḥaḍānah*, but the continued development of these children in the future. The mother (for example in the case of *pulang bale* to the wife) is not a new person in the family. This means that he is still continuing what was the priority and coaching in the previous period. The economic factor also plays a role, as new spouse (a husband/ a new wife in the case of *pulang bale*) does not initiate inheritance transfer, or division of joint assets, and so on. Thus, in terms of social economy and education have a significant impact. The relationship with family resilience is that this does not start from something new, both in terms of protecting children, economic assets, social wealth, but just continuing what has been previously developed. If the wife is a "newcomer" there will usually be conflicts and adjustments to previous things. Consequently, it will not be easy to continue something that has been programmed before. This model does not have specific recommendations in the guidance of Islamic law but it goes back to the customs that apply in certain places. Psychologically, the practice of *pulang bale* according to Prof Alyasa is beneficial. Although this model is recommended, it cannot be perceived that this model has fewer problems than the other models. In essence, each party must maintain, try and carry out their rights and obligations in accordance with the applicable rules, each party must make adjustments so that the implementation of this educational activity for this spouse can run well. (Interview with Alyasa Abubakar, November 24<sup>th</sup> 2022)

What Alyasa explained can indeed be seen in the fact that not everyone is of the view that this model of marriage can solve family problems, especially in maintaining the resilience of the family. The results of the researcher's interview with ZI illustrate this. According to him, each individual can help continue family programs including education and does not have to marry that partner.

Other interviewee, ZI, expressed how the background of her marriage. She said that after her biological sister died, the family planned to set her marrying with my brother-in-law. The father asked for her approval of the plan to marry her to her brother-in-law with the consideration of helping with the housework and looking after my nephews who were still small at that time. But then she disapproved of the family plan. At that time, she told her father that she wants to help my brother-in-law such as washing, cooking and looking after his children (my nephew) without marrying her brother-in-law. And after a long discussion, she agreed to be married for such consideration. (Interview with ZI, November 19<sup>th</sup> 2022).

These choices are important in interpreting the customary perspective that exists in society. Everyone's contribution to helping other families with the various methods they have is of the essence. Typically, the choice to *pulang bale* is an option that has been practiced in the past and is believed to be one of the factors that can maintain resilience in the family from various perspectives. This custom with all its articulations provides space to be read, studied and practiced in accordance with the times and places. On the other hand, there are a number of processes of this practice does not succeed. This is often due to the fact that the purpose of this process is family development, which does not necessarily require a marriage process. The results of the researcher's interview with the informant showed that there was an awareness and a sense of effectiveness that was built naturally to help and encourage the families of their closest relatives in succeeding in achieving their goals. This also highlights a note in this study that there are two models that can help continuity and sustainability in family development, first; through a formal contract as the marriage process referred to in this study, namely *pulang bale*, second; the emotional connection of harmony and the goodwill of the family to continue to help, nurture and provide attention to future generations without necessarily having formal ties as illustrated by the interview above.

Family and community parties give maximum attention so that each partner lives in fostering his family well. This interview also illustrates how thoughts about the good of the family are carried out and thought by a number of individuals in society who want attention to generational development. This shows that this process is not always the desire of the parties who carry it out, but rather the wishes of a number of community groups. They have a desire to see a better generation. Because of that, the community takes the initiative to carry out this process if both parties agree to it.

## Conclusion

Based on the description above, it can be concluded that *pulang bale* is a typology of marriage that strengthens *ḥaḍānah* (parenting of children) because of the mutual relationship between the biological parent and the stepparent, including emotional ties. Second, this marriage typology, on the basis of this relationship, strengthens the family's resilience in protecting children. Marriage typology can be one solution to the problem of child protection today.

## Acknowledgement

The authors would like to our friends at the Ushuluddin Faculty of Ar-Raniry State Islamic University for their encouragement in writing this article. May Allah reward them.

## Conflict of Interest

This article has no any conflict of interest.

## References

- Abdullah, A., & Ismail, S. N. B. (2019). Faktor-Faktor Gugurnya Hak Hadhanah Kepada Ibu (Analisis Enakmen Keluarga Islam Pulau Pinang No. 5 Tahun 2004 Ditinjau Menurut Kajian Fiqh). *El-Ussrah: Jurnal Hukum Keluarga: Jurnal Hukum Keluarga*, 1(1), 75. <https://doi.org/10.22373/ujhk.v1i1.5565>
- Afriyani, S. (2021). Interdisciplinary Approach In The Study Of Marital Law (Study Of The Determination Of Child Costody). *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat*, 21(2), 219–230. <https://doi.org/10.19109/nurani.v21i2.9738>
- Aini, N. (2014). Tradisi mahar di Ranah Lokalitas Umat Islam tentang Mahar dan Struktur Sosial di Masyarakat Muslim Di Indonesia. *Ahkam*, 14(1), 13–30. <https://doi.org/10.15408/ajis.v14i1.1239>
- Al-Kandari, M. (2020). Ahkam al-Hadanah Dirasah Muqaranah bayna al-Fiqh al-Maliki wa al-Qanun al-Kuwaiti. *Dirasat*, 47(4).
- Al Farisi, U., Fakhrurazi, F., Sadari, S., Nurhadi, N., & Risdianto, R. (2023). Negotiation Between Customary Law and Islamic Law: The Practice of Palang Pintu in The Traditional Marriage in The Betawi Muslim Community. *De Jure: Jurnal Hukum Dan Syar'iah*, 15(2), 268–285. <https://doi.org/10.18860/j-fsh.v15i2.21241>
- Amalia, R. M., Akbar, M. Y. A., & Syariful, S. (2018). Ketahanan Keluarga dan Kontribusinya Bagi Penanggulangan Faktor Terjadinya Perceraian. *Jurnal Al-Azhar Indonesia Seri Humaniora*, 4(2), 129–135. <https://doi.org/10.36722/sh.v4i2.268>
- Amiruddin & Asikin, Z. (2014). *Pengantar Metode Penelitian Hukum*. Rajawali Pers.
- Anggraeni, R. D. (2023). Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints. *Ahkam: Jurnal Ilmu Syariah*, 23(1), 25–48. <https://doi.org/10.15408/ajis.v23i1.32549>
- Arifin, M., & @ Hambali, K. B. M. K. (2016). ISLAM DAN AKULTURASI BUDAYA LOKAL DI ACEH (Studi Terhadap Ritual Rah Ulei di Kuburan dalam Masyarakat Pidie Aceh). *Jurnal Ilmiah Islam Futura*, 15(2), 251. <https://doi.org/10.22373/jiif.v15i2.545>
- Aziz, N., Sholihin, R., & Samoh, M. N. (2023). Child Marriage in Kabang, South Yala, Thailand: Islamic Family Law Perspective. *El-Ussrah: Jurnal Hukum Keluarga*, 6(2), 215–226. <https://doi.org/10.22373/ujhk.v6i2.8699>
- Azwar, Z., Armi, M. I., Zulfan, Bin Jelani, A. B., & Nasri, A. L. (2024). Child Filiation and Its Implications on Maintenance and Inheritance Rights: A Comparative Study of Regulations and Judicial Practices in Indonesia, Malaysia, and Turkey. *Journal of Islamic Law*, 5(1), 62–85. <https://doi.org/10.24260/jil.v5i1.2326>

- Bidayati, K., Jahar, A. S., & Yasin, Y. (2020). Strengthening Family Institution through Pre-Marital Course: Comparative Study between Indonesia and Malaysia. *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan*, 20(2), 147–161. <https://doi.org/10.30631/alrisalah.v20i2.600>
- Busyro, Burhanuddin, N., Muassomah, M., Saka, P. A., & Wafa, M. A. (2023). The Reinforcement of the 'Dowry for Groom' Tradition in Customary Marriages of West Sumatra's Pariaman Society. *Samarah*, 7(1), 555–578. <https://doi.org/10.22373/sjkh.v7i1.15872>
- Chandra, B., & Andiko, T. (2020). Islamic Family and Child Protection Law's Perspective on Violence Against Children. *MIZANI: Wacana Hukum, Ekonomi, Dan Keagamaan*, 7(2), 148–169. <https://doi.org/10.29300/mzn.v7i2.2589>
- Danial, D., Yoesoef, Y. M., & M, N. S. D. (2023). Sexual Violence in the Islamic Law Perspective: Aceh Islamic Law and Local Wisdom Approach. *Ulumuna*, 27(1), 367–389. <https://doi.org/10.20414/ujis.v27i1.677>
- Elimartati, E., Rahmi, N., Nopiardo, W., Firdaus, F., & Fronzoni, V. (2023). Family Instability: A Study of Livelihoods during the Covid-19 Pandemic in Tanah Datar Regency, Indonesia. *JURIS (Jurnal Ilmiah Syariah)*, 22(1), 93–104. <https://doi.org/10.31958/juris.v22i1.6054>
- Faiz, M. F., Ali, Z. Z., & Taufiq, M. (2023). Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation. *Juris: Jurnal Ilmiah Syariah*, 22(2), 223–234. <https://doi.org/10.31958/juris.v22i2.9097>
- Fauzi, F. (2017). Šuwar al-ḥaḍānah ba'da al-ṭalāq fi Aceh al-Wuṣṭā. *Studia Islamika*, 24(1), 99–150. <https://doi.org/10.15408/sdi.v24i1.4189>
- Fauzi, F. (2019). The Concept of Patah Titi: The Problem of Inheritance and Its Solution in Aceh Tengah. *Studia Islamika*, 26(1), 33–73. <https://doi.org/10.15408/sdi.v26i1.6529>
- Fauzi, F. (2020). The Convergence Of 'Ādat And Islamic Law: The Practice of Gala in Aceh. *Miqot*, 44(1), 21–37.
- Hariyanto, E., Hannan, A., Wahyudi, A., Susylawati, E., & Faizal, B. T. W. (2021). Sakinah Family Empowerment by Optimizing the Role of BP4 and Parents Mental Revolution Perspective. *Samarah*, 5(2), 619–647. <https://doi.org/10.22373/sjkh.v5i2.10965>
- Hasjmy, A. (1979). *Adat dan Upacara Perkawinan Daerah Istimewa Aceh*. Departemen Pendidikan dan Kebudayaan.
- Herdiana, I. (2019). Resiliensi Keluarga : Teori, Aplikasi Dan Riset. *Proceeding National Conference Psikologi UMG 2018*. <https://journal.umg.ac.id/index.php/proceeding/article/view/891%3E>
- Hidayat, T., Azahari, R., & Fauzi, F. (2020). Jeulame in Marriage in Banda Aceh: Looking for a Common Thread between Culture and Sharia. *Al-Risalah*, 20(1), 115–130. <https://doi.org/10.30631/al-risalah.v20i1.563>
- Hj Jaapar, N. Z., & Azahari, R. (2011). Model Keluarga Bahagia Menurut Islam. *Jurnal Fiqh*, 8(1), 25–44. <https://doi.org/10.22452/fiqh.vol8no1.2>
- Hori, M., & Cipta, S. E. (2019). The Purpose of Marriage in Islamic Philosophical Perspective. *Journal of Islamicate Studies*, 2(2), 18–25. <https://doi.org/https://doi.org/10.32506/jois.v2i1.505>
- Humphreys, R. S. (1991). *Islamic History: A Framework for Inquiry*. I.B. Tauris & Co. Ltd.
- Idris, M. (2006). Hukum Menikah Kakak Adik Ipar. *Al Adl*, 9(1), 125.
- Jakfar, T. M., & Fakhrurrazi, F. (2017). Kewajiban Nafkah Ushul Dan Furu' Menurut Mazhab Syafi'i. *SAMARAH: Jurnal Hukum Keluarga Dan Hukum Islam*, 1(2), 352–371. <https://doi.org/10.22373/sjkh.v1i2.2385>
- Jayati, Y. T. (2020). The Role of Child Protection in Fulfilling Children's Rights: A Literature Review. *Proceedings of the 6th International Conference on Education and Technology (ICET 2020)*. <https://doi.org/10.2991/assehr.k.201204.078>
- Kamaruddin, K., Iswandi, I., Yaqub, A., Mahfiana, L., & Akbar, M. (2023). Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 7(2), 1077–1096.

<https://doi.org/10.22373/sjhc.v7i2.13183>

- Kamarusdiana, Rasyid, H., Imron, A., Purkon, A., Rosyid, M., & Suma, M. A. (2023). Family Dispute Resolution Practices In Kepulauan Seribu (Study Of The Role Of Religious Leaders, Community And State Apparatus. *Syariah*, 23(2), 163–175. <https://doi.org/10.18592/sjhp.v23i2.11453>
- Karmila, M. (2010). Busana Pengantin Aceh (Suku Bangsa Gayo). In *Bahan Perkuliahan Busana Pengantin (BU 474)*.
- Maimun, M., Anggriani, J., Harlina, I., & Suhendar, S. (2024). The Dynamics of Family Law in Indonesia: Bibliometric Analysis of Past and Future Trends. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 8(1), 518–537. <https://doi.org/10.22373/sjhc.v8i1.21890>
- Maputera, Y., Syafril, S., Anggreiny, N., & Sarry, S. M. (2018). *Membangun Ketahanan Sosial Keluarga Melalui Budaya Batobo*. [osf.io/kyj5u](https://osf.io/kyj5u)
- Michael, F. R., & Gade, A. M. (1998). *Patterns of Islamization In Indonesia: A Curriculum Unit for Post-Secondary Level Educators*. Cornell University Southeast Asia Program Outreach. <https://ecommons.cornell.edu/items/b2e1bfa5-ff76-46d6-b3e1-55bb72108518>
- Munir, M., Sagena, B., & Prajawati, M. (2021). Soyo Practice: Revitalization of Local Wisdom Values in The Community Empowerment of The Modern Management Era. *European Journal of Business and Management Research*, 6(1), 206–211. <https://doi.org/10.24018/ejbmr.2021.6.1.728>
- Mursalin, S. (2015). Hak Hadhanah Setelah Perceraian (Pertimbangan Hak Asuh bagi Ayah atau Ibu. *Mizani*, 25(2), 60–69. <https://doi.org/10.29300/mzn.V2i2.76>
- Musfiroh, M., Mulyani, S., C. E. B., Nugraheni, A., & Sumiyarsi, I. (2019). Analysis of Family Resilience Factors in Kampung KB RW 18, Kadipiro Village, Surakarta City. *Placendum*, 7(2), 61–66.
- Mustafid, M., Gemilang, K. M., Putra, F. S., Al Bajuri, A., & Mawardi, M. (2024). Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau. *Journal of Islamic Law*, 5(1), 1–18. <https://doi.org/10.24260/jil.v5i1.1972>
- Nasohah, Z. (2024). Dynamics of Islamic Family Law in Facing Current Challenges in Southeast Asia. *Samarah*, 8(1), 1–19. <https://doi.org/10.22373/sjhc.v8i1.16553>
- Nurdin, R., Abdullah, M., Fahmi, Z., & Darna, A. (2023). The Role of Customary Leaders as Hakam in Resolving Divorce: A Case Study in Kuta Alam Subdistrict, Banda Aceh City. *El-Usrah: Jurnal Hukum Keluarga*, 6(2), 430–443. <https://doi.org/10.22373/ujhc.v6i2.12710>
- Nurmila, N., & Windiana, W. (2023). Understanding the Complexities of Child Marriage and Promoting Education to Prevent Child Marriage in Indramayu, West Java. *Ulumuna*, 27(2), 823–853. <https://doi.org/10.20414/ujis.v27i2.680>
- Ridwan, M. S., Abdullah, W., & Idham, I. (2024). Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law. *Samarah*, 8(1), 20–38. <https://doi.org/10.22373/sjhc.v8i1.15419>
- Sa'ban, S. M., & Navlia, R. (2023). Tingginya Angka Cerai Gugat di Kabupaten Sumenep & Dampaknya bagi Anak. *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 5(2), 202–223. <https://doi.org/10.19105/al-manhaj.v5i2.13211>
- Sadida, N., & Trimana, A. (2019). The Benefit of Islamic Faith Education to Enhance Children Social and Emotional Skills. *Jurnal Pendidikan Islam*, 4(2), 103–115. <https://doi.org/10.15575/jpi.v4i2.1863>
- Samuri, M. al A., Malek, M. al-G. A., Alias, M. N., & Hopkins, P. (2022). Hadith of Aisha's Marriage to Prophet Muhammad: An Islamic Discourse on Child Marriage. *International Journal of Islamic Thought*, 21, 93–105. <https://doi.org/10.24035/ijit.21.2022.229>
- Siahaan, R. (2012). Ketahanan Sosial Keluarga Perspektif Pekerjaan Sosial. *Sosio Informa: Kajian Permasalahan Sosial Dan Usaha Kesejahteraan Sosial*, 17(2). <https://doi.org/10.33007/inf.v17i2.95>
- Soekanto, S. (2005). *Pokok-pokok Sosiologi Hukum*. Rajawali Press.

- Sudarsono. (2005). *Pengantar Ilmu Hukum*. Rineka Cipta.
- Vaez, E., Juhar, R., & Yaacob, S. N. (2015). Addressing the Problems Faced by Married International Students. *Journal of Educational, Health and Community Psychology*, 4(1), 29–40. <https://doi.org/10.12928/jehcp.v4i1.3696>
- Warman, A. B., Zulkifli, Yustiloviani, Nabilah, W., & Hayati, R. F. (2023). Strengthening Family Resilience Through Local Wisdom: Pulang Ka Bako Type of Marriage in Minangkabau. *Al-Istinbath: Jurnal Hukum Islam*, 8(1), 253–268. <https://doi.org/10.7454/ai.v34i2.3966.5>
- Zainuri, A., Muslimin, A., & Mukhlisin, A. (2023). Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung, Indonesia. *El-Ussrah: Jurnal Hukum Keluarga*, 6(2), 335. <https://doi.org/10.22373/ujhk.v6i2.17487>
- Zurnetti, A., Mulyati, N., Nova, E., & Afrizal, R. (2023). The Role of the Minangkabau Customary Law Tigo Tungku Sajaringan in Preventing Domestic Violence against Women and Children in West Sumatra , Indonesia. *Journal of the International Society for the Study of Vernacular Settlements*, 10(1), 229–237. [https://isvshome.com/pdf/ISVS\\_10-1/ISVSej10.1.16\\_Aria.pdf](https://isvshome.com/pdf/ISVS_10-1/ISVSej10.1.16_Aria.pdf)

#### Interview

- Interview with MA, March 5<sup>th</sup> 2022 in Aceh Besar
- Interview with Tengku MA, August 12<sup>th</sup> 2022 in Aceh Besar.
- Interview with RM, August 12<sup>th</sup> 2022, in Aceh Besar
- Interview with Tengku Muslim, November 11<sup>th</sup> 2022, in Aceh Besar
- Interview with ZI, November 19<sup>th</sup> 2022 in Aceh Besar
- Interview with MR, November 21<sup>th</sup> 2022 in Aceh Besar
- Interview with Prof Alyasa Abubakar, November 24<sup>th</sup> 2022 in Banda Aceh