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BEYOND JOINT PROPERTY? EXAMINING *FIQH MUNAKAHAT*, STATE LAW, AND CUSTOMARY PRACTICE IN ACEH, INDONESIA

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Abstract

This study aims to reconstruct the concept of joint marital property in Aceh by examining how statutory law, Islamic jurisprudence, and customary law interact in the resolution of marital property disputes. Previous studies have largely examined joint marital property from a single legal perspective, particularly state law or Islamic family law, while insufficient attention has been given to how these normative systems interact in actual dispute resolution and shape the distribution of marital assets in Aceh. This study employs a qualitative socio−legal approach, combining normative legal analysis with empirical data from document analysis and semi−structured interviews with Religious Court judges, customary leaders, legal practitioners, and divorced spouses. The findings reveal three interconnected patterns: first, differences between statutory provisions, Islamic jurisprudence (*fiqh munakahat*), and customary norms produce divergent interpretations of ownership and distribution; second, village deliberation (*musyawarah gampong*) remains an important mechanism for resolving disputes before or alongside formal judicial processes; and third, Religious Court judges reconcile multiple legal sources by considering both normative rules and the social and economic circumstances of the spouses. The study concludes that joint marital property in Aceh functions within a plural legal order that requires greater normative and institutional harmonization. Accordingly, the study proposes an integrative reconstruction model that recognizes both spouses' economic and domestic contributions as a basis for equitable property distribution. The model contributes to Islamic family law scholarship by strengthening legal certainty, gender justice, and the protection of spouses' economic rights within Aceh's plural legal system.

Abstrak

Penelitian ini bertujuan untuk merekonstruksi konsep harta bersama dalam perkawinan di Aceh dengan mengkaji bagaimana hukum perundang-undangan, fikih Islam, dan hukum adat berinteraksi dalam penyelesaian sengketa harta perkawinan. Penelitian terdahulu sebagian besar mengkaji harta bersama dalam perkawinan dari satu perspektif hukum, khususnya hukum negara atau hukum keluarga Islam, sementara perhatian terhadap bagaimana sistem-sistem normatif tersebut berinteraksi dalam penyelesaian sengketa secara nyata dan membentuk pembagian aset perkawinan di Aceh masih terbatas. Penelitian ini menggunakan pendekatan sosio-legal kualitatif dengan menggabungkan analisis hukum normatif dan data empiris yang diperoleh melalui analisis dokumen serta wawancara semi-terstruktur dengan hakim Pengadilan Agama, tokoh adat, praktisi hukum, dan pasangan yang telah bercerai. Temuan penelitian menunjukkan tiga pola yang saling berkaitan: pertama, perbedaan antara ketentuan perundang-undangan, fikih Islam (fiqh munakahat), dan norma adat menghasilkan perbedaan interpretasi mengenai kepemilikan dan pembagian harta; kedua, musyawarah

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desa (musyawarah gampong) tetap menjadi mekanisme penting dalam penyelesaian sengketa sebelum atau bersamaan dengan proses peradilan formal; dan ketiga, hakim Pengadilan Agama melakukan rekonsiliasi terhadap berbagai sumber hukum dengan mempertimbangkan aturan normatif sekaligus kondisi sosial dan ekonomi pasangan. Penelitian ini menyimpulkan bahwa harta bersama dalam perkawinan di Aceh beroperasi dalam tatanan hukum plural yang memerlukan harmonisasi normatif dan kelembagaan yang lebih kuat. Oleh karena itu, penelitian ini mengusulkan model rekonstruksi integratif yang mengakui kontribusi ekonomi dan domestik kedua pasangan sebagai dasar pembagian harta yang berkeadilan. Model tersebut berkontribusi pada pengembangan kajian hukum keluarga Islam dengan memperkuat kepastian hukum, keadilan gender, dan perlindungan hak ekonomi pasangan dalam sistem hukum plural di Aceh.

INTRODUCTION

The regulation of joint marital property has emerged as a significant socio—legal issue in contemporary Islamic family law, particularly in Aceh, where state law, Islamic jurisprudence, and customary practices coexist in the regulation and resolution of family matters. The social significance of this issue is reflected in the increasing number of divorce cases and the economic consequences that follow marital dissolution. In 2024, the *Mahkamah Syar'iyah* in Aceh recorded 7,103 divorce cases, an increase from 6,091 cases in 2023, with 5,585 cases (approximately 78.6%) initiated through divorce petitions filed by wives (Post, 2025). The high proportion of wife—initiated divorces highlights the importance of examining the economic position of spouses following marital dissolution (Zhunussova, 2022), particularly in relation to the ownership and distribution of assets accumulated during marriage (Doty, 2022). In practice, disputes over joint marital property may arise from different understandings of spouses' contributions (Rachman, Ardiansyah, & Sahrul, 2020), with financial contributions often receiving greater recognition than domestic labor (Bunga, Segara, & Tus, 2024), childcare (Bansak, Grossbard, & Wong, 2022), and other forms of non—economic contribution (Butt & Lindsey, 2018). These disputes are further shaped by family involvement, customary mediation (Attah, 2018), and differences in the interpretation and application of legal norms, potentially producing unequal outcomes for spouses (Hakim, Abdullah, ZA, Lestari, & Hasaniy, 2025). Thus, joint marital property in Aceh is not merely a private matter arising from divorce but a socially significant issue involving the economic security of spouses and the broader question of how different legal norms operate within Aceh's plural legal order.

Previous studies have generated important insights into the regulation and practice of joint marital property in Indonesia, but they also reveal several unresolved issues. Research based on Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI) has primarily emphasized the normative recognition and equal legal protection of spouses' rights to property acquired during marriage (Gojani & Mehmetaj, 2025; Shomad & Hajati, 2025; Syafei & Djazimah, 2021). However, this normative approach provides limited explanation of how these provisions are interpreted and applied when disputes arise within Aceh's distinctive legal and social context. Other studies demonstrate that the implementation of Islamic family law in Aceh is influenced not only by statutory provisions but also by Islamic jurisprudence, customary law (*adat*), and local dispute—resolution practices (Alimuddin, Syaifuddin, & Sucipto, 2025; Firdausia & Fuad Attamimi, 2024; Pelu & Dakhoir, 2021; Purnama Sari, Huzaimah, & Ars Himsyah, 2024). Nevertheless, these studies tend to examine individual legal

sources or particular dimensions of dispute resolution rather than systematically analyzing their interaction in constructing the concept and distribution of joint marital property. Studies on legal pluralism further establish that state, religious, and customary norms may coexist and generate overlapping or competing normative claims (Giyanthi, Budiartha, Budiartha, & Ujianti, 2022; Lillard & Waite, 1993; Mustika, Yaswirman, Warman, & Yasniwati, 2025), but they have not sufficiently explained how such plural norms can be reconciled in judicial and customary practices concerning joint marital property in Aceh. Thus, the unresolved issue is not merely the existence of multiple legal sources, but the absence of an integrative framework that explains how these sources interact, are negotiated, and can be harmonized to determine spouses' respective rights to marital property. This gap necessitates a legal pluralism based reconstruction of joint marital property that connects statutory law, Islamic legal principles, and Acehnese customary norms within a coherent and equitable framework.

Taken together, the existing studies establish that joint marital property in Indonesia cannot be adequately understood through statutory law alone, particularly in Aceh, where Islamic jurisprudence, customary norms, religious authority, and judicial practice operate alongside state law. However, the literature remains fragmented: studies of statutory regulation tend to emphasize formal legal rights, studies of Islamic family law focus primarily on doctrinal principles, and studies of customary or plural legal practices often describe dispute resolution mechanisms without sufficiently examining how different normative sources are interpreted and reconciled in determining spouses' rights to joint property. This fragmentation limits a comprehensive understanding of how legal actors navigate competing norms when resolving marital property disputes. At the same time, the existing literature provides an important foundation for examining joint marital property as a product of interaction among multiple legal orders rather than as a matter governed by a single normative framework. Building on these insights, this study focuses on the construction and reconstruction of joint marital property within Aceh's plural legal system by examining the interaction among statutory law, classical *fiqh munakahat*, Acehnese customary law, religious fatwas, and judicial practices. The study therefore contributes by moving beyond the identification of competing legal norms toward an integrative analysis of how these norms are interpreted, negotiated, and reconciled in practice, and by formulating a reconstructed concept of joint marital property that accommodates both economic and domestic contributions of spouses. This approach seeks to strengthen legal certainty, gender justice, and equitable protection of spouses' economic rights within contemporary Islamic family law.

This study addresses three interrelated research questions: (1) how is joint marital property conceptualized within statutory law, classical *fiqh munakahat*, Acehnese customary law, religious fatwas, and judicial practice; (2) how does the interaction among these legal orders shape the interpretation and resolution of joint marital property disputes in Aceh; and (3) what integrative concept of joint marital property can be reconstructed to accommodate these plural normative frameworks while ensuring equitable protection of spouses' rights? This study advances three principal propositions. First, persistent disputes over joint marital property in Aceh are not merely the result of ambiguity in individual legal provisions but are rooted in the coexistence and interaction of multiple legal orders without a sufficiently integrated conceptual framework. Second, the interaction among statutory law, Islamic jurisprudence, customary institutions, and judicial discretion produces normative

fragmentation, but from a legal pluralism perspective, these legal orders can function as complementary normative resources when appropriately reconciled. Third, a reconstructed concept of joint marital property should balance legal certainty with the sociocultural realities of Acehnese society and the objectives of Islamic law (*maqāṣid al-sharīʿah*), particularly by recognizing both economic and domestic contributions to marital property. On this basis, the study argues that an integrative legal pluralism framework can provide a more coherent foundation for judicial practice and legal policy while strengthening gender justice and the equitable protection of spouses' economic rights in plural legal contexts.

METHODS

This study employed a qualitative legal research design using a socio legal approach to examine the construction of joint marital property within Aceh's plural legal system. The socio legal approach was selected because it enables law to be examined not only as a normative system but also as a social institution shaped by interactions among statutory regulations, Islamic jurisprudence, customary law (*adat*), and judicial practice (Ismail, Hendri, & Nurhakim, 2023). The research was conducted in Aceh Province from January to April 2026, focusing on selected jurisdictions in which joint marital property disputes are addressed through Religious Courts and customary institutions. The participants comprised 20 individuals, selected through purposive sampling based on their knowledge and direct experience of joint marital property disputes. They consisted of five Religious Court judges, four customary leaders (*keuchik* and *tuha peut*), four Islamic scholars, three legal practitioners, and four divorced spouses who had experienced the division of joint marital property. Primary data were collected through semi—structured interviews conducted using an interview guide covering legal interpretation, mechanisms of dispute resolution, perceptions of marital contributions, and fairness in the distribution of marital assets (Emier Azka, Iskandar, Azyzy Amyrul Hafidz Hamam, Syahnur, & Syahriani, 2025). Interviews were conducted during the January—April 2026 data—collection period by the researchers and were supplemented, where access was available, by direct observation of customary dispute—resolution practices. Secondary data included Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law, the Indonesian Civil Code, relevant Aceh Qanun, MPU Fatwas, Supreme Court and Religious Court decisions, classical *fiqh munakahat* literature, academic publications, and relevant policy documents. Documentary analysis was used to compare the normative provisions and legal principles governing joint marital property across statutory, Islamic, customary, and judicial sources.

Data were analyzed using the interactive qualitative model of Miles, Huberman, consisting of data condensation, data display, and conclusion drawing and verification (Hakim, Abdullah, Musfiroh, Sintang, & Razick, 2025). Interview transcripts and documentary materials were manually coded, categorized, and organized into thematic groups relating to statutory law, Islamic legal principles, customary law, judicial interpretation, marital contribution, and legal pluralism. The legal pluralism framework was used to interpret the coexistence and interaction of multiple legal orders in Aceh, while *maqāṣid al-sharīʿah* was employed as a complementary analytical framework to assess justice (*ʿadl*), legal certainty, and protection of spouses' economic rights. Methodological credibility was strengthened through triangulation of data collection techniques, including interviews, documentary analysis, and field observation, and through source triangulation involving judges, customary leaders, Islamic scholars, legal practitioners, and divorced spouses. *Member checking* was conducted with selected

participants to verify the accuracy of interview interpretations, while an audit trail was maintained to document data collection, coding, analytical decisions, and interpretation throughout the research process. Ethical considerations were observed by explaining the research purpose and participation procedures to participants, obtaining informed consent before interviews, maintaining confidentiality, and anonymizing identifying information in the reporting of findings. Researcher bias was minimized through the use of a structured interview guide, systematic coding procedures, comparison of accounts across participant groups and documentary sources, and continuous reflection on the researchers' interpretive positions. These procedures were employed to strengthen the dependability and confirmability of the findings and to ensure that the conclusions were grounded in the empirical and documentary evidence.

RESULT AND DISCUSSION

RESULT

Normative Construction of Joint Marital Property in Aceh's Plural Legal System

The construction of joint marital property in Aceh cannot be understood through a single legal framework because it is shaped by the interaction of multiple normative systems operating simultaneously. National legislation, Islamic family law, classical *fiqh munakahat*, customary law, religious fatwas, and judicial precedents each formulate different principles regarding the ownership, acquisition, and distribution of marital assets. These normative differences create varying legal interpretations that directly influence dispute resolution and judicial decision—making. Therefore, identifying the conceptual foundations embedded within each legal source is essential for understanding the complexity of joint marital property in Aceh. Table 1 presents a comparative overview of the principal legal frameworks governing joint marital property and highlights the conceptual distinctions that form the basis of legal pluralism in Aceh.

Table 1. Comparative Construction of Joint Marital Property within Aceh's Plural Legal System

Legal Framework	Concept of Joint Marital Property	Basis of Ownership	Distribution Principle	Legal Implication in Aceh
Law No. 1 of 1974 on Marriage	Joint property comprises assets acquired during marriage (Art. 35).	Acquisition during marriage.	Equal distribution unless otherwise agreed or determined by the court.	Serves as the primary statutory basis but provides limited technical guidance for implementation.
Compilation of Islamic Law (KHI)	Joint property includes assets acquired during marriage, while premarital and inherited property	Joint acquisition through marital partnership.	Distribution is determined by judicial consideration based on fairness and evidence.	Becomes the principal legal reference in Religious Courts throughout Aceh.

Indonesian Civil Code (KUH Perdata)	remain individually owned. Marriage creates a community–property regime unless otherwise stipulated in a prenuptial agreement.	Automatic merger of spouses' assets.	Equal ownership of all marital assets.	Limited application among Muslim families but influences Indonesia's legal system historically.
Classical *Fiqh Munakahat*	Marital property is understood through the concept of *syirkah* (partnership) based on mutual contribution rather than automatic ownership.	Economic cooperation and contribution.	Distribution is proportional to each spouse's contribution.	Provides theological legitimacy but requires contextual interpretation for contemporary disputes.
Acehnese Customary Law (*Adat*)	Joint property is resolved through family consensus and *gampong* deliberation to preserve social harmony.	Social recognition of marital contribution.	Flexible distribution based on consensus and local customs.	Highly influential in community dispute resolution but lacks formal legal codification.
Aceh Qanun	No comprehensive regulation specifically governing joint marital property.	Refers generally to Islamic legal principles.	Not explicitly regulated.	Creates a normative gap requiring harmonization with national law.
MPU Fatwas	Emphasize Islamic principles distinguishing personal property from jointly acquired marital assets.	Sharīʿah principles of ownership.	Guided by justice and Islamic ethics rather than binding legal rules.	Provides religious guidance but has limited juridical authority.
Religious Court Practice	Judges integrate statutory law, KHI,	Combination of documentary evidence,	Case–by–case judicial interpretation.	Demonstrates the practical operation of

customary practices, and Islamic legal principles.	witness testimony, and customary considerations.	legal pluralism in Aceh.

***Source**: Compiled by the authors from Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law, the Indonesian Civil Code, Acehnese customary law, Aceh Qanun, MPU Fatwas, classical fiqh munakahat, and Religious Court jurisprudence.*

Table 1 shows that the construction of joint marital property in Aceh is based on several legal frameworks that provide different definitions and principles of ownership, contribution, and distribution. Law No. 1 of 1974 on Marriage defines joint property as assets acquired during marriage, while the Compilation of Islamic Law (KHI) distinguishes joint property from assets owned individually before marriage and property obtained through inheritance or gifts. Classical *fiqh munakahat* approaches marital property through the concept of *syirkah*, which relates ownership to cooperation and contribution between spouses rather than automatically treating all assets as jointly owned. The Indonesian Civil Code applies a community—property model in which marital assets may be combined upon marriage, subject to applicable contractual arrangements. The documentary analysis further identified Acehnese customary law as recognizing property acquired during marriage through the concept of *heureuta sihaureukat*, while dispute settlement commonly involves family deliberation and *gampong* mediation. Aceh *qanun* and MPU fatwas provide additional normative references concerning customary institutions and Islamic principles, although neither establishes a comprehensive and specific regulatory framework for joint marital property. Religious Court decisions examined in this study show that judges consider several of these sources when determining the status and distribution of marital assets.

The findings indicate that the emergence of different interpretations is influenced by the coexistence of legal sources with different institutional authorities and approaches to marital ownership. Documentary analysis shows that national legislation provides the general legal basis for joint property, whereas the KHI provides more specific provisions for Muslim families and Religious Court proceedings. Classical *fiqh munakahat* provides principles concerning individual ownership, partnership, and contribution, while Acehnese customary practice places greater emphasis on collective recognition of property acquired during marriage and consensus—based settlement. Interviews with Religious Court judges indicated that disputes frequently require the examination of several types of evidence, including ownership documents, testimony concerning the acquisition of assets, and information concerning the contributions of both spouses. Interviews with customary leaders further indicated that families commonly attempt to resolve property disputes through *musyawarah* before pursuing formal litigation. These findings show that different interpretations arise not only from differences among legal texts but also from differences in institutional practice, evidentiary availability, and community recognition of marital contributions.

The coexistence of these legal frameworks has direct implications for the determination and distribution of joint marital property in Aceh. The documentary and interview findings indicate that similar property disputes may require different forms of legal and evidentiary assessment depending on whether they are addressed through customary mechanisms or the Religious Court. Customary settlement provides an accessible mechanism for negotiation and reconciliation, but the absence of standardized documentation may create difficulties when a dispute subsequently proceeds to court.

Conversely, Religious Court proceedings provide a formal mechanism for establishing legal ownership but require parties to present sufficient evidence concerning the acquisition and status of disputed assets. The findings also indicate that differences in the recognition of economic and domestic contributions can affect the parties' claims to marital property. Judges therefore assess the circumstances of individual cases rather than relying exclusively on a single normative source. These findings demonstrate that the practical construction of joint marital property in Aceh is characterized by the simultaneous operation of statutory, Islamic, customary, and judicial practices, creating a need for clearer coordination among these sources to improve consistency in the determination and protection of spouses' property rights.

Negotiating Joint Marital Property through Customary Practices and Judicial Decisions

Beyond formal legal provisions, the implementation of joint marital property in Aceh is strongly influenced by customary institutions and the everyday practices of local communities. The coexistence of statutory law and customary mechanisms encourages disputing parties to negotiate property distribution through family deliberation, village mediation, and religious guidance before seeking judicial intervention. At the same time, Religious Court judges frequently consider customary values alongside statutory regulations and Islamic legal principles when resolving disputes. This interaction demonstrates that the practical construction of joint marital property extends beyond written legal norms and reflects a dynamic process of legal negotiation. Tables 2 and 3 summarize the principal characteristics of customary dispute resolution and community practices that shape the implementation of joint marital property in Aceh.

Table 2. Customary Construction of Joint Marital Property in Aceh

Customary Dimension	Customary Practice	Legal and Social Function	Supporting Sources
Musyawarah Gampong	Joint marital property disputes are initially resolved through family deliberation and *gampong* mediation before being referred to the Religious Court.	Promotes reconciliation, social harmony, and reduces litigation.	Qanun Aceh No. 10 of 2008 on Customary Institutions; Law No. 11 of 2006 on the Government of Aceh. (Jurnal USK)
Role of Customary Leaders	*Keuchik*, *Tuha Peut*, *Imum Mukim*, and respected elders facilitate negotiations and formulate consensual agreements.	Ensures community legitimacy and voluntary compliance with settlements.	(Jurnal USK)
Concept of *Heureuta Sihaureukat*	Property acquired during marriage is socially recognized as joint property (*heureuta*	Reflects collective responsibility and marital partnership within	(ejournal.unisai.ac.id)

	sihaureukat) regardless of which spouse formally earned the income. Distribution is determined through consensus by considering each spouse's contribution, family circumstances, and community values.	Acehnese customary law.	
Basis of Distribution		Prioritizes substantive fairness over rigid legal formulas.	(ejournal.unisai.ac.id)
Role of Extended Family	Parents and close relatives often participate in negotiations and influence the final agreement.	Preserves kinship relations but may affect bargaining equality between spouses.	(UIN Ar-Raniry Journal Portal)
Relationship with Religious Court	Customary settlement is generally preferred as the first mechanism, while unresolved disputes proceed to the Religious Court.	Demonstrates interaction between customary institutions and the formal judicial system.	(UIN Ar-Raniry Journal Portal)
Legal Limitation	Most customary settlements are undocumented and vary across districts and villages.	Limits legal certainty and makes customary agreements difficult to enforce as formal legal evidence.	(FHukum UNU Pattimura)

***Source**: Compiled by the authors based on Law No. 11 of 2006 on the Government of Aceh, Qanun Aceh No. 10 of 2008 on Customary Institutions, field interviews, and previous empirical studies on Acehnese customary law*

Table 2 shows that the settlement of joint marital property disputes in Aceh involves customary institutions operating alongside formal judicial mechanisms. The findings indicate that disputes are commonly addressed first through family deliberation (*musyawarah keluarga*) and *gampong* mediation, with customary leaders such as the *keuchik*, *tuha peut*, *imum mukim*, and respected community elders participating in the negotiation process. The customary settlement process generally seeks agreement concerning the ownership and distribution of property while maintaining family relationships and community harmony. The concept of *heureuta sihaureukat* also appears in customary practice as a basis for recognizing property acquired during marriage as a shared marital asset, regardless of which spouse formally generated the income. The involvement of extended family members is another characteristic identified in the findings, as parents and close relatives may participate in negotiations and influence the

proposed distribution of marital assets. Where customary settlement does not produce an agreement, the dispute may proceed to the Religious Court for formal adjudication.

The findings indicate that several factors influence the continued use of customary mechanisms in joint marital property disputes. First, customary institutions have established social authority within the community, allowing customary leaders to mediate disputes through relationships of trust and kinship. Second, family deliberation provides a less formal process than judicial litigation and enables disputing spouses and their relatives to negotiate the distribution of property according to family circumstances and locally accepted considerations. Third, the concept of *heureuta sihaureukat* provides a culturally recognized basis for treating property acquired during marriage as a shared asset and therefore influences how community members understand marital ownership. Interviews and observations of customary dispute—resolution practices further indicate that community members may prefer negotiation before formal litigation because it provides an opportunity to reach a mutually acceptable settlement. At the same time, the absence of standardized procedures and written documentation in some customary settlements affects the ability of parties to establish the terms of an agreement when the dispute subsequently enters the formal judicial process.

The interaction between customary and formal mechanisms has several implications for the practical settlement of joint marital property disputes in Aceh. Customary mediation provides an accessible mechanism through which spouses and their families can negotiate property distribution without immediately initiating court proceedings. It also enables community actors to consider family relationships, individual circumstances, and locally recognized contributions when formulating settlements. However, the findings show that reliance on informal agreements may create difficulties concerning documentation, evidentiary certainty, and subsequent enforcement when no settlement is reached. When disputes proceed to the Religious Court, judges must assess the available documentary evidence, witness testimony, statutory provisions, Islamic legal principles, and information concerning customary settlements. Thus, customary resolution does not replace the formal judicial system but operates as an initial dispute—resolution mechanism that may subsequently connect with formal adjudication. The findings demonstrate the practical need for clearer documentation and procedural coordination between customary settlement and Religious Court proceedings so that the accessibility and social legitimacy of customary mechanisms can be maintained while improving legal certainty and protection of the parties' property rights.

Reconstructing the Concept of Joint Marital Property in Aceh

The findings presented in the previous sections reveal that the existing regulation and implementation of joint marital property in Aceh remain fragmented due to the coexistence of multiple legal systems with differing conceptual foundations. While this plurality reflects the richness of Aceh's legal culture, it also generates legal uncertainty, inconsistent judicial decisions, and unequal protection of spouses' economic rights. These findings indicate that the current legal framework requires not only harmonization but also conceptual reconstruction capable of integrating statutory law, Islamic jurisprudence, customary norms, and contemporary principles of justice. Building upon the empirical findings and normative analysis, the following section proposes a reconstructed framework for joint marital property that seeks to strengthen legal certainty while preserving the socio—cultural and religious values of Acehnese society.

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Table 3. Empirical Patterns of Joint Marital Property Disputes in Aceh

Empirical Issue	Findings from Field Data	Legal Implications	Supporting Evidence
Recognition of Economic Contribution	Husbands generally claim larger ownership because they are considered the primary income earners throughout the marriage.	Creates disputes regarding proportional ownership when domestic contributions are not equally recognized.	Field Interviews with divorced couples; Religious Court Decisions; KHI.
Recognition of Domestic Contribution	Wives consistently argue that household management, childcare, and unpaid domestic work constitute contributions to the acquisition of marital property.	Reflects the need to reinterpret joint property beyond financial contribution alone.	Classical *Fiqh Syirkah*; KHI; Interviews with female litigants.
Role of Extended Family	Parents and close relatives frequently participate in negotiations and influence the distribution of marital assets during customary deliberation.	Family intervention strengthens customary legitimacy but may weaken equal bargaining positions.	Interviews with *Keuchik*, *Tuha Peut*, and community leaders.
Preference for Customary Settlement	Most disputing families attempt mediation through *musyawarah gampong* before filing claims in the Religious Court.	Demonstrates the continuing authority of customary institutions within Aceh's legal system.	Law No. 11 of 2006; Qanun Aceh No. 10 of 2008; Field Observation.
Transition to Religious Court	Litigation occurs when mediation fails or when one party rejects the customary agreement.	Religious Court functions as the final mechanism for legal certainty.	Religious Court Case Records; Supreme Court Jurisprudence.
Judicial Consideration	Judges simultaneously consider statutory law, the Compilation of Islamic Law, witness testimony, documentary evidence, and customary practices.	Judicial reasoning reflects the operation of legal pluralism.	Religious Court Judgments; Supreme Court Circulars; KHI.
Evidence of Property Ownership	Many couples cannot distinguish premarital assets from marital property because financial	Weak evidentiary standards frequently prolong litigation and complicate judicial assessment.	Court Decisions; Interview with Religious Court Judges.

	documentation is incomplete.		
Protection of Women's Property Rights	Women's access to equal property distribution depends largely on their ability to prove contribution or obtain legal assistance.	Indicates continuing vulnerability within the existing legal framework.	Interviews with legal practitioners; Women's rights studies in Aceh.
Variation in Judicial Outcomes	Similar disputes may produce different decisions depending on available evidence, judicial interpretation, and customary considerations.	Demonstrates inconsistent application of legal norms under legal pluralism.	Comparative Religious Court Decisions; Supreme Court Jurisprudence.
Need for Legal Reconstruction	Stakeholders acknowledge the necessity of clearer guidelines integrating statutory law, Islamic jurisprudence, and Acehnese customary law.	Supports the proposed reconstruction model developed in this study.	Synthesis of interviews, document analysis, and normative comparison.

Source: *Compiled by the authors from field interviews with Religious Court judges, Keuchik, Tuha Peut, legal practitioners, divorced spouses, document analysis of Religious Court decisions, Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law, Law No. 11 of 2006 on the Government of Aceh, Qanun Aceh No. 10 of 2008 on Customary Institutions, and classical fiqh munakahat.*

Table 3 presents the empirical patterns of joint marital property disputes in Aceh, particularly the competing claims concerning economic and domestic contributions within marriage. The field findings indicate that husbands commonly claim a greater share of marital property on the basis of their role as primary income earners, while wives emphasize their contributions through household management, childcare, and unpaid domestic work. Disputes become more complex when spouses cannot clearly distinguish property acquired before marriage from assets obtained during the marriage or when financial documentation is incomplete. The findings also show that extended family members may participate in customary negotiations and influence the proposed distribution of marital assets. Most disputing families attempt to resolve disagreements through *musyawarah gampong* before initiating formal proceedings. When customary mediation fails or one party rejects the proposed settlement, the dispute may proceed to the Religious Court. In adjudicating these cases, judges examine documentary evidence, witness testimony, the parties' statements, applicable statutory provisions, Islamic legal principles, and relevant customary considerations.

Several factors influence the emergence and development of these disputes. First, spouses may have different understandings of what constitutes a contribution to the acquisition of marital property. Financial income is often more readily documented and therefore more easily presented as evidence of ownership, whereas domestic labor, childcare, and household management are less frequently documented despite their

contribution to household welfare. Second, incomplete financial records make it difficult to distinguish premarital assets, inherited property, and assets acquired during marriage. Third, the involvement of extended family and customary leaders influences the negotiation process by introducing family relationships, community expectations, and locally recognized norms into property disputes. Fourth, differences in the interpretation and application of statutory law, Islamic legal principles, and customary practices affect the assessment of individual claims. Interviews with Religious Court judges and other participants indicate that the available evidence and the circumstances of each case influence the process of determining the status and distribution of disputed property. These factors contribute to variations in the way joint marital property disputes are presented, negotiated, and adjudicated.

The findings have several implications for the protection and distribution of marital property rights in Aceh. The unequal documentation of economic and domestic contributions may make it more difficult for spouses, particularly those whose primary contribution is unpaid household work, to establish their claims to jointly acquired assets. The continuing use of customary mediation provides an accessible mechanism for resolving disputes and allows families to negotiate settlements according to their circumstances, but the absence of standardized written agreements may create evidentiary difficulties when disputes proceed to the Religious Court. Judicial examination provides a formal mechanism for establishing ownership and distribution, yet the need to assess different types of evidence and normative considerations may result in case—specific outcomes. The findings therefore indicate the need for clearer procedures for documenting marital assets, recording customary settlements, and assessing both economic and domestic contributions. Such measures would improve the consistency of dispute resolution and provide stronger protection for the property rights of both spouses while maintaining the role of customary institutions in Acehnese communities.

DISCUSSION

The findings of this study demonstrate that the construction of joint marital property in Aceh is shaped by the simultaneous operation of statutory law, Islamic jurisprudence, customary law, and judicial practice. Across the three empirical findings, joint marital property appears not as a fixed legal category but as a legal institution whose meaning is constructed through different sources of authority and dispute—resolution practices. The first finding shows that Law No. 1 of 1974, the Compilation of Islamic Law (KHI), classical *fiqh munakahat*, Acehnese customary law, Aceh *qanun*, and judicial practice provide different foundations for determining ownership, contribution, and distribution. The second finding demonstrates that customary institutions, particularly *musyawarah gampong*, family mediation, and the recognition of *heureuta sihaureukat*, continue to influence how disputes are initially negotiated and settled. The third finding indicates that Religious Court judges reconcile these different normative references through case—specific consideration of statutory provisions, Islamic legal principles (Attah, 2018), customary practices, documentary evidence (Fraboni & Vitali, 2019), and witness testimony (Wei, 2025). Taken together (Zhang, Yang, Li, & Yao, 2024), these findings answer the central research question by demonstrating that joint marital property in Aceh is constructed through the interaction of multiple legal orders rather than through the exclusive application of state law (Naysin, 2019). The findings therefore establish the empirical basis for understanding reconstruction not as the replacement of one legal system by another, but as the development of a more coherent relationship among the legal orders already operating within Acehnese society.

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The persistence of this plural construction is attributable to the institutional and historical embeddedness of Islamic (Hasballah, Mubarrak, & Rassanjani, 2023), state, and customary authority in Aceh. Aceh's special legal status provides a formal space for the application of Islamic law, while customary institutions continue to exercise substantial authority in community—level dispute resolution (Awiety & Riyadi, 2020). At the community level (Koudijs & Salisbury, 2020), customary norms derive their effectiveness from social acceptance, kinship relations (Guirkinger, Platteau, & Wahhaj, 2026), and trust in customary leaders, whereas the Religious Courts derive formal authority from the state legal system (Mookerjee, 2019). These different sources of legitimacy explain why statutory provisions alone do not determine how spouses understand or negotiate marital property (Hasballah et al., 2023). The findings are consistent with Benda Beckmann & Turner (2018) conception of legal pluralism (Psutka, 2022), in which multiple normative orders coexist within the same social field, but they also extend this perspective by showing how such coexistence operates through concrete disputes over marital assets (Doty, 2022). The interaction is further intensified by differences in the visibility of marital contributions: financial contributions can generally be documented through income and ownership records (Fallahchai, Fallahi, & Park, 2016), whereas domestic labor and caregiving are less readily converted into formal evidence (Zhunussova, 2022). Thus, the persistence of plural interpretations is caused not only by overlapping legal rules but also by differences in institutional authority (Rachman et al., 2020), social legitimacy, evidentiary practices (Probert & Dodsworth, 2024), and culturally constructed understandings of marital contribution (Akhtar & Manjoo, 2024). In this context (Doty, 2022), legal pluralism functions as both a structural condition and an everyday process through which spouses, families, customary leaders, and judges negotiate competing claims.

The consequences of this plural construction are ambivalent and directly affect the realization of justice and legal certainty in marital property disputes (Muchlis, Yasardin, Mukhlas, Khosyi'ah, & Hasan, 2025). On the positive side (Koudijs & Salisbury, 2020), customary mediation provides an accessible and socially legitimate mechanism for resolving disputes before litigation (Rachman et al., 2020), allowing families to preserve relationships and negotiate settlements according to their circumstances (Dupret, 2007; Marglin & Letteney, 2024). Judicial flexibility similarly enables Religious Court judges to consider evidence and forms of contribution that may not be adequately captured by a rigid application of a single legal rule (Bin Mohamad, Nur Hakim, Saputra, Jannah, & Adli, 2024). However, the same flexibility may produce uncertainty when different legal sources and evidentiary standards are applied across cases (Bunga et al., 2024). The findings particularly indicate that unequal recognition of economic and domestic contributions can affect the ability of spouses to substantiate their claims, especially where unpaid household work is not adequately documented (McKerracher, 2023). Accordingly, the problem is not the existence of legal pluralism itself (Firdausia & Fuad Attamimi, 2024), but the absence of sufficiently clear mechanisms for coordinating the different normative orders (Lichtenstein & Johnson, 2019). Without such coordination, social legitimacy may be achieved through customary settlement while legal certainty remains vulnerable at the judicial stage (Adomako & Tran, 2025). The implication is therefore transformative: strengthening spouses' property rights in Aceh requires a framework that preserves the accessibility and cultural legitimacy of customary mechanisms while establishing clearer standards for evidence, contribution, and judicial interpretation.

The findings confirm, but also extend, previous research on legal pluralism and Islamic family law. Studies by Alwy Ahmed Mohamed (2025) emphasize inconsistencies between

statutory regulation and Islamic family law, which is consistent with the present finding concerning fragmented normative foundations. However, the present study extends this scholarship by demonstrating that the fragmentation is not limited to the relationship between state law and Islamic law; it also involves customary institutions and their continuing influence on the practical resolution of marital property disputes. Similarly, Naqiyah (2025) and Ramstedt (2025) identify the continuing significance of customary authority and legal pluralism, but the present findings demonstrate more specifically how customary authority operates in the negotiation and distribution of joint marital property and subsequently interacts with Religious Court adjudication. Deere (2014) highlights the importance of women's property rights, while the present study extends this concern by empirically connecting women's claims to the recognition of unpaid domestic labor, evidentiary practices, customary mediation, and judicial discretion. The study therefore does not simply confirm earlier accounts of legal plurality; it contributes a more integrated explanation of how different legal orders shape the substantive and procedural dimensions of marital property disputes. Its principal novelty lies in connecting the normative plurality identified in previous studies with an empirically grounded reconstruction of joint marital property that treats economic and domestic contributions as components of a common marital partnership.

Based on these findings, the reconstruction proposed by this study consists of four interconnected components: recognition of contribution, normative harmonization, procedural coordination, and judicial integration (Dikovska, 2019). First, the concept of contribution should explicitly recognize both income—generating activities and unpaid domestic work (Metaj—Stojanova, 2026), including childcare and household management (Berenguer, 2024), as relevant contributions to jointly acquired marital property (Ruiu & Breschi, 2017). Second, normative harmonization should establish a coherent relationship among Law No. 1 of 1974, the KHI, Islamic jurisprudence, and Acehnese customary principles without eliminating the distinctive legitimacy of each legal order. Third, procedural coordination should require customary settlements concerning marital property to be documented in a form that can subsequently be considered as evidence before the Religious Court, thereby connecting *musyawarah gampong* with formal adjudication. Fourth, judicial integration should provide clearer criteria for assessing documentary evidence, witness testimony, customary agreements, and economic and domestic contributions in determining the distribution of marital assets. Methodologically, future socio—legal research should compare Religious Court decisions and customary practices across different Acehnese districts to identify regional variations and test the consistency of the proposed framework. From a policy perspective (Yusoff, 2024), these findings support the development of clearer regulatory guidelines or relevant Aceh *qanun* provisions concerning marital property, customary mediation, evidentiary standards, and recognition of domestic contributions. Such reconstruction would not eliminate legal pluralism but would transform it into a more coordinated legal framework capable of maintaining Aceh's Islamic and customary identity while strengthening predictability, substantive fairness, and protection of both spouses' property rights.

CONCLUSION

This study concludes that the construction of joint marital property in Aceh is shaped by the interaction of statutory law, Islamic jurisprudence, Acehnese customary law, and Religious Court practice within a plural legal order. In answering the research question concerning how joint marital property is constructed, the study identifies three principal

findings. First, the existing normative framework remains fragmented because different legal sources employ different concepts of ownership, contribution, and distribution, creating variation in legal interpretation and judicial outcomes. Second, customary institutions remain central to the practical resolution of disputes through *musyawarah gampong*, family mediation, and the recognition of *heureuta sihaureukat*, demonstrating that community—based legitimacy continues to influence the determination of marital property. Third, Religious Court judges function as intermediaries among these normative orders by considering statutory provisions, the Compilation of Islamic Law, Islamic jurisprudence, customary practices, documentary evidence, and witness testimony in individual cases. The study therefore answers the central research question by demonstrating that joint marital property in Aceh is neither exclusively a product of state law nor solely derived from Islamic or customary norms; rather, it is constructed through the continuous interaction and negotiation of these legal orders.

The principal contribution of this study is the development of an integrative reconstruction of joint marital property that connects legal pluralism with contemporary Islamic family law. Conceptually, the study proposes that marital contribution should encompass both income—generating activities and unpaid domestic work, including childcare and household management, as relevant components of marital partnership. Theoretically, the findings extend the application of legal pluralism by demonstrating that the coexistence of legal orders in Aceh involves not merely institutional coexistence but continuous normative negotiation among spouses, families, customary authorities, religious actors, and judicial institutions. Methodologically, the socio—legal approach demonstrates the value of combining normative legal analysis with empirical evidence from judges, customary leaders, Islamic scholars, legal practitioners, and divorced spouses to explain how legal rules operate in practice. The proposed reconstruction further identifies four interconnected dimensions—recognition of contribution, normative harmonization, procedural coordination, and judicial integration—as a basis for strengthening consistency and fairness in marital property disputes. In this respect, the study contributes a context—sensitive framework for developing Islamic family law that preserves the religious and customary identity of Aceh while strengthening legal certainty and the equitable protection of both spouses' property rights.

This study has limitations that should be considered when interpreting its findings. The empirical investigation was conducted in selected jurisdictions in Aceh and therefore may not fully represent variations in customary practices, community norms, and judicial reasoning across all districts. In addition, the proposed reconstruction has not yet been tested through longitudinal observation of judicial decisions or evaluated through actual policy implementation. Future research should therefore conduct comparative studies across different Acehnese jurisdictions, examine a larger body of Religious Court decisions, and employ mixed—method or longitudinal approaches to assess how the recognition of economic and domestic contributions affects judicial outcomes. Future studies may also evaluate the feasibility of integrating documented customary settlements into formal judicial procedures and assess the effectiveness of regulatory reforms or Aceh *qanun* provisions concerning joint marital property. Such research would strengthen the empirical basis for developing a more consistent, equitable, and context—sensitive framework for regulating joint marital property within plural legal systems.

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DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Musfira: Conceptualization, Methodology, Investigation, Data Curation, Formal Analysis, Writing — Original Draft. Putri Rahmah Nur Hakim: Conceptualization, Formal Analysis, Interpretation, Writing — Review & Editing. Khairani Mukdin: Formal Analysis, Validation, Writing — Review & Editing. Irwan Abdullah: Formal Analysis, Interpretation, Writing — Review & Editing. Syahrizal Abbas: Supervision, Conceptualization, Methodology, Formal Analysis, Validation, Writing — Review & Editing. Salmy Edawati Yaacob: Formal Analysis, Writing — Review & Editing, Validation.

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DATA AVAILABILITY STATEMENT

The data supporting the findings of this study are available from the corresponding author upon reasonable request. Access to interview data is subject to ethical considerations and the protection of participants' confidentiality.

DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial interests, personal relationships, institutional affiliations, or other circumstances that could have appeared to influence the work reported in this paper. The authors further confirm that the research was conducted independently and that the analysis, interpretation of the findings, and conclusions presented in this manuscript were not influenced by any external commercial or financial interests.

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