

Research Article

Prohibition of Marriages within the Same Clan in Batak Toba Samosir Customs from the Perspective of Islamic Law

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ABSTRACT

Regulations regarding mahram and the prohibition of intermarriage in Samosir Batak society are one of the important aspects that influence social life and marriage. The clan in the Samosir Batak tradition has a very central position, so the prohibition on intermarriage within the clan is regulated to maintain the purity of the lineage and social harmony. In Islamic law, the prohibition on intermarriage can be analogous to the prohibition against mahram, namely people who are forbidden to marry because of blood or marriage relations. This research aims to examine the relationship between mahram in Islamic law and the prohibition on intermarriage in Samosir Batak custom, as well as exploring the similarities and differences between the two. The method used is descriptive qualitative with a normative approach. The research results show that there are similar goals between the two systems in protecting offspring and family honor. However, there are differences in determining which parties are considered mahram and semarga. This research suggests that there should be a deeper understanding of these two systems in order to create a balance between religious and customary law in Samosir Batak society. Even though there are differences in determining who is considered a mahram in Islamic law and who is considered a clan in Samosir Batak custom, these two systems have the same goals in maintaining family honor, protecting legitimate descendants, and preventing marriage within a close lineage. Socialization and Education requires more intensive outreach efforts regarding the differences and similarities between mahram in Islamic law and the prohibition on intermarriage in Samosir Batak custom. This is important to provide a clear understanding to the community, especially the younger generation, so that they can live their religious and traditional lives in harmony.

Keywords: Batak Customs; Islamic Law Perspective; Marriage; Mahram

1. INTRODUCTION

In the Batak Toba community, especially in Samosir, intermarriage is considered a serious violation of social and cultural norms. Clan marriage is defined as a marriage between individuals who have the same surname, for example Harahap with Harahap or Siregar with Siregar. This practice is prohibited because it is considered unlucky and can cause problems in the offspring. The sanctions for those who violate this ban are very severe. Violators must apologize in the presence of eight Kings from local villages and may be subject to fines in the form of slaughtering animals. In addition, those who perform same-sex marriages will not be included in other traditional ceremonies, which shows how serious this violation is in the social context of the Batak community.

The Samosir Batak custom has a social system that pays great attention to bloodlines, which is reflected through the use of surnames in society. The clan not only functions as a cultural identity, but also regulates social relations, including in marital affairs. One of the important customary rules is the prohibition of clan marriage, which prohibits a person from marrying an individual of the same clan. This prohibition aims to maintain the purity of descent and social relations between families.

Marga is one of the most important concepts in Batak culture, especially in the Batak Samosir community. A clan is considered a kinship identity that binds individuals to a large family group or clan. Each clan has a certain history and lineage that is respected by the community. Therefore, marriage between members of a clan is considered a violation of the existing social structure and kinship system. (Hadikusuma. 1990). The prohibition of intermarriage in the Batak Samosir tradition is understood as a rule to maintain the continuity of kinship relationships in one clan.

In a traditional view, marrying a fellow clan can lead to internal conflicts that can damage harmony between extended families. In addition, inter-clan marriage can lower the status of the family in the eyes of the community, considering the importance of the role of clans in Batak social life (Wignjodipuro. 179). The practice of prohibiting marriage since this is applied in every stage of the Batak traditional wedding procession. From the exploration of potential partners to the stage of introduction to the family, the couple's surname will be checked to ensure that there is no blood relationship between the two. If it is found that the prospective husband and wife are from the same clan, then the marriage will be considered null or void according to custom.

The prohibition of intermarriage serves to maintain a well-organized social structure in Batak society. The clan is not only a symbol of the family, but it also reflects a larger social group, involving all members of the extended family and their descendants. By prohibiting inter-clan marriage, social relations in the Batak community are maintained systematically. This prohibition strengthens the relationship between different clans, which are often tied in wider social ties and kinship. This encourages inter-clan marriage which strengthens social ties between extended families of different clans.

Each clan in Batak has a symbol and identity that is inherited from generation to generation. With the prohibition of intermarriage, the lineage in the clan is maintained and protected, and the clan name is maintained in each generation. This is very important for the Batak people who value their ancestors and family history very much. The prohibition of intermarriage also serves to preserve Batak customs and keep them relevant in the midst of changing times. Batak customs are closely related to the concept of kinship organized by clan, so this rule is considered a way to maintain the continuity of traditions and customs that have been applied for a long time. This gives a sense of identity and pride in the local culture.

Overall, the prohibition of intermarriage helps maintain harmony in Batak society. Since each individual in the Batak community has a strong kinship relationship with each other based on the clan, this rule also aims to prevent conflicts or tensions that can arise due to blood relations that are too close or marriages between the same extended family. But the prohibition of intermarriage can also limit the choice of life partners for individuals in Batak society. When a person is bound by this rule, they have to look for a partner who comes from a different clan, which can sometimes be very limited within the scope of the local community. These restrictions can lead to difficulties in finding a suitable partner, especially in smaller or traditional communities.

On the other hand, in Islamic law, there are rules that regulate mahrams, namely people who are haram to marry because of blood relations or marriage. In general, mahram refers to people who are not allowed to marry us based on the provisions of Islamic law (Amir, 2018). This is due to blood relations, marital relationships, or lactation relationships. Therefore, a mahram can be seen as a person who is considered protected by family relationships or marriage bonds that make it haram for us to marry for life. Mahram is divided into two main categories, namely: Mahram Muabbad (eternal), these are the ones who are forbidden to marry forever, Mahram Muaqqot (Temporarily), these are people who are forbidden to marry only under certain conditions. For example, the prohibition of marrying two sisters at once or the prohibition of marrying a woman who is in the iddah period after divorce.

Along with the times, people's views on the prohibition of intermarriage have begun to change. Many of the younger generation began to question this tradition and chose to marry a couple from the same clan. This shows a shift in values and understanding of the importance of inter-clan relationships in Batak society. However, there are still many indigenous leaders and communities who maintain this ban as part of their cultural identity. They argue that following traditions is important for maintaining social harmony and stability in the community. Although both have similar goals, the difference in determining who is considered a mahram in Islamic law and who is considered a clan in the Batak Samosir custom needs to be understood in depth. This is important to avoid the potential confusion of the Batak Samosir people who are Muslims in arranging marriage and maintaining harmony between customs and religion.

2. RESEARCH METHOD

This research is descriptive-qualitative, because this research is seen as capable of analyzing social reality in detail. Research is a process of collecting, processing, and analyzing an event. To obtain a scientifically responsible study. (Moleong 2021). This research uses an induction approach and aims to prepare a theoretical construction through the disclosure of facts with the aim of obtaining a general view of social reality from the perspective of the participants. The data collection method was used in the preparation of this research: Documentation, Interview.

3. RESULTS AND DISCUSSION

Understanding the Prohibition of Marriage in the Batak Toba Samosir Customs

With the existence of religion in Indonesia, each ethnic group has a different customary marriage system, including in this case customary marriage. These different marriages are a distinctive and unique feature in each existing culture.

Etymologically, customary is used to refer to the binding norms of a particular society, which govern the phases of a person's life in a society. In Indonesia, the term customary is also not unusual. Adat is often used by the general public in its simple form, but more complicated terms such as customs or customs are often used as well. As stated by Snouck Horgronje, one must be aware of the difference between customary terms used in one's own region and customs in other regions (Abdurrahman, 1978).

The meaning of this custom seems inseparable from the fact that people in Indonesia understand this term in a sense that it covers many dimensions of life. Therefore, it can be said that every society or every ethnic group in Indonesia has a different culture and its own nature that is influenced by the natural structure of the mind. Customary law of marriage is a community law (people's law) that is not written in the form of state legislation, which regulates the order of marriage (Lukito and Ratna, 2008). Based on this understanding, that laws or regulations on marriage customs are made by themselves by a certain cultural group that is mutually agreed upon by the group, which aims to create harmony in the group. There are three types of customary marriages, First, exogamy that is, a man is forbidden to marry a woman who is related to him. Second endogamy That is, a man is required to marry a woman within his own relatives (tribe, clan, family) and is prohibited from marrying a woman outside of relatives. Third eleutrogami that is, a man is no longer required or prohibited from marrying a woman outside or within the environment of relatives but within the limits that have been determined by Islamic law and applicable laws (Vergouwen, 1986).

The marriage system above, the Batak people adhere to the system of exogamous marriage. The Batak people prohibit the occurrence of clan marriages, because these marriages violate Batak customary rules. Anthropologically, marriage is considered an abstinent marriage or violates Batak customary rules. The marriage of a man to a woman who is considered a brother and blood relative of the father (patrilineal). A clan marriage is a marriage between a man and a woman who have the same surname. For example, marriage between the Hasibuan clan and the Hasibuan clan, the Harahap clan with the Harahap clan, the Lubis clan with the Lubis clan, and so on. In essence, Batak customary law is kinship relations that prohibit marriage between a man and a woman of the same clan.

The prohibition of intermarriage has been passed down from generation to generation before Islam came to the land of Batak. Therefore, customary law is always obeyed by the local Batak community and still maintains it. In the past, couples who married together would be severely punished such as being excluded from community associations, and usually the community did not want to accept them, was not recognized and was prohibited from participating in traditional events, even both parties would be sanctioned by being degraded by their community and/or expelled from the community. The Samosir Batak community highly upholds Batak cultural values, especially in marriage. However, the reality is that in the Samosir Batak community, there has been a violation of the Samosir cultural regulations. Samosir Batak clan marriage, for example, that the custom of prohibiting clan marriage in Batak customs is actually carried out and violated by the community. The system of marriage outside the clan has faded in Batak society. This marriage is called a marriage since (Vergouwen, 1986).

According to the beliefs of the Batak Toba people, even though it has been passed down from generation to generation, the people of the same clan are still related to blood like brothers and sisters. This is confirmed in the customary provisions so that people of the same clan are taboo to get married. So, if incest occurs, it means that charcoal is not only tarnishing the family's forehead, but also on the face of the community. The attitude of respect for the ancestral heritage makes the customary law that speaks, namely the perpetrator's spouse is severely sanctioned. Apart from clan marriages, there are also marriages that are prohibited by Batak Toba customary law, including: Marpadan Marriage. Marpadan marriage is a marriage between clans that are related from the ancestral oath. For example, the ancestors of the Sitompul and Tampubolon clans. Because of their strong friendship, they then became like siblings until they agreed to marry or make promises so that their descendants would not marry each other. Bona ni Ari Marriage, Bona ni ari marriage is a marriage between a man and a woman who are related to the first ancestral wife. For example, Tambunan women are taboo to marry Manurung men because Boru Manurung is the wife of the King of Tambun. On the other hand, Tambunan men are highly recommended to marry Manurung women. They marpariban boru Manurung is boru tulang, the daughter of the brother of the mother of the descendant of King Tambunan.

People who understand their partuturon (clan genealogy), then he will not be able to marry the one who is the same as him, bona ni ari or marpadan with him because he will consider the one who is in his own family as one offspring or even one belly with him and in general he will consider the person who is in his surname to be his brother or sister and the one who is the provision of the ancestors will be so respected (Nature, 2011). Marriage is a marriage that deviates and violates the provisions of the Batak Toba customary law that has existed for hundreds of years and is basically opposed by both traditional leaders and the Batak Toba community. With the existence of customary provisions regarding the prohibition of intermarriage that occurs in the indigenous community of the Batak Toba tribe, this intermarriage is very avoided and prohibited for the Batak Toba people.

long breastfeeding gives rise to the prohibition of marriage. This prohibition is at least 5 (five) times until full each time breastfeeding, regardless of the time of breastfeeding, whether it is breastfeeding five times a day or two or three days or a week apart (Basyir and Azhar, 1999). Then the marriage ban arises. This opinion is the opinion of Imam Shafi'i with its adherents. This prohibition is also explained in Q.S An-Nisaa Verse 23 which means all that are maintained by the same mother even though they are not the same womb.

Semenda Relations

Sexual relations mean after a previous marriage relationship, for example, the sister of your wife (male). If a man (you) has married his sister or his sister who is a woman, then the marriage between the husband of the sister and the sister is forbidden. Allah said:

لَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّهُ كَانَ فَحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا

"And you shall not marry women whom your father has married, except in the past. Indeed, the deeds are very heinous and hated and as bad as the path." (Q.S. An-Nisa: 22).

Polyandry Marriage

Polyandry is a married woman who remarries another man (not divorced). The prohibition of polyandry marriage is affirmed in Q.S. An-Nisa verse 24 which reads:

وَالْمُحْصَنَاتُ مِنَ النِّسَاءِ إِلَّا مَا مَلَكَتْ أَيْمَانُكُمْ ۚ كَتَبَ اللَّهُ عَلَيْكُمْ ۚ وَأُحِلَّ لَكُمْ مَا وَرَاءَ ذَلِكَ أَنْ تَبْتَغُوا مَوْلَكُمْ مُحْصِنِينَ غَيْرِ مُسْفِحِينَ ۚ فَمَا اسْتَمْتَعْتُمْ بِهِ مِنْهُنَّ فَآتُوهُنَّ أُجُورَهُنَّ فَرِيضَةً ۚ وَلَا جُنَاحَ عَلَيْكُمْ فِيهَا تَرْضَيْتُمْ بِهِ مِنْ بَعْدِ الْفَرِيضَةِ ۚ إِنَّ اللَّهَ كَانَ عَلِيمًا حَكِيمًا ۙ

"And it is forbidden for you to marry a woman who is married, except for the slaves you have (Allah has established the law) as His decree upon you. And it is permissible for you to seek wives with your wealth to marry, not for adultery. So the wives that you have enjoyed (interfered with) among them, give them their dowry (perfectly), as an obligation; And there is no reason for you to give up something that you have given up on each other, after determining the dowry. Indeed, Allah is All-Knowing, All-Wise." (Q.S. An-Nisa: 24).

Against the Women in Li'an

Li'an is staying away from each other, that is, husband and wife stay away from each other after li 'an forever. Li'an is the husband's oath that his wife has committed adultery (adultery) with another person and the child born to his wife as a result of adultery (if any) is not his child. If a person accuses his wife of adultery without evidence, then he has committed *qadzaf* and is entitled to the ruling of the limit in the form of 80 lashes. Allah the Almighty said:

وَالَّذِينَ يَرْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا ۚ وَأُولَئِكَ هُمُ الْفَاسِقُونَ

"And those who accuse good women and they do not bring four witnesses, then whip them eighty times." (Q.S An-Nur: 4)

Marrying an adulterous woman or an adulterous man

The purpose of marriage is sacred. It must be prevented from all elements of desecration and defilement, which is why it becomes a religious institution. It is haram that does not protect, guard and secure the sanctity of marriage (Rahmat. 2000). Marriage based on secularity alone (according to what it is, culture alone) will not be able to maintain or will not be able to maintain that sacredness, as explained in Q.S An-Nur Verse 3 which reads:

"A man who is an adulterer, whom he marries is also an adulterous woman or a polytheistic woman. The adulterous woman whose soul mate is also an adulterous man or a polytheistic man, and it is forbidden to do so on the believer." (Q.S An-Nur: 3)

Marriage Within the Same Clan in the Perspective of Islamic Law

Islamic Law Perspective

Islam regulates the prohibition of marriage based on nasab, breastfeeding, or marriage (mahram). If it does not involve mahram relations, then the original law is *mubah* (Yes). However, if in certain customs it is considered a mahram (due to the perception of close kinship), then the local ulama can give legal considerations (Abdul et al., 2021).

Related to *Urf* (Adat/Custom)

Urf Sahih (Good Custom); if the prevailing custom in society considers marriage to be harmless, then Islam tends to be permissible, as long as it does not contradict the Shari'ah. *Urf Fasid* (Bad Customs); if the custom prohibits marriage for compelling reasons (e.g. to maintain social harmony), then Islamic law may consider the prohibition to safeguard the benefits.

Views of Scholars (*Ulama*)

Some scholars state that Islam provides leniency as long as there is no violation of sharia. However, other scholars reminded to continue to consider benefits, such as customary conflicts or family harmony. Case Study, In the Batak community, for example, the prohibition of marriage is very strict because it is considered a violation of custom. In this context: Islam does not directly prohibit, but respects the custom to prevent social conflicts. Decisions are usually left to the discretion of local communities and religious leaders.

4. CONCLUSION

Based on the results of the research on the marriage of the Batak tribe in the Batak Samosir migrant community which has been discussed in the previous chapter in this thesis, it can be concluded that the Batak people whose patrelineal kinship system with the *exogamous* marriage system have customary provisions that are still one clan are prohibited from marrying, because the belief that the marriage of the clan still has a blood relationship. It is undeniable as the saying goes, where the earth is stepped on, the sky is upheld. This can be seen in the Batak Toba community with the prohibition of tribal marriage, inevitably the community must submit to customary regulations that have been built for a long time. This will be a problem when religion allows while customs prohibit it, here customs look stronger than religion, which should be. The results of research in the field revealed that the most prominent factor in intermarriage is the religious factor, the prohibition of intermarriage does not exist in Islamic law, because siblings are not included in those who are haram to marry according to the Qur'an and Sunnah. Thus, it can be said that marriage is a bad law as long as it is not a close relative. Marriage is a social change in the family in the Batak Samosir society. Social changes in the marriage of the Samosir Batak clan that currently change the *exogami* marriage system to the *eleutherogami* marriage system which does not recognize any prohibitions or imperatives as is the case in the *exogami* marriage system or the *endogami* marriage system.

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