



Sarumpun marriage phenomenon: analysis of Islamic law perspective

Akmal Yandi¹, Umar Akem², Erna Dewi³, Misra Netti⁴, Adrinoviyan⁵

¹Universitas Islam Negeri Imam Bonjol Padang, Indonesia

²Ibnu Auf Cooperative Satun, Thailand

³STAIN Mandailing Natal, Indonesia

⁴Institut Agama Islam Lukman Edy, Indonesia

⁵Ministry of Religious Affairs Solok City, Indonesia

✉ akmalyandi094@gmail.com *

Abstract

Minangkabau society, which adheres to a matrilineal kinship system, considers marriage as an important event. In Minangkabau custom, *sarumpun* marriage is strictly prohibited, and violations are subject to customary punishment. However, in Islamic law, there is no prohibition against *sarumpun* marriage. This study aims to determine the view of Islamic law in the perspective of 'urf on the prohibition of *sarumpun* marriage. The method used is a qualitative method with an ethnographic approach with data sources from interviews, observations with traditional leaders and data from related books and articles. The results show that Minangkabau custom prohibits *sarumpun* marriage, but still considers it valid. In Islam, this marriage is not haram, but makruh. From the perspective of urf, this prohibition is included in the valid urf, because Imam Ghazali stated that *sarumpun* marriage is makruh. In addition, Islam recommends avoiding marriage with close relatives because it can produce weak offspring, as the opinion of the jurists is that a person's lust tends to be weak towards close relatives.

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INTRODUCTION

Minangkabau society is a matrilineal society that organizes lineage based on the mother's line. On the other hand, they are adherents of Islam which regulates paternal lineage, although there are views from both sides, both father and mother. These two seemingly different sides are often seen clashing in terms of practices such as inheritance and marriage (Burhan, 2017; Hakim, 2017; Jafar et al., 2018). On the other hand, Minangkabau custom prohibits a man from marrying a woman who comes from the same family or tribe as his Caniago mother, so those who are Caniago outside of mahram are not allowed or prohibited from marrying. Although the woman referred to by the tribe is not included in the prohibition of women who are forbidden to marry by sharia for men. Marriage is also strongly influenced by customs that cannot be separated from the influence of cultural background and family environment and relationships. In addition, there is the influence of religion or belief that surrounds legal actions (Nugroho et al., 2022).

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Marriage in Minangkabau custom refers to the formation of a family through a personal bond between a woman and a man, with the blessing and approval of their relatives (Imron et al., 2021; Miski et al., 2022). Within the Minangkabau indigenous community, marriage is closely associated with elaborate traditional ceremonies that involve unique customs and specific rules. In many cases, certain conditions must be met before a marriage can take place, reflecting the community's adherence to a matrilineal system, where lineage is traced through the mother. One of the key aspects of this tradition is the prohibition of marriage within the same tribe, as it is considered to maintain social and kinship structures. This restriction is based on the belief that such unions involve close ancestral ties, which are traditionally regarded as ineligible for marriage (Taufiq, 2022).

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marriage (marriage outside the tribe). Over time, traditional leaders carefully consider every aspect of this practice, weighing its benefits for the community by analyzing both the positive and negative impacts of inter-tribal marriage.

Several articles discussing consanguineous marriage in Minangkabau customary law present different perspectives on this tradition. One study explores allied marriages in customary law within a specific Minangkabau region, while another examines legal pluralism in the tradition. Additionally, some studies analyze the practice of consanguineous marriage in various regions and the perspectives of traditional leaders regarding its prohibition. Other research discusses the prohibition from both Islamic law and Minangkabau customary perspectives. These studies indicate that consanguineous marriage remains a significant topic of discussion in Minangkabau society, viewed through the lenses of both custom and Islamic law.

Customary sanctions against cohabitation in Minangkabau serve to maintain social norms and are in line with Islamic law that prohibits extramarital relationships (Aisyah, 2018; Gegana & Zaelani, 2022; Ismail et al., 2023; Marwa, 2021; Muttaqin, 2020). In addition, the tradition of simultaneous marriages in Nagari Sikacua Tengah strengthens social ties and reduces costs while still complying with the provisions of Indonesian positive law. Meanwhile, the prohibition of tribal marriage in Subarak Village aims to maintain the balance of the traditional Minangkabau kinship system, although there is no specific rule prohibiting it in Islam. Another form of marriage practice in Minangkabau is *Sapayuang* marriage, which helps preserve family heirlooms but must also consider the individual's right to choose a partner. Similarly, the prohibition of inter-tribal marriage in Solok, was enacted to prevent kinship conflicts, although there is no national law that specifically addresses this issue (Danil, 2019; Destuliadi, 2022; Putri & Yunaldi, 2024).

Regarding arranged marriages, a case study of the views of *Ninik Mamak* Adat Pitopang in west sumatera, highlighted that arranged marriages should not be forced and give individuals the freedom to choose their life partners. In addition, Minangkabau society is strongly opposed to cohabiting marriages, as they contradict customary and religious values and are considered to undermine social morals. These various perspectives on marriage customs in Minangkabau illustrate the complex relationship between tradition, Islamic teachings and legal considerations, reflecting the community's efforts to balance cultural heritage with contemporary values.

The prohibition of tribal marriage in Minangkabau customs, this prohibition is implemented to maintain matrilineal lineage and social balance in Minangkabau society. The Role of Traditional Leaders in the Marriage of One Tribe in Minangkabau Customs in Nagari Harau, Traditional leaders play a role in maintaining customs, organizing marriages, and resolving customary conflicts that arise. Sakinah Family (customary marriage and social change in minangkabau society), modernization has changed the practice of Minangkabau traditional marriage, but family values are still maintained for the sake of household harmony.

Based on the literature review that has been presented, this research aims to open the insights and perspectives of the Minangkabau people in addressing customary prohibitions and their relevance to the rules in Islamic law. Thus, customary prohibitions can be improved and adjusted to be in line with the Islamic principles adopted by the community.

METHOD

This research uses a qualitative method with an approach to ethnography (Fauzi et al., 2024; Saudiah et al., 2024; Siregar et al., 2023; Sudarmin et al., 2023). Sources of data were taken from eight informants with in-depth interviews selected using the technique of purposive sampling, while the selected informants met four criteria, namely, informants understand well the problem under study, are still active in the

field being studied, have time to provide information to researchers and provide information according to the facts that occur in the field (Rahawarin et al., 2020; Ramli et al., 2017). To meet the criteria as informants, all informants consisted of *niniak mamak*, *bundo kanduang*, and traditional leaders. To strengthen the data from the interviews, the researchers also made direct observations.

After the interviews were completed, all informants were taken, a transcript of the interview data was carried out and then the themes were taken in accordance with the objectives and needs of the research data. According to Castleberry & Nolen (2018); Clarke & Braun (2018); Herzog et al (2019) thematic analysis is an analytical technique that can be used by researchers in analyzing the results of interviews so that they can be seen clearly and easily understood by readers. The entire process of thematic analysis above was carried out using the Miles and Huberman technique. In Miles and Huberman's technique that is collecting data, after the data is collected then do data analysis, then data reduction and conclude the research (Engkizar et al., 2023).

RESULTS AND DISCUSSION

The kinship system and prohibition of allied marriages in Minangkabau customs

Community life and order in Minangkabau is regulated by a matrilineal kinship system, namely kinship along the maternal line. Both men and women have bloodlines. As is true in the patrilineal system, fathers cannot include their children in their tribe. Thus, a child in Minangkabau will follow his mother's tribe. There are four types of kinship relations in Minangkabau, First *niniak mamak*, namely the relationship between a son or daughter and their mother's siblings. Second kinship relations *suku-sako*, which means a person's relationship with members of the same tribe. Third kinship relationship *anak pisang* grandmother namely the relationship between a child and his father's sister or between a woman and her brother's child. Fourth the *andan pasumandan* relationship, or the relationship between members of a rumah gadang or village and a rumah gadang of another village because one of the members' relatives is married (Maulana et al., 2024; Salma & Burhanuddin, 2018; Santika & Eva, 2023; Sola, 2020).

The Minangkabau community is a society that has a different marriage system from other regions in Indonesia. Regarding the marriage system, the Minangkabau community adheres to the exogamy system, where a person is prohibited from marrying within the same clan or tribe, so they must marry someone outside their tribe (Rahmadiyah & F, 2024; Syarafuddin et al., 2024). According to the logic of Minangkabau customary law, marrying within the same tribe is not allowed. Those who violate it will be subject to moral sanctions such as being ostracized from society and exiled from custom. This punishment applies not only to the offending couple, but also to the extended family that receives the sanction. Therefore, marrying within the same tribe will bring disaster to the household.

According to the Law of Twenty, the reason same-sex marriage is prohibited is because marrying someone of the same bloodline can narrow relationships, cause great divisions as inter-tribal conflicts occur more frequently, and cause psychological disturbances to children due to the racist actions of people in the village. Perpetrators of same-sex marriages can be punished by customary banishment, dissolution of the marriage, expulsion from the village, and fined according to the place where the law is decided.

Marriage in *syarak* terms is *ijab* and *qabul* (*'aqad*), which according to Islamic rules legalizes sexual relations between men and women and is pronounced with words that indicate marriage (Yusriah, 2023). In the Quran, the word “*zawaj*” means couple and means marriage because Allah made humans in pairs, legalized marriage,

and forbade adultery (Kaema et al., 2024; Koswara et al., 2020). According to the results of interviews conducted with informants in the field, the meaning of marriage in Islam is no different from the meaning of marriage in Minangkabau customs, because the goal is to legalize the haram, with the willingness of both parties. Marriage also has pillars and conditions. The pillars of marriage consist of husband, wife, guardian, two witnesses, and *sighat*. The husband must be Muslim and the man must be a clear person and have no impediments to marriage. The wife must be halal for her husband, not forced, not in a marriage bond, and not in the *iddah* period (if widowed). And also the requirements for marriage guardians must also be met, namely the guardian must be male.

Survey tradition about the prohibition of consanguineous marriage

Definition of 'urf

Urf linguistically means something that is considered good and accepted by common sense, while in terms it is something that is familiar to a particular community that has become a habit and is part of their life. In discussing the position of custom as one of the arguments for establishing Sharia law, *ushul fiqh* scholars distinguish between custom and "*urf*." Custom is defined by:

الامر المتكرر من غير علاقة عقلية

Meaning: *Something that is done repeatedly without any functional relationship.*

According to this definition, an action is not considered customary if it is carried out repeatedly according to the law of reason. This definition also shows that custom covers very broad issues, such as issues that concern many people, namely issues related to the results of good and bad thoughts, or personal issues, such as a person's habits in sleeping, eating and consuming certain foods. Customs can also come from natural sources, such as the speed of puberty in tropical areas or the slowness of plants bearing fruit or lust and moral corruption, such as corruption. Apart from that, customs can also originate from certain situations, such as when the culture of a region changes due to the influence of foreign culture.

Mushthafa Ahmad al-Zarqa, a professor of Islamic jurisprudence at Amman University in Jordan, stated that '*urf*' is part of adat because adat is more general than '*urf*', according to him adat must apply to most people in a certain area, not to certain people or groups, and '*urf*' is not a natural habit as it applies to most *adat*, but rather arises from thought and experience, like the custom of the majority. In some areas, communities stipulate that the dowry given by the husband from the sale of certain foods is necessary to fulfill normal household needs.

In terms of its validity in *shara'*, *urf* is divided into two, namely *urf shabih* and *urf fasid*. *Urf shabih* is a custom that is popular in the community and does not violate Islamic values and does not legalize the haram or vice versa (Khairani & Fitriani, 2020). Meanwhile, *fasid* traditions are habits that have existed for many years in society, even though the rules are contrary to Islamic teachings or legalize the forbidden, and vice versa, such as prohibited acts that have become a habit in most communities (Abdillah, 2021; Rosiana et al., 2024).

As explained above, in Islamic law it is clearly stated and explained regarding prohibited marriages or marriage prohibitions for Muslims. As found in Allah's word surat an-Nisa' verses 23-24, which means:

'Forbidden to you (to marry) your mothers; your daughters; your sisters; your father's sisters; your mother's sisters; the daughters of your brothers; the daughters of your sisters; your mothers who breast-fed you; your sisters in law; the mothers of your wives (in-laws); the children of wives with whom you are married, if you have not mixed with them (and have divorced them), you have no sin in marrying them; but if you have married them (and have

divorced them), you have no sin in marrying them; (and forbidden to you) are the wives of your children's children (sons-in-law); and forbidden to you (to marry) the wives of your children's children (sons-in-law), and to join (in marriage) two women who are sisters, except as has happened in the past. Verily, Allah is Forgiving, Merciful. It is also forbidden to marry a married woman (QS 4: 23-24).

Based on the verses of the Qur'an that have been explained above, it can be concluded that:

The first reason for the prohibition of marriage in Islam is *nasab* (blood relationship). The second reason is the prohibition of marriage if a person is related by breastfeeding. Third, the reason for the prohibition of marriage due to the relationship of *nasab* (relationship of breastfeeding). Based on the above explanation, marrying siblings from the mother's line is not prohibited by Islamic law. In other words, siblings from the mother's lineage are not considered close relatives who are prohibited from marrying. This simply shows that Minangkabau custom is contrary to Islamic law. However, if examined more deeply, this provision is not contrary to Islamic law. Based on the results of interviews with several informants as follows;

There are no community members who reject or criticize this prohibition, because they consider that this prohibition has become an unwritten law that they must obey. And basically the Minangkabau people understand that people who are sasuku mean that they come from the same rumah gadang and they consider them as blood relatives because of one ancestor.

The same thing was also expressed by a *bundo kanduang* who said that the;
The prohibition of tribal marriage has been a custom since ancient times, and if it is not prohibited it will cause harm to the child himself, namely the child will not have bako or induak bako from his father's tribe because his father and mother have the same tribe, and other losses are socially, children born to parents who have the same tribe usually often get ridiculed by their friends and become the subject of people's talk.

Although other communities consider this prohibition as something that must be straightened out. The words of a *ninik mamak* whose child was the perpetrator of a *sasuku* marriage, namely;

For example, if a person's religion does not forbid it, and I think it's fine if there are people who do sasuku marriages, it's not a bad thing if there are people who do sasuku marriages, it's a bad thing if there are people who do sasuku marriages.

Several state officials and all the traditional leaders agreed with the same thing, that;

Although Minangkabau customary rules, especially in some areas, prohibit same-sex marriages, these marriages have never been annulled and are still considered valid. This is because sasuku marriage does not fall under the category of haram. Forbidden means that what is done is sinful and what is left out is rewarded. Sasuku marriage is considered permissible but not good in Minangkabau society, or considered makruh in Islam. Things that are recommended not to be done are considered makruh. There is no sin if done, but if abandoned for the sake of goodness, it will be rewarded by Allah. Therefore, it is better not to do it.

In the book *Ihya Ulumuddin*, Imam Ghazali recommends not marrying close relatives, because eventually the children born will be weak. According to some jurists, lust will be weak in close relatives, so they destroy marriages with *bintul kbali* (daughter of mother's brother), *bintul ammati* (daughter of father's sister), and *bintul khalati* (daughter of mother's sister). Although there are also good values in *sasuku* marriage, preventing harm is more important than taking advantage because Minangkabau teachings and culture prohibit *sasuku* marriage.

CONCLUSION

Based on the descriptions of some of the explanations that have been presented above, it can be concluded that in Minangkabau society, the matrilineal culture, where the lineage adopted is the mother's lineage, has led to a culture of prohibiting allied marriages, namely marrying women who come from the same tribe as the mother. Minangkabau custom, especially in Nagari Batu Bajanjang, prohibit sasuku marriage, but the marriage has never been annulled and is still considered valid. Because same-sex marriage is not included in the haram category. Because the haram law means that what is done is sinful and what is left out is rewarded. Prohibit sasuku marriage is considered permissible but not good in Minangkabau society, or considered makruh in Islam.

However, according to Islamic law, which is based on the opinion of Imam Ghazali, the Prohibit *sasuku* marriage for the Minangkabau community is a valid `urf, and marrying someone from the same tribe is *makruh*, because Prohibit *sasuku* marriage come from close families who are raised in the same rumah gadang, and Prohibit *sasuku* marriage or close families will also cause *mudharat*, namely weak offspring in the end. And Islamic law also recommends not marrying into close families, because this can also create weak offspring.

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