

MINANG KABAU CUSTOMERY MARRIAGE IN THE MIDST OF MODERNIZATION (IDEAL AND PROHIBITED MARRIAGES) FROM AN ISLAMIC LAW PERSPECTIVE



Hendri Zola Effendi¹ , Muhammad Al Amin²

*Correspondence :

Email : auhtors@ac.id

Authors Affiliation:

¹Universitas Islam Negeri Sjeh M. Djamil Djambek Bukittinggi, Indonesia

• ²University Putra Malaysia, Selangor, Malaysia

³Cambera University, Australia

Article History :

Submission :

Revised :

Accepted :

Published

Keyword :

Kata Kunci :

Abstract

Minangkabau Aboriginal marriage is one of the forms of social institution that is rich in traditions and cultural values that are outdated in the Minangkabau community, West Sumatra, Indonesia. Marriage in this culture is not only a bond between two individuals, but also involves both families involved in the process of negotiation and agreement. Marriage in Minangkabau also has a rich range of traditions and uniqueness. The Minangkabau community, known for its matrilineal friendship system, has diverse forms of marriage that reflect different cultural values, religions, and customs.

Abstrak

Perkawinan adat Minangkabau merupakan salah satu bentuk lembaga sosial yang kaya akan adat istiadat dan nilai-nilai budaya yang sudah tidak asing lagi di masyarakat Minangkabau, Sumatera Barat, Indonesia. Perkawinan dalam budaya ini tidak hanya menjadi ikatan antara dua individu, tetapi juga melibatkan kedua keluarga yang terlibat dalam proses negosiasi dan kesepakatan. Perkawinan di Minangkabau juga kaya akan berbagai adat istiadat dan keunikannya. Masyarakat Minangkabau yang dikenal dengan sistem pertemanan matrilineal memiliki bentuk perkawinan yang beragam yang mencerminkan nilai-nilai budaya, agama, dan adat istiadat yang berbeda.

INTRDUCTION

Minangkabau is a region in Indonesia with strong customs with its customary philosophy Adat Basandi Syarak, Syarak Basandi Kitabullah, Syarak Mangato Adat Mamakai¹¹ which is then complemented by Alam Takambang Jadi Guru as a basic value in organizing Minangkabau society, which was later confirmed in the Satie Bukit Marapalam Oath in 1837 at Bukit Pato, Lintau, near Batu Sangkar.

Minangkabau is often better known as a cultural form than as a state or kingdom in history. This may be because the historical record only shows the name changes of the kingdoms that ruled the region. There is no record of a democratic system of government with a matrilineal society, nor is there a historical record of the birth of the matrilineal system as it is known today. Minang or Minangkabau is an ethnic group of the archipelago that speaks and upholds Minangkabau customs. Its territory includes West Sumatra, half of Riau, the northern part of Bengkulu, the western part of Jambi, the southern part of North Sumatra, Southwest Aceh, and also Negeri Sembilan in Malaysia. In casual conversation, Minang people are often equated with Padang people, referring to the name of the capital of West Sumatra province, the city of Padang. However, this community will usually refer to their group as urang awak (meaning the same as the Minang people themselves).

According to A.A. Navis, Minangkabau is more of an ethnic culture of a Malay family that grows and grows because of the monarchy system and adheres to a unique customary system, which is characterized by a family system through the female line or matrilineal, although the culture is also very strongly colored by Islamic teachings. Currently, the Minang community is the largest matrilineal society in the world.



The Minangkabau people are prominent in commerce, as professionals, and intellectuals. They are the honored heirs of the old traditions of the trading and dynamic Malay and Srivijaya Empires. Almost half of the total number of members of this community are overseas. The overseas Minangs generally reside in big cities, such as Jakarta, Bandung, Pekanbaru, Medan, Batam, Palembang and Surabaya. Outside Indonesia, ethnic Minangs are found in Negeri Sembilan, Malaysia and Singapore. Minang people are also known for their various cuisines. With its spicy flavor, this cuisine is popular among Indonesians, so it can be found in almost all parts of the archipelago.

In the Minangkabau culture, marriage is one of the most important events in the life cycle and is a very meaningful transition period in forming a new small family group of descendants. For Minang men, marriage is also a process of entering a new environment, namely his wife's family. Meanwhile, for the wife's family, it is one of the processes in adding members to their Rumah Gadang community. In the traditional Minangkabau marriage procession, commonly called *baralek*, there are several stages that are commonly carried out. Starting with *maminang* (proposing), *manjapuik marapulai* (picking up the groom), to *basandiang* (standing in the aisle). After the *maminang* and the agreement of *manantuan hari* (determining the day of the wedding), then followed by an Islamic wedding which is usually held in the mosque, before the bride and groom stand on the aisle.

In certain *nagari* (administrative division after sub-district in the province of West Sumatra, Indonesia). The term *nagari* replaces the term village, which is used throughout other provinces in Indonesia) After the *ijab kabul* in front of the *penghulu* or lord *kadi*, the groom will be given a title to replace his given name. Then the surrounding community will call him by that title. The title depends on the social level of the community, such as *sidi* (*sayyidi*), *bagindo* or *sutan* in coastal areas. In the *Luhak Limopuluah Koto* area, this title does not apply. The definition of marriage is the inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty God. The purpose of a marriage is to form a family. The family has an important role in human life as a social being and is a small unit of society. In addition, marriage must also be based on the religious law of each party who wants to get married. Marriage is valid when performed according to each religion and belief. From this description we can know that marriage is not only a relationship between a man and a woman, but also a relationship with God or religion. Meanwhile, marriage according to Islamic law is marriage, which is a very strong contract or *miitsaaqon gholidhan* to obey Allah's commands and performing them is an act of worship. The purpose of marriage according to the Compilation of Islamic Law is to obey the commands of Allah and obtain offspring in society, by establishing a household that is *sakinah*, *mawaddah* and *warrahmah*. The theory put forward by Van den Berg, the customary law that applies to the Minangkabau community is Islamic law. So that marriage must also be based on Islamic law, but in reality this is not the case. This can be seen in the Minangkabau kinship system which is known as the matrilineal system.

METHODS

The research method used in this writing is descriptive research with data collection techniques by reading and studying sources in the form of books, journals, literature, and lecture materials related to the problems discussed in this paper.

RESULT AND DISCUSSION

Marriage According to the Minangkabau Traditional Community

Marriage according to customary law for indigenous peoples in Indonesia usually depends on the religion adhered to by the indigenous community. In other words, a marriage is valid according to customary law if it has been performed according to the rules of their religion, except for those who have not adopted a religious law recognized by the government. Customary law is unwritten law that

becomes the rules or standards that govern people's lives. Customary law is an unwritten law that becomes the rule or standard governing people's lives. This law is unstable and changes over time. According to Law Number 1 of 1974 concerning Marriage, Article 2 paragraph (1) states that marriage is valid based on the religion and belief of each person. For Minangkabau people who are Muslims, Islamic law stipulates the legal requirements and pillars of marriage.

Marriage under customary law is a matter of kin, a matter of family, a matter of community, a matter of personal affairs with each other in very different relationships. Therefore, marriage under customary law is the collective responsibility of the customary community. All people will go through certain periods in their lives, starting from toddlerhood, childhood, adolescence, transition, marriage, family, twilight, and old age. Everyone's life has a unique meaning for each transition from period to period. A particularly important transitional period is marriage, because it is when a person breaks away from the past and begins to form his or her own small group (family) that remains connected to his or her original life group. Therefore, marriage can also be referred to as the beginning of the process of group expansion. In customary law, marriage relates not only to the individuals getting married, but also to their family members, from finding a partner, engagement, and even to the consequences of marriage.

Thus, it is clear that marriage in customary law is not only a matter of the bride and groom, but also a matter of the families of both parties and the prevailing community system. In terms of the age limit for entering into marriage, customary law generally does not regulate the age limit for entering into marriage, where customary law allows marriage at any age. A person's maturity in customary law is measured by signs of body parts. If a girl has menstruated and her breasts are protruding, she is an adult. For boys, maturity is measured only by changes in voice, body parts and by the fact that they have emitted semen or already have sexual desire. So, according to customary law, maturity is measured by a child's physical development, not by their age. In customary law, a child is considered an adult if there is physical development. According to customary law, a person who is considered an adult can enter into marriage without regard to the age limit of the party to be married, the age of the prospective bride and groom. In matrilineal societies such as Minangkabau, the role of the mamak (uncle) is responsible for marriage issues. The role of a mamak (maternal uncle) is very important for his niece who is getting married.

Variety of Minangkabau Indigenous Marriages

In the view of indigenous people in general, marriage is a bond between a man and a woman to form a household that is carried out in accordance with custom and religion, involving both parties' families, relatives and friends. Differences in the way in which marriages are conducted as a result of marriage arrangements have consequences for the way in which one's family, kinship and property live in society.

Minangkabau adheres to the Exogamy system, i.e. looking for a mate outside the matrilineal kin circle. This system does not recognize the payment of "jujur" or "kawin jujur" as in Tapanuli. Someone who has married remains a relative of origin, the husband in the wife's house is called "urang sumando" and does not enter the relatives of his children. At the time of marriage the husband is picked up by the woman's family with an acat ceremony to be brought to the wife's house under the name "alek malapeh marapulai".

According to Daud Ali et al, explained that the Minangkabau people in determining the family for them only through the female link as a blood channel. The most prominent customary system in the Minangkabau tribe is the family system through the female line or matrilineal. In addition to the unique customary rules, the Minangkabau tribe also has unique customary laws. One of them is the customary law governing marriage. Marriage in Minangkabau uses the provisions of shara' (Religion) and custom, the Minangkabau community has terms and conditions that must be met by both parties to

the marriage, including: 1. Both prospective brides must be Muslim 2. The two prospective brides are not blood relatives or do not come from the same tribe, unless the tribe comes from another nagariat or luhak. 3. Both prospective brides can respect each other and respect the parents and families of both parties. 4. The prospective husband (marapulai) must already have a source of income to be able to guarantee the life of his family.

Ideal Marriage

In Minangkabau custom, there are marriages that are ideal and recommended to be carried out. Ideal marriages are carried out, if there is a marriage between close relatives, such as a marriage between a child and a niece and vice versa, there are marriages that are less than ideal so they are not recommended to be carried out, including the marriage of pulang ka mamak / pulang ka bako. The marriage of taking, the marriage of you and you.

One of the purposes of marriage in Minangkabau is to preserve the heritage. For this reason, there needs to be long-term steps. One of them is by marrying close relatives, such as marrying the son of the mamak, commonly called "pulang ka mamak" or marrying the father's niece, called "pulang ka bako" as a form of "anak dipangku kamenakan dibandu". Another form of marriage is "taking each other" to strengthen the besan-beripar relationship. These cross-cousin marriages are particularly prominent in areas where "uang jemputan" is used so that the money does not pass into the hands of others.

Abstinence Marriage

Abstinence-only marriages are marriages that will damage their customary system, namely marriages of people who are of the same blood according to the matrilineal stelsel, sekaum, and also sesuku even though there is no kinship relationship and not in the same village. Pantang marriages are also marriages that can damage the kinship system, namely people of the same blood according to the materilineal lineage, sekaum or sesuku even though they have no genealogical relationship or are not in the same village. Marriage within the same group or tribe is not a prohibition in the religious sense, but is only limited to the abstinence (incest) stipulated by adat. This has been going on for a long time along with the history of materilineal kinship. Until now it is still held firmly by the community.

The marriage taboos for maintaining social harmony are

- (1) marrying a divorced relative, friend, and close neighbor;
- (2) marrying a woman who is a relative, friend, and neighbor;
- (3) marrying a person who is engaged;
- (4) marrying the stepdaughter of a sibling. The legal sanctions imposed on violators depend on the decision made by the community consultation.

The levels include: dissolution of the marriage, banishment by being expelled from the village or ostracized from society, and a fine by apologizing to all parties at a banquet by slaughtering one or two livestock.

CONCLUSIONS

The form of marriage in Minangkabau has changed. According to Minangkabau custom, marriage is exogamous in terms of the tribal environment and endogamous in terms of the nagari environment. Tribal exogamy means that a person cannot take a mate from his tribal group. The reason is because people who are of the same tribe are brothers and sisters, because they can still be drawn matrilineally and according to their origin they are the same.

a house of gadang. Endogamous nagari marriage means that a person in looking for a mate must be among people in the same nagari and cannot marry outside the nagari. The reason for the necessity of nagari endogamy is because a husband resides in two houses. As urang sumando he lives and spends the night in his wife's house. He is also the mamak of his mother's house and spends his

afternoons working in his mother's house to help his nephews cultivate their inheritance. This dual residence is only possible if his wife's house is not far from his mother's house.

REFERENSI

Jurnal

- Abadi, Ikrar. "Keluarga Sakinah (Perkawinan Menurut Adat Dan Perubahan Sosial Masyarakat Minangkabau)." *Journal Al-Ahkam* Vol. XXII (n.d.): 37–52.
- Ali, Muhammad Daud, Tahir Azhary, and Habibah Daud. *Islam Untuk Disiplin Ilmu Hukum Sosial Dan Politik*. Jakarta: Bulan Bintang, 1989.
- Asmaniar, Asmaniar. "Perkawinan Adat Minangkabau." *Binamulia Hukum* 7, no. 2 (2018): 131–40. doi:10.37893/jbh.v7i2.23.
- Bzn, B Ter haar. *Azas-Azas Dan Susunan Hukum Adat*. Jakarta: Prandnya Pramita, 1999.
- Febria, Ria, Rini Heryanti, and Amri Panahatan Sihotang. "Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau." *Semarang Law Review (SLR)* 3, no. 1 (2022): 12. doi:10.26623/slr.v3i1.4774.
- Hadikusuma, Hilman. *Hukum Perkawinan Di Indonesia*. Bandung: Mandar maju, 2007.
- Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*. Bandung: CV. Mandur Maju, 2007.
- Navis, Ali Akbar. *Alam Takambang Jadi Guru*. Jakarta: Grafiti Pers, 1984.
- Samad, Duski. "Tradisionalisme Islam Di Minangkabau: Dinamika, Perubahan Dan Kontinuitasnya." *Jurnal Nasional Ilmu-Ilmu Ushuluddin* 6 (n.d.): 121.
- Wignjodipoer, Moerjono. *Asas-Asas Hukum Adat*. Jakarta: Gunung Agung, 1988.
- Yaswirman. *Hukum Keluarga Adat Dan Islam : Analisis Sejarah, Karakteristik Dan Prospeknya Dalam Masyarakat Matrilineal Minangkabau*. Andalas University Press, 2006.

Buku

- Abadi, Ikrar. "Keluarga Sakinah (Perkawinan Menurut Adat Dan Perubahan Sosial Masyarakat Minangkabau)." *Journal Al-Ahkam* Vol. XXII (n.d.): 37–52.
- Ali, Muhammad Daud, Tahir Azhary, and Habibah Daud. *Islam Untuk Disiplin Ilmu Hukum Sosial Dan Politik*. Jakarta: Bulan Bintang, 1989.
- Asmaniar, Asmaniar. "Perkawinan Adat Minangkabau." *Binamulia Hukum* 7, no. 2 (2018): 131–40. doi:10.37893/jbh.v7i2.23.
- Bzn, B Ter haar. *Azas-Azas Dan Susunan Hukum Adat*. Jakarta: Prandnya Pramita, 1999.
- Febria, Ria, Rini Heryanti, and Amri Panahatan Sihotang. "Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau." *Semarang Law Review (SLR)* 3, no. 1 (2022): 12. doi:10.26623/slr.v3i1.4774.
- Hadikusuma, Hilman. *Hukum Perkawinan Di Indonesia*. Bandung: Mandar maju, 2007.
- Hukum Perkawinan Indonesia Menurut Perundangan, Hukum Adat, Hukum Agama*. Bandung: CV. Mandur Maju, 2007.
- "Ibid Hal 50," n.d.

- Navis, Ali Akbar. *Alam Takambang Jadi Guru*. Jakarta: Grafiti Pers, 1984.
- Samad, Duski. "Tradisionalisme Islam Di Minangkabau: Dinamika, Perubahan Dan Kontinuitasnya." *Jurnal Nasional Ilmu-Ilmu Ushuluddin* 6 (n.d.): 121.
- Wignjodipoer, Moerjono. *Asas-Asas Hukum Adat*. Jakarta: Gunung Agung, 1988.
- Yaswirman. *Hukum Keluarga Adat Dan Islam : Analisis Sejarah, Karakteristik Dan Prospeknya Dalam Masyarakat Matrilineal Minangkabau*. Andalas University Press, 2006.