

Marriage of the same Surname In Mandailing Batak Traditions In Padang Sidimpuan City

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Info Articles	Abstract
<p>Article History Received : 2020-09-09 Revised: 2020-09-19 Published: 2020-09-30</p> <p>Keywords: <i>Marriage of the Semarga, Batak Mandailing Customs, Padang Sidimpuan.</i></p>	<p>Marriage within the same clan is prohibited in Batak tradition because individuals from the same clan are regarded as siblings who share a common ancestral lineage. In customary law, there are three marriage systems, namely exogamy, endogamy, and eutrogamy. The Batak community adheres to an exogamous marriage system, which prohibits men and women from marrying individuals who belong to the same clan. Marriage within the same clan constitutes an important and interesting issue to examine because the Batak people consider such marriages as violations of customary values, social norms, and kinship structures that have been preserved for generations. Despite the existence of customary prohibitions and social sanctions, same-clan marriages continue to occur in contemporary society. For instance, in Padangsidimpuan City, several couples have entered into marriages within the same clan. This phenomenon indicates a shift in social values and raises questions regarding the effectiveness of customary sanctions, the influence of modernization, individual rights, religious perspectives, and changing patterns of social interaction in Batak society. Therefore, this study aims to analyze the factors underlying the occurrence of same-clan marriages, examine the customary sanctions imposed on such marriages, and explore the perspectives of the Batak community toward these practices. Furthermore, this research seeks to understand the dynamics between customary law and contemporary societal developments. The findings are expected to contribute to the development of customary law studies, particularly regarding the transformation of traditional values within modern Batak society and the sustainability of customary norms amid social change.</p>

I. INTRODUCTION

Allah SWT created humans on earth to live in pairs, male and female. In fulfilling their desires, humans possess unique characteristics compared to other humans. To balance the perfection of human existence in couples, Allah SWT provided an honorable way through marriage. The relationship between the two parties, however, involves the familial relationship between the man and woman. They not only follow Islamic teachings but also submit to the customs of their communities, even if they conflict with Islamic law.

In Indonesia, The term "adat" (tradition) is not a common term. It is often used by the general public in its simplest form, but more complex terms such as "adat istiadat" (traditional customs) or "customs and habits"

are also frequently used.

LawMarriage customs are unwritten social laws (folk laws) that govern marriage. This definition suggests that laws or regulations regarding marriage customs are created by a particular cultural group and agreed upon by the group with the aim of creating harmony within the group. There are three types of marriage: exogamy, endogamy, and eutrogamy.

Within the marriage framework mentioned above, the Batak people adhere to an exogamous marriage system. They prohibit marriage within the same clan, arguing that it violates Batak customary principles. Anthropologically, marriage within the same clan is seen as taboo, or a violation of Batak customary law.

A marriage between a man and a woman

of the same surname is considered as a paternal sibling. A marriage of the same surname is a marriage between a man and a woman of the same surname. For example, a marriage between the Hasibuan and Hasibuan clans, a marriage between the Harahap clans, a marriage between the Lubis clans, and so on.

OnCurrently, inter-clan marriages are still common, especially among people living in Padangsidempuan City, Padangsidempuan Batunadua District. In this area, a Batak couple has married within the same clan, even though it is well-known that inter-clan marriage violates traditional rules that are still highly respected by the community. This marriage occurred between members of the Harahap and Harahap clans. This is something that cannot be done in Batak tradition and is strictly prohibited.

II. RESEARCH METHODS

This research is descriptive-qualitative, as it is considered capable of analyzing social conditions in detail. This research involves the process of collecting, organizing, and analyzing an event. The data collection methods used in this study are:

1. Method of collecting data
 - a. Documentation

This method is used as uAn attempt to obtain information about Batak customs and traditions. Information was gathered through written reports and image archives. This documentation method was used to expand existing information and to support data.

- b. Interview

This interview was used to obtain clear and detailed information. The interview was conducted with a group of families involved in intermarriage between husband and wife, namely the Harahap clan and the Harahap clan.

2. Research Location

This research was conducted in

Padangsidempuan City, Padangsidempuan Batunadua District. Here, the author obtained accurate and relevant information as supporting data in conducting the study on the Occurrence of Same-Surname Marriages in Batak Society in Padangsidempuan City.

3. Research Approach

This research uses an anthropological approach to focus on the qualities that influence human social behavior and to observe the facts on the ground. This anthropological approach focuses on the way of life as conveyed through the social behavior of the Batak people.

4. Data Analysis Methods

Data analysis conducted by the author:

- 1) Focusing research on a research plan and reducing data. Therefore, reducing information will provide a clearer picture, making it easier to collect data.
- 2) Data Presentation. Data presentation is done in the form of a brief description, because social characteristics are very complex and dynamic, information found in the field will experience improvements, so the author must test the definition with what is in the field.
- 3) Display Data. The author collects data as a report from the research by describing the facts in the field without adding or reducing any of the information that has been obtained.
5. Data Validity. This research thoroughly examined information from different sources and time periods. This method was used to obtain information through interviews, which were then analyzed through documentation. Interviews were conducted with participants in same-surname marriages via video call to obtain definitive data.

III. RESULTS AND DISCUSSION

1. Understanding Customary Law

Ter Haar stated that customary law is a decision made by law enforcement officials, especially city governments, who have authority and are readily obeyed by their customary law communities. The decisions of these officials possess spiritual and social values that live and develop within the customary law community.

Customary law is born from the daily experiences of individuals in society. These experiences don't just occur over a day, two days, a week, or a month. They span years, even centuries. As such, these experiences become ingrained in the lives of those communities, both through interactions between individuals, individuals with society, and with each other. These experiences transform into values considered noble and sacred, and therefore obligatory to uphold and pass them on to children and grandchildren. In society, anyone who opposes or violates these customary values is considered reprehensible and taboo, and must be punished.

In law, customary law is dynamic, meaning it evolves from one state or condition to a better one, with the goal of achieving social welfare. This welfare is constantly evolving in response to the needs of the community itself. According to Soepomo, customary law will continue to grow over time, just like life itself.

Sociologically, customary law reflects the real needs of its people. Dynamic customary law aims to achieve social well-being, as the law itself serves as a tool for people to achieve their physical and spiritual well-being, such as fulfilling physical needs, economic needs, social needs, and cultural needs. Meanwhile, spiritual well-being encompasses the spiritual needs of the people, such as the need for religious values.

Customary law communities are social groups of people who feel bound by common ancestors or a certain region, a common territory or have wealth that is led by traditional leaders

who are seen as having authority and power and have a system of values that are used as guidelines in carrying out daily activities.

2. Forms of Customary Legal Communities

a. Publicbecause of one lineage or blood relationship (Genealogical)

Common descent means that all members share a strong bond because they descend from the same ancestor. This society is divided into three types of descent:

- 1) Publiclaw according to male lineage (Patrilineal).
- 2) Communities whose lineage is traced through the father. Examples include the Batak, Lampung, and Balinese.
- 3) Publiclaw according to female lineage (matrilineal)

Communities whose lineage is traced through the mother. For example, Minangkabau and South Sumatra. Publiclaw according to father's and mother's lineage (Bilateral). Communities whose lineage is traced through their parents. Examples include the Bugis, Dayak, and Javanese.

b. The society thatits members are bound to a residential area.

A society with strong bonds because it feels like they were born, lived, grew, and developed in the same place. This type of society is divided into three types:

- 1) Publicvillage association. Communities are tied to their place of residence, which includes villages far from their homes, where the village leader resides and everyone obeys him. Examples include Javanese and Balinese communities.
- 2) Publicregional association. A combination of several regions with their own leaders and equal authority, yet they are part of a larger entity. For example, the nagari (village) in

Minangkabau and the kuria (regency) in Tapanuli.

3) Publicvillage association

Several villages coexist, each independent and establishing cooperative agreements, such as governing customary governance, economics, agriculture, and marketing. For example, the subak in Bali.

3. Publicgenealogical-Territorial Law

This society exists because of the absence of life, independent of where one is born, where one seeks to live, where one lives, and where one dies. This society is not only tied to its territory but also to its ancestry through kinship. Examples include the communities of South Tapanuli (Atngkota, Mandiling), Nagari (Minangkabau), and Euri (Nias).

4. Customary Law System

The customary legal system is fundamentally based on the fundamental ideas of the Indonesian people, which are clearly distinct from those of other societies or Western law. To understand customary law, one must understand the ideas that exist within their community. Indonesian customary law has specific characteristics, including:

- a. Religious. A society that has a religious character and believes in the one and only God.
 - b. All-roundconcrete and clear. The legal relationship that is carried out is not hidden or unclear, words and actions run harmoniously, clearly and clearly.
 - c. Visual. A legal relationship is considered to exist if there is a clear or tangible bond. For example, a legal relationship between a sale and a purchase.
 - d. Nocodification
 - e. Traditional in nature
- It is hereditary from past to present.
- a. Can change according to changing times.

b. Can adapt to new circumstances.

c. Open.

d. Simple.

e. Forms of Customary Legal Kinship

Customary family law is unwritten customary law and contains regulations that regulate legal relationships or kinship such as the relationship between father and child, mother and child, grandfather and grandchild and others.

Kinship is the relationship between a person and their blood relatives. Kinship is a complete unity between family members that continues without limits. In other words, the relationship is not determined solely by custom but is never-ending.

5. A Batak Traditional Wedding Ceremony

Every wedding has its own rules and procedures, each of which varies according to tradition. This study, conducted by the author, aims to explore the Batak community and determine the traditional wedding procedures. In Batak tradition, the ceremony begins with a "mengaririt" (meaning a marriage ceremony). Mengaririt is the process of choosing a prospective spouse. During this ceremony, the groom visits the bride's home.

According to traditional principles, it is taboo for the woman to approach the man; it is customary for the man to approach the woman. Once they have met, they agree to form a household and then inform their respective parents. Bringing this news to their parents is called patuahhata, meaning their agreement becomes their parents' agreement as well. This is followed by a "markusit" (whispering). Markusit is a private discussion about the groom's preparations, including the approximate date of the party, and also includes a discussion of the sinamot (promiscuity).

Sinamot is a sum of money prepared by the groom for the bride. People call sinamot the money the bridegroom gives to the bride to be her

wife, and the money will be used by the bride's family for the wedding. If the wedding is held at the bride's parents' house, it is called *si alat jual* (selling money). If it is held at the groom's house, it is called *taruhon jual* (selling money). However, if it is held at the bride's house, the amount of *sinamot* is larger because they have to provide a party, music, or *gondang* (drums), and so on.

If the traditional ceremony is held at the groom's place, the bride's family doesn't need to organize a party and simply provides the traditional symbols, the *ulos* and *dengke*. Due to the numerous costs, the bride's parents can calculate the ideal cost for the groom's *sinamot*, which must be paid by both parents. After reaching an agreement, the bride's family proceeds with the *martumpol* (engagement ceremony).

6. Batak Traditional Marriage Prohibition

In Batak tradition, marriage within the same clan is taboo because those within the same clan are blood relatives or descendants of the same ancestor. Therefore, marrying within the same clan is tantamount to marrying a sibling. This issue will be investigated by the author, as it still occurs today. Marriage within the same clan results in disrecognition and expulsion from their traditional group. As a result of this marriage between the same clan, the couple is not allowed to attend any Batak traditional events or celebrations.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The causes of marriages within the same clan in the Batak community in Padangsidempuan City that the author researched were:

- 1) Like each other
- 2) Distant descendants of the family
- 3) Origin of a place that is still far away
- 4) Not too fanatical about traditions

- 5) Believing in religion over tradition. According to religion, there are no prohibitions on marriage partners, including clans.

The consequences of marriages within the same clan in the Batak community in the Padang Sidimpuan City area that the author researched were:

If a marriage between members of the same clan occurs, the groom must pay a fine or penalty to a traditional leader, such as a goat's head. If this is not paid, the marriage will not be performed according to customary law.

The resolution of the occurrence of Semarga Marriage in the Batak Community in the Padang Sidimpuan City area that the author researched was:

If this marriage occurs within the same clan, the man accepts the sanctions given to them by the traditional leaders and pays the fine according to the rules of the traditional leaders so that when the marriage contract is made, the woman's clan name is not mentioned and in the tradition the woman's clan is no longer *Harahap* but another clan.

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