



**REDESIGN THE PATTERN OF MAHRAM RELATION AMONG FAMILY
MEMBER OF COASTAL POOR COMMUNITY;**

The Protection Measures of the intensively of Incest Behavior in Indonesia

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Abstract. *This study describes the incest situation in three coastal Cities of Indonesia; Tanjung Balai, North Sumatra, Batam city Riau Archipelago, and North Jakarta, DKI Jakarta. The study background is since the high frequency of incest marriage in Indonesia. Instead of father, mother, uncle or brother take care of their biological family, they become the actors who want to marry their own blood family. The protection to the family is interpreted wrongly by marrying. On the other hand, Islam has regulated marriage rule in detail. The marriage is forbidden if the actors have blood relationship "Mahram relation". The research method is a qualitative method in which the subject of the research is from various different background of organizations, data collecting technique and analysis are discussed. Marriage theories in Islam included in Alquran and hadist are also discussed. The finding of the research shows that the incest can be happen in the family because of wrong intensive communication factors, mis-interpretation of loyalty and protection, relationship domination, and economic factors. The design of the house is also as one determinant factors of incest, as the impact of poverty of the family. This study recommends government, family, and community to conduct reproductive education, religious education, re-design family relation and to increase income generating of the family in order they can have appropriate home to prevent the potency of incest.*

Keywords: Incest, coastal community, *Mahram* relation, poverty

INTRODUCTION

In 2014, the National Commission on Child Protection stated that the Province of North Sumatra was in an emergency status of sexual crimes against children. This statement is based on the results of the National Child Protection Commission's research from the beginning of January 2013 until mid-May 2014. Meanwhile, according to the Chairperson of the Indonesian Pusaka Foundation Management Board (YPI) Fatwa

Fadhillah, SH in 2015 in North Sumatra YPI's cases of violence were very worrying. Data reported by various media and cases handled directly by YPI showed that 204 children were victims of violence, of which 37 were victims of murder, kidnapping, neglect and incest.¹ Whereas in 2016, there were 242 children who were victims of violence. Cases of molestation with 102 victims, torture of 41 victims, rape of 34 victims, and the rest of cases such as sodomy, incest, neglect and murder. If averaged from January to December, 20 victims of violence against children are found every month.²

Incest, which is a growing phenomenon, is defined more broadly not only as a marriage relationship between two people who have blood relations, but also the treatment of sexual violence, rape by people who have blood relations both parents, siblings or other people who have power in victim and have blood relations to the victim. This event was later also categorized as an incest event even though it was not in marriage status. Based on the initial survey, it was found that the causes of incest, namely: others are: Cultural Concentration, Poverty, and Changes in Family Livelihoods.

Based on preliminary research, it can be seen that structural and individual contexts or agents are the dominant factors that cause incest to occur. The structural context in question is poverty and unemployment that occur in a structured manner so that the family and its members no longer know where to get out of the structural processes that oppress them and are frustrating. Relationships between family members can also be seen in a structural perspective where the father has a very large power relationship in the household even though the father does not work and the mother earns a living. While the individual or agent context is the inability of the individual as the owner of the power to control or stop incest either because of knowledge or lust.

This preliminary research also shows that incest tends to occur in illiteracy communities in family protection, religion and in situations of economic difficulties or poverty. The situation of urban poor families occurs a lot in coastal areas. In North Sumatra, the city of Tanjung Balai is a coastal area that is inhabited by a number of poor urban communities with a number of 24.69 thousand people or 14.46% of the population

¹<http://patrolinews.com/view/Sumut/1971/Kota-Medan-Tempat-Urutan-Pertama-Kasus-Anak-Korban-Kekerasan.html>

² <http://www.dnaberita.com/single.php?id=29681>

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of Tanjung Balai. Likewise the same situation occurs in Batam city where the poor population is 61,160 people and North Jakarta City which reaches 5.59% of the total population. Therefore, it is very interesting to see how the pattern of *Mahram* relations in the families of victims of incest in the three coastal cities mentioned above? How is the effort to handle and prevent incest in particular from aspects of *Mahram* relations in the perspective of Islamic communities in the three coastal regions? Previously, it will also examine how the concepts and patterns of *Mahram* relations in Islam and in-blood marriage.

LITERATURE REVIEW

The word *Mahram* comes from the word haram which means forbidden or prohibited and is the maf'ul ism, formations of the word harama (fi'il madi), or it can also be harima and haruma, with the plural maharim has the meaning ma la yahillu inkihakuha (something may not be violated). The etymology of *Mahram* is derived from the word حرم which is in the form of masdar mim, which means that it is haram, relatives who are forbidden to marry, are forbidden. In terms of *Mahram* is a person who is forbidden to marry, both *Mahram* that is both forever (mu'abbad) and temporary (mu'aqqat). An eternal *Mahram* (mu'abbad) causes a man to be forbidden to marry a woman forever.³

So, the term used in this study is the term *Mahram* which means people who are forbidden to marry, both *Mahram* that are both forever (mu'abbad) and temporary (muaqqat). Rethinking the meaning of lafaz that gives birth to the term has a moral message from the concept of *Mahram*, this shows that as women are respected, glorified and guarded with honor with the consequence that women who have *Mahram* are not properly married by men who become *Mahram*

The prohibition on marrying a woman who is a *Mahram* is not born from the practice of the community, but because it is not in line with the common sense of human instincts. This has also become signs in QS. an-Nisa / 4: 23. Which also relates to the

³Jasim Muhammad al-Yasin, Terjemah *Fiqh al-Mar'ah Min al-Mahdi ila al-Lahdi*, (Jakarta: PT. Serambi Semesta Distribusi), p. 294

context of munasabah in the previous verse, which is one of the habits of the ignorant people marrying their *Mahram*.⁴

The word Incest or incest in the Big Indonesian Language Dictionary (KBBI) means sexual relations between close relatives who are considered to violate custom, law and religion. This concept is clearly in line with the understanding of *Mahram*. The word Incest itself is not an original English word until Ancrene Wisse, which contains behavioral instructions for women written in 1225 AD gave rise to the concept of incest. In the discussion of the work, related to "Scorpion of Lechery", it was stated clearly that sinful sexual behavior including incest, which is not only a sinful act but also followed the spirit of doing:

*"These, then, one may name easily, by well-known names, and are – so much the worse – to many all too familiar: whoredom, adultery, loss of virginity, and incest – that is lechery between kin, fleshly or spiritual. That is divided in many parts: foul desire to that filth with consent of reason, helping others thitherward, to know and witness it, to hunt thereafter with wooing, with touching, or with any allurements, with flirtatious laughter, whorish eye, any light behavior, with giving, with wooing words, or with love speech, a kiss, ignoble groping, that may be capital sin, love-tide or other hour used to come in such a state, and other forerunners that must be avoided, if one does not wish to fall vilely into great filth."*⁵

In practice, sexual violations are carried out not only because of actions, but also by desires, testimonies, and also thoughts. In medieval times the construction of sexual sin was formed both within the family and outside the family. This view then raises a behavioral guide book entitled *The Book of Vices and Virtues* which also explains incest.⁶

In its development, Incest was then interpreted as sexual intercourse that was prohibited between close relatives. In this definition incest is said to occur if it is a sexual relationship carried out by a very close relative and the act is prohibited. However, this incest indicator is still not standard in the community because in fact these incest

⁴M. Quraish Shihab, *Tafsir al-Mishbah Pesan, Kesan dan Keserasian al-Qur'an*, Vol.2, Edisi Baru Cet.1, (Jakarta: Lentera Hati, 2009), p. 470

⁵ _____ *Ancrene Wisse*, ed. Robert Hasenfratz (Kalamazoo: TEAMS, 2000): Book 4, ll. 327-32.

⁶ _____ *The Book of Vices and Virtues*, ed. W. Nelson Francis, EETS o.s. 217 (London: EETS, 1942): 43

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indicators vary greatly both debatable both in the view of religion, socio-culture, law, adat, or even social class.

METHODOLOGY

The approach used in this study is qualitative. This research seeks to raise the real conditions in the field based on the results of qualitative case studies, so that this research is descriptive analytical. This study was designed to obtain information about symptom status at the time the study was conducted. It means trying to describe about: (1) the actual condition of how incest occurred in three coastal regions of Indonesia; Tanjung Balai Sumatera Utara, Batam and North Jakarta DKI Jakarta; (2) factors that support incest cases including patterns of relations between *Mahram*; (3) The views of the public and government in responding to incest cases; (4); forms of community and government roles in preventing acts of incest; and (5) community and regional government strategies and programs in overcoming incest. The subjects in this study are basically people who engage in blood relations or incest. Subjects were chosen to bring researchers closer to the facts that actually happened in the field. However, in the fact the field is very difficult to approach and conduct incest interviews, both because of the psychological inability of the victim, the unwillingness of the perpetrators and immediate family closure because incest is considered not only for the family but also for the surrounding community where the perpetrators and victims of the incest live. So for that the researchers conducted in-depth interviews with the families of the victims who were willing, neighbors where the perpetrators and or victims of the incest lived. In addition, the researchers obtained data from the parties that are closely related to the situation and incest behavior in the three cities of the research area, namely by conducting interviews and collecting documents on institutions that are oriented to dealing with problems of women and children, namely Clinical Psychology experts, national commissions female (Komnas Perempuan) ulama, Integrated Service Center for Women and Children Empowerment (P2TP2A), Kesbangpolinmas, police, religious instructors, Ministry of Religion, and communities concerned in handling and rearranging the pattern of *Mahram* relations with coastal communities.

Data collection used in this study is interview method, observation of activities carried out by members of the coastal poor who engage in blood relations, and daily

behavior of coastal communities in Tanjung Balai, North Jakarta and the city of Batam, gathering reports on community organizations in handling cases of violence sexual in children which becomes an extension of the definition of incest and Focus Group Discussion (FGD) with members of the coastal poor who engage in blood relations, community leaders, religious leaders, and government actors related to women and children. The data that has been collected is then analyzed qualitatively and with a source and method triangulation approach.

FINDINGS AND DISCUSSION

Incest Behavior Analysis in Coastal Poor Communities

From the above cases there are at least two forms of incest behavior committed by the poor in three coastal areas in the perspective of Islamic law; In-blood marital behavior both those included in the classification of *Mahram muabbad* and *Mahram muaqqat* in coastal communities in Indonesia, especially those in the three coastal regions in Indonesia. While in the perspective of social theory, incest cases that occur in three cities are also grouped into two parts, namely parental incest and sibling incests.

1. Incest in Tanjung Balai

The incest that occurs in Tanjung Balai is the Parental incest group or in the *Mahram Muabbad* classification, both done by biological father or by grandfather. From the description of previous cases the causes of acts of incest are very different in each case. Illiteracy of the dangers of incest, violence and religious prohibitions experienced by the perpetrators encouraged him to engage in blood relations. This can be caused by the weak mentally self-defense of the perpetrators so that they cannot control and also in social pressure so that they deliberately vent their lust for those closest to them. Actors if seen are unemployed which means economic difficulties. To show power as a cultural perspective that men have control over their families, the perpetrators do ways to dominate their power with people who can be dominated by children, grandchildren or wives.

While other factors that influence the occurrence of incest in Tanjung balai are disharmony between husband and wife relations. Abnormalities of husband and wife relations tend to sacrifice children, both in anger overload and in excess of sexual desire. Ayu's case, for example, was due to the lack of distribution of her husband's inner life to his spouse (wife), so finding a shortcut that was easier to approach was his son or niece.

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In general, if caused by not channeled lust caused by the wife of the offender is no longer attractive or is working abroad so it is difficult to have intimate relations.

Children in the family position are parties who are at the bottom of the structure and cannot resist the wishes of parents in actions that are indoctrinated by parents or people who have power.

2. The City of Batam

In the case of Batam City sexual introduction became the identification of individuals and culture became a trend. Blood marriage in the city of Batam that is related to the relationship between Nasab is between father and child in the perspective of child protection including sexual violence against children. Indeed, the father in this case should protect the child but have sexual relations with his child.

The ability of the father to manipulate attitudes towards his child as part of his affection causes the child not to judge the actions of the father who has sexual relations with him or her is wrong. Children then can no longer distinguish the good and bad behavior that their parents do, including sexual violence against them. Identification of individual sex into power relations between fathers and children also occurred in the city of Batam when the child was tortured by the father for 4 years, and then detained at home for 6 months. Just name it I (guise), at first it was known to suffer from malnutrition, but in the process the child was known to be raped by his father every time he was bathed by his father.

In other cases, the father molested the teenager until the child became pregnant. To cover up his actions the child was told by his father to state that the one who made him pregnant was a motorcycle taxi driver. Children during their stay with parents do not dare to tell their cases to others. But after his son moved home not living with his parents, the new child dared to tell his case.

The above cases have a similarity that the male is the biological father, while the women are children who are still children. Children do not have the power to reject the will of parents, children are manipulated by parents about values and ways of showing affection. Cases also occur in families who are not connected with family relations, especially husband and wife and mother and child communication. In the context of the three cases above the men also did not intend to marry women, but rather to force sexual

relations. Interestingly, in the city of Batam the perspective of the power of men in women was also manifested through a material approach, as done by foreign citizens by marrying mothers and children at once.

While incest cases due to marital relations or *Mahram* muaqqad that appear in the city of Batam are the relationship between stepfather and stepchildren, the younger siblings are married by one male who is the same as the background of material needs or family protection from economic status. These cases fall into the category of parental incest.

3. The City of West Jakarta

Based on the narrative of the subject of the study, cases of incest in the city of Jakarta, especially North Jakarta and East Jakarta occur in various forms of marriage that are prohibited in Islamic law, both nasab relations, dairy relations and marital relations

In cases in North Jakarta, a legitimate husband and wife relationship is no longer healthy in the sense that there is no husband, or is still related to a husband and wife but there is no more intensive communication. The incest is generally a father or uncle in a child or niece. Many mothers of children know about the situation of their children's relationship with their husbands, but do not have enough power to stop their husbands' behavior.

Power relations between husband and wife cause the wife does not have enough power to stop incest in the family. It is difficult for women to sue for divorce let alone criminalize their husbands. The doctrine of being a good wife is one that maintains the integrity of the family and is obedient to the husband, a value that until now has been adopted by Indonesian women in general. Potential powerless, sinful against parents, this is also embedded in girls, so they are unable to resist the wishes of their male parents".⁷

Response to the Incest Situation

Institutionally, the institutions that respond to incestuous behavior can be seen briefly as follows:

⁷ Interview with Budi Wahyuni, The Commissioner of National Commission for Women, 16 Oktober 2018.

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1. National Women's Commission, Receives complaints and then refers to the network of service institutions, because the National Commission on Violence against Women is not a direct service institution for victims of incest.
2. National Women's Commission made an annual report on violence against women in Indonesia where one of them was incest
3. The Tanjung Balai City Women's Empowerment and Child Protection Agency responded by conducting early prevention and marital behavior prevention education in densely populated areas in Tanjung Balai
4. Batam City Ministry of Religion conducts marriage counseling, tracking and supervision as well as prohibiting marriages
5. Civil society networks in Batam handle cases of incest and advocacy victims such as Rumah Faye, Embun Pelangi Foundation, P2TP2A and Mawar Saron
6. DKI Jakarta P2TP2A handles incest cases including handling emergency, health and mentoring cases for victims including legal assistance

CONCLUSION

Based on the findings above, it is important to:

1. Perform recovery of the victim's child, as well as the victim's mother as a caregiver for her child.
2. Conduct repressive actions on the perpetrators and also do the restoration.
3. Organize separate home spatial arrangements between children and parents
4. Make a movement to prevent incest, not just socialization
5. Expand the family resilience movement
6. Strengthening the role of religious and cultural institutions for incest prevention education
7. Extending the functions of the ministry of religion including providing guidance on the dangers of incest and exploitation of children
8. Integrate prevention of incest in the school curriculum and groups of mothers including religious education.

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