

## Marriage with Same Tribes in the Customary Law of Minangkabau Batipuh Ateh (A Legal Anthropology Approach)

Yayan Sopyan

Helma Suryani

Faculty of Sharia and Law at the Islamic State University of Syarif Hidayatullah Jakarta

[yayan\\_sopyan@uinjkt.ac.id](mailto:yayan_sopyan@uinjkt.ac.id)

### Abstrak

*Paper ini mengeksplorasi tentang penyebab larangan perkawinan sesuku di Minang Batipuh Ateh. Penelitian antropologi hukum ini menggunakan pendekatan kualitatif. Informasi dan data diperoleh dengan observasi, wawancara dan studi literer. Informan dipilih dengan purposive dan dikembangkan dengan metode Snowball, Analisis menggunakan interaktif model. Hasil penelitian menunjukkan, larangan perkawinan sesuku di Minang Batipuh Ateh bertujuan untuk memulihkan keseimbangan yang terganggu karena pelanggaran yang dilakukan oleh seseorang serta untuk mempertahankan eksistensi budaya dan garis keturunan suku Minang yang berbasis pada matrilineal. Selain itu, larangan perkawinan sesuku dan senagari di Batipuh Ateh, karena: 1) mempertahankan dan melestarikan hukum adat; 2) membatasi pergaulan; 3) melahirkan keturunan yang berkualitas; 4) tidak mengganggu psikologi anak; 5) tidak kehilangan hak adat; dan 6) sanksi pembayaran adat. Sanksi bagi pelanggaran perkawinan sesuku di Batipuh Ateh yaitu: 1) pelaku dibuang puluh dari Nagari 2) hukuman yang dibebankan kepada Ninik-mamak dengan membayar denda; 3) dibuang sepanjang adat, atau buang saru; dan 4) dikucilkan dari pergaulan bermasyarakat. Oleh karena itu, kebolehan perkawinan sesuku dari nagari yang berbeda merupakan solusi yang diberikan oleh tokoh adat, sebagai jawaban atas perkembangan jaman, dan akomodasi terhadap pandangan hukum perkawinan Islam, meskipun dengan syarat yang ketat, untuk menjaga eksistensi hukum adat.*

**Kata Kunci:** Hukum Adat, Minangkabau, Perkawinan Sesuku, Sanksi

### Abstract

*This paper explores the causes of the prohibition of ethnic marriage in Minang Batipuh Ateh. This legal anthropological research uses a qualitative approach. Information and data are obtained by observation, interviews and literary studies. Informants were selected purposive and developed using the Snowball method. The analysis used an interactive model. The results showed that, the prohibition of tribal marriages in Minang Batipuh Ateh aims to restore the disturbed balance due to violations committed by a person and to maintain the*

*existence of the culture and lineage of the Minang tribe based on matrilineal. Apart from that, the prohibition of inter-ethnic and ethnic marriages in Batipuh Ateh, because: 1) maintaining and preserving customary law; 2) limiting associations; 3) give birth to quality offspring; 4) does not interfere with children's psychology; 5) do not lose their customary rights, and 6) customary payment sanctions. Sanctions for violations of tribal marriages in Batipuh Ateh are: 1) the perpetrator was expelled from Nagari 2) the penalty imposed on Ninik-Mamak by paying a fine; 3) thrown away according to custom, or discarded saro, and 4) excluded from social interactions. Therefore, the permissibility of tribal marriages originating from different Nagari is a solution provided by traditional leaders, as an answer to the changing times, and accommodation to the view of Islamic marriage law, although with strict conditions, to maintain the existence of customary law.*

**Keywords:** *Customary Law , Minangkabau, Marriage Same Tribe, Sanctions*

### **Introduction**

The Indonesian nation is a pluralistic nation, with the number of ethnic groups based on the 2010 population census of 1,340 and 652 regional languages (BSN: 2011). Instead, this pluralism causes legal pluralism in Indonesia, namely: customary law, religious law, and state law (Lukito: 2008), which also underlies marital relations. (Munir: 2015). Marriage is a cultural context is not only a husband-wife affair, but also a matter of parents, extended family, and ethnicity on both sides (Talib Setiady: 2013). Kinship is a condition that regulates the image of siblings in that groups (B. Ter Haar Bzn: 2013).

The kinship system in Indonesia is divided into three, namely: 1) a bilateral kinship system, where the child is connected to the line of the two parents, such as in the Madurese, Javanese, Sulawesi and Kalimantan communities; 2) the patrilineal kinship system, where the child is connected to his father's lineage, such as in Balinese and Batak society; and 3) a matrilineal kinship system in which children are connected to their mother's lineage, as in the Minangkabau community. Meanwhile, the marriage system in Indonesia, namely: 1) the Endogamy system, which requires finding a mate in the social environment, relatives, social class, like the former Toraja Tribe (Soerojo: 1982); 2) the exogamy system, which requires finding partners outside the environment, such as Minangkabau, Gayo, and Tapanuli; and 3) the *elutherogamy* system, which does not recognize prohibitions like the two systems above. (Yasirwan: 2019). Therefore, marriage in Indonesian culture is unique, interesting, as well as complicated because there are always interrelationships in several reciprocal fields, namely: religion/belief, law, ethnicity and customs.

The conditions mentioned above are increasingly interesting in the context of Minangkabau culture, or better known as the Minang tribe. Researchers, domestic and foreign, have conducted studies on Minang marriage. For example by Simon (: 2014); Franz and Kebeet von Benda-Beckmann. (1984) Thomas (1986), Krier, J. (2000); Cecilia Ng (2006); Tanjung, S., Sinar, T. S., Nasution, I., & Takari, M. (2018) and others. Sahju, A.H (2018), in his research on "Prohibition of Inter-ethnic Marriage in the Jambak Padang-Pariaman Tribe Customary Law Community in Bandar Lampung", concluded that the legal consequences of tribal marriage violations in the Jambak tribe community if it is committed between 2 (two) people blood then the penalty is removing the *saro*. If the marriage is carried out by a person who is of the same ethnicity but is not related by blood, then the sanction is isolation. Sandy, F., Hanifah, M., & Dasrol, D. (2016), emphasized in the study "Customary Sanctions against Sesuku Marriage in Tanjung Village, Koto Kampar Hulu District, Kampar Regency Based on Kampar Customary Law", where the sanctions imposed on the perpetrators of marriage one tribe in Tanjung Village, Kampar, is fined one buffalo, expelled from the village and not allowed to return to live in the village as husband and wife. The perpetrators of tribal marriages may return to the village by coming individually in turn. Other research also confirms the marriage of Minang ethnic groups. For example Masykuri, S. (2016), about "Prohibition of Marriage with the Malay Tribes in the Perspective of Islamic Law (Case Study in Perhentian Raja District, Kampar Regency, Riau Province)"; Atika, D. (2017), about "Perceptions of the Minangkabau Community on Sesuku Marriage in Nagari Muaro: A Qualitative Descriptive Study of the Prohibition of Sesuku Marriage in Nagari Muaro, Sijunjung Regency, West Sumatra:"; Sari, E. K. (2018), about "Analysis of the Prohibition of Marriage with the People in Minangkabau in terms of Maqashid Syari'ah"; and Hanifah, F. P. (2017), regarding "Customary sanctions against the marriage of Minangkabau ethnic groups, IV Koto District, Agam Regency, North Sumatra Province".

Marriage with the same tribe is a marriage that is prohibited in Minang culture, instead, it is called a taboo marriage or abstinence marriage (Yaswirman: 2017). Marriages that are prohibited in the Minang culture are tribal exogamy and Nagari exogamy. Ethnic exogamy is the prohibition of marriage with other tribes and Nagari exogamy is a prohibition on ethnicity

and senagari. Some Minang people want to maintain the prohibition on inter-ethnic marriage because tribal marriage will actually be a threat to the existence of Minang culture as a whole. After all, it destroys the kinship system (Patriyah: 2015). Rumah Gadang, as pandam cemetery, and as an heirloom. (Yaswirman: 2017).

This study explores the causes of the prohibition of ethnic marriage in Minang Batipoh Ateh. This legal anthropological research uses a qualitative approach. Information and data are obtained by observation, interviews and literary studies. The informants used purposive sampling and developed using the Snowbal method. The analysis used an interactive model.

## **Results and Discussion**

### **1. The Minang tribe**

The Minang tribe is the fifth largest ethnic group in Indonesia, with population of 6.5 million or 2.73% of the total population of Indonesia (BSN: 2010). Geographically, the Minang tribe inhabits West Sumatra. As a nomad tribe, and spread in various areas, including Riau, Bengkulu, Jambi, Java, Kalimantan, and Negeri Sembilan Malaysia. Most of these tribes work as traders. They use Minang language and customs which adhere to a matrilineal kinship system (Ong: 1995) and are very strong in adhering to the teachings of Islam with the proverb "Adat Basandi Syarak, Syarak basandi Kitabullah". There are three traditions that make the Minang tribe superior and successful: the tradition of merantau, the tradition of respecting knowledge and upholding customs. (Sutrisno: 2005). Efforts to protect the purity and integrity of Minang culture are carried out continuously, both formally (education and government) and informally (traditional / religious institutions). The pillars that guard the Minang culture are *Tungku Tigo Sajarangan*, namely: *Alim Ulama*, clever and *Ninik Mamak*. The three of them hold the same high position as the symbol of a democratic and egalitarian system of society.

The Minang tribe is one of the areas that is still strong and adheres to customary law. The tribe is one of the pillars in the establishment of a village in Minang. A Nagari is said to be perfect if it is inhabited by four tribes (Batuah: 1959). Nagari is an autonomous region under the highest authority in Minang. A Minang proverb states the origin of a Nagari: From taratak to hamlet, from hamlet to Koto, from Koto to Nagari, Nagari Ba Panghulu. No other social

and political power can interfere with customary affairs in a Nagari. Because it is autonomous, it is possible that each Nagari has a different typology and characteristics of adat.

Each Nagari is led by council consisting of tribal leaders from all tribes. This council is called the *Kerapatan Adat Nagari* (KAN), which consists of three elements, namely: *Ninik-Mamak*, *Alim Ulama* and *cendik* clever. KAN functions as the administrative center for the Nagari which inhabits a building called the Balai Adat as a meeting place for making decisions with Nagari leaders. The result of deliberation or consensus on the Kerapatan Adat Nagari is a decision that is final and binding for all its citizens.

The Minang tribe places women to act as heirs to inheritance and kinship. The lineage rests on the maternal lineage called the *Samande*. While the line from the father is called *Sumando* (brother-in-law) and is treated as a guest in the family. The distinctiveness of the women's line in the Minang community structure is very dominant, so it is called *Bundo Kanduang*, and is symbolized by *Limpapeh rumah nan gadang* / the main pillar of the house (Koning: 2000). The *Bundo Kanduang* played an important role in determining the decisions made by men in their positions as mamak (uncle) and penghulu (tribal chief). Penghulu is a title given to a leader of a tribe or korong (Amrizal: 2011). A penghulu must be selected from a figure who is considered the wisest, most capable, and a man who has the clearest views among his family members (Graves: 2007). The leader is the Ninik Mamak in his tribe or clan (Aditiawarman: 2007). The penghulu has special privileges attached to the heirloom title, which will be passed on to *saparuik*, *sekaum* or tribal nephews (Amrizal 2011). A Penghulu is responsible for the success of development in various fields, especially to children and children and their people (Hakimi: 1984).

## **2. Marriage in the Minang Tribe**

According to Minang custom, a person is prohibited from marrying the same tribe, because he comes from one descent or from one ancestor. Ethnic marriage is like marrying one's own sibling, and is considered incest. According to Stauss (1969) in Munir (2015) that the prohibition of marriage between clans or groups can not only be seen from a biological perspective, namely the fear of hereditary diseases when someone marries a group member, but also as a natural law phenomenon for social life. Stauss (1969) likens the laws of nature to

the planets. If the planets violate the laws of nature, they will be destroyed (Munir: 2015). If this rule is violated, it will create confusion in the customary value order which contains a matrilineal kinship system or maternal lineage (Iqbal: 2017).

As an affirmation, "prohibiting" a marriage from the Minang ethnic group cannot be equated with "forbidding" such a marriage. This means that what is prohibited by custom is not the same as haram according to religion, but what is forbidden by religion is definitely prohibited by custom. Married with a halal ethnicity, but for the Minang people it is prohibited by custom. Inter-ethnic marriage is not good, for the perpetrator will be subject to heavy customary law. Law does not only apply to individuals, but also to all members of the tribe. The perpetrator is considered no longer part of the extended family of his tribe. Ethnic marriage is not seen from a *halal* or *haram* perspective but is a marriage that is built on the basis of moral values and *raso jo pareso* (feeling with tolerance) and is an agreement or oath that is valid from generation to generation from the ancestors. The prohibition of inter-ethnic marriage for years as such, finally manifests itself in a mindset and becomes an undeniable belief from generation to generation.

### **3. Tracing the causes of prohibition and sanctions of same tribes Marriage in Batipuh Ateh**

Nagari Batipuh Ateh is located on the slopes of a volcano that stretches from East to West which is passed by a large river, Batang Sabu. Nagari Batipuh Ateh is one of the eight villages in Batipuh District with an area of  $\pm 8.23$  km<sup>2</sup> consisting of 5 Jorong, namely: Jorong Balai Mato Aie, Jorong Balai Sabuah, Jorong Subarang, Jorong Jambu and Jorong Sawah Diujung. Has a total population of 4,503 inhabitants. As for the tribes in Batipuh Ateh: Panyalai, Sikumbang, Koto, Malayu, Jambak, Banana, Guci (Batipuh Ateh: 2019).

The prohibition of tribal marriages in Minang customs, where the bride and groom come from the same village or different Nagari, is seen in the Minang proverb which reads: "*Baradiek bakakak, Bakamanakan bamamak, Babako jo babaki, Ba andan bapasumandan, Bakarik jo babaik, Baurang-urang sumando*". This means that ethnic groups are considered to be family members and according to custom, people who are of the same ethnic group and one village may not marry because they violate adat. However, the changing times, social interactions and

the influence of religious understanding (Islam) have resulted in a shift in values. In Batipuh Ateh, ethnic marriages are permitted, provided that the partners come from different nagari and there are no kinship ties. Majolelo (2019) argues: *“itu terjadi karena urang Batipuh ateh berpandapek bahwa urang yang babedo nagarinyo indak ado ikatan kekerabatan dan juo budaya yang makin bakambang”*. Meaning: this happened because according to the Batipuh Ateh nagari community, marriage of different ethnic groups was not tied to close kinship and was in line with the times. Marriage like this is called a one-off marriage, because both partners come from the same *Datuak* (Nola: 2015).

The results of interviews with traditional and religious leaders about the causes of the prohibition of marriage between tribes and *senagari* in Batipuh Ateh are: 1) maintaining and preserving Minang customs; 2) limiting association only with people of the same age; 3) give birth to unqualified offspring, because according to medical science, a marriage with close blood ties will create a weak offspring both physically and mentally. This opinion is confirmed by the research of Bener (2006), Sasongko (2015) and the explanation of Shihab (2002), Ramulyo (1996). However, it is doubted by Yusdiawati (2017); 4) disturbing the child's psychology because their parents are ostracized by their family and environment, so that the child also gets discriminatory treatment; 5) loss of customary rights; and 6) customary payment sanctions in the form of stipulated material.

According to Samsuar (2019), the basis for allowing tribal marriages in Batipuh Ateh is *“Karano alam lah bakalebaran, manusia alah bakakambangan, dan aturannyo pun lah babeda dengan nagari yang lain”*. That is, because nature has expanded and society has grown and the customary rules have been different in each village. This opinion is corroborated by the Minangkabau proverb, namely *“Sawah lah balupak, ladang dan babintalak”*. This means that people with different nagari rights and assets are different so as not to cause divisions between groups. The same thing was conveyed by Edison (2019), that: *“Nagari satu kesatuan masyarakat hukum adat, adat yang balaku adalah adat salingka nagari”*. This means that the rules of the *nagari* are a unit that comes from the customary law community that applies to *Nagari* in the area.

An example of the practice of marriage with different ethnic groups was carried out by X children of Yuniar. According to Yuniar: *“walau anak ambo kawin sasuku tapi pakawinan nan*

*ditampub lai manuruik barib adek nagari Batipuh Ateh*” (Even though the child was married to *Sasuku*, the marriage was carried out according to *Nagari Batipuh Ateh's* adat). This was confirmed by the pair Samsinar and Asam Basri, as stated by Majolelo (2019).

“... *iko* adolah pasangan nan manikah sesuku dan barasa dari Nagari nan babedo. Dimano pasangan Samsinar dan Asam Basri barasa dari suku Sikumbang. Iko tamasuak pasangan nan kawinnyo di buliahkan sacaro agamo sarato adaik malalui patimbangan atau rundiang karundiang antaro *niniak mamak urang Sikumbang* nan babedo kepala sukunyo. Pasangan ikopun sampai kini masih tinggal di Nagari Batipuh ateh dan indak ado dando dan sanksi adat yang di lakuan untuak pasangan ko do..” (This is a couple who are married to the same ethnic group and come from different Nagari. The Samsinar and Asam Basri couples come from Sikumbang. This includes couples whose marriages are permitted by religion or custom through deliberation or negotiation between *ninik mamak*, Sikumbang people who have different tribal heads. This couple is still living in Nagari Batipuh Ateh and there are no fines or customary sanctions applied to the couple).

If there is a plan for tribal marriage, *niniak mamak*, *Tuo kampuang* (village leader) will give advice about the consequences and impacts of tribal marriage to their nephews so that they do not have inter-tribal marriages. However, if the problem of a nephew's son still insists on having a tribal marriage, and it cannot be resolved by *Tuo kampuang*, then it is left to *Pas Peace* and *Panungkek*. Furthermore, if it doesn't work, the *pangulu Pucuak* is advised. *Pangulu Pucuak* are tribal leaders, namely leaders who take one step first and are exalted together. All problems that cannot be resolved by the tribe will be left to the *Pangulu Pucuak* (Majolelo: 2019). *Pangulu Pucuak* will reassure their children regarding their decisions that violate customary law and advise that the desire to marry a prospective bride who is of the same ethnicity is cancelled. However, if the *pangulu Pucuak* cannot solve the problem, then the *Pangulu Pucuak* has the right to bring the problem to the Kerapatan Adat Nagari (KAN). KAN is the estuary of solving all customary problems in each Nagari. KAN decides whether the marriage is allowed or not.

The results of the interview with Yusmawati (2019), the couple who caused controversy from the community and traditional leaders for having inter-ethnic and senagari marriages were the X and Y couples: "*sabalun tajadinyo perkawinan itu, niniak mamaknyo alah barundiang dan mancubo manesebatinyo tapi kaduonyo taruuh sajo basikareh, alah di sabuikan pulo kainyo*



*sanksinyo sarato jo mularekenyo ka mamak nyo tapi nan iyo tetap juo nio malanjuikan pakawian tu*". This means: before the marriage took place, her mamak ninik had negotiated and tried to advise her, but both of them insisted, it had also been mentioned to her about sanctions and harms for her mother. However, the couple still wants to continue their marriage.

Furthermore, Yusmawati (2019) said that, the other controversial couple is A and D couple.

*"Pasangan iko iyolah urang Batipuh Ateh nan bakabatulan iyolo urang Sikumbang. Mulonyo banyak masalah nan ditimbuaan dari pasangan iko saboknyo karano alah malangga aturan adaik nan balaku dari dulunyo di Batipuh Ateh nan ko. Tapi samantang pun baitu alah disapo dan alah pulo diingekkan ninik mamaknyo, pasangan iko taruih juo basikareh untuak manikah, dek karano cinto kiceknyo. Sabinggo pasangan ko wajib kalua dari kampuang dan indak buliah mahuni kampuang sarato sanksi-sanksi adaik nan lainnyo. Kok nio juo nyo pulang, yo pulanglah surang-surang dan karumah surang-surang pulo, kok dilangga yo carailah timbangannyo"*. This means that this couple is a Batipuh person and is fighting for urang Sikumbang. Initially there were many problems caused by this couple because they had violated the traditional rules that had been in effect from the past in Nagari Batipuh Ateh. This couple had been admonished and reminded by their ninik mamak, but this couple still insisted on getting married, because they said love. So that this couple must leave the village and may not inhabit the village and other customary sanctions. If they want to go home, they have to go home by themselves, and to their own homes too, if they are violated they must be divorced.

Yusmawati's explanation shows that, if there is a violation of ethnic marriage in Minang Batipuh Ateh, it is resolved through a long process starting from advising, reprimanding by ninik mamak, to completing deliberation (negotiating) with the two prospective brides and all their relatives, but if the two prospective brides If they still want to get married, they get customary sanctions, that is, leave the village, and if they want to return to *Kampoang*, they have to go home individually, because if these sanctions are violated then they must divorce.

According to Edison (2019), there are several penalties (sanctions) for violations of ethnic marriage in Ateh, namely:

The perpetrator will be expelled from the Nagari or out of the clan. This happens when the two prospective brides carry out a tribal marriage with the same nagari and are considered to be married in limbago *barunsanak*. The couple is not allowed to go home at the same time and if this rule is not followed they will have to divorce. This pair will also be ostracized by the community and obliged to clear the name of their mamak, if this is not done

then the *niniak mamak* concerned will not be allowed to participate in the trial that is taking place at KAN because it is considered to have violated customary law. (Lazisman: 2019). The procession of the punishment, namely: Making *Nasi Lamak* (Yellow Rice), *Tungkahan Badarah* (at least one goat), Making chicken *singang* (Whole Grilled Chicken). Pay the fine to Nagari *Sa pikua bareh* (equivalent to 100 liters of rice) and 1 mas (around 2.5-3 grams, or Rp. 1470,000). If the above matters have been fulfilled and have been served to *mamak bareh sapikua, pajuraian*, and one of the KAN administrators, then the *mamak* and everyone present may not taste the dish, because it is considered something dirty, unfit to eat. They are not allowed to sit in meetings of other tribes in one *Luhak* (area) and if they continue to participate, their former seats will be washed as a symbol of bad behavior for the community.

Penalties imposed on *Ninik-mamak*, namely: payment to *Pangulu Pucuak* of 60 Riya, *Pangulu Andiko*, 40 Riya, *Pangulu Passatria* 30 Riya, *Pangulu Panungkek* 20 Riya, *Tuo kampuang* 10 Riya (Majolelo: 2019). The value of one Riya is IDR 3,000 (Alfa Edison: 2019). But it is not clear and needs further investigation why is the name of the unit of value "Riya"? Probably derived from the word Riyal, the currency of Saudi Arabia. If this is the case, it is still logical because the interaction between Minang people and Saudi Arabians has been established since a long time ago, both for worship, study and business matters.

Thrown away according to adat, or discarding *saro*, that is, being expelled from the hometown and not allowed to return. The implementation of this sanction is to ask the bride and groom to leave voluntarily; otherwise they will be forcibly evicted. The couple can only return to their village after realizing their mistake, breaking off their marriage, and apologizing in front of the *ninik mamak* by holding a certain banquet ritual.

If the marriage is carried out by a person of the same ethnicity but is not related by blood, then after the sanction is imposed on the perpetrator of the same ethnic marriage, he will be excluded from social relations, and not brought by *Sailia Samudiak* by his village people until he pays a fine, namely *mandabiah saikua kace* and invites *ninik mamak* in an banquet. Men who violate this prohibition will lose the right to occupy positions (*manjunjung sako*) which are contained in the *Perpatih* custom. Meanwhile, women will lose the right to all tribal inheritance. A couple who performs a tribal marriage is likened to the Minang tradition as: like

the fruit of the *liluk*, being thrown into the sea not being eaten by fish, being dumped ashore not being eaten by the chicken.

Moore in Ihromi, TO (1993 Soekanto, S., Hendratno, ET, & Sardjito, S. (1984) and Sodikin, A. (2013).), The facts about the prohibition and sanction of tribal marriage in Minang Batipuih Ateh, illustrates that a community is able to act and enforce the customary laws of the local community because it is motivated by the belief that customary law is composed of values, norms and rules that have been agreed upon and believed by the community from generation to generation. According to Haar. T (2013), customary law is all regulations that are applied in authoritative decisions and declared binding by the local community (Damanik, D, 2019; Hamamah, F., & Sarip, S., 2019: 163-180) ). Anthropologically, it can be interpreted that these prohibitions and sanctions are the moral standards of the local community regarding the practice and symbolic thinking, beliefs and values of the local community. Therefore, the prohibitions and sanctions in the Minang Batipuih Ateh customary law are intended as an effort to restore the balance that was disturbed due to a violation committed by someone in the community.

### **Conclusion**

The prohibition of tribal marriages in the Minang Batipuih Ateh tribe is intended as an effort to restore the disturbed balance due to a violation committed by someone in society and to maintain the existence of the culture and lineage of the Minang tribe based on the matrilineal lineage. This means that violations of customary law will create confusion in the value order that contains a matrilineal kinship system. Minang people believe that inter-ethnic marriage will cause disaster, bad luck, and the emergence of health problems both physically and psychologically for the offspring. In more detail, the prohibition of inter-ethnic and traditional marriage in Batipuih Ateh, because: 1) maintaining and preserving Minang customs; 2) limiting association only with people of the same age; 3) give birth to unqualified offspring; 4) disturbing the child's psychology because their parents are ostracized by their family and environment, so that the child also gets discriminatory treatment; 5) loss of customary rights; and 6) customary payment sanctions in the form of stipulated material. Punishment (sanctions) for violations of ethnic marriage in Ateh's batipuh, namely: 1) the perpetrator will be expelled

from the Nagari or out of the community; 2) penalties imposed on *Ninik-mamak* by paying fines to *Pangulu Pucuak*, *Pangulu Andiko*, *Pangulu Passatria* *Pangulu Panungkek* and *Tuo kampuang*; 3) thrown away during the custom, or throwing away the *saro*, that is being expelled from the hometown and not allowed to return; 4) excluded from social relations, and not brought by the village people to Saudi Arabia until they pay a fine, namely *mandabiah saikua kace* and invite *ninik mamak* to a banquet. Therefore the permissibility of tribal marriages originating from different *nagari* in Batipuh Ateh is an alternative solution provided by traditional leaders, as an answer to the changing times, and accommodation to the view of Islamic marriage law, but its implementation is strictly carried out, in order to maintain the existence of customary law.

## References

- Aditiawarman, & Abrar. (2007). *Budaya Alam Minangkabau*. Padang: Pemerintah Kota Padang Dinas Pendidikan.
- Atika, D. (2017). *Persepsi Masyarakat Minangkabau Terhadap Pernikahan Sesuku di Nagari Muaro: Studi Deskriptif Kualitatif Mengenai Larangan Pernikahan Sesuku di Nagari Muaro Kabupaten Sijunjung Sumatra Barat* (Doctoral dissertation, Universitas Pendidikan Indonesia).
- Amrizal, A. (2011). *Asal Usul dan Makna Nama Gelar Datuak di Nagari Nan Tujuh Kecamatan Palupuh Kabupaten Agam*. *Jurnal Elektronik Wacana Etnik*, 2(2), 73-94.
- Badan Statistnik Nasional. (2011). *Kewarganegaraan, Suku Bangsa, Agama dan Bahasa Sehari-hari Penduduk Indonesia Hasil Sensus Penduduk 2010*. Badan Statistik Nasional 2011. ISBN 9789790644175.
- Batuah, A. D., & Madjoindo, A. D. (1956). *Tambo Minangkabau: dan adatnja*. Dinas Penerbitan Balai Pustaka.
- B. Ter Haar Bzn Terjemahan Soebakti Pesponoto. (2013). *Asas-asas dab Susunan Hukum Adat*. Jakarta Timur : Balai Pustaka
- von Benda-Beckmann, K. (2007). *Ambivalent Identities: Decentralization and Minangkabau Political Communities*. In *Renegotiating Boundaries* (pp. 417-442). Brill. Accessed from [www.jstor.org/stable/10.1163/j.cttl1w76x39.23](http://www.jstor.org/stable/10.1163/j.cttl1w76x39.23)

- Von Benda-Beckmann, F. Property in Social Continuity., (1979). *Socio-Political Organization in Minangkabau, in Property in Social Continuity*. Published by Brill. Stable. Accessed from [www.jstor.org/stable/10.1163/j.ctvbqs80r.8](http://www.jstor.org/stable/10.1163/j.ctvbqs80r.8)
- Bener, A., Hussain, R., & Teebi, A. S. (2007). *Consanguineous Marriages and Their Effects On Common Adult Diseases: studies From an endogamous Population. Medical Principles and Practice*, 16(4), 262-267.
- Krier, J. (2000). *The Marital Project: Beyond the Exchange of Men in Minangkabau Marriage. American ethnologist*, 27(4), 877-897.
- Fox, J. J. (Ed.). (2006). *Inside Austronesian Houses: Perspectives on domestic designs for living*. ANU E Press. ANU Press. Accessed from <http://www.jstor.org/stable/j.cttt2bj8v.8>
- Graves, E. E. (2007). *Asal-usul elite Minangkabau modern: Respons terhadap kolonial Belanda abad XIX/XX*. Yayasan Obor Indonesia.
- Penghulu, I. H. D. R. (1984). *Pegangan Penghulu, Bundo Kanduang, dan Pidato Alua Pasambahan Adat di Minangkabau*. Remadja Karya.
- Hanifah, F. P. (2017). *Sanksi adat Terhadap Perkawinan Sesuku Masyarakat Minangkabau Kecamatan IV Koto Kabupaten Agam Provinsi Sumatera Utara* (Doctoral dissertation, UIN Sunan Gunung Djati Bandung).
- Hamamah, F., & Sarip, S. (2019). *Optimalisasi Lembaga Adat Desa Meneguhkan Konstitusionalisme. Pagaruyuang Law Journal*, 2(2), 163-180.
- Ihromi, T. O. (1993). *Antopologi Hukum Sebuah Bunga Rampai*. Yayasan Obor Indonesia.
- Lévi-Strauss, C. Pe De Josselin De Jong Deductive Anthropology and Minangkabau. *Symbolic anthropology in the netherlands*, 171. Accessed from <http://www.jstor.org/stable/10.1163/j.ctvbqs310.13>
- Koning, J., Nolten, M., Rodenburg, J., & Saptari, R. (2013). *Women and Households in Indonesia: Cultural Notions and Social Practices*. Routledge.

- Lukito, R. (2008). *Hukum Sakral dan Hukum Sekuler: Studi tentang Konflik dan Resolusi dalam Sistem Hukum Indonesia*. Pustaka Alvabet.
- Thomas, L. L., & von Benda-Beckmann, F. (1986). Change and Continuity in Minangkabau: Local, Regional, and Historical Perspectives on West Sumatra, 127-6.
- Munir, M. (2015). *Sistem kekerabatan dalam kebudayaan Minangkabau: perspektif aliran filsafat strukturalisme Jean Claude Levi-Strauss*. Jurnal Filsafat, 25(1), 1-31.
- Masykuri, S. (2016). *Larangan Pernikaban Sesuku Pada Suku Melayudalam Perspektif Hukum Islam (Studi Kasus Di Kecamatan Perhentian Raja Kabupaten Kampar Provinsi Riau)* (Doctoral dissertation, IAIN Salatiga).
- Sabri, F. A. (2020). *Legal Protection for People with Intellectual Disabilities as Victims of domestic Violence in Ponorogo Regency Anthropological Perspective of Islamic law* (Doctoral dissertation, UIN Sunan Ampel Surabaya).
- Putriyah, N. (2016). *Perkawinan Eksogami: larangan Perkawinan Satu Datuak di Nagari Ampang Kuranji, Sumatera Barat*. Al-ahwal: jurnal hukum keluarga islam, 8(2), 175-188.
- Ong, A., & Peletz, M. G. (Eds.). (1995). *Bewitching women, pious men: Gender and body politics in Southeast Asia*. Univ of California Press.
- Pratama, Iqbal Sonta. (2017). *Peranan Tungku Tigo Sajarangan Dalam Mengatasi Perkawinan Sesuku Menurut Hukum Adat Di Nagari Sungai Buluah Kecamatan Batang Anai Kabupaten Padang Pariaman*. Fakultas Hukum, Volume IV, No. 1.
- Suryani, H. *Perkawinan sesuku dalam budaya Minangkabau di Nagari Batipuh Ateh (pendekatan antropologi hukum)* (Bachelor's thesis, Fakultas Syariah dan Hukum Universitas Islam Negeri (UIN) Syarif Hidayatullah).
- Mohd, R. & Idris. (1996). *Hukum Perkawinan Islam: Suatu Analisis dari Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam*.
- Rose, A. M. (2013). *Human Behavior and Social Processes: An interactionist Approach*. Routledge.
- Simon, G. M. (2014). *Caged in on the outside: moral subjectivity, selfhood, and Islam in Minangkabau, Indonesia*. University of Hawaii Press.

- Setiady, T. (2008). *Intisari Hukum Adat Indonesia dalam Kajian Kepustakaan*. Bandung: Alfabeta.
- Sari, E. K. (2018). *Analisis Larangan Nikah Sesuku di Minangkabau Ditinjau dari Maqashid Syari'ah* (Doctoral dissertation, IAIN Curup).
- Soekanto, S., Hendratno, E. T., & Sardjito, S. (1984). *Antropologi Hukum: Proses Pengembangan Ilmu Hukum Adat*. Rajawali.
- Soekanto, S., Hendratno, E. T., & Sardjito, S. (2005). *Hukum Adat Indonesia*. Jakarta : PT Raja Grafindo Persada.
- SAHJU, A. H. (2018). *Larangan Perkawinan Sesuku Pada Masyarakat Hukum Adat Suku Jambak Padang-Pariaman di Bandar Lampung*.
- Sandy, F., Hanifah, M., & Dasrol, D. (2016). *Sanksi Adat Terhadap Perkawinan Sesuku Di Desa Tanjung Kecamatan Koto Kampar Hulu Kabupaten Kampar Berdasarkan Hukum Adat Kampar* (Doctoral dissertation, Riau University).
- Tanjung, S., Sinar, T. S., Nasution, I., & Takari, M. (2018). *The Tradition of Manjapuik Marapulai in Minangkabau Culture*. KnE Social Sciences, 878-890.
- Yaswirman. (2017). *Hukum Keluarga (Karakteristik dan Prospek Doktrin Islam Dan Adat Dalam Masyarakat Matrilineal Minangkabau)*. Jakarta: PT Raja Grafindo Persada.
- Yusdiawati, Y. (2018). *Penyakit Bawaan: Kajian Resiko Kesehatan pada Perkawinan Sepupu*. Jurnal Antropologi: Isu-Isu Sosial Budaya, 19(2), 89-99.

### **Laws and Regulations**

AD & ART Nagari Batipuh Ateh Luak Nan Tuo Tanah Datar Regency 2016.

Perda Tanah Datar Regency, No. 4 Year 2008 about Nagari.

West Sumatra Provincial Regulation, No. 2 Year 2007 on The Principles of Nagari Government.

West Sumatra Provincial Regulation, No. 7 of 2018 about Nagari.

### **Interview**

Alfa Edison DT. Mustofa, (2019, 2, 23). Indigenous and Religious Leaders, Batipuh Ateh.  
(Yayan, interviewer)

Lazisman DT Sinaro Alam Nan Putiah. (2019, 3, 25). Indigenous and Religious Leaders.  
Batipuh Ateh. (Yayan, interviewer)

Musa DT. Tumangguang, (2019, 3, 4). Indigenous and Religious Leaders, Batipuh Ateh.  
(Yayan, interviewer)

Rajudi DT. Tanbarakan. (2019, 3, 15). Indigenous and Religious Leaders, Batipuh Ateh.  
(Yayan, interviewer)

Safrial DT Batuah Nan Teleang, (2019, 3, 17). Indigenous and Religious Leaders, Batipuh  
Ateh. (Yayan, interviewer)

Samsuar DT Gadang Majolelo. (2019, 3, 3). Indigenous and Religious Leaders, Batipuh Ateh.  
(Yayan, interviewer)

Yuniar. (2019, 2, 20). Society. Batipuh Ateh. (Yayan, interviewer)

Yusmawati. (2019, 2, 24). Society. Batipuh Ateh. (Yayan, interviewer)