



Legal consequences of incestuous marriages in the Pakpak Boang community in Aceh Singkil province Indonesia

Shalawati¹, Ilyas², Iman Jauhari²

¹ Master of Law Student, Faculty of Law, Syiah Kuala University, Aceh, Indonesia

² Lecturers, Faculty of Law, Syiah Kuala University, Aceh, Indonesia

Abstract

Marriage outside the clan is a tradition in the Pakpak Boang community, inherited from ancestors as a prohibition of incestuous marriages. This research aims to explain the implementation of incestuous marriages in Pakpak Boang, the consequences under customary law, and the Islamic perspective on this prohibition. The research employs normative and empirical legal methods. The findings reveal a strong adherence to the prohibition of intraclan marriages by the Pakpak Boang community, considering those within the same clan as akin and ineligible for marriage. Violations result in severe consequences, including ostracism and non-registration at the Religious Affairs Office (KUA). These sanctions reflect customary norms and disapproval of intraclan marriages in societal interactions. The prohibition of intraclan marriages is perceived as a customary law that needs to be preserved within the Pakpak Boang community. It is recommended for the village head to establish written regulations prohibiting intraclan marriages, acknowledged and followed by the local community. The village head should facilitate access for the youth to understand and adhere to these regulations. The involvement of the youth village chief is expected to assist in disseminating information and ensuring compliance with this prohibition. The cultural village community is encouraged to adhere to the established rules, using them as a foundation for marriage practices. Compliance with these rules is expected to be followed by the entire community, maintaining the integrity of customary norms and ensuring harmony in marriages within the Pakpak Boang community.

Keywords: Implementation, urgency, prohibition of incestuous marriages

Introduction

In the context of the Pakpak Boang community in Aceh Singkil, particularly in the Cultural Village, customary norms play a central role in maintaining social and moral order. Individuals who do not adhere to customary regulations are often labeled as lacking in tradition and ethics. The regulations in this village are not solely derived from religion and laws but are also significantly influenced by customary norms passed down through generations by ancestors. This research focuses on intraclan marriages in the Pakpak Boang community, specifically in the Cultural Village of Aceh Singkil. Intraclan marriages pose an intriguing phenomenon to explore due to the existence of customary prohibitions against marrying within the same clan. The main research question addresses the legal consequences of intraclan marriages in the Pakpak Boang community in Aceh Singkil. As background information, it is essential to note that in the past, violations of the prohibition on intraclan marriages resulted in severe punishments such as ostracism and non-registration of marriages at the Religious Affairs Office by the village head. Despite the absence of a prohibition on intraclan marriages in Islamic law, this prohibition is still enforced within the customary law of the Pakpak Boang community. Sanctions or fines imposed for violating intraclan marriage regulations, such as non-recognition as a community member and social ostracism, reflect the gravity of customary norm violations. While punishments in the past could be extreme, contemporary developments have transformed penalties into monetary payments or the offering of a single cow. By gaining a deeper understanding of the legal consequences of intraclan marriages, this

research aims to contribute to the comprehension of the dynamics within the Pakpak Boang community and the relevance of customary values in preserving social harmony amid societal advancements.

Research Method

The research method employed consists of normative legal research and empirical legal research, prioritizing written data and field data as the primary sources. The approach is centered on gathering data from both written sources and field observations, with the research focus on "Legal Consequences Of Incestuous Marriages In The Pakpak Boang Community In Aceh Singkil Province Indonesia." The aim is to obtain data that accurately reflects the actual occurrences in the field, guiding the research to consider the legal consequences of intraclan marriages in the Pakpak Boang community in Aceh Singkil.

Research Finding

There have been changes in the In the Pakpak Aceh Singkil Cultural Village community, those who do not adhere to customary regulations are labeled as lacking in tradition and ethics. In the Pakpak Boang community of Aceh Singkil Cultural Village, compliance with regulations must align with customary norms, not just religious and legal principles. Historically, couples engaging in intraclan marriages faced severe penalties such as societal ostracism and non-registration of their marriage at the Religious Affairs Office by the village head. According to interviews with Mr. Sabirin, the village head, there have been instances of violating the prohibition on intraclan marriages in Tanjung Mas Cultural Village, as some residents neglect

customary rules. Despite the absence of an Islamic prohibition on intraclan marriages, customary law enforces this restriction. Intraclan marriages are feared to damage familial relationships, causing estrangement, particularly when divorces occur within such marriages. This prohibition is based on the belief that they share a common ancestor, and engaging in such marriages is considered an error. Therefore, children are taught from a young age to recognize and refrain from marrying within the same clan. Sanctions or fines for those violating intraclan marriage norms in the Pakpak Boang community include non-recognition as a community member and social ostracism, even to the extent of being punished with death in the past. However, with changing times, the penalties for violating intraclan marriages have evolved to monetary payments or offering a single cow. The prohibition of intraclan marriages is highly regarded in the Pakpak Boang community as it is seen as essential to preserving their customary order, preventing consanguineous marriages, and maintaining familial relationships.

Conclusion

In the Pakpak Aceh Singkil Cultural Village and particularly among the Pakpak Boang tribe, the prohibition of intraclan marriages plays a crucial role in preserving customary and moral order. This prohibition is not only revered as an ancestral legacy but is also implemented as a safeguard for familial relationships and family unity. Violations of this prohibition result in severe customary legal sanctions, including ostracism, non-recognition as a community member, and, in the past, extreme penalties such as murder. Despite the incongruence with Islamic law, the customary norms of the Pakpak Boang tribe steadfastly uphold this prohibition as an integral part of their identity and cultural continuity. The evolution of time has transformed extreme punishments into fines or penalty payments, yet the essence of the prohibition against intraclan marriages remains a crucial aspect in preserving social harmony within the community.

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