

The Relation of the Law on Marriage of the Batak Indigenous Clan with the Incest Marriage Law

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Abstract

A clan marriage is a marriage between representatives of the same ethnic group and clan. In general, the Batak community expressly prohibits the marriage of a clan because this marriage is considered a blood marriage, this is a customary rule that must be obeyed by the community in order to avoid various sanctions and customary punishments that apply. Therefore, parents must inform their children as the next generation that the marriage of one clan is prohibited by the prevailing customary provisions. Until now the prohibition of marriage of one clan has been preserved by the Batak community. The purpose of this study was to determine the concept of kinship between a group of Batak people as a general concept of kinship and the legal consequences of a Semarga marriage. In addition, those who violate the prohibition are correct and relevant to be given social punishment, this provision is also related to Law no. 1 of 1974 which is the unification of the Marriage Law which according to general rules applies to marriages in Indonesia. This investigation is a form of empirical legal investigation, including legal identification and investigation of results. Legal normative approach using descriptive-analytic method is the research method used in this study.

Keywords: *marriage, law, family*

INTRODUCTION

Indonesia is a country that has the most islands in the world which has more than 17,000 islands, based on population administration data in 2021, the population of Indonesia reaches 272,229,372 people living on various islands in Indonesia, this makes Indonesia diverse in ethnicity, customs, culture and language. From this diversity, various traditional beliefs were born, one of which is found on an island called Sumatra. Various tribes found on the island which has the title as the sixth largest island in the world, one of the tribes in Indonesia is the Batak tribe.

The Batak people are among the most numerous tribes living on the island of North Sumatra, the Batak tribe identifies ethnic groups originating and living on the East and West coasts of North Sumatra province. The ethnic groups categorized as Batak are Mandailing, Simalungun, Karo, Toba, Angkola and Pakpak (Self). Most of the Batak tribes adhere to Protestant Christianity, Catholic Christianity and Islam, but there are still people who believe in traditional beliefs, namely the "Malim" tradition and Animism beliefs, but in the development of this era these teachings have begun to decrease. The Batak tribe adheres to the Partilineal legal system. In Latin Partilineal has two words, namely Pater which means father and Linea which means line. Many people who follow the Partilineal system, one of which is the Batak Tribe, the community gives a clan to a newborn child as a sign of genealogy. The clan itself has a sign meaning for someone to know the origin of the kinship he has. The purpose of giving the clan is not only to signify the lineage, that is, the clan can also determine a mate and strengthen brotherhood. In addition, the Batak tribe has customary laws that regulate people's lives and are strictly regulated such as marriage ceremonies, deaths, births to the distribution of inheritance.

According to (D. A. H. Siahaan, 2016) "For others, traditional values and systems that are usually inherited from their ancestors can be used as control of their nature. And because the culture that has existed in humans is considered something good, it is very difficult to separate and even can be passed on in human life on a daily basis. Traditionalism is an attitude and perspective that glorifies and supports the institutions and beliefs of the past. Past beliefs and habits are considered appropriate, timeless, and unchangeable, and people do things the same as before. The way of life of the Batak people is also dominated by the system of customs that their ancestors had for hundreds of years. By placing according to clan, one can place oneself in the customary tradition called Dalihan Natolu (Tungku Nantiga), which is considered in the life of all Batak people. Dalihan Natolu's kinship system explains that the relationship between humans is a hallmark of Batak culture. Everything related to the life of the Batak tribe will be carried out with peace and prosperity if there is treatment according to Dalihan Natolu".

Batak indigenous people also have a tradition that a son takes an important role in marriage to determine the lineage of the child, automatically the child born will inherit the same clan as his father, this tradition has lasted until now, namely a child who When born, the last name of the clan will be given as a sign of the family tree, this makes it easier for the community to distinguish a person's kinship by lineage. In addition, boys have an important role, not only as clan carriers, but also as Batakese: heirs, complement to Natolu's pretext, continuation of lineage and family leadership, sons as complements of custom. Therefore, the duties and roles of sons are very influential for the Batak indigenous people as the successor of the family.

According to the Batak customary law system, marriage is not only to bind women and men as husband and wife, marriage also has a certain relationship meaning in it. Indigenous Batak marriages also regulate various provisions, one of which is matchmaking which is often referred to by the community as "Marpariban" or "Pariban" where the bride and groom have a relationship with cousins from different clans to maintain the family lineage. The Batak tribe supports this matchmaking tradition but in the development of time this provision has rarely been applied by the community because the law is not mandatory.

In addition to the provisions regarding matchmaking, Batak customs also regulate the prohibition of carrying out marriages for certain reasons, including "Namarpadan" which is a promise that has been made by the ancestors where men and women cannot unite because their clans have a pledge, besides that there is a marriage that is strictly and absolutely prohibited, namely "Namarito" where women and men are prohibited from carrying out wedding ceremonies with the same clan, because for people marrying someone who has the same clan is considered a sibling marriage. This customary law is enacted to prevent marriages with the same lineage (Incest).

The prohibition of family marriages has been going on for a long time before Islam and the National Law entered Batak land, this is due to the thick customary law of the Batak community to this day. In ancient times the Batak community would provide social sanctions that would be given by couples who married their clans such as being ostracized by the community until they were expelled from their hometowns.

In Indonesia there is a law that discusses the rules regarding marriage, based on Law Number 1 of 1974 concerning Indonesian marriage which was legalized by the House of Representatives (DPR) on December 22, 1973 and enacted on January 22, 1974. According to Article 1 of Law Number 1974 concerning Marriage, it is stated that "Marriage is an inner and outer bond between a man and a woman with the aim of forming a happy, prosperous, eternal, eternal family with reference to the One Godhead. and Law Number 1974 also regulates incest, this is in accordance with Article 8 point B, which states that marriage is prohibited between two people: "Blood related in a sideways lineage, namely between siblings, between a person and another person's brother. old and between a person and his grandparents.

RESEARCH METHOD

This academic study aims to determine the types of normative legal studies (normative justice): legal principles, legal systems, legal synchronization, legal history, and legal comparisons to examine and examine the relationship between customary law regarding marriages of the Batak customary clan with the law. Law Number 1 of 1974 concerning Marriage.

Collector and analyze data by using the method of re-examination of the information obtained. The nature of data analysis using descriptive methods, with the intention of providing research objects and subjects and not justifying the results of research based on the opinions of experts and legal experts.

RESULTS AND DISCUSSION

Marriage is a permanent relationship between a woman and a man that is recognized by the community concerned based on the applicable marriage regulations. In general, marriage or marriage is a promise and bond agreed by a man and a woman to become husband and wife and build a household to have children. Marriage essentially has the goal of uniting a couple to become husband and wife legally, both religiously and legally. Based on Islamic religious law, the purpose of marriage is to perfect religion, while according to law number 1 of 1974 the purpose of marriage as husband and wife is to form a happy and eternal family (household) based on God Almighty. Meanwhile, according to customary law, marriage is a bond between a man and a woman as husband and wife with the aim of getting offspring, building a family and uniting two families of husband and wife. The provisions of marriage have been maintained by the community before the presence of religious law and legislation.

Based on the marriage system and types according to Anthropology, there are 3 kinds of marriage customs, namely: (1) Exogamy, where men and women are prohibited from marrying members of groups such as clans, races to the same tribe (2) Endogamy, which is the opposite of Exogamy where men and women are obliged to marry members of the same group and are prohibited from marrying women and men outside of relatives (3) Eleutrogamy, this system is considered very flexible where it is not required between men and women to married with the same ethnicity, clan and tribe, and considers marriage legal but within the limits set by religious law and applicable laws. The marriage system adopted by the Batak community is mostly exogamous, because people believe that family marriage is considered or violates the provisions and rules of Batak customs. Family marriage according to Batak customs is considered a marriage of close relatives who have ties (Incest). In the customary provisions of the Batak tribe, if the customary provisions are violated, the person who violates is called "Na So Maradat" which means someone who does not know the customs.

Incest marriages or often known as incest or incest marriages are marriages that are prohibited between a woman and a man because they have very close blood and family ties. Even in Islam, it is forbidden for someone to marry a woman who has a good relationship in the form of lineage, mahram, marriage or breastfeeding. Not only in Islam, incestuous marriage is also prohibited in the Law and Customary Law because it is considered a taboo thing to do, but in various cases there are still many people who practice inbreeding, with various factors.

Marriage has an important meaning for customary law because it not only concerns the relationship between men and women but also involves the relationship between the families concerned. Even in customary law, it is believed that marriage is an important event for those who have passed away or ancestors.

There is a Batak proverb which says "Jolo Tiniptip studio, laho bahen huruhuruan jolo sinungkun marga, asa binoto partuturon". With the meaning of the lead rod is cut, to make a bird cage. Ask the clan first, to find out kinship. This is a community tradition to study someone's kinship with the aim of knowing a person's family tree whether they have a family relationship with him. This is also a reference for someone who wants to get married, if you know someone to marry, make sure

they don't have the same surname because they are considered "Namariboto" or blood relatives. This marriage is prohibited by the community because it is an incest or incest marriage.

Marriage in a group of indigenous peoples there are rules and orders that must be obeyed by the community. Such as the prohibition of having family marriages in customary law communities such as in Simanosor Village, South Tapanuli Regency. The relationship between marriage and partutoran according to custom is very important. Errors or violations that arise will result in ridicule and will be punished. Some of the things that are prohibited from holding marriages in accordance with the customary law of Mandailing are:

- a. Siblings of the same mother, mother or equivalent;
- b. Family or blood relatives;
- c. Mother's siblings;
- d. Wife's siblings;
- e. Brother or equivalent;
- f. Sister's daughter or equivalent;
- g. Father's brother's son;
- h. Sister's daughter;
- i. Grandchildren, both boys and girls;

According to the Batak indigenous people, there is a factor that is the reason why clan marriages are prohibited, which is the most frequently used reference for people to marry women and men who have the same clan, namely the existence of the relationship between blood relations and the existence of community beliefs that think marriage with a clan will give birth to defective offspring to the myth that says that clan marriage will not work in harmony and the community's fear of ancestors who are angry with the violation. In customary law, violation is an illegal act and there is an effort to improve the law (*Rechtsherstel*) if the law is violated, in indigenous peoples to resolve a customary case will be held deliberation to follow up on sanctions received by violators, usually judges from the trial the assembly, namely the traditional leaders or traditional leaders and village heads who were asked for their opinions to discuss the sanctions received. Prohibition of family marriages can be sanctioned with the agreement of traditional leaders, usually traditional leaders provide sanctions based on laws that have been made by the ancestors in the form of:

- a. Offering animals such as pigs or buffalo as a form of punishment received by violators;
- b. Not allowed to live again and may not join the local residents (exiled);
- c. Women had to change to a different clan;
- d. Until social sanctions in the form of ridicule from the community.

According to (Simanjuntak, 2021) "Religion and domestic law. About property acquired before and during marriage. Like the Batak people in general, people are aware of the grouping of marital property. Wealth pooling occurs when they (the newlyweds) are separated from their male parents. Usually, when they leave, the male parents give them capital in the form of land, rice fields, fields and gardens belonging to the new family couple." On the women's side, when they get married, they bring fortune in the form of gifts from their parents, such as gold jewelry and household items, and also become fortune for the new family. This property is called the default property. In addition, there are assets after the male parents leave their residence and assets obtained during the marriage (called total assets). There is no doubt about what assets are seen by the parties, and both husband and wife are bound by marriage, including joint assets managed by the husband (Sukatno & Lubis, 2019).

The existence of rules in customs that make people more aware of the existence of an order that must be obeyed. Regarding marriage according to customary law, it is a tradition that is preserved, besides that there is a prohibition on carrying out marriage ceremonies and of course there are sanctions that are applied to people who violate these rules which aim to provide a deterrent effect.

Incest marriages or discordant marriages are prohibited and regulated in Law Number 1 of 1974 concerning marriage. Apart from that, there is a compilation of rules in Islamic law, the Civil Code with a prohibition on marriage between men and women who are related by blood in a straight line up or down, down, and in a sideways line.

A. Marriage Prohibition

Rules and prohibitions on marriage have existed since a simple society maintained by community members and traditional leaders and religious leaders. This rule continues to develop in a society that has governmental power within the State. In Indonesia, the rules regarding this marriage have existed since ancient times, Srivijaya, Majapahit, the Dutch colonial era to independent Indonesia. This marriage regulation concerns Indonesian citizens (Foreign Citizens), because of the wider association of the Indonesian nation.

Based on the prohibition clause on marriage based on Law Number 1 of 1974 contained in Chapter 2 Article 8-11, but the clause on the prohibition of marriage Article 8-11 regulates the clause on the prohibition of marriage Article 8 Prohibition of marriage between two people as proposed by all, Blood ties in the family tree up or down. Linear blood relations, namely between siblings, between a person and his parents and siblings, and between a person and grandparents. They relate to each other, namely father-in-law, son-in-law, and stepmother/stepfather of stepchildren. Regarding breastfeeding, namely parents who are breastfeeding, children who are breastfeeding, siblings who are breastfeeding and aunts/uncles who are breastfeeding. Reference to a brother with a wife or, if the husband has more than one wife, the wife's aunt or niece. Having a relationship based on his religion or other applicable rules is prohibited from marrying. Articles 9 to 11 apply to married people, as stated in the following:

Article 9

A person who marries another person may not remarry except as stipulated in Article 3 (2) and Article (4) of this Law.

Article 10

If a husband and wife who have been divorced remarry one another and divorce for the second time, then between them it is not permissible to marry again, as long as the law of each religion and belief of the person concerned does not determine otherwise.

Article 11

(1) For a person whose marriage is broken up, a waiting period applies.

(2) The waiting period as referred to in paragraph (1) will be further regulated in a Government Regulation.

As described above, marriage is an important event in the life of our society, because marriage also has rules and conditions to carry it out, in this case marriage cannot be carried out without the terms and conditions that apply in society and the law, so in its implementation always begins and so on accompanied by various complete ceremonies.

A van Genep, a French sociologist named all the ceremonies rites de passage (ceremonies of transition). The conversion ceremony which symbolizes the change or change in the identity of the bride and groom, is a ceremony of living together as husband and wife through a ceremony, where they lived separately before, and each became a member of the parent family, both became a family, and the new family acted separately. marriage procedures and procedures are regulated by government regulations, in particular the regulations under the Marriage Law no. 1 1974, in particular Government Regulation no. 9 of 1975. In Sections 2 to 11 of this article, the acts committed by the bride and groom must be decided by the groom to register the marriage, the bride and groom must first notify their wishes regarding the place of marriage, where the wedding will take place.

In article 30 of the Civil Code concerning the prohibition of marriage, namely marriage is prohibited between those who are related to each other in the family line up and down, both in legal and illegal births or because of marriage and in deviant lines between brothers and sisters. legal or invalid. In Islamic law, marriage is prohibited (haram) forever. The meaning of unlawful marriage for ever if the marriage is carried out because of blood relations or kinship, marriage and marital relations and adultery.

Marriage in Batak customs is a sacred event where there is a culture that forms the basis for carrying out a marriage ceremony, the clan is basically the forerunner of a group of people determining lineage, which according to Batak customs the lineage comes from the father (Partilineal). Men and women who marry with the same clan are strictly prohibited by society, this rule is a guideline that has been passed down from generation to generation as a tradition that must be obeyed by the community. Customary law prohibits clan marriage on the grounds that it has damaged the speech procedure. Incest marriages in Batak customs are related to incest, this is prohibited, in various sources, almost Cultures around the world prohibit incest or incest. In various studies, it is stated that incest/inbreeding marriage can cause (1) genetic abnormalities in offspring (2) trauma (3) 4% risk of birth defects (5) passing the same disease on to offspring (5) hemophilia (6) infant mortality (7) Weakening of body systems due to lack of DNA variation.

Based on research conducted by Science Direct, it is stated that the occurrence of Incest is usually caused by psychology, social effects, socioeconomic level, low education and fragmented families. In some cases, there is a lack of knowledge and sexual education that makes a person able to have incest (Incest). Other factors that can cause clan marriages are the changing times with the growing influence of modernization, which slowly eliminates one's belief in the rules of customary law and religion. In the development of this era, some people have lost their identity in the form of clans and the lack of understanding of parents to their children about the meaning of clans.

Therefore, indigenous peoples strongly believe that parents have an important role in introducing the kinship system and family tree to their children. Like the Batak indigenous people who teach their children the purpose and purpose of giving a clan, this is not only for cultural preservation but for educating children to know family tree and recognize family origins.

B. Terms of Marriage

The conditions for a valid marriage are based on all matters concerning marriage based on the law before the marriage begins. This requirement has been detailed by law. In Chapter II of Law number 1 of 1974 article 6 concerning the conditions of marriage, namely:

- (1) Marriage is based on the approval of the two prospective brides;
- (2) To carry out a marriage, a person who has not reached the age of 21 years must obtain the permission of both parents;
- (3) In the event that someone from both parents dies or is unable to express his or her will, then the permission referred to in paragraph (2) of this article is sufficient to obtain from parents who are still alive or from parents who are able to express their will;
- (4) In the event that both parents have died or are in a state of inability to express their will, then permission is obtained from the guardian of the person who maintains it or a family who is related by blood in a straight line of descent as long as they are still alive and in a state of expressing their will;
- (5) In the event that there is a difference between the persons referred to in paragraphs (2), (3) and (4) of this article, or one or more of them do not express their opinion, the Court in the area where the person resides shall to enter into a marriage at the request of that person may grant permission after first hearing the persons referred to in paragraphs (2), (3) and (4) in this article;
- (6) The provisions of paragraphs (1) to (5) of this article shall apply as long as the law of each religion and the belief of the person concerned does not determine otherwise.

According to customary law, the unwritten rules that regulate people's lives according to customary law are the legal conditions of marriage, namely based on Law no. 1 of 1974 concerning Marriage, State Gazette of the Republic of Indonesia of 1974 Number 1 the conditions for the validity of a marriage are determined by law, namely the validity of marriage according to the origin of each religion and belief. Marriage in customary law is the work of parents, family, community and private affairs between them in very different relationships. Thus, marriage according to customary law is a shared responsibility of customary law communities.

A valid marriage in addition to fulfilling the provisions of Article 2 Paragraph (1) and 2 Paragraph (2), must also meet the requirements of marriage, both materially and formally, as determined by law. According to R. Soetojo Prawirahamidjojo, the marriage conditions are divided into two, namely internal (material) namely the parties who will carry out the marriage, both from the prospective husband and wife and family, and the second external requirements (Formil), namely: Reports, Announcements, Prevention and Implementation

C. Principles of Marriage

The legitimacy of marriage is closely related to each other's religion and beliefs, taking into account other applicable rules. In addition, with the 1974 Law, the principles of marriage according to customary law are:

- a. Marriage aims to build a peaceful, eternal and happy household and kinship in Islam known as *sakinah, mawaddah, warahmah*.
- b. Confession from the family.
- c. Marriage can be carried out according to the provisions of local customary law.
- d. Marriage is carried out with the consent of parents and family members.
- e. Marriage can be done with a man or woman who is old enough but has obtained permission from both families
- f. The balance between husband and wife is a wife who is a housewife and a wife who is not a housewife according to generally accepted law.

It can be interpreted that marriages carried out according to customary law can still be carried out, as long as they are still needed and do not conflict with the law. In addition, a legal marriage according to national marriage law is a legal marriage based on their respective religions and beliefs.

By taking into account the principles of marriage adopted by customary law which develops dynamically, therefore Law no. 1 of 1974 was enacted to ensure legal certainty. The principle of marriage according to the law (1) Aims to form a happy and eternal family (2) the validity of the marriage depends on the law of each religion and belief (3) The principle of monogamy (4) Prospective husband and wife must be mature in mind and body (5) The rights and position of husband and wife must be balanced.

THE RELATIONSHIP OF MARRIAGE WITH LAW NO. 1 YEAR 1974

Humans have the right to determine life for themselves, including in carrying out marriage, according to the view of Islam, marriage is a complement to religion, based on the 1945 Constitution in Article 28 paragraph (1) states that everyone has the right to form a family and have the opportunity to have children. Through legal marriage, based on customary law, marriage is a bond between a man and a woman to build a household which is carried out based on the customs and provisions of their respective religions by involving family members of both parties.

In marriage there is the term incest marriage, as quoted from Wikipedia, incest or incest is a sexual relationship carried out by a couple who have close family ties (kinship), usually between father and daughter, mother and son. male or between siblings or half-siblings. Meanwhile, in the Big Indonesian Dictionary, incest is defined as between two people who are close relatives and are considered to violate customs, laws or religion.

In essence, inbreeding or incest is prohibited by the State, Religion and customary law, and is considered a taboo thing to do. but there are not a few cases where incest is found in the community, so the government, community leaders and religious leaders have taken various actions to avoid the rise of incest or incest in the community because this has many detrimental impacts on those who do it.

The marriage law has clearly stated about inbreeding marriage, this is stated in article 8 of the marriage law, if the community continues to violate this rule then the marriage is considered invalid or annulled, and reaffirmed by article 22 which states that " Marriage can be annulled if the parties do not meet the requirements of the marriage. Thus inbreeding has been prohibited according to the law because it involves incest, sexual relations, those related to breastfeeding and prohibitions from religious law and beliefs held. In addition, there are similarities involving the rules of Batak customary law with laws that can cause a marriage to be invalid or invalid, mentioned in Article 22 of Law Number 1 of 1974 concerning marriage, things that can annul a marriage, namely the parties do not have requirements to carry out marriage, the conditions in marriage have been regulated in article 8 point B which explains that inbreeding is prohibited. Candidates for husband and wife can cancel their marriage by law in court on the grounds that they have incest in accordance with the provisions of Article 8 of Law Number 1 of 1974.

A. Sanctions from Consequences of Inbreeding.

In the law there is a sanction, according to customary law, sanctions are efforts to restore balance that have magical powers, or customary sanctions are also an attempt to neutralize the shocks that occur as a result of customary violations. Sanctions given by customary law are believed to come from a curse given by ancestors and divine as a form of punishment for someone who violates the norms and provisions that have been set. For example, Batak customary law prohibits family marriages, people believe that violators will receive sanctions in the form of curses from their ancestors, not getting descendants and getting sick.

According to Prof. Hilman in his book writes about the kinship of customary law communities based on asymmetrisch connubium, prohibiting marriage between a man and a woman who have the same clan. According to Batak customs, marriage is based on the exogamy system with the Patriakhal, namely marriages are carried out not from the same clan. People believe that clan marriage is an incestuous marriage which is opposed by applicable laws and beliefs, so there are sanctions that are believed to be passed down from generation to generation as a form of prohibition for the community not to have incest.

In the development of the era of customary sanctions slowly changing, as for the sanctions given in the form of annulment of the marriage and the invalidity of the marriage, diparsiang (divorced) meaning that marriages that have been carried out by a husband and wife can be divorced through the parents and customary parties for the sake of law applicable. There is a saying that comes from the Toba Batak which states that if a couple marries with the same clan, it will be parsiranged or forcibly divorced, the process can be carried out amicably by gathering the entire extended family from both sides of the same clan, as well as traditional leaders to carry out the process. In addition, there are social sanctions given by the community, which can be exiled from their hometown, and ostracized by the community. It is also emphasized that marriage in general can be carried out in accordance with a good path according to religion, customary law and national law.

In article 90 of the Civil Code, it can be determined that the cancellation of all marriages that take place in violation of the rules in article (30), article (31), article (32), and article (33), can be canceled and prosecuted by both husband and wife. parents or blood relatives in the upward lineage, both those who have an interest in the annulment, or by the prosecutor's office.

The prohibition of inbreeding and regulated in Article 28 paragraph (1) of the 1945 Constitution states "Everyone has the right to form a family and continue their offspring through legal marriage". This article explains that a marriage can be legal if it follows the provisions in accordance with state and religious law, if these provisions in religion and law are not in accordance with the law then the marriage can be annulled.

In Law Number 1 of 1974 concerning Marriage, there is a prohibition on inbreeding, this has been explained in Article 8. If an incest marriage is carried out, the marriage is invalid and is considered to have never existed or is null and void. The government and traditional and religious leaders take this regulation seriously. Officials who are appointed to carry out marriages that are not in accordance with the provisions have the obligation to prevent the marriage from taking place and are not allowed to help carry out the marriage if they know of a violation contained in Article 8 of the Marriage Law Number 1 of 1974.

CONCLUSION

Customary law is an unwritten law that becomes a guideline or rule that regulates people's lives. Unwritten Rules are dynamic and change over time. With the enactment of Law Number 1 of 1974 concerning Marriage, the conditions for a valid marriage are determined by law, namely the validity of marriage according to the Law of Religion and respective beliefs. Marriage according to the Batak Society, Semarga marriage is prohibited because it is considered an incestuous marriage. If this clan marriage is carried out by the Batak indigenous people then it violates the customary rules called "Na So Maradat" or those who do not know the custom. Those who organize marriages and families will be punished by applicable customary law. This is also related to the existence of a rule in Article 8 of Law Number 1 of 1974 concerning Marriage which states the prohibition of incest marriage and is also not considered a valid marriage because it is not in accordance with the provisions. So clan marriages that have family ties in the lineage up and down and in a deviant line between brothers and sisters are prohibited and can be canceled or invalid because they are considered incestuous marriages.

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