

## **Matrilineal Tradition in the Framework of Contemporary Islamic Family Law: An Analysis of Same-Clan Marriage Prohibition in West Sumatra**

**Krismono<sup>✉</sup> Muhammad Lutfi, Karimuddin**

Universitas Islam Indonesia

Universitas Islam Indonesia

Aligarh Muslim University, Uttar Pradesh India

**Correspondence authors:**

<sup>✉</sup>[krismono@uii.ac.id](mailto:krismono@uii.ac.id)

### **ABSTRACT**

**Purpose** – This study examines the prohibition of same-clan marriages in the Minangkabau community in Nagari Balun Pakan Rabaa Tengah, West Sumatra, through the lens of Islamic legal sociology. This study explores the cultural rationale behind this prohibition, highlighting its role in preserving the matrilineal structure of Minangkabau society. Despite the absence of explicit legal boundaries in Indonesian law and Islamic law, this study analyzes their alignment with Islamic legal principles in the context of contemporary Islamic family law, such as *maqāṣid sharī'ah* and *'urf*, and their impact on social cohesion and identity..

**Design/methods/approach** – A qualitative field research approach was adopted, involving interviews and documentation with local community members. This analysis draws on Talcott Parsons' structural functional theory (AGIL framework) and Islamic legal principles to understand the interplay between local customs and religious norms.

**Findings** – This prohibition optimizes the functional aspects of the Minangkabau matrilineal order and promotes social adaptation, integration and goal achievement. Using the frame of contemporary Islamic family law studies, the prohibition is in line with *maqāṣid sharī'ah* by ensuring lineage integrity and social harmony through customary norms (*'urf*). The findings emphasize the ban's dual role in maintaining cultural identity and religious values.

**Research implications/limitations** – The study's limitation lies in its focus on a single Nagari, which restricts its generalizability. Future research could extend to comparative studies across other Minangkabau regions to assess cultural variations and their implications for social structures.

**Originality/value** – This study bridges sociology and Islamic legal studies, offering new insights into how local customs can complement religious frameworks to address societal challenges in a pluralistic context.

**Keywords:** Tribal Marriage, Structural Functional Theory, Islamic Law, *Maqāṣid Sharī'ah*, *'Urf*, Minangkabau Society

## Introduction

West Sumatra's Minangkabau society is renowned for its unique matrilineal system.<sup>1</sup> Within this system, marriage is not merely a union between two individuals but also constitutes an integral component of maintaining broader social and cultural structures.<sup>2</sup> Through this system, marriage represents a significant event in the life cycle, wherein children born from such unions follow the maternal lineage, influencing not only the distribution of inheritance, but also social roles and interpersonal relationships within the community.<sup>3</sup> This arrangement engenders a distinctive dynamic in spousal relations, where husbands frequently reside in their wives' households post-marriage, a practice known as "returning to the wife's home."<sup>4</sup>

This matrilineal system ultimately introduces a significant aspect into marriage traditions concerning the prohibition of same-clan marriages, a practice that has been implemented generationally to preserve cultural identity and social harmony.<sup>5</sup> Despite lacking an explicit basis in Islamic or Indonesian national law, this prohibition remains a strictly maintained norm, particularly in Nagari Balun Pakan Rabaa Tengah, West Sumatra, which serves as the location for this study. In this context, a nagari constitutes a legal community entity with a defined territory, possessing the authority to govern and manage local community interests, including recognized and respected rights of origin and traditional rights within the governmental system of the Republic of Indonesia. Establishing a nagari requires a minimum of four distinct clans.<sup>6</sup>

In the context of rapid globalization, this topic has become highly relevant for examination, as it reflects the dilemma between local traditions and the influence of modernity. The prohibition of same-clan marriages in Minangkabau serves not only as a social mechanism to maintain customary order but also as an integral component of the

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<sup>1</sup> Satya Gayatri, Ida Rochani Adi, and Wening Udasmoro, "Changes in the Matrilineal System Within Minangkabau Children's Carito," *Jurnal Humaniora* 31, no. 1 (2019): 61, <https://doi.org/10.22146/jh.v31i1.33396>; Halimatussa'diyah Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation Between the Qur'an and Gender," *HTS Teologiese Studies / Theological Studies* 80, no. 1 (2024), <https://doi.org/10.4102/hts.v80i1.8643>.

<sup>2</sup> Sintia Farsalena, "The Minangkabau Women's Cultural Adaptation Strategy in Inter-Ethnic Marriage," *Muharrrik Jurnal Dakwah Dan Sosial* 4, no. 02 (2022): 453–62, <https://doi.org/10.37680/muharrrik.v4i02.957>.

<sup>3</sup> Syafira Syafira and Ahyat Habibi, "The Inheritance of Property and the Position of Sons in Accordance With the Matrilineal System in the Minangkabau Indigenous People and Its Relationship With the Rules of Al-Adah Muhakkamah," *Manazhim* 5, no. 2 (2023): 853–66, <https://doi.org/10.36088/manazhim.v5i2.3492>; Mega Rahmi Putri, "Inheritance of Property in Minangkabau: Review of Customary Law and Islamic Law" 1 (2023): 387–95, <https://doi.org/10.30983/gic.v1i1.151>.

<sup>4</sup> Muhammad Taufiq and Busyro Busyro, "Marriage System in Minangkabau: Interpreting the Concept of Culture Promoted in the Quran," *Islam Transformatif Journal of Islamic Studies* 6, no. 2 (2023): 173, <https://doi.org/10.30983/it.v6i2.6114>.

<sup>5</sup> M. Sayuti Dt. Rajo Pangulu et al., "Marriage System in Minangkabau Culture: Temporary Minangkabau People's Perception," *Journal of Cultura and Lingua* 3, no. 1 (2022): 49–55, <https://doi.org/10.37301/culingua.v3i1.106>.

<sup>6</sup> Syamsu Rizaldi and Bimbi Irawan, *Penataan Administrasi Pemerintahan Dan Struktrul Sosial Adat Di Kabupaten Solok Selatan*, vol. 1 (Padang: Yayasan Rancak Publik, 2019), 12; Ria Febria, Rini Heryanti, and Amri Panahatan Sihotang, "Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau," *Semarang Law Review (Slr)* 3, no. 1 (2022): 12, <https://doi.org/10.26623/slrv3i1.4774>.

distinctive matrilineal system.<sup>7</sup> However, this practice has sparked debates regarding its relevance in the modern era, particularly when juxtaposed with Islamic legal principles that do not explicitly forbid same-clan marriages, as well as with the increasingly prominent values of individual freedom. By examining this prohibition, this study offers a novel perspective on how customary law can persist and function in an evolving modern context.

The objective of this study is to analyze the prohibition of same-clan marriages in Minangkabau society, specifically in Nagari Balun Pakan Rabaa Tengah, from sociological and Islamic legal perspectives. Utilizing Talcott Parsons' Structural-Functional Theory, particularly the Adaptation, Goal Attainment, Integration, Latency (AGIL) framework, this study explored how this prohibition functions as a social mechanism that supports community stability. From the Islamic legal framework, *maqāṣid syar'iyyah* is employed to evaluate the extent to which this prohibition contributes to the achievement of Islamic legal objectives. This multidisciplinary approach enables in-depth analysis of the interactions between customs, religion, and social norms within the local context.

The prohibition of same-clan marriage within Minangkabau society, particularly in Nagari Balun Pakan Rabaa Tengah, West Sumatra, represents a unique aspect of the matrilineal tradition that has not been extensively researched. Previous studies, such as those conducted by Farsalena (2022)<sup>8</sup> and Halimatussa'diyah (2024)<sup>9</sup>, indicate that this prohibition maintains socio-economic stability and ensures that property and lineage remain within the maternal line. Furthermore, Wulandari et al. (2021)<sup>10</sup> and Pangulu et al. (2022)<sup>11</sup> highlight the significance of this prohibition as a social mechanism for preventing familial conflicts and preserving cultural identity amidst modernizing influences. Although several studies, including those by Rizki Saputra (2022)<sup>12</sup> and Nurul Insani (2022)<sup>13</sup>, have addressed the interaction between Minangkabau customs and Islamic law, their focus has been primarily on general relationships without exploring the specific sociological and Islamic legal dynamics related to this prohibition. This gap provides a crucial foundation for this research to offer a novel analysis that integrates sociological and Islamic legal perspectives to examine how this prohibition serves as a tool for preserving customary values and Islamic principles in maintaining social harmony and the continuity of the Minangkabau matrilineal structure.

This research is systematically structured to provide a comprehensive understanding of the prohibition of same-clan marriages in Nagari Balun Pakan Rabaa Tengah. The aspects discussed in this study encompass the preservation of the milineal structure, social stability,

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<sup>7</sup> Lyn Parker, "Matrifocal, Matrilineal, or Matriarchal? Cultural Resilience and Vulnerability Among the Matrilineal and Muslim Minangkabau in Indonesia," in *Matrilineal, Matriarchal, and Matrifocal Islam The World of Women-Centric Islam*, ed. Abbas Panakkal and Nasr M. Arif (London: Palgrave Macmillan, 2024), 3.

<sup>8</sup> Farsalena, "The Minangkabau Women's Cultural Adaptation Strategy in Inter-Ethnic Marriage," 2022.

<sup>9</sup> Halimatussa'diyah et al., "Minangkabaunese Matrilineal: The Correlation Between the Qur'an and Gender."

<sup>10</sup> Yosi Wulandari, Pujiharto Pujiharto, and Sri Ratna Saktimulya, "Custom and Syarak as the Theme in Tambo Minangkabau," *Indonesian Language Education and Literature* 7, no. 1 (November 21, 2021): 42, <https://doi.org/10.24235/ileal.v7i1.8944>.

<sup>11</sup> Pangulu et al., "Marriage System in Minangkabau Culture: Temporary Minangkabau People's Perception."

<sup>12</sup> Rizki Saputra, "Konsep Mahram Terhadap Perkawinan Sesuku Dalam Adat Minangkabau" (Jakarta, UIN Syarif Hidayatullah, 2022).

<sup>13</sup> Nurul Insani, "Perkawinan Satu Suku Dalam Masyarakat Minangkabau Menurut Pandangan Hukum Islam" (Riau, Universitas Islam Riau Pekanbaru, 2022).

sanctions for violations, alignment with Islamic law and customs, and the evolution of local practices.

The analysis was conducted to elucidate the social and cultural implications of the aforementioned prohibition, both at the individual and community levels. By integrating AGIL Theory, *maqāṣid syar'iyyah*, and *'urf*, this research reveals the dual function of this prohibition as a tool for social adaptation and as a guardian of cultural identity.

The findings of this study provide novel insights into how traditional societies navigate the intersection of customs, religion, and modern values. Consequently, this study is expected not only to offer new understanding of the Minangkabau traditional society's ability, particularly in Nagari Balun Pakan Rabaa Tengah, to navigate the relationship between custom, religion, and modern values, but also to contribute to the global discourse on cultural preservation and legal pluralism.

## Methods

This research employs a qualitative approach utilizing field research methodology, with the objective of exploring the phenomenon of same-clan marriage prohibition within Minangkabau society, specifically in Nagari Balun Pakan Rabaa Tengah, South Solok Regency, West Sumatra. This approach was selected because of its relevance in comprehending customary practices and their interactions with religious values and social dynamics. The research subjects encompassed traditional leaders, religious figures, families affected by the same-clan marriage prohibition, and community members with in-depth knowledge of this practice. The researcher was physically present at the location to conduct the interviews and gather data throughout the duration of the study. The informants were purposively selected based on their involvement in the implementation of the same-clan marriage prohibition.

Data collection techniques involved in-depth interviews using semi-structured questionnaires and documentation including customary documents, academic literature, and other relevant references. Data validity was assessed through triangulation of data sources and methods and by comparing interview results, documentation, and field observations. Data analysis was conducted using a descriptive qualitative approach that integrates Talcott Parsons' Structural-Functional Theory to understand the role of this prohibition in maintaining social stability with the concepts of *maqāṣid syar'iyyah* and *'urf* to evaluate its relevance in Islamic law. Through this framework, the research aims not only to describe the phenomenon but also to elucidate the adaptability of this local tradition in the face of modernity. This study was conducted over a two-month period, encompassing field data collection and in-depth analysis to ensure valid and comprehensive results.

## Result

This section presents the primary findings of this research, which focus on the prohibition of same-clan marriages in Nagari Balun Pakan Rabaa Tengah. The results provide a comprehensive overview of the role of this prohibition in preserving local culture, maintaining social stability, and integrating Islamic religious values adhered to by the local community. The prohibition of same-clan marriages in Nagari Balun Pakan Rabaa Tengah is deeply rooted in its well-established social structure. This structure comprises groups of *niniak mamak* who function as custodians of tradition and guardians of Minangkabau cultural

values. Each clan in this Nagari is led by a *niniak mamak* or *penghulu*, who not only governs the *anak kemenakan* but also ensures that the application of customs remains consistent with religious values. The responsibilities of these *niniak mamak* are supported by *dubalang* (customary guards), *manti* (customary advisors), and *malin* (religious figures), who collectively form a harmonious leadership system that integrates customs and religion.

Several dominant clans exist within the social structure of Nagari Balun Pakan Rabaa Tengah, including Tigo Lareh, Kampai, Sikumbang, Caniago, Jambak, Kuntianyir, and Melayu. Each clan possesses a *niniak mamak* who serves as the clan leader responsible for ensuring adherence to customary regulations, including the prohibition of same-clan marriages, among all clan members. This prohibition is considered a crucial element in maintaining social harmony, preventing internal conflicts, and strengthening solidarity among community members.<sup>14</sup>

The research findings are organized into four primary aspects. The first is the preservation of the matrilineal structure, which constitutes the core of the Minangkabau tradition, where women play a central role in the inheritance and management of ancestral property. Second, this prohibition has been identified as an effective instrument for maintaining social harmony, including the implementation of customary sanctions to enforce norms. Third, the integration of prohibition with Islamic values is elucidated through the concepts of *maqāṣid syarī'ah* and *'urf*, which reinforce the acceptance of customs within the framework of sharia. Fourth, it examines the evolution of local practices, highlighting the differences in adaptation between the older and younger generations in understanding and applying this prohibition.

### **Preservation of Matrilineal Structure**

The prohibition of same-clan marriages in Nagari Balun Pakan Rabaa Tengah serves as a crucial mechanism for maintaining the matrilineal system. Research findings indicate that the prohibition of same-clan marriage in Nagari Balun Pakan Rabaa Tengah is deeply rooted in the social structure and culture of the Minangkabau society. Historical records show that Minangkabau society initially comprised four primary clans: Koto, Piliang, Bodi, and Caniago, which subsequently evolved into several additional clans. Each clan shares a common maternal lineage, resulting in individuals within the same clan considering themselves as *badunsanak* or siblings.<sup>15</sup> In Minangkabau society, clans serve three primary functions: first, as a prerequisite for establishing a nagari, which requires a minimum of four clans; second, as an identity that determines an individual's social status; and third, as the basis for prohibiting same-clan marriages.<sup>16</sup> This prohibition is founded on the principle of exogamy, which aims to preserve the continuity of the matrilineal system and to prevent the

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<sup>14</sup> Interview with Yel Nita, Secretary of the Office of Wali Nagari Balun Pakan Rabaa Tengah, conducted on April 23, 2024

<sup>15</sup> Yayan Sopyan and Helma Suryani, "Marriage with Same Tribes in the Customary Law of Minangkabau Batipuh Ateh (A Legal Anthropology Approach)," *Jurnal Hukum Islam* 18, no. 2 (2020): 160, <https://doi.org/10.28918/jhi.v18i2.3262>.

<sup>16</sup> Dirwan Ahmad Darwis and Nazri Muslim, "Minangkabau Cultural Identity: History and Development," *International Journal of Religion* 5, no. 10 (2024): 794, <https://doi.org/10.61707/fbvrvmv21>.

intermingling of lineages within a single clan.<sup>17</sup> Although there are no explicit prohibitions in Indonesian or Islamic law regarding same-clan marriage<sup>18</sup>, this research reveals that Minangkabau customary norms continue to regard this prohibition as essential for preserving the long-established social structure. The explanations provided by the *ninik mamak* in Nagari Balun Pakan Rabaa Tengah affirm that the prohibition of same-clan marriage aims to maintain social harmony and cultural identity, reasoning that same-clan marriage could disrupt the preserved lineages within the matrilineal system and weaken social relationships among community members.

Based on interviews, the traditional leader elucidated, "*The prohibition of same-clan marriages in Minangkabau is due to its impact on the existing traditional structure. In the matrilineal kinship system of Minangkabau, lineage is traced through the mother; thus, the clan is inherited from the maternal rather than paternal side. Consequently, specific kinship terms have emerged such as mamak, mamak rumah, urang sumando, bako, and anak pisang. The mamak refers to the mother's male siblings, both biological and clan-related. The mamak rumah denotes the wife's male siblings. Urang Sumando is the term for the husband of a female sibling, both biological and clan-related. Bako signifies the father's female siblings, with their descendants termed anak bako, and the highest bako being induk bako, the father's mother or grandmother. Anak pisang refers to the children of both biological and clan-related male siblings. Each of these terms plays distinct roles within the traditional Minangkabau structure. In the event of same-clan marriage, individuals would assume dual functions within this structure. For instance, if individual A of the Caniago clan, who serves as both a mamak and mamak rumah for his clan, marries a woman of the same clan, he would also hold the status of urang sumando. Should this union produce offspring, the child would simultaneously be considered a nephew/niece and anak pisang within the traditional structure. Furthermore, same-clan marriages are prohibited to prevent consanguineous unions because it is believed that such marriages may lead to genetic deterioration, resulting in physically and mentally weakened offspring. Therefore, same-clan marriages in Minangkabau are forbidden.*"<sup>19</sup> Traditional documents, such as the Tambo Minangkabau, also record the significance of preserving matrilineal inheritance to maintain family stability.

Dt. Bando Sati Dedi Arisandi, in his capacity as a *ninik mamak* of the Tigo Lareh clan in the nagari of Balun Pakan Rabaa Tengah, elucidates that, "*marriages within the same clan are permissible provided the partners originate from different nagari, as couples from the same nagari and clan are invariably bound by matrilineal kinship ties. Consequently, same-clan marriages may be conducted, but necessitate partners from distinct nagari, because although they share clan affiliation, they may descend from different lineages. However, if they share a common lineage, marriage is prohibited even if they are from different nagari, in order to prevent consanguineous unions.*"<sup>20</sup>

Furthermore, field observations indicate that communal land and family assets are managed by women as symbols of responsibility for maintaining social and cultural stability. The continuity of this tradition is further reinforced by customary decisions that prioritize women in the distribution of inherited property, ensuring the preservation of matrilineal

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<sup>17</sup> Pangulu et al., "Marriage System in Minangkabau Culture: Temporary Minangkabau People's Perception," 54.

<sup>18</sup> Arisman, "Mahram Dan Kawin Sesuku Dalam Konteks Hukum Islam (Kajian Tematik Ayat-Ayat Hukum Keluarga)," *Jurnal Ilmiah Syari'ah* 17, no. 1 (2018): 47, <https://dx.doi.org/10.31958/juris.v17i1.1017>.

<sup>19</sup> Interview with Dt. Garau Syahrizal, from the Kuntianya tribe, Nagari Balun Pakan Rabaa Tengah, Koto Parik Gadang Diateh, Solok Selatan, conducted on April 23, 2024

<sup>20</sup> Interview with Dt. Bando Sati Dedi Arisandi, from the Tigo Lareh clan, Nagari Balun Pakan Rabaa Tengah, Koto Parik Gadang Diateh, Solok Selatan, conducted on May 2, 2024

values. To elucidate the prohibition of same-clan marriages in the conservation of matrilineal structures, the following points are presented:

**Table 1.** The Role of Prohibition of Same-Clan Marriage in Preserving the Matrilineal Structure

Aspects	Main Result	Source of Information/Data
<b>Inheritance of Property</b>	Inherited property is passed down through women as the primary heirs to preserve the matrilineal lineage.	Interview with the customary leader; Tambo Minangkabau documents
<b>Guardian of Family Identity</b>	Women act as symbols of family identity and guardians of lineage in Minangkabau society.	Interviews with traditional leaders; field observations.
<b>Cultural Sustainability</b>	The prohibition of same-clan marriage ensures the preservation of cultural structure, protects exogamy, and maintains social harmony as well as existing customary values.	Interviews with community leaders; observation of customary practices.
<b>Function of Tribal Customs</b>	Tribe has three main functions: (1) a condition for the establishment of the nagari, (2) a determinant of individual social identity, (3) a basis for prohibiting tribal marriage to protect the matrilineal social structure.	Minangkabau historical documents; <i>ninik mamak</i> interviews.
<b>The Concept of Exogamy</b>	The prohibition of tribal marriage is based on the principle of exogamy to prevent the mixing of bloodlines within a tribe and maintain social relations between tribes.	<i>Ninik mamak</i> explanation; penghulu adat interview.
<b>Implications of Same-Clan Marriage</b>	Tribal marriages are considered to damage the bloodline, create multiple functions within the customary structure ( <i>mamak</i> , <i>urang sumando</i> , etc.), and potentially weaken the offspring physically and mentally.	Penghulu adat interview; <i>ninik mamak</i> interview; adat observation.

<b>Special Customary Policy</b>	Same-clan marriage is permitted if the individuals come from different <i>nagari</i> (villages), provided there is no blood relation within the lineage.	<i>Ninik mamak</i> explanation; interview Dt. Bando Sati Dedi Arisandi.
<b>Management of <i>ulayat</i> Land</b>	Customary ( <i>ulayat</i> ) land is managed by women as a symbol of responsibility in maintaining social and cultural stability.	Field observation; Minangkabau traditional documents.

### Social Stability and Sanctions for Violations

This prohibition also aims to maintain social harmony within a community. Based on interviews, a traditional leader explained, *'When someone violates the prohibition of tribal marriage, it is not only about a violation of customary rules, but also a great potential to damage social harmony in our community. Therefore, we apply customary sanctions such as social exclusion and customary rituals to restore balance. These sanctions are not just punishments, but also symbols of restoring relationships within the community.'*<sup>21</sup>

Dt. Bando Sati Dedi Arisandi, in his capacity as a traditional leader of the Tigo Lareh clan in the nagari of Balun Pakan Rabaa Tengah, elucidated that, *"Historically, there were three sanctions for individuals who engaged in same-clan marriages: expulsion, banishment, and elimination. Expulsion entailed the offender being removed from their clan, effectively severing their familial ties within that clan. Banishment involved the perpetrator being exiled from their residence or nagari with no possibility of return. The final sanction, elimination, signified that the transgressor was executed. However, as society has evolved, only two of these sanctions persist today: expulsion and banishment. In contemporary times, the practice of elimination has become obsolete. Furthermore, the repercussions extend to the clan (kaum) itself, as it is subsequently excluded from significant inter-clan gatherings and is regarded with disdain by other clans within the nagari."*<sup>22</sup>

Observations indicate that violators are frequently excluded from traditional ceremonies in order to reinforce customary values. Indigenous rituals, such as *Bako-bako*.<sup>23</sup> This action is undertaken to symbolically sever social ties, while simultaneously restoring harmony within the community. Documentary evidence supports the implementation of this sanction to reinforce the respect for traditional values.

<sup>21</sup> Interview with Dt. Garau Syahrizal, from the Kuntianya tribe, Nagari Balun Pakan Rabaa Tengah, Koto Parik Gadang Diateh, South Solok, on April 23, 2024.

<sup>22</sup> Interview with Dt. Bando Sati Dedi Arisandi, from the Tigo Lareh clan, Nagari Balun Pakan Rabaa Tengah, Koto Parik Gadang Diateh, Solok Selatan, conducted on May 2, 2024

<sup>23</sup> The Ritual *Boko-Boko* in Minangkabau tradition is a customary ceremony aimed at physical and spiritual purification, typically conducted prior to marriage. This ritual involves the utilization of water infused with natural leaves and spices as a symbol of cleansing, accompanied by prayers from the extended family for the couple's prosperity. This tradition reflects the cultural values of the Minangkabau people, emphasizing harmony, mental preparation, and the preservation of customs in each phase of life.

**Table 2: Social Stability and Sanctions for Violations**

Aspects	Main Result	Source of Information/Data
<b>Sanction Type</b>	Social ostracism, expulsion from the community, and traditional rituals to restore harmony	Interviews with community leaders; field observations.
<b>Purpose of Sanctions</b>	Prevent conflict and ensure social balance in the community.	Interviews with traditional leaders; documents of customary practices.
<b>Social Effect</b>	Provide a deterrent effect and strengthen respect for traditional values.	Interviews with community leaders; records of traditional rituals

### Alignment with Islamic and Customary Law

The prohibition of same-clan marriages is in harmony with Islamic principles. Observational studies indicate that the community perceives this prohibition as an integral component of religious teaching integrated with local customs. Traditional documents and interviews corroborate that this prohibition is regarded not merely as a social mechanism but also as a manifestation of adaptive Islamic values.

**Table 3. Alignment of *Adat* with Islamic Law**

Islamic Principles	Implementation in Prohibition	Source of Information/Data
<i>Maqāṣid Syari’ah</i>	Preserving lineage ( <i>nasab</i> ) and family honor as a purpose of Sharia	Interviews with religious leaders; local adat and Islam documents.
<i>‘Urf (Accepted Custom)</i>	Prohibition is accepted as a local practice that complies with Islamic principles.	Interviews with religious leaders; observation of customary practices.

### Evolution of Local Practices

In the context of modernization, the younger generation began to demonstrate flexibility in the application of this prohibition. Based on interviews, a young individual elucidated, *"We comprehend the significance of this prohibition in preserving traditional values. However, in certain instances, such as couples originating from different nagari and lacking direct consanguineous relationships, the necessity for flexibility is perceived. This is crucial to ensure that traditions remain relevant in the modern era."*<sup>24</sup>

Conversely, older generations maintain a conservative perspective. A traditional leader elucidates, *"We do not oppose change; however, if it is excessively flexible, the essence of this prohibition will be lost. We believe that preserving the core values of tradition is our responsibility to future generations."*<sup>25</sup>

<sup>24</sup> Interview with a member of the younger generation, May 2024

<sup>25</sup> Interview with the customary leader, May 2024

Empirical observations indicate that this divergence in perspectives engenders intriguing social dynamics within the community, wherein the younger generation exhibits greater adaptability while the older generation demonstrates a more protective stance towards traditional values.

**Table 4.** Evolution of Local Practices in the Prohibition of Same-Clan Marriage

Across Generations	Perception and Practice	Source of Information/Data
<b>Older Generation</b>	The prohibition is considered absolute and must not be violated.	Interviews with traditional leaders; observation of traditional events.
<b>Young Generation</b>	Flexibility is accepted in certain cases, such as internagari.	Youth interviews; social life observations.
<b>Factors of change</b>	Interaction with outside cultures and modernization are the drivers of adaptation.	Interviews with younger generations; observation of customary changes.

## Discussion

The prohibition of same marriage in Nagari Balun Pakan Rabaa Tengah is not merely a customary norm, but also a social instrument deeply rooted in Islamic religion and the Minangkabau matrilineal tradition. This practice plays a crucial role in preserving social harmony, protecting social structures, and preventing the negative consequences of consanguineous marriage (incest).<sup>26</sup> In this discussion, the research findings are analyzed through the lens of Parsons' sociological theory (AGIL), *maqasid syari'ah*, and the concept of '*urf*', providing a holistic understanding of the function and relevance of this prohibition.

### Perspective of Parsons' Sociological Theory (AGIL)

The Minangkabau people of Indonesia are renowned for their distinctive matrilineal kinship system, which is one of the largest and most prominent in the world. This system is characterized by the tracing of lineage through the maternal line, wherein inheritance and property rights are predominantly transmitted from mothers to daughters.<sup>27</sup> Within this cultural framework, women occupy positions of significant authority and status within both familial and societal structures, contrasting markedly with patrilineal societies where men typically dominate inheritance and lineage matters.<sup>28</sup>

<sup>26</sup> Aleena Sebastian, "Matrilineal Practices Among Muslims: An Ethnographic Study of the Minangkabau of West Sumatra," *Ethnography*, 2022, <https://doi.org/10.1177/14661381221147137>.

<sup>27</sup> Alexander Stark, "The Matrilineal System of the Minangkabau and Its Persistence Throughout History: A Structural Perspective," *Southeast Asia: A Multidisciplinary Journal* 13, no. 1 (2013): 1.

<sup>28</sup> Rianda Dirkareshza, Nada Prima Dirkareshza, and Rosalia Dika Agustanti, "Assimilation of Customs With Islamic Law in Minangkabau Customary Inheritance Law," *Syiah Kuala Law Journal* 6, no. 1 (2022): 80–92, <https://doi.org/10.24815/sklj.v6i1.28305>; Ellies Sukmawati, "Filosofi Sistem Kekerabatan Matrilineal Sebagai Perlindungan Sosial Keluarga Pada Masyarakat Minangkabau," *Empati Jurnal Ilmu Kesejabteraan Sosial* 8, no. 1 (2019): 12–26, <https://doi.org/10.15408/empati.v8i1.16403>.

The prohibition of same-clan marriage in Minangkabau society, particularly in Nagari Balun Pakan Rabaa Tengah, can be comprehensively analyzed through the AGIL theoretical framework developed by Talcott Parsons. This theory delineates four essential functions required to maintain the continuity of society: Adaptation, Goal Attainment, Integration, and Latency (Pattern Maintenance).<sup>29</sup> In the context of Minangkabau society, the prohibition of same-clan marriage functions not only as an instrument for maintaining traditional continuity, but also as a mechanism that enables the community to adapt to ongoing social changes while simultaneously ensuring social stability and cultural preservation.<sup>30</sup>

In the context of adaptation, the prohibition of same-clan marriage in Minangkabau society exemplifies the capacity of local traditions to persist and maintain relevance amid social changes. This research reveals that, despite the challenges posed by modernization and globalization to traditional values, the Minangkabau people have successfully preserved this custom through a dynamic process of adaptation.<sup>31</sup> One form of adaptation is the implementation of same-clan marriage prohibitions with certain flexibilities, such as permitting inter-nagari marriages, provided they do not involve consanguineous relationships within maternal lineage. This approach ensures the preservation of the core matrilineal system values without compromising social harmony.

This flexibility aligns with Talcott Parsons' adaptation theory, which emphasizes that the continuity of a social system is determined by its ability to adapt to the dynamics of the external environment.<sup>32</sup> In this context, the *Kerapatan Adat Nagari* (KAN) plays a central role as a customary institution tasked with maintaining the balance between traditional values and the demands of changing times. KAN not only serves as a vessel for preserving customs but also acts as a mediator in harmonizing *adat* with Islamic values that have developed within society.

Historically, the Minangkabau *adat* has demonstrated the capacity to acculturate with religions that have entered this region from Hinduism and Buddhism to Islam. When Islam was peacefully accepted by Minangkabau society, KAN became an essential instrument for integrating Islamic teachings into *adat*, including the regulation of prohibiting marriage within the same clan.<sup>33</sup> Through KAN, this prohibition was harmonized with Islamic law,

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<sup>29</sup> Richard Ormerod, “The History and Ideas of Sociological Functionalism: Talcott Parsons, Modern Sociological Theory, and the Relevance for OR,” *Journal of the Operational Research Society* 71, no. 12 (December 1, 2020): 1873–99, <https://doi.org/10.1080/01605682.2019.1640590>; Jens Greve, “Talcott Parsons: Toward a General Theory of Action/The Social System,” in *Schlüsselwerke der Emotionssoziologie*, ed. Konstanze Senge, Rainer Schützeichel, and Veronika Zink (Wiesbaden: Springer Fachmedien Wiesbaden, 2022), 443–56, [https://doi.org/10.1007/978-3-658-37869-1\\_47](https://doi.org/10.1007/978-3-658-37869-1_47); Talcott Parsons and Renée Fox, “Illness, Therapy and the Modern Urban American Family,” *Journal of Social Issues* 8, no. 4 (October 1952): 31–44, <https://doi.org/10.1111/j.1540-4560.1952.tb01861.x>.

<sup>30</sup> Wilma Sriwulan et al., “Minang Women’s Music in Matrilineal Kinship: Revealing the Boundaries of Ethics and Performance Aesthetics,” *Harmonia Journal of Arts Research and Education* 23, no. 2 (2023): 387–95, <https://doi.org/10.15294/harmonia.v23i2.38229>; Busyro and Zula Malindo, “The Prohibition Sustainability on Marrying a Woman of the Same Ethnic Group as an Ex-Wife in Minangkabau’s Tradition,” *Innovatio Journal for Religious Innovations Studies* 22, no. 2 (2022): 171–84, <https://doi.org/10.30631/innovatio.v22i2.157>.

<sup>31</sup> Farsalena, “The Minangkabau Women’s Cultural Adaptation Strategy in Inter-Ethnic Marriage,” 2022.

<sup>32</sup> Talcott Parsons, *The Social System* (England: Routledge & Kegan Paul Ltd, 1951), 76.

<sup>33</sup> Faisal Bukhari, “The Role of ‘Kerapatan Adat Nagari (KAN)’ in Solving the Dispute of Communal Land,” *Jurnal Cendikia Hukum* 6, no. 2 (2021): 329, <https://doi.org/10.33760/jch.v6i2.340>.

which also forbids consanguineous marriages. Consequently, this acculturation not only strengthened the legitimacy of adat but also reinforced its role in maintaining a harmonious social order.<sup>34</sup>

The prohibition of same-clan marriage in Nagari Balun Pakan Rabaa Tengah, for instance, is permissible under certain conditions, such as when the couple originates from a different nagari and does not share a maternal bloodline. This approach ensures that the principle of exogamy is maintained, while mitigating the risk of social disintegration that may arise if customary prohibitions are deemed irrelevant by the community. Furthermore, the KAN plays a role in providing customary guidance that is contextual to Islamic values, thereby facilitating widespread acceptance of this tradition by the local populace.<sup>35</sup>

This adaptation demonstrates that Minangkabau society possesses the capacity to preserve the core values of the matrilineal system while remaining responsive to social changes. KAN's role in harmonizing customs and Islam ensures that the prohibition of same-clan marriage not only remains an integral part of cultural heritage but also serves as a crucial element in maintaining social stability and identity. Consequently, this tradition not only persists but also evolves in accordance with contemporary dynamics without losing its essence as a pillar of social harmony and Minangkabau cultural identity.<sup>36</sup>

In terms of goal attainment, the prohibition of same-clan marriage functions to maintain social harmony and family stability. This aligns with the perspective that this prohibition aims to prevent internal family conflicts and ensure greater social integrity.<sup>37</sup> In essence, prohibiting marriage between individuals within the same clan serves to mitigate potential discord and ensure harmonious relationships among families and communities.<sup>38</sup> In this context, the proscription of same-clan marriages functions not only as a social boundary, but also as a mechanism to strengthen social bonds between nagari and reinforce broader social networks, as evidenced by findings that reveal how familial connections established through marriage can enhance inter-nagari social ties.<sup>39</sup> Consequently, despite

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<sup>34</sup> Rahmi Putri, "Inheritance of Property in Minangkabau: Review of Customary Law and Islamic Law"; Ummi Rahmi, M. Rachmat Effendi, and Nandang Hmz, "Penerapan Komunikasi Islam Dalam Membangun Sistem Kekerabatan Berdasarkan Adat Minangkabau," *Bandung Conference Series Islamic Broadcast Communication* 3, no. 1 (2023), <https://doi.org/10.29313/bcsibc.v3i1.6852>; Shidiq Al-Hakim, Unang Fauzi, and Hendri Tanjung, "The Islamic Worldview and Customary Law on Patterns of Inheritance Distribution," *Journal of Civic Education* 6, no. 3 (2023): 230–42, <https://doi.org/10.24036/jce.v6i3.1047>; Muhammad Sahur, Yahya Krisnawansyah, and Rianda Prima Putri, "The Relationship Between Nagari Government Policy and Customary Law" 10, no. 1 (2023): 1–11, <https://doi.org/10.62066/jpab.v10i1.7>.

<sup>35</sup> Fauzan Al Amin et al., "Larangan Pernikahan Sesuku Di Minangkabau," *Jurnal Ilmiah Langue and Parole* 7, no. 1 (December 3, 2023): 39–44, <https://doi.org/10.36057/jilp.v7i1.615>.

<sup>36</sup> Lengga Pradipta, "Reconnecting Culture and Resilience: Understanding Minangkabau Women Strategies in Disaster Management," *Jurnal Antropologi Isu-Isu Sosial Budaya* 22, no. 2 (2020): 286, <https://doi.org/10.25077/jantro.v22.n2.p286-293.2020>; Zefrizal Nurdin and Hilaire Tegnan, "Legal Certainty in the Management of Agricultural Land Pawning in the Matrilineal Minangkabau Society, West Sumatra," *Land* 8, no. 8 (2019): 117, <https://doi.org/10.3390/land8080117>.

<sup>37</sup> Wulandari, Pujihartono, and Saktimulya, "Custom and Syarak as the Theme in Tambo Minangkabau."

<sup>38</sup> Awis Alhkarni and Novia Yuriska, "Minangkabau Customary Marriage Traditions: Integration of Custom and Sharia Principles in the Perspective of Islamic Law," *Usraty: Journal of Islamic Family Law* 2, no. 2 (2024): 124, <https://doi.org/10.30983/usraty.v2i2.8834>.

<sup>39</sup> Sintia Farsalena, "The Minangkabau Women's Cultural Adaptation Strategy in Inter-Ethnic Marriage," *MUHARRIK: Jurnal Dakwah Dan Sosial* 4, no. 2 (2021): 453, <https://doi.org/10.37680/muharrik.v4i02.957>.

changes in social context, the prohibition of same-clan marriages continues to serve as an effective means of maintaining social harmony, reinforcing familial relationships, and ensuring the preservation of social stability within the community.<sup>40</sup>

The prohibition of same-clan marriage plays a significant role in social integration within Minangkabau society. The customary norms underlying this prohibition function maintain harmony within the community, and reinforce a robust cultural identity. These findings support the perspective that this prohibition serves not only as a social regulation, but also as a crucial symbol of social and cultural integration in Minangkabau society.<sup>41</sup> Minangkabau society, characterized by a robust matrilineal system, maintains social harmony by ensuring the preservation of female lineage and the inheritance of ancestral property through the maternal line.

In the context of latency, the prohibition of same-clan marriage preserves existing cultural patterns and ensures that customary norms are maintained and transmitted to subsequent generations. This research reveals that despite the Minangkabau society living amidst modernization currents, this tradition is sustained because of the flexibility in implementing the same-clan marriage prohibition, thereby preserving the core values of the tradition. The findings of Rizki Saputra (2020)<sup>42</sup> furthermore, it supports the notion that customary law can persist if it remains relevant to the existing social context and religious values. In this regard, despite the challenges of modernization, the prohibition of same-clan marriage continues to hold a significant place in the social life of Minangkabau society, functioning to ensure that existing traditions and norms are maintained and transmitted to subsequent generations.

Thus, the prohibition of same-clan marriages in Minangkabau can be understood as a dynamic response to social change that maintains social stability and the cultural identity of the community.<sup>43</sup> This finding demonstrates that, although Minangkabau society faces the challenges of modernization, it is able to preserve tradition through flexible adaptation without sacrificing core customary values. Utilizing the AGIL theoretical framework, this prohibition can be explained as a crucial social function in maintaining the sustainability of Minangkabau society while simultaneously preserving existing cultural patterns. This approach provides a more profound understanding of how customs and religion interact in transforming Minangkabau society, as well as how social norms related to marriage can persist and adapt in the face of contemporary challenges.<sup>44</sup>

### **Islamic Law Perspective**

Although Islamic law does not explicitly prohibit same-clan marriages, Minangkabau customs regulate this prohibition based on the philosophy "*adat bersandi syarak, syarak bersandi*

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<sup>40</sup> Pangulu et al., "Marriage System in Minangkabau Culture: Temporary Minangkabau People's Perception."

<sup>41</sup> Gayatri, Adi, and Udasmoro, "Changes in the Matrilineal System Within Minangkabau Children's Carito."

<sup>42</sup> Saputra, "Konsep Mahram Terhadap Perkawinan Sesuku Dalam Adat Minangkabau."

<sup>43</sup> Gayatri, Adi, and Udasmoro, "Changes in the Matrilineal System Within Minangkabau Children's Carito."

<sup>44</sup> Donard Games, Geoffrey N. Soutar, and Joanne Sneddon, "Personal Values and SME Innovation in a Muslim Ethnic Group in Indonesia," *Journal of Entrepreneurship in Emerging Economies* 13, no. 5 (2020): 1012–32, <https://doi.org/10.1108/jeee-01-2020-0008>.

*Kitabullah*<sup>45</sup> which affirms the interconnection between customs and sharia.<sup>46</sup> In Minangkabau society, this prohibition functions not only as a customary regulation but also possesses a strong foundation in Islamic law, particularly within the framework of *maqasid syari'ah*.<sup>47</sup> Praktik ini juga sekaligus menjadi bukti bahwa konstruksi perkawinan pada komunitas muslim tidak selalu bersandar pada hegemoni budaya patriarki, namun juga berprinsip pada tradisi matrilineal yang lebih ramah terhadap perempuan.<sup>48</sup> This prohibition directly and indirectly contributes to the protection of five fundamental aspects that constitute the primary objectives of Islamic law, namely religion (*hifz al-din*), lineage (*hifz al-nasl*), honor (*hifz al-'ird*), property (*hifz al-mal*), and harmonious social relationships.

First, the prohibition of same-clan marriage safeguards religion (*hifz al-din*) by preventing practices that could potentially contravene Islamic moral norms and values. Islam explicitly forbids marriage with mahram or close relatives who share blood relations, as it may compromise the ethical values and sanctity of the marriage institution. In this regard, the Minangkabau customary prohibition supports this principle by preventing marriages that violate religious rules while simultaneously preserving social norms that align with Islamic teachings.

Second, *hifz al-nasl*, or the protection of lineage, constitutes the primary rationale for this prohibition. Traditional Minangkabau customs aim to preserve the purity of ancestral lines and mitigate genetic risks that may arise from marriages between closely related individuals. This aligns with Islamic principles that prioritize the quality and health of offspring, ensuring the continuity of robust and healthy generations. In the Minangkabau matrilineal system, lineage through the female line is highly esteemed and this prohibition ensures that the social and cultural identity inherited through this line remains safeguarded.

Third, this prohibition also maintains honor (*hifz al-'ird*) by preventing potential conflicts within family and societal structures. In Minangkabau customs, the family is the core of social life, and harmony among family members is meticulously preserved. Same-clan marriages have the potential to create dual roles in kinship relations, such as an individual becoming both *mamak* and *urang sumando*, which may generate social tension and compromise

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<sup>45</sup> The philosophy of "Adat basandi syarak, syarak basandi Kitabullah" serves as a fundamental principle governing the lives of the Minangkabau people, establishing a connection between local customs and Islamic values. This phrase signifies that local traditions are "practiced in accordance with the guidance of Islamic law, while Islamic law itself is rooted in the Qur'an as its ultimate foundation." This philosophy exemplifies the integration of religion and culture, wherein adat (customs) does not conflict with Islamic teachings but is implemented within the framework of Islamic principles. By utilizing the Qur'an as the primary reference, this principle ensures that local traditions maintain their relevance while aligning with religious directives. This approach positions local customs as a medium for embodying Islamic teachings in daily life, fostering harmony between religious values and the cultural identity of the Minangkabau community.

<sup>46</sup> Wulandari, Pujihartono, and Saktimulya, "Custom and Syarak as the Theme in Tambo Minangkabau"; Krisna Marta Bahari, Azmi Fitrisia, and Ofianto Ofianto, "Falsafah Adat Minangkabau Dan Hubungannya Dengan Administrasi Negara," *Ijd-Demos* 4, no. 4 (December 22, 2022), <https://doi.org/10.37950/ijd.v4i4.338>; Rahmi Putri, "Inheritance of Property in Minangkabau: Review of Customary Law and Islamic Law."

<sup>47</sup> See more, Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008), <https://doi.org/10.2307/j.ctvkc67tg>; Deri Wanto, Rahmad Hidayat, and R. Repelita, "Maqasid Shariah's Change as Theory: From Classical to Contemporary Maqasid Shariah," *Al-Istinbath: Jurnal Hukum Islam* 6, no. 2 (November 11, 2021): 427, <https://doi.org/10.29240/jhi.v6i2.3122>.

<sup>48</sup> Sukron Ma'mun and Ibnu Akbar Maliki, "A Socio-Historical Study of Women's Rights Advocacy in Islamic Legal Construction," *Journal of Southeast Asian Human Rights* 7, no. 1 (2023): 1, <https://doi.org/10.19184/jseahr.v7i1.39156>.

family honor. Thus, this prohibition ensures that social relationships remain harmonious, which is a significant objective of Islam.

Fourth, the concept of *hifz al-mal*, or the protection of wealth, is manifested through this prohibition, particularly in the context of ancestral property inheritance. The Minangkabau matrilineal system stipulates that hereditary assets are bequeathed through female lineage, which bears responsibility for familial economic management and continuity. The proscription of same-clan marriages serves to ensure that assets remain unmixed within the same lineage, preserving equitable distribution and safeguarding the economic stability of both families and the broader community.

Although this interdiction is not strictly *syar'i* in terms of Islamic jurisprudence, it reflects the prudence of Minangkabau customs to prevent greater detriment. Dt. Garau Syahrizal elucidates that while this customary prohibition differs from Islamic proscriptions, it remains rooted in sharia values. This underscores that customs may forbid practices that are not necessarily deemed haram in Islam<sup>49</sup>, yet Minangkabau traditions consistently adhere to Quranic teachings and Islamic principles to maintain their relevance. In this context, the custom prohibits same-clan marriages to preserve social harmony, progeny quality, and moral values, without contravening Islamic legal principles.<sup>50</sup>

Furthermore, this custom demonstrates flexibility in its application, as observed in the Nagari Balun Pakan Rabaa Tengah. Same-clan marriages are permitted under specific circumstances, such as when partners originate from different nagari and lack consanguineous relationships through the maternal lineage. This approach exemplifies the harmony between customs and Islamic law, positioning customary prohibitions as preventive measures to mitigate potential negative impacts that could disrupt social and cultural stability.<sup>51</sup>

Consequently, the prohibition of same-clan marriages in Minangkabau, particularly in Nagari Balun Pakan Rabaa Tengah, not only preserves traditional customs but also reflects the values of *maqasid syari'ah*. This prohibition contributes to the protection of lineage, honor, property, and religion while demonstrating a harmonious integration between customs and Islamic law in maintaining social equilibrium and community sustainability. This evidence suggests that Minangkabau customs are relevant and can also serve as significant instruments for supporting the primary objectives of Islamic law.

The prohibition of same-clan marriages in Nagari Balun Pakan Rabaa Tengah can also be analyzed from the perspective of '*urf*', which refers to customs or traditions recognized in Islamic law, provided they do not contradict Sharia. In Minangkabau society, the philosophy of '*adat basandi syarak, syarak basandi Kitabullah*', serves as the basis for legitimizing customary law, including this prohibition. The concept of '*urf*' provides a framework for integrating local traditions into Islamic law, provided these traditions yield benefits and are accepted by the local community.

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<sup>49</sup> Deti Yulia, Sukron Ma'mun, and Ibnu Akbar Maliki, "Pergeseran Peran Anak Laki-Laki Tertua Dalam Adat Lampung Saibatin," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 4, no. 1 (2023): 60, <https://dx.doi.org/10.24042/el-izdiwaj.v4i1.16722>.

<sup>50</sup> Interview with Dt. Garau Syahrizal, from the Kuntianya tribe, Nagari Balun Pakan Rabaa Tengah, Koto Parik Gadang Diateh, Solok Selatan, conducted on April 23, 2024.

<sup>51</sup> Azmi Sirajudin and Ibnu Akbar Maliki, "Zhihar Contextualization in Indonesia: An Anthropo-Linguistic Study," *Al'Adalah* 19, no. 2 (2022): 245, <https://dx.doi.org/10.24042/alah.v19i2.14040>.

In this context, the prohibition of same-clan marriage in Minangkabau falls within the category of '*urf sahibah*', a tradition considered valid under Islamic law.<sup>52</sup> This prohibition does not conflict with Islamic principles, and aims to maintain social stability. Although Islam does not explicitly forbid marriages within the same clan, this tradition should be avoided, as it is perceived to bring benefits, such as preserving family harmony and preventing social conflicts. Consequently, this prohibition is accepted as a social norm that aligns with Islamic values.

The fiqh principle of *al-'adah muhakkamah* (custom can be established as legal precedent) provides a robust foundation for the acceptance of this prohibition.<sup>53</sup> This tradition fulfills the requirements of valid '*urf*', namely: (1) it possesses societal benefits, (2) it is widely practiced within the local community, (3) it predates its establishment as a legal norm, and (4) it does not contradict the principles of Sharia.<sup>54</sup> In this instance, the prohibition of marriage within the same clan serves to maintain the stability of the matrilineal customary structure, prevent conflicts within familial relationships, and preserve the Minangkabau cultural identity, which is transmitted through maternal lineage.

The prohibition of same-clan marriage in Nagari Balun Pakan Rabaa Tengah represents a distinctive form of '*urf*', a local tradition that has evolved within Minangkabau society. In contrast to the universal principles of Islamic law, this prohibition is contextual and adapts to the social requirements and cultural dynamics of local communities.<sup>55</sup> Each nagari maintains distinct regulations, reflecting the flexibility of Minangkabau customs in responding to societal changes, while preserving fundamental values. This tradition, transmitted through generations, demonstrates its deep-rooted significance in the local culture and continues to serve as a relevant social guideline for maintaining harmony within the community.<sup>56</sup>

As a distinctive component of '*urf khas*', this prohibition extends beyond mere social norms and carries significant legal and moral implications. Research indicates that the matrilineal kinship system in Minangkabau necessitates individuals to marry outside their clan to maintain equilibrium in kinship relations and prevent potential internal conflicts.<sup>57</sup> Consequently, this prohibition functions as a preventive mechanism for maintaining social stability within the community. Furthermore, the existence of this tradition demonstrates

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<sup>52</sup> Aulia Fitri, "Penerimaan Diri Dengan Konseling Realita Terhadap Larangan Perkawinan Sesuku Di Minangkabau," *Ristikdik Jurnal Bimbingan Dan Konseling* 6, no. 1 (2021): 102, <https://doi.org/10.31604/ristikdik.2021.v6i1.102-108>; Taufiq and Busyro, "Marriage System in Minangkabau: Interpreting the Concept of Culture Promoted in the Quran."

<sup>53</sup> Andriyaldi, "Al-'Urf Theory and Its Relevance to Contemporary Jurisprudence Issues," *Al-Hurriyah: Jurnal Hukum Islam* 6, no. 2 (2021): 14, <https://doi.org/10.30983/alhurriyah.v6i2.4784>.

<sup>54</sup> Heri Mahfudhi and M. Kholis Arrosid, "Teori Adat Dalam Qowaid Fiqhiyah Dan Penerapannya Dalam Hukum Keluarga Islam," *Familia Jurnal Hukum Keluarga* 2, no. 2 (2021): 119–36, <https://doi.org/10.24239/familia.v2i2.28>; Ramdan Fawzi, "Aplikasi Kaidah Fikih Dalam Bidang Muamalah," *Amwaluna Jurnal Ekonomi Dan Keuangan Syariah* 2, no. 1 (2018): 147–67, <https://doi.org/10.29313/amwaluna.v2i1.3279>.

<sup>55</sup> Ansari Yamamah, "The Existence of Al-Urf (Social Tradition) in Islamic Law Theory," *IOSR Journal Of Humanities And Social Science* 21, no. 12 (2016): 43, <https://doi.org/10.9790/0837-2112074348>.

<sup>56</sup> Febria, Heryanti, and Sihotang, "Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau"; Al Amin et al., "Larangan Pernikahan Sesuku Di Minangkabau."

<sup>57</sup> Al Amin et al., "Larangan Pernikahan Sesuku Di Minangkabau"; Febria, Heryanti, and Sihotang, "Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau."

that Minangkabau customs possess the capacity to integrate cultural values with Islamic religious principles, thereby providing a robust foundation for society to address the continually evolving social dynamics.

The primary objective of the prohibition of same-clan marriage is to foster social harmony and safeguard traditional structures. Within the Minangkabau matrilineal system, this prohibition aids in preserving the distribution of ancestral property within the maternal lineage and prevents social complications that may arise from marriages within the same clan. Additionally, this prohibition aims to avert potential negative consequences such as internal family conflicts and genetic risks to offspring, which are deemed incongruent with the values of the local community.<sup>58</sup>

Interviews with traditional leaders and observations in Nagari Balun Pakan Rabaa Tengah indicate that the community accepts this prohibition as legitimate customary rule and considers it an integral part of their identity. This prohibition does not constitute a form of Islamic proscription, but rather a customary norm recognized in Islam as '*urf*', which provides tangible benefits to the community. As a collectively agreed-upon tradition, this prohibition does not conflict with Islamic law, as it neither permits what is forbidden nor forbids what is permissible but instead functions as part of a social mechanism to maintain equilibrium in communal life.<sup>59</sup>

Consequently, the prohibition of same-clan marriage in Nagari Balun Pakan Rabaa Tengah exemplifies how '*urf*' can function as a relevant source of law in the local context. This prohibition not only preserves traditional values but also contributes to social harmony and sustainability of the matrilineal customary structure. As a component of '*urf sahibah*', this prohibition remains consistent with Islamic legal principles, rendering it not only a valid tradition but also one that brings tangible benefits to the Minangkabau society.

### Implications and Recommendations for Contemporary Islamic Family Law Studies

The findings of this study have several significant implications for the continuation of Islamic family law studies in the contemporary era, which include theoretical, practical, and future research directions. From a theoretical perspective, the results of this study reinforce the notion that local norms, such as the prohibition of tribal marriage, can persist and maintain relevance when integrated with universal values such as those embedded in Islamic law.<sup>60</sup> Because basically Islamic law and custom can create order and harmony in the structure of society.<sup>61</sup> Consequently, this prohibition not only reflects existing local wisdom, but also demonstrates adaptability and alignment with broader legal principles, including religious teachings. This enriches the literature on legal pluralism, illustrating that customary

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<sup>58</sup> Ibnu Akbar Maliki and Anta Mustika Sari, "Relasi Suami Istri Dalam Pengasuhan Anak Perspektif Mubadalah (Studi Kasus Di Desa Rajabasa Lama II)," *SETARA: Jurnal Studi Gender Dan Anak* 5, no. 2 (2023): 15, <https://doi.org/10.32332/jsga.v5i02.6880>.

<sup>59</sup> Yustim et al., "Larangan Perkawinan Sesuku Dalam Budaya Minangkabau Dan Implikasinya Terhadap Konseling Budaya," *Jurnal Ilmiah Ilmu Sekretari/ Administrasi Perkantoran* 9, no. 1 (2022): 15.

<sup>60</sup> Asrizal Saiii, "Prohibition of Marriage Due to Maqashid Sharia Perspective, An Approach," *Advances in Humanities and Contemporary Studies* 2, no. 1 (2021): 33, <https://publisher.utm.edu.my/periodicals/index.php/ahcs/article/view/1641>.

<sup>61</sup> Ayman Shabana, "The Place of Custom in Islamic Law: Past and Present," in *Routledge Handbook of Islamic Law*, ed. Khaled Abou El Fadl, Ahmad Atif Ahmad, and Said Fares Hassan (London: Routledge, 2019), 15, <https://doi.org/10.4324/9781315753881>.

norms can function as an integral part of social structures, while contributing to the formation of a robust cultural identity within society.

From a practical standpoint, this research provides valuable insights for policymakers to harmonize customary law with national legislation and Islamic principles applicable in Indonesia. The preservation of this prohibition, viewed from both Islamic and customary legal perspectives, is not only crucial for maintaining community harmony, but also serves to prevent consanguineous marriages in a broader context. Policies supporting the implementation of this prohibition may constitute a significant step toward promoting healthy social values and protecting family structures and cultural identities within communities.

Regarding future research directions, subsequent studies could explore the dynamics of this prohibition in other Minangkabau communities, considering diverse social and cultural factors. More in-depth research could also examine the application of similar customary norms in communities with different kinship systems to further understand how customary law functions in maintaining social equilibrium amid changing times. Thus, this study opens avenues for broader theoretical and practical developments in comprehending the role of customary norms in modern society.

**Table 5.** Analysis of Findings Based on Theoretical Approach

Approaches	The Function of the Prohibition of Same-Clan Marriage	Relevance of Findings
<b>Theory AGIL Persons</b>	<ul style="list-style-type: none"> <li>- Adaptation to Social Changes</li> <li>- Achievement of Preserving Lineage</li> <li>- Social Integration of the Community</li> </ul>	These prohibitions maintain social stability through customary mechanisms that serve as regulators of harmony.
<b><i>Maqāṣid Syarī'ah</i></b>	<ul style="list-style-type: none"> <li>- Protection of Religion (<i>Hifz al-Din</i>)</li> <li>- Protection of Lineage (<i>Hifz al-Nas</i>)</li> <li>- Protection of Honor (<i>Hifz al-Ird</i>)</li> </ul>	This prohibition supports the value of Islamic law, which aims to prevent incest and preserve family honor.
<b><i>Urf</i></b>	<ul style="list-style-type: none"> <li>- Legitimacy of Custom as a Local Practice Recognized by Sharia</li> </ul>	These prohibitions are accepted as part of local Islamic practices that are relevant to the cultural context.

## Conclusion

The prohibition of same-clan marriage in Minangkabau society, particularly in Nagari Balun Pakan Rabaa Tengah, maintains social stability and preserves matrilineal culture. In the context of contemporary Islamic family law studies using the AGIL theoretical framework, this prohibition supports social adaptation, the achievement of goals to preserve lineage, integration in society, and the maintenance of existing cultural patterns. Furthermore, this prohibition aligns with the principles of *maqāṣid syarī'ah*, which aim to protect religion, lineage, honor, and property as well as prevent consanguineous marriages. This customary norm, recognized in Islamic law through the concept of '*urf*', remains relevant even in a modern context and constitutes an integral part of the Minangkabau cultural identity.

The findings of this study provide crucial insights for policymakers to harmonize customary law with national and Islamic law as well as support the preservation of norms that prevent consanguineous marriages. This study also creates opportunities for further research regarding the dynamics of implementing this prohibition in other Minangkabau communities and societies with different kinship systems. Consequently, this prohibition not only functions as a social norm that protects family structure but also contributes to a broader discussion on legal pluralism and cultural preservation in Indonesia.

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