

Protecting Women's Rights in Exogamous Society: *Mahram* in Minangkabau Customs

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ABSTRACT

The study discusses the interpretation of *mahram* and the implementation of this concept in a sociological context. In Islamic jurisprudence (*fiqh*), *mahram* refers to individuals who are prohibited from marrying due to blood relations. This concept differs from exogamy, which, in the context of Minangkabau customs, refers to the prohibition of marriage between members of the same Minangkabau tribe. This prohibition is grounded not only in biological considerations but also in customary practices. Using a socio-legal approach, the researcher explored how the Minangkabau community implements the tradition of exogamy as a social rule that is deeply valued. This anthropological study included interviews with Minangkabau individuals who uphold the tradition of exogamous marriage. The researcher argues that the exogamous marriage practices of the Minangkabau people contribute to feminist *fiqh* because the prohibition on marriage within the same Minangkabau tribe significantly benefits women. Although the concept of *mahram* in Islamic jurisprudence differs from the traditional rules of the Minangkabau community, both, in practice, aim to protect women's welfare. Moreover, the Minangkabau community's *mahram* system is more stringent. While the concept of *mahram* in *fiqh* aims to prevent marriages among close relatives, exogamous marriage imposes stricter requirements by prohibiting marriage within the same tribe, clan, surname, or kinship group.

[Artikel ini membahas konstruksi mahram di ranah sosiologis. Dalam kajian hukum Islam, mahram disebut sebagai pihak-pihak yang dilarang untuk dinikahi sebab hubungan darah. Konsep ini berbeda dengan eksogami yang dalam konteks adat Minangkabau mengandung makna keharusan menikah dengan seseorang yang berada diluar lingkup sosial suku minang. Dalam konteks adat minang, larangan menikah tidak hanya didasarkan atas pertimbangan biologis namun juga adat. Penelitian ini menggunakan pendekatan Socio-legal untuk menggali informasi tentang implementasi eksogami masyarakat Minang. Artikel ini berargumen bahwa praktik perkawinan eksogami masyarakat Minangkabau menciptakan prinsip fikih feminis, karena dengan larangan seseorang menikah dengan orang satu suku, perempuan mampu melepaskan dirinya dari sistem patriarkhi, sekaligus akan masuk dalam keluarga dengan status sosial yang lebih tinggi. Meskipun konsep mahram dalam hukum Islam berbeda dengan aturan adat masyarakat Minang, namun secara implementatif keduanya memiliki nilai yang sama yaitu kemaslahatan bagi perempuan. Bahkan, sistem mahram masyarakat adat Minang lebih ketat. Jika dalam konsep mahram pada fikih bertujuan untuk menjaga agar tidak terjadi perkawinan dengan saudara, maka perkawinan eksogami bersyarat lebih selektif, tidak membolehkan seseorang menikah dengan seseorang yang satu suku, klan, marga dan kerabat]

KEYWORDS

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Introduction

Mahram is derived from the Arabic term "*harama*," which means prohibition.¹ In *fiqh*, this term refers to parties who are forbidden to marry.² It also refers to individuals who are forbidden to marry. The prohibition is primarily related to blood relations, known as *nasab*.³ Islamic Jurisprudance emphasizes the prohibition of marriage by referencing Al-Nisa' verse 23, which states that it is prohibited for someone to marry because of kinship, marriage or in-laws and brotherhood because of foster brother or milk brother (*radha'ah*).⁴

This legal conclusion differs from the legal system established by the Minangkabau (*nagari*) community, both historically and genealogically. Historically, the Minangkabau people uphold the philosophy of *adat basandi syarak, syarak basandi kitabullah* [custom is the highest behavior of the Minangkabau people which must be based on Islamic law, and Islamic Jurisprudance refers to the Quran.] The strength of Islamic values encourages the Minangkabau people to implement a traditional system strongly aligned with Islamic principles and regulations, including those regarding marriage. Meanwhile, genealogically, the Minangkabau people's *nagari* is formed based on matrilineal descent, where the family tree is passed down through the mother's line. This system has implications for inherited assets (*pusako*) such as land, houses, and other inheritance assets, which are passed from mother to daughter and so on. These historical and genealogical factors have influenced the formation of an

¹ Ahmad Warson Munawir, *Al Munawir Dictionary* (Surabaya: Progressif, Pustaka, 2022), 257.

² Abu Bakar Uthman bin Muhammad Syatha, *I'nanah Al Thalibin III* (Beirut: Dar al-Fikr, 1997), 313.

³ Al-Mausu'ah Al-Fiqhiyyah Al-Kuwaitiyyah XXXV Wizarah al Awqaf wa al Syu'un al Islamiyah and II, *See Taqiy Al-Din Abu Bakr Bin Muhammad Al-Husaini, Kifayah Al-Akhyar Fi Hall Ghayat Al-Ikhtishar I*, P. 364. (Semarang: Usaha Keluarga, n.d.), 368.

⁴ Wizarah al Awqaf wa al Syu'un al Islamiyah and II, 363..

exogamous marriage system in the Minangkabau community, where individuals marry outside their tribe.⁵

Formally, the exogamous marriage system adds confusion to the product of Islamic Jurisprudence (*fiqh*), as Islamic legal experts (*fuqaha'*) have not established a law prohibiting marriage based on tribe, class, or clan. *Fiqh* has so far limited the prohibition on marriage to certain close kinship relationships.⁶ However, the divergence between these provisions and Minangkabau traditional arguments is pronounced—as they emphasize that exogamous marriage has numerous benefits in social, material, and legal realms. Furthermore, from the perspective of Minangkabau women, exogamous marriage serves as a means to protect women from the hegemony and patriarchal attitudes of men in the family. According to Minangkabau philosophy, customs and Islamic Jurisprudence should go hand in hand, yet in practice, significant academic debate persists.

Cannings began discussing exogamous marriage in 1975, researching it from the perspective of genetic drift. He argued that the exogamous marriage system could minimize inbreeding, reduce sexual deviation, and limit overlapping generations.⁷ In a study with a similar subject but a different focus, sociology students at the University of California examined interracial marriages and their influence on family welfare. Their findings indicated that whether marriages followed endogamous or exogamous systems, marriages between whites and others did not significantly affect social welfare caste. However, Asian couples exhibited different social classes due to income levels rather than education. This study contrasts with the view that couples in endogamous and exogamous marriages have different social statuses. Mixed marriages often lead to the stratification of racial groups, in certain areas, particularly among Native Americans and Hawaiians.⁸

In contrast to previous study, studies on exogamy appear particularly interesting because German scholars analyzed it using both longitudinal and cross-sectional observation methods.⁹ They combined censuses over a ten-year period to examine the impacts of inter-ethnic marriage practices both structurally and culturally. They argued that cultural and structural characteristics answer the question of why native groups in mixed marriages are more "open" while immigrant groups are more "closed." The study concluded that inter-ethnic

⁵ I Made Pasek Subawa, "THE MEANING OF SOCIAL CONSTRUCTION HINDU COMMUNITY EXOGAMY MARRIAGE IN BALI," *Vidyottama Sanatana: International Journal of Hindu Science and Religious Studies* 6, no. 1 (May 30, 2022): 112–123.

⁶ "Compilation of Islamic Law, Article," n.d., 39.

⁷ C. Canning Cannings and Skolnick, 39–54.s and M.H. Skolnick, "Genetic Drift in Exogamous Marriage Systems," *Theoretical Population Biology* 7, no. 1 (February 1975): 39–54.

⁸ Xuanning Fu, "Interracial Marriage and Family Socio-Economic Well-Being: Equal Status Exchange or Caste Status Exchange?," *Social Science Journal* 45 (March 2008): 132–55.

⁹ Christoph Spörlein, Elmar Schlueter, and Frank van Tubergen, "Ethnic Intermarriage in Longitudinal Perspective: Testing Structural and Cultural Explanations in the United States, 1880–2011," *Social Science Research* 43 (January 2014): 1–15.

marriages increase when the relative size of immigrant groups decreases and the sex ratio becomes increasingly unequal.¹⁰

In Indonesia, studies on exogamous and endogamous marriages has also been widely carried out. Hidayati identified factors influencing the shift in society's perspective on exogamous marriages, due to changes in the paradigm of thinking among some people regarding the prohibition of such marriages.¹¹ Explicitly, studies on Minangkabau traditional marriages is also presented anthropologically. Researchers provide detailed data on various Minangkabau traditional marriages, including marriages between close relatives, abstinence marriages, marriages according to female relatives, and marriages according to male relatives.¹²

The academic discussion above confirms that exogamous marriage is an intriguing topic for academic discourse. Globally, exogamous marriage is sharply analyzed using scientific, anthropological, and sociological approaches with economic class groupings. Based on all the results of these studies, the researcher is interested in discussing exogamous marriages anthropologically with a touch of feminist *fiqh* to sharpen the focus on the position of women in exogamous marriages.

Normatively, the discussion on mahram refers to women who are prohibited from marriage. This includes mothers and grandmothers (ascending lineage), daughters and granddaughters (descending lineage), full and half-sisters (whether sharing the same mother and father or only one parent), aunts (both paternal and maternal, whether biological or step-relations), and nieces.¹³ Furthermore, scholars provide a more detailed explanation regarding women who are prohibited from marriage under the categories of stepchildren and milk-siblings (*radha'ah*).¹⁴ In line with these foundational principles, Indonesian law also outlines prohibited forms of marriage.¹⁵

Slightly different from these normative foundations, the exogamous marriage system upheld by the Minangkabau people reflects a segregation of rules between Islamic law and Minangkabau customary practices. The long-established principles of Islamic law appear to be challenged by the exogamous marriage tradition. This divergence makes the discussion on *mahram* within the Minangkabau community particularly intriguing. In this context, ethnic identity—which was previously unaddressed in Islamic jurisprudence—becomes a central consideration in marriage regulations.

¹⁰ Spörlein, Schlueter, and van Tubergen, 15.

¹¹ Ramlah Ramlah Rahmi Hidayati, "The Shifting View on the Prohibition of Exogamous Marriage Among the Suku Anak Dalam Community," *Al 'Adalah* Vol. 17, N (2020): 231–48.

¹² Asmaniar, "Perkawinan Adat Minangkabaukabau," *Bina Mulia* Vol. 7, No 2 (2018): 131–140.

¹³ *Al-Nisa'* (4: 22-23).

¹⁴ Sulaiman bin Umar Al-Jamal, *Al Futuhat Alahiyah Bi Tawdhiih Tafsir Jalalayn* (Beirut: Dar al Ihya' al Turath al 'Arabi), 370–371.

¹⁵ *Pasal 8 Undang-Undang Perkawinan Nomor 1 Tahun 1974 Tentang Larangan Perkawinan.*

Mahram and Social Change in Indonesia

In Islamic legal terminology, *mahram* refers to individuals who are forbidden to marry due to close blood relations, consanguinity, or marriage ties. Examples of *mahram* include parents, siblings, children, and so on. The concept of *mahram* aims to delineate the boundaries of permissible interactions between men and women. Individuals who do not fall into the *mahram* category are permissible for marriage. The emergence of the concept of *mahram* in the history of legal formation was designed to protect an individual's honor.¹⁶

In Indonesia, a country with a majority Muslim population, various social changes have influenced views and practices regarding *mahram*. Pre-Islamic Arab traditions had established a strong patriarchal system that viewed women as potential sources of temptation (*fitnah*),¹⁷ This perspective led to the stipulation that women leaving the house must be accompanied by a *mahram*, such as parents, siblings, or uncles.¹⁸ The influx of diverse cultures, traditions, and information technology in Indonesia has fostered a more open societal response to social issues, including the concept of *mahram*. However, this process of acculturation sometimes clashes with traditional values.¹⁹

From a textual approach, the issue of *mahrums* is often addressed concerning women, emphasizing the prohibition on women traveling alone, even though currently traveling for anyone is contextual, because the primary purpose of having a *mahram* was to provide protection and security for women.²⁰ When conditions have changed, the concept of *mahram* can be replaced with other means that effectively fulfill the required protection and security objectives. Thus, protection for everyone, women in particular, can now be realized through policies that ensure safety for all travelers, incorporating increased supervision or simplified travel procedures.²¹

Higher levels of education and awareness of women's rights have also encouraged active participation by women in various fields, including those previously dominated by men. This shift has made interactions between *non-mahram* men and women more common.²² Apart from these factors, changes in family structure, urbanization, and the migration of workers have led to many

¹⁶ Al Baghawi, *Al Tazhib Fi Fiqh Al Imam Al Syafi'iy* (Lebanon: Dar al Kutub al 'Ilmiyah, 2019), 360.

¹⁷ Faqihuddin Abdul Kodir, *Perempuan (Bukan) Sumber Fitnah: Mengaji Ulang Hadis Dengan Metode Mubadalah* (Bandung: Afkaruna, 2021), 133.

¹⁸ Arifah Millati Agustina and Nor Ismah, "Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages," *Journal of Islamic Law* 5, no. 1 (February 29, 2024): 125–146.

¹⁹ Ahmad Fawaid, "Reinterpretasi Hadis Tentang Mahram (Pendekatan Hermeneutika)," *Nur El-Islam* Volume 3 (2016): 176–195.

²⁰ Yusuf Al-Qaradawi, *Kaifa Nata'amal Ma'a Al-Sunnah Al-Nabawiyah, Ma'alim Wa Dhawabit* (Virginia: Dar al-Wafa' li al-Tiba'ah wa al-Nashr wa al-Tauzi', 1992), 129.

²¹ Fawaid, "Reinterpretasi Hadis Tentang Mahram (Pendekatan Hermeneutika)," 177.

²² Chaliddin, "KONSEP MAHRAM DALAM HUKUM ISLAM ANALISIS HADIS DALAM KITAM AL-MUWATA' IMAM MALIK," *Al-Qadha* 6, no. 1 (June 28, 2019): 42–54, <https://journal.iainlangsa.ac.id/index.php/qadha>.

families living separately. The previously common large family structures, where many *mahrams* lived together, have shifted to smaller nuclear families, reducing the number of siblings living together.²³

The Indonesian government has also issued various policies that affect social life, including laws regarding child protection, women's rights, and gender equality.²⁴ These policies contribute to changes in society's views on *mahram*. Social change causes a shift in values and norms in society. Some people are starting to see the concept of *mahram* as something flexible, while others continue to adhere to traditional values. A person's interactions with colleagues in the workplace and the world of education are also factors in why the meaning of *mahram* shifts from the norms established by *fiqh*.²⁵ Interaction between men and women who are not *mahram* is something that cannot be avoided.

Although many people are looking for ways to adhere to religious boundaries in interpreting *mahram*, communication technology such as social media makes interaction between men and women who are not *mahram* easier. This condition creates new challenges in maintaining boundaries as stipulated in *fiqh*.²⁶ Social changes in Indonesia influence perspectives and practices regarding *mahram*. Even though modernization brings various challenges, Indonesian society tries to find a balance between traditional values and the demands of modern life.²⁷ As the best solution in dealing with this social change, the *ulama* of the Minangkabau tribes do not have a problem with exogamous marriages because, according to them, this marriage system has actually implemented Islamic teachings to avoid marriage with siblings. This marriage condition is in accordance with religious teachings.

Referring to Islamic legal principles, there is no prohibition on marriage based on ethnicity. In fact, the issue of religious differences is still a matter of debate among *ulama*.²⁸ Exogamous marriage, as a tradition that emphasizes marrying someone outside their tribe, is not prohibited according to the *ulama* in the land of Minangkabau. Even though it may seem different from the provisions of Islamic law, this type of marriage is highly recommended as long as it does not violate the basic principles of the Islamic religion. However, in practice, the views of scholars on exogamous marriage vary depending on the interpretation and culture of each Muslim community. Some communities have certain preferences or

²³ William B. Wood, "Urbanization Within the Indonesian Economy: A Policy Dilemma," *Cities Journal*, Butterworth & Co (Publishers), 1986, 219–27.

²⁴ Masnun Tahir, "Mahram Dan Transformasi Zaman: Sebuah Analisis Fiqhiyyah Dan Keadilan Gender," *Musāwa Jurnal Studi Gender Dan Islam* 9, no. 1 (January 31, 2010): 63–81.

²⁵ Tahir, 65.

²⁶ Suryadi Suryadi, "Perempuan Dan Spiritualitasnya Dalam Perspektif Hadis," *Musāwa Jurnal Studi Gender dan Islam* 6, no. 2 (July 31, 2008): 208, <http://ejournal.uinsuka.ac.id/pusat/MUSAWA/article/view/62.195-211>.

²⁷ Suryadi, 70.

²⁸ Bisbon Sibutar-Butar et al., "Tinjauan Hukum Terhadap Perkawinan Eksogami Dalam Perspektif Hukum Islam," *INNOVATIVE: Journal of Social Science Research*, Vol. 3, No 4 (2023): 6358–6370.

traditions that prioritize endogamous marriage (within the same group), but the Minangkabau people prefer exogamy to expand kinship.²⁹

Exogamy in Minangkabau Customs

In historical records, the Minangkabau people have a unique lifestyle, including traditional customs and practices that they maintain. Minangkabau, also known as Minang, is an ethnic group in Indonesia that strongly adheres to Islamic values, following the philosophy of Islamic law,³⁰ To this day, the Minangkabau society still uphold the largest matrilineal system in the world, adhering to a unique customary system, which was educated by its predecessors with a family system through the female or matrilineal line.³¹

The Minangkabau people are referred to by traditional Minangkabau researchers as the keepers of traditions.³² This is because the Minangkabau people have unique customs that originated under the heterogeneous Sriwijaya kingdom. The arrival of migrants from various communities within Indonesia and neighboring countries also contributes to the diversity of society in West Sumatra. Besides traditional cuisine, dance arts, and regional songs, the Minangkabau community are famous for their unique marriage traditions, rooted in a strong matrilineal system. Minangkabau has a variety of sacred marriage customs that are integral to their way of life and beliefs.³³ For Minangkabau men, marriage represents a stage to enter a new environment with the wife's extended family. For members of the wife's family, marriage is the first step in uniting as one in a large house (*rumah gadang*). This stage, known as a big (grand) party (*baralek gadang*), is a significant event for the Minangkabau tribes.³⁴ One product of the matrilineal system of the Minangkabau tribe is exogamous marriage, which allows individuals to marry outside their community or tribe.³⁵

According to statements by Minangkabau traditional leaders, several provisions apply to the exogamous marriage system to form a *nagari*, a minimum of four tribes must be represented, commonly called a *nagari baampek* tribe. People of the same tribe in Minangkabau are considered one family (*badunsanak*). Marrying within the same tribe means returning to their own tribe. This is

²⁹ Bisbon Sibutar-Butar et al., 6360.

³⁰ Mina Elfira, "Minangkabau Mothers and Daughters in Contemporary 'Rantau' Society; Regaining Power with Modified Matrilineal Principles and Patriarchal 'Rantau' Norms," *Wacana, Journal of the Humanities of Indonesia* 24, no. 2 (April 30, 2023): 198–224.

³¹ Elfira, 199.

³² Elda Franzia, Yasraf Amir Piliang, and Acep Iwan Saidi, "Manifestation of Minangkabau Cultural Identity through Public Engagement in Virtual Community," *Procedia - Social and Behavioral Sciences* 184 (May 2015): 56–62.

³³ Arif Rahim, "Kerajaan Minangkabau Sebagai Asal-Usul Kesultanan Jambi," *Jurnal Ilmiah Universitas Batanghari Jambi* 21, no. 1 (February 8, 2021): 399–412.

³⁴ Akhyar Hanif et al., "Sociological Studies Minangkabau Traditional Marriage," *Melayu Arts and Performance Journal* 6, no. 1 (April 27, 2023): 95–104.

³⁵ 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 (January 31, 2022): 49 – 55..

discouraged so as not to increase relatives, or in Minangkabau is called, *indak manambah kari'*. Marrying within the same tribe means sharing the communal assets (*pusako*), so that when there is a conflict over ownership of communal assets this problem is difficult to resolve, because psychologically it is more difficult for a person to resolve the conflict with siblings. In family gatherings, individuals not in exogamous marriages may find it challenging to position their family status in front of other families. Marrying within the same tribe means one is both a son-in-law (*sumando*) and a member of the household (brother or sister) from the mother's lineage. This dual role complicates familial relationships and responsibilities, especially when choosing a *datuk*, the elder who guides the entire life of the family.³⁶

According to Minangkabau beliefs, the tribe is the pinnacle of kinship. Marrying within the same tribe is akin to marrying a biological descendant, which Minangkabau customs strictly prohibits, despite Islamic Jurisprudence permitting it. The custom, known as *sadapua*, interprets this as individuals living within the same small family unit in one house, with the kitchen symbolizing the center of familial life.³⁷ The Minangkabau tribes' philosophy of exogamous marriage begins with the division of family units, from the largest to the smallest.³⁸

- a. Nagari, the unity of the Minangkabau customary legal area, prohibits members of the Minangkabau tribe from marrying someone within the same customary territory;
- b. Ethnic group, an association of relatives consisting of several people from the mother's lineage. The Minangkabau tribes are prohibited from marrying someone from the same tribe because it is considered one family. The concept of biological siblings in the Minangkabau tribes is based on the maternal line, and the tribe is led by an elder given the title of *datuk*;
- c. Clan, a collection of several siblings or *saparui'* families share the same grandmother's bloodline. As the *saparui'* family members grow in number, they divide into independent family units called *jurai*. The Minangkabau tribe is led by the *mamak*, and marriage within the same clan (*sakaum*) is prohibited;
- d. *Paruik*, a large group within the Minangkabau tribes consisting of several small groups of brothers bound by one grandmother. They live together in one big house led by the oldest man in the family, called *tungganai*. Similar to other family units, marriage within the *paruik* is prohibited;
- e. *Rumah tanggo* or *sadapua*, the smallest unit of the Minangkabau ethnic family, consists of a mother, an aunt, an uncle, and children. Their house is separate from the main house, built on family inherited land (*pusako*).³⁹ Part of an exogamous marriage is a *sadapua* marriage. According to the Minangkabau tribes, this marriage is considered dangerous because if

³⁶ 1st Male Participant, personal Communication, June 15, 2023.

³⁷ 3rd Female Participant, Personal Communication, June 17, 2023.

³⁸ 2nd Male Participant, Personal Communication, June 16, 2023.

³⁹ 5th Male Participant, "Personal Communication, June 20, 2023.

children from the same *gadang house* divorce and return to their mother's house, they will live under the same roof, causing psychological disturbance due to the continued proximity post-divorce.⁴⁰

The prohibition on marriage between members of the same Minangkabau tribe, as explained above, possibly pose problems during traditional events. For instance, if a man marries his aunt, her status could be both as an in-law and a *sumando* (daughter-in-law), complicating the assignment of social positions within the community. The prohibition on endogamous marriage is a binding regulation at the *nagari* level, referred to in Minangkabau terms as *dipakok mati* (death by death). This means that anyone who violates these rules faces various sanctions, such as customary fines, expulsion from customary practices, banishment from the *nagari*, and exclusion from traditional events and community social activities.⁴¹

Minangkabau tribes practice an exogamy system in marriage based on several considerations. The primary reason is to expand kinship relationships, which play a crucial role in traditional ceremonies and social structure. Biologically, exogamous marriages help avoid marrying blood relatives, thus preventing potential physical disabilities that can arise from consanguineous marriages. The Minangkabau community, predominantly engaged in agriculture, often has children cared for by relatives while the parents are busy farming. In the Minangkabau community, relatives who care for and breastfeed children create close kinship bonds. Therefore, marrying within the same tribe increases the risk of marrying a blood relative. Medically, consanguineous marriages are believed to increase the risk of genetic disorders.⁴²

Minangkabau Women's Experiences in Exogamous Marriages: Stricter Mahram Concept

The position of women in the Minangkabau tribe is very unique and special. Minangkabau is a society that follows a matrilineal system, where lineage and inheritance are passed down through women. Several important aspects of the position of women in the Minangkabau tribes is *rumah gadang*. *Rumah gadang*, or big house, is a traditional Minangkabau house managed by the oldest woman in the family. She is responsible for the organization of the house and the welfare of the family members living there. The *rumah gadang* also serves as a residence and sometimes functions as a room for family meetings and ceremonial activities.⁴³

Minangkabau women face various challenges in exogamous marriages, depending on social, cultural, and personal factors.⁴⁴ Regarding social and cultural adjustment, Minangkabau women who marry men from outside their tribe need to adjust to the new customs, language, and traditions of their husbands. This

⁴⁰ 4th Female Participant, Personal Communication, June 14, 2023.

⁴¹ 4th Female Participant, Personal Communication, June 14, 2023.

⁴² 6th Male Participant, Personal Communication, June 15, 2023.

⁴³ 8th Female Participant, Personal Communication, June 17, 2023.

⁴⁴ 11th Female Participant, Personal Communication, June 19, 2023.

adjustment is mostly difficult, especially if there are significant cultural and value differences

Furthermore, Minangkabau women also experience changes in roles and identities in their lives, in some cases, Minangkabau women who enter exogamous marriages often experience changes in their roles within the family and society. For instance, they may need to adapt to a more dominant patriarchal structure, depending on their husband's tribe or community. Apart from that, support from the extended family and the woman's community of origin is crucial for Minangkabau women undergoing exogamous marriages. Maintaining a harmonious relationship with their family of origin can help them overcome challenges and preserve their cultural identity.⁴⁵

An important factor to consider about the practice of exogamous marriage for Minangkabau women is how to educate children to recognize and respect both cultures of their parents. They must strive to instill the values taught by the Minangkabau tribe while introducing the values of their husband's culture. The challenges faced by Minangkabau women in exogamous marriages can also impact their economic and social status. Marrying men from outside the Minangkabau community can, on one hand, open up new economic opportunities. Conversely, it can also present difficulties. If the husband's culture respects the position of women, then exogamous marriage can be highly beneficial for Minangkabau women. However, if the marriage is with a tribe that has a strong patriarchal tradition, this can create challenges for the woman.⁴⁶ Despite facing various challenges, Minangkabau women can also find many valuable opportunities and experiences through exogamous marriage. They can serve as a bridge between two cultures.⁴⁷

Apart from the challenges of exogamous marriage, Minangkabau women also enjoy numerous advantages. Minangkabau society adhere to a matrilineal system, where lineage and inheritance follow the mother's line. This condition grants women an important role and strong position in the family and society. Minangkabau women receive inheritance rights to property, such as *pusako*, like the *rumah gadang* and customary land. This system also strengthens economic stability and security for women. Even when a woman is married, she retains her independence from her family's *pusako* assets; Minangkabau women also have a central role in traditional customs and ceremonies. In some Minangkabau tribes, agreements are made with prospective husbands to ensure they respect and adhere to the family's customs. Women remain close to their family of origin and are always involved in family decision-making. In Minangkabau customs, women control the household and manage family assets.⁴⁸ The husband, who lives in the wife's house (*matrilocal*), must follow the prevailing traditions of the woman's family.⁴⁹ Minangkabau culture encourages women's education and empowerment,

⁴⁵ 11th Female Participant.

⁴⁶ 11th Female Participant.

⁴⁷ 11th Female Participant.

⁴⁸ 11th Female Participant.

⁴⁹ 7th Female Participant, Personal Communication, June 26 2023.

urging them to develop themselves and participate actively in various fields, including economics and politics. With these various advantages, Minangkabau women enjoy a strong role and position in the family and society.⁵⁰

The practice of exogamous marriage tends to benefit women. Every Minangkabau tribe has a *datuk* or elder, and Minangkabau customary regulations govern exogamous marriages, which are conducted with someone from a different tribe. In such marriages, the bride and groom have two different *datuks*. If domestic violence occurs, resolving the case will involve both *female datuks*. This situation contrasts with endogamous marriages within the same tribe, where resolving conflicts can be difficult as the couple must deal with their own relatives. From a material perspective, women also benefit from exogamous marriages. After marriage, the husband assumes the title *urang sumando* (son-in-law) from the wife's family. While *urang sumando* is respected in the wife's tribe, his authority is limited to the realm of the wife's bedroom, preventing men from interfering in the wife's affairs in marriages of the same tribe.⁵¹

An exogamous marriage can indeed increase the number of relatives. By marrying outside a social, tribal, or ethnic group, someone who marries within an exogamous system can open up opportunities to expand social networks and family relationships. This type of marriage can strengthen social ties between tribes, enhance cooperation, and expand the social support available to newly formed family members.⁵² The Minangkabau community created a kinship system as a series of rules that regulate the classification of people into kin groups, dividing areas of rights and obligations among kin. In this regard, *fiqh* does not prohibit the practice of exogamous marriage as long as it does not conflict with Islamic sharia.⁵³

Exogamous marriage helps prevent divisions within the family by ensuring that kinship relations remain intact. By marrying outside the tribe, relationships with Minangkabau tribe relatives remain harmonious, preventing internal family conflicts. As a preventive measure, exogamous marriage often serves as a solution in protection against domestic violence. Women in exogamous marriages receive protection from more than one paternal figure (grandfather). In the event of marital disputes, involving grandfathers from different tribes ensures a balanced and supportive approach, minimizing psychological discomfort. This is different from marriages within the same tribe, where the same grandfather would preside over both families. This arrangement benefits women significantly.⁵⁴

⁵⁰ 9th Male Participant, Personal Communication, June 22, 2023.

⁵¹ 12th Male Participant, Personal Communication, June 15, 2023.

⁵² Nenan Julier, "Akulturasi Adat Perkawinan Minang Ke Dalam Hukum Perkawinan Islam Dan Relevansinya Terhadap Pengembangan Hukum Keluarga Islam Di Indonesia (Kajian Yuridis, Filosofis, Dan Sosiologis), Dissertation of the Islamic Family Law Study Program, Universitas Islam," 2020.

⁵³ Saipul Bahri, "Konsep Mahramiyah Dalam Islam : Analisis Pertimbangan Pimpinan Al Misbah Al Aziziyah Samalanga Terhadap Peraturan Santriwati," *Al Ilmu: Journal of Religion and Social Sciences* Vol. 9, no. No 1 (2023): 154–67.

⁵⁴ Lukman Santoso and Bustanul Arifin, "Perlindungan Perempuan Korban Kekerasan Perspektif Hukum Islam," *De Jure: Jurnal Hukum Dan Syar'iah* 8, no. 2 (January 13, 2017): 113–25.

In the context of exogamous marriage, the concept of *mahram* is much stricter than in general *fiqh*. While *fiqh* identifies *al-muharramat* (people prohibited from marrying) as direct relatives such as parents, siblings, and children, exogamous marriage extends this prohibition to anyone within the same tribe, clan, or group. This helps prevent genetic issues arising from incestuous marriages. The strict mahram system of the Minangkabau also reflects the community's unwavering adherence to religious principles, which has not diminished but instead grown stronger. The Minangkabau tradition of exogamous marriage, whether tribal exogamy or village exogamy, is meticulous in partner selection to avoid internal conflicts.⁵⁵ In tribal exogamy, members of the community belonging to the Caniago tribe cannot marry within the Caniago tribe. The prohibition on intra-ethnic marriage has been an established rule for generations. For those who do not follow the exogamy system, it is considered equivalent to marrying a blood relative, which is referred to as a 'blood crime'.

The Minangkabau custom, which upholds exogamous marriage, respects and empowers women. In Minangkabau customs, women are highly respected because after marriage, the strong matrilineal culture in Minangkabau community strengthens women's position. Women are actively involved in decision-making processes. This shows that exogamous marriages in Minangkabau community will always maintain women's credibility as respected figures. Women's thoughts are used as an important consideration. In Minangkabau tradition, women prioritize managing *pusako* assets. This matrilineal system offers financial independence and protects women from harmful patriarchal practices.

Conclusion

The practice exogamous marriage is believed (upheld) by the Minangkabau society. In the context of Islamic teachings, all marriages actually aim to create a happy and eternal family. Based on this argument exogamous marriages are permitted as long as they do not violate Islamic principles. Even though exogamous marriages might not align perfectly with the concept of *mahram* in *fiqh*, exogamous marriages can still be carried out because the criteria for *mahram* in exogamous marriages are stricter. The definition of blood relations in the perspective of the Minangkabau people rests on the same kinship, tribe, clan or village. Exogamous marriages give rise to legal products that are egalitarian and have a female perspective, which is called 'feminist *fiqh*'. It is because in exogamous marriages women receive numerous benefits in terms of social status, economic independence, and protection from patriarchal violence which is able to influence the legal system of the Minangkabau society.

⁵⁵ Panjaitan et al. Hasibuan, N., "Tinjauan Yuridis Pelepasan Terdakwa Dari Segala Tuntutan Hukum Dalam Kasus Tindak Pidana Penipuan Menurut Perspektif Hukum Positif Dan Hukum Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga*, Vol. 5, no. No 3 (2023): 665–80.

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