

Legal Analysis of Incest Marriage in the Suku Anak Dalam (SAD) Community in Rupit District, South Sumatra, Indonesia

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Received: 27-12-2023

Revised: 31-12-2023

Accepted: 12-01-2024

Abstract

This article examines incestuous marriage in the Suku Anak Dalam/SAD community from a legal perspective. Juridically, incestuous marriage is prohibited because it negatively affects the risk of children who can experience birth defects and a high risk of death due to lack of genetic variation and a weak immune system. Incest marriages in the SAD community are organised in a hereditary manner that has become a culture. The focus of the study of this article is to find out the reasons why the SAD community conducts incest marriages and how the law views the risks of incest marriages on the children born, especially in the SAD community. The type of research method is qualitative research with a phenomenological approach. This research was conducted in Sungai Jernih Village, Rupit Sub-district, North Musi Rawas Regency, data collection techniques through observation, interviews and documentation, data analysis techniques using an inductive framework with legal theories. The research findings show that one of the factors of incestuous marriage in the SAD community is the strong SAD customs. The Village Government in Sungai Jernih Village, Rupit Sub-district, North Musi Rawas Regency has tried to reach out to the interests of the chief or head of the community group to prevent inbreeding, but this has not been successful because the chief is very concerned with his community and the SAD community strictly adheres to customs. Incestuous marriage, which is still practised in the SAD community, aims to obtain offspring between their tribes and the culture of their ancestors is not lost, this is to continue the offspring so that the existence of SAD is maintained, even though incestuous marriage has a negative impact.

Keywords: Consanguineous Marriages; Inner Tribes; Existence of Customs



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INTRODUCTION

Marriage is the creation of a physical and mental bond between a man and a woman as a legal couple (Mubādalāh, n.d.), with the aim of creating a happy and eternal family based on divinity. (Nawawi & Asnawi, 2022) Then the term customary marriage is a marriage that is carried out between families and families to strengthen brotherhood. Customary marriage is valid if it does not conflict with the prevailing norms and religion. (Rozali & Hikmah, 2023) Incestuous marriage or inbreeding is a marriage between two people who are blood relatives or still in the same family line. (Cahyani, 2020)

Typically, having sex with a brother or sister is a horrific nightmare. But it's not impossible, with many historical records reporting cases of inbreeding. Inbreeding can have a devastating impact on the population or offspring of such marriages. Inbreeding children will have very little genetic diversity in their DNA. The lack of variation in DNA can increase the chance of rare genetic diseases.

Indonesia's pluralistic society with differences in ethnicity, culture, race, and religion is a factor in society's life. The phenomenon of inbreeding has become a public unrest and mobilised the public. As in the study of this article, namely the practice of incestuous marriage which until now still has to be done, and the necessity is regulated in customary law, which occurs in the Suku Anak Dalam (SAD) community in Sungai Jernih village, Rupit sub-district, South Sumatra, they live with a culture and customs that are still thick, so that there is a marriage between mother and child that produces two children. They have been in a relationship for quite a long time but the customary head of the tribe of Anak Dalam (SAD) did not report this incident to the village head or local government, with various factors including the economy and improper residence. (Muratara.com)

The life of the Anak Dalam tribe in Sungai Jernih village does need special attention from the local government, especially since they live far from the crowd and deep into the plantation. They often move from one place to another, sometimes staying in palm oil plantations owned by foreign companies, and they also sell palm oil to make a living. They live in the minority with the culture of their ancestors who are still thick. In 2019 during the reign of Regent Sharif, he visited Sungai Jernih village to provide compensation and build a residential mess.

However, the mess is not long used by them because the tribe is more comfortable sleeping in their old place because they are not used to it. In this case, the local government should be intense in paying attention to their lives to get a decent life, especially nutrition and education. With the low education of Suku Anak Dalam (SAD), it has become an impact on the increase in early marriage to inbreeding or incest.

Inbreeding often does not immediately appear on the surface if there is no report from the village head or nearby residents to report it. Moreover, customs and tribal chiefs also allow this incident so there is no prevention effort. So how does the law act in this case, are there any legal protection efforts against incestuous marriages, this question certainly raises questions. In fact, cases of incestuous marriages do not only occur in inner tribes but also occur in modern society. This is of course a concern, especially for women and children's activists. Bearing in mind that the impact of incestuous marriages is not only that religion prohibits it, but the impact on children born resulting in physical disabilities.

It is important to write this article in the hope that it can provide education to the public about the dangers of incestuous marriages, because marriages carried out by incest are, according to medical science, very dangerous to health, including (1) genetic similarity, meaning that 50% of the members of the nuclear family have the same genetics, so if they have a disease then will quickly decline, children resulting from genetic marriages have a high risk of having hereditary diseases (2) experiencing birth defects, 40% of children born from inbreeding often experience autosomal recessive disorders, congenital physical malformations or severe intellectual deficits. (dangers of inbreeding for health.com). For example, excessive growth of fingers, cleft lip, and others. (3) a weak immune system, siblings have 50% genetic

similarities apart from physical defects and a weak immune system (4) risk of death, 40% of children born because of inbreeding have a very high risk of death. Apart from babies being born, mothers who give birth are also vulnerable to death, especially when giving birth after 40 years. Weak laws and protection against incestuous marriages in Indonesia are certainly a big task for regional and central governments to continue to improve efforts to prevent incestuous marriages, especially for tribal children (SAD), which have many factors ranging from economics, education, and a decent living.

Research like this article has been found, including research by (Mahendra et al., 2022), pThis research aims to (1) find out and analyze the factors that cause the culture of inbreeding in Pelapuan Village, Busungbiu District. Then research by (Meteng, 2022), this research analyzes pinbreeding in the Polahi tribe community can be declared invalid if it refers to article 8 of Law Number 1 of 1974. However, the practice of inbreeding in the Polahi tribe community is a cultural construction that has been formed for hundreds of years, with the motive of maintaining sustainability. Generation and not personal or interpersonal, but more collective. Another research was conducted by (Waryono et al., 2021), this research discusses that the Rimba people or Anak Dalam Tribe are adherents of monotheism, not animism, polytheism, or dynamism, as currently understood. Concept The concept of deity of the Jungle people is the belief that God is one. The Jungle people's concept of divinity is the belief that God is one. The marriage system of the Jungle people is carried out by marrying members of the Jungle tribe. Then, research by (Habib, 2023), this research reveals the traditional marriage system of traditional ancestor-appreciating communities, such as Spto Darmono, Samin, Amanat Keagungan Divine, the principle of marriage in the adherent community is that it is forbidden to marry other than family members. What this article has in common with the research above is that it both analyzes incestuous marriages. However, GAP's research and the novelty of this article analyze the customary rules of incest or incest carried out by the Anak Dalam Tribe which the author will analyze legally, both Islamic law and Islamic family law in Indonesia. Apart from that, this research reveals the main reasons that make these customary rules come to pass. currently still being maintained, this article was conducted in Sungai Jernih Village, Rupit subdistrict, South Sumatra and no one has carried out this research before.

RESEARCH METHODS

The type of research that researchers use is qualitative research with a phenomenological approach. A qualitative approach was used to find the reasons for the Anak Dalam Tribe community through customary rules relating to inbreeding. This research method aims to reconstruct past events by collecting, evaluating findings, verifying, and analyzing evidence from the data obtained to make strong conclusions. The type of research is field research or *field research*, which was carried out in Sungai Jernih Village, Rupit District, North Musi Rawas Regency. Data collection techniques were carried out through observation, interviews, and documentation. This research data analysis technique uses the theory of legal effectiveness.

RESULTS AND DISCUSSION

Profile and Brief History of the Anak Dalam Tribe/SAD

Regarding the origins of this tribe, which is still classified as a marginal group, several versions have been found. Some of the Anak Dalam tribe or inner tribe believe that they come

from the Pagaruyung kingdom. Several troops were sent by King Pagaruyung to travel to Jambi to carry out a royal mission but failed to carry out their mission. But they were embarrassed to return to Pagaruyung, so they chose to flee into the forest. And then developed to form their own groups (<https://warsi.or.id/id/orang-rimba-kubu-dan-suku-anak-dalam-sad/>).

The largest population of the Anak Dalam tribe lives in the Bukit Dua belas forest.(Pratama & Hadi, 2022) However, as development progressed, the SAD community spread to various regions, one of which SAD lived in Sungai Jernih Village, Rupit District, North Musi Rawas Regency. According to various sources, SAD may have existed long before, perhaps around the 14th century, the colonialists came to Indonesia, namely around the 16th century. 16th century. According to oral history, the Rimba people are descendants of the Sriwijaya Kingdom who fled because of war. During the last attack by the Majapahit army against Sriwijaya in the 14th century, there was a massive evacuation into the interior of the forest. Some of the refugees entered the Jambi (Batanghari) area, and others fled and hid in the Bukit Dua belas forest. The people who fled to Bukit Duabelas became known as Orang Kubu or Orang Rimba.(Simanjuntak, 2008)

Another version regarding the origins of the Anak Dalam tribe dates to the time of the Majapahit kingdom in the 15th century. One of the sons of Prabu Brawijaya who was based in Surabaya, named Ratu Patara Statue, was ordered to conquer the island of Sumatra, near Mount Bungkuk they were hit by a storm, then stranded, and built the kingdom with the Bengkulu Tinggi Palace is in the Bengkulu area which is in Kelawi village near Bengkulu. To instill a spirit of togetherness in their generation, on certain nights the Anak Dalam Tribe gathers to talk about the heroism of Ratu Anak Dalam Bandar Bengkulu. Ratu Anak in Bandar Bengkulu is the daughter of Queen Patara Statue who was the ancestor of an isolated community who was so powerful and powerful that her death was unknown or unseen on Mount Bungkuk, so this place is also considered a sacred place.(Pratama & Hadi, 2022)

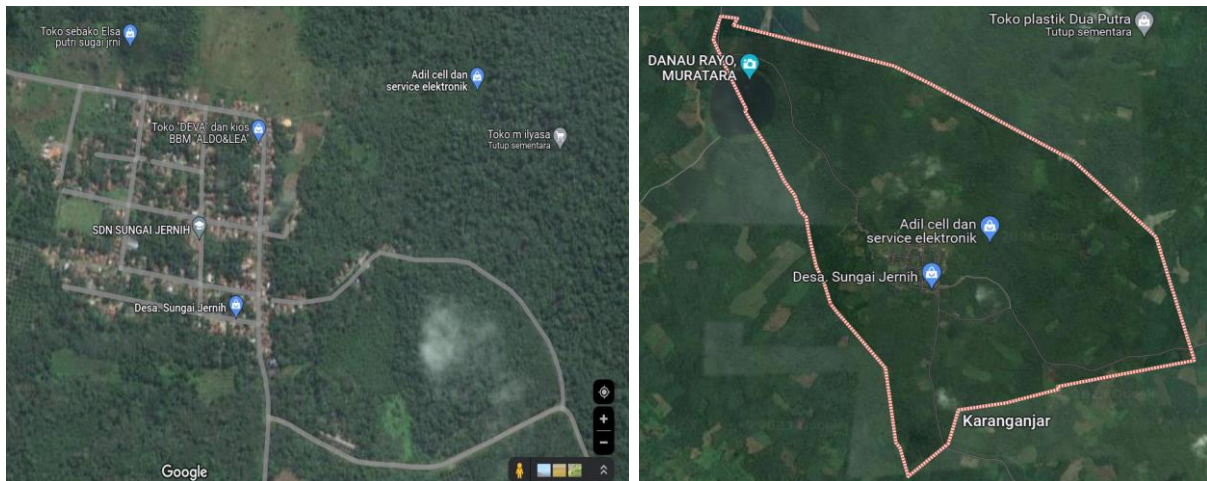
Other sources say that the Anak Dalam tribe originates from the Proto Malay or "Original Malay" tribe, which is part of the Austronesian group originating from Yunnan. The first group known as the Proto Malays moved to Southeast Asia in the New Stone Age (2500 BC). This proto-Malay tribe also later arrived in the Jambi plains. They have experienced a process of social change for thousands of years and are mostly isolated in the forest. When new cultures such as Hinduism, Buddhism and finally Islam entered and influenced other people's cultures, the Orang Rimba groups in the forest were not touched at all. So that they do not experience transformational social change. While other cultures have developed rapidly and influenced the lives of other Malay communities, the Orang Rimba are quite the opposite, they still adhere to their customs and culture inherited from their ancestors from that era. Live nomadically by relying on hunting and gathering.

Based on the Decree of the President of the Republic of Indonesia, the SAD community is a socio-cultural group that is local and radiates and is less or not yet involved in social, economic, and political networks and services (Depsos RI 2002:2). The SAD community in South Sumatra province can be classified into four ethnic groups, namely:

1. The SAD group or Kubu Tribe lives in interior areas, wilderness, and riverbanks.
2. Sea tribe group or Sekak tribe or Ameng Sawang tribe live in Belitung Bangka area.
3. The Mapur tribe or Lum people live in the northern part of Bangka.

4. The Talang Tribe group lives in the Lahat and Muara Enim areas.

Of the four SAD community groups above, only group number one was the target of the author's research. Initially, the SAD community in North Musi Rawas, especially the Karang Jaya area, was known as the Kubu Tribe or Anak Dalam Tribe, then after the introduction of the National Project in 1974 the name was changed to isolated communities. The community is called the Anak Dalam Tribe, because they are a group of people who geographically live in remote, isolated areas and are very difficult to reach. In South Sumatra and Jambi, they are known as the "Kubu Tribe". (Profile of Isolated Community Development 1992:49)



Map of the Anak Dalam Tribe (SAD) of Sungai Jernih Village, Rupit subdistrict, South Sumatra

The livelihood of the Anak Dalam Tribe community is gardening, namely by tapping rubber. The results from tapping rubber (sap) are sold for token (boss sap) according to the standard purchase price. For products that don't have their own rubber plantations, they go to people who have rubber plantations or toke (rubber bosses), with a profit-sharing agreement. All proceeds are divided into three parts, those with gardens get one part, while those who tap get two parts. Meanwhile, those who own gardens can sell their own produce to factories. The Anak Dalam tribe is synonymous with a nomadic lifestyle. Their movement from one location to another is very dependent on the availability of game products and forest resources. (Pratama & Hadi, 2022)

Apart from being rubber tappers, the Anak Dalam tribe also hunts in the forests, cultivates land by moving from one place to another looking for fish, pigs, monitor lizards and other things in the rivers and swamps around where they live. The game animals that are hunted include wild animals and tame animals, such as pigs, labi-labi, rice snakes and others. Apart from being consumed personally, the skin can be skinned to be sold and exchanged for daily necessities.

The Anak Dalam Tribe's daily life when in the forest depends on nature. Hunting activities are an important aspect because this is how the Anak Dalam Tribe community can survive. In general, they look for rattan, resin, jerenang fruit (a type of fruit for dyeing clothes), jelutung sap for rubber trees, red balam sap for rubber and even hunt animals. Most of the results of the search and hunting will be sold by the Anak Dalam Tribe community to meet their daily needs and the rest will be consumed by the family.

Usually, this hunting activity is carried out in the forest around where they live. The Anak Dalam tribe not only fulfills their needs by hunting, some of the Anak Dalam tribe usually cultivate crops such as tubers. They also sell rattan, rubber, and swimming pools to people outside the jungle. From the sales proceeds, they buy necessities such as sugar, coffee, or salt. And in modern times, they also have vehicles such as motorbikes and cars, so many of the Anak Dalam tribe like to move and choose to stay where they think it is appropriate.

Marriage Traditions and Procedures

As is common in the marriage process in Indonesian society in general, Kubu marriages are also preceded by a meeting between two teenagers of the opposite sex. The meeting which then makes them know each other and become interested in each other can occur in a field, river, forest or at a wedding party. If at the meeting the two agree to live together, the parents will inform the tengani elders (experienced elders). If they agree then the proposal can be carried out.

A proposal is basically an activity to discuss the possibility of marriage. This activity is called "rice rice" by the Kubu people. For this reason, after being sent by a male delegation for the exploration stage, the young man's father met the girl's father to determine whether the boy could be betrothed to his girl. If in the conversation both agree then they meet the nearest tengani elder. Then determine when the engagement will take place. When the agreed day to get engaged arrives, the male family comes to the female family's house bringing luggage consisting of the necessary female clothing, complete betel nuts and selemak semanis (rice and side dishes).

By accepting this gift, it means that a pair of teenagers of different sexes have become engaged according to their customs. The length and shortness of the engagement between a boy and a girl depends on the agreement of the parents (fathers) of both parties. There are several reasons why their engagement period lasted so long, namely the age and readiness of the man's family to fulfill the requirements of the marriage ceremony, namely the dowry in the form of a long cloth or sarong totaling 140 pieces, selemak semanis (food ingredients in the form of tubers and rice), Side dishes in the form of game meat and many others must be handed over to the woman's family before the wedding ceremony is held.

The age when a boy becomes a bride (married) is generally 11-14 years old while a girl is generally 17-21 years old. So generally, the prospective husband is younger than the prospective wife, in relation to that then the prospective husband should be matured with various activities that are usually done by adults. So, the men need to show their dexterity (dexterity test) for example they must be able to walk through wood that has been peeled (smooth) or build a hall.

Wards are done in half a day by themselves from sunrise to midday. If they can do this, they are considered to have passed and the marriage can take place, but if they fail, the prospective groom is still given the opportunity to repeat it the next day. The prospective groom can do this properly two days before the wedding (wedding ceremony). The man's family proposed it, while the woman's family just followed suit.

Traditionally, the wedding ceremony itself usually takes place in the middle of a residential area, making it easier for relatives who will attend. The hut was built by cooperation with an area of 4x4 meters, the roof was made of thatch and the floor was made of wooden

sticks with a diameter of approximately 5 cm, the floor was approximately 60 cm high from the ground. The bride and groom sit facing each other, and the families of both parties and their invitees sit in a circle. The Temenggung as the marriage official sits facing the bride and groom. And give advice about married life.

The marriage was carried out according to the custom of the Anak Dalam Tribe community in Muara Tiku Village, Karang Jaya District, led by the Chief of the Anak Tribe and assisted by a shaman. Meanwhile, the bride's guardian has the right to marry her child but is not given the authority if they are married according to custom, this is in accordance with traditional demands for people who obey the customs that exist in daily life.

Reasons for Child Tribal Communities in Committing Incestuous Marriages

Incestuous marriages, which are still practiced today among the Anak Dalam tribe community, aim to obtain offspring between their tribes and the culture of their ancestors has not disappeared. In Indonesia, this is against the law and contrary to customs and religion. There are rules that say this kind of marriage is not allowed. If a marriage like this occurs, it is considered that it never existed. This matter is taken very seriously by the government and religious experts because it can have negative impacts. The law says that if someone tries to get married like this, the marriage cannot take place and the person responsible for registering the marriage must stop it. (Cahyani, 2020)

In an interview with Mr. Japarin, the traditional leader of the Anak Dalam tribe, Sungai Jernih village, Muratara, he said that the tradition of inbreeding among the Anak Dalam tribe is difficult to eradicate, because this marriage tradition has existed since the time of our ancestors and is permitted and even encouraged. Because he said that the SAD community is mostly close family members, so for example, marriage between nephew and aunt, nephew and uncle is common. (Interview with Mr. Japarin, Traditional Leader of the Anak Dalam Tribe, Sungai Jernih village, 02 October 2023)

This law also states that a marriage can be annulled if the parties to the marriage do not fulfill the requirements. This law prohibits marriage between people who are related by blood, sexual relations, breastfeeding relationships, contrary to religious teachings, or contrary to customary law. It is up to the customs of each community to decide whether they wish to follow these rules. The purpose of these rules was to protect families and ensure that marriages were between people who were not closely related.

Interview with Mr. Yutami, the Village Head of Sungai Jernih village, Muratara district, according to him, the people of Sungai Jernih village, commonly known as the Anak Dalam Tribe community, have different social lives, some are still strong in the customs of their ancestors and there are also those who can already accept social interactions from outside, those who can live in general society are those who want to accept modern life, for example they want to live in a decent place to live, their children want to be sent to school, they even want to work together to find a livelihood with the general public. So, the regional government of North Muli Rawas district often aids in the form of necessities, and even makes shelter for those who don't have one. (Interview with Mr. Yutami, head of Sungai Jernih village, 02 November 2023)

According to Mr. Yutami, the head of Sungai Jernih village, there are 78 heads of families (KK) with a population of 281 people. They already have a family card and electronic KTP. From Mr. Yutami's explanation, some of the SAD community already have self-identity, but

there are still those who have not registered their Family Card (KK). The problem is that there are minority communities who do not want to accept living with the public. And where they live is far from Sungai Jernih village and access to the location can take 6-7 hours on foot. Their lives are primitive SAD and still live with nature, namely eating and looking for a livelihood still with nature, even the Deputy Regent Desi Tri Anggereni and her team once visited the area, but they acted exclusive and even avoided not wanting to be met. Due to the difficulty of reaching SAD, this is an obstacle for the village head to see community activities in the forest.

In fact, according to Mr. Yutami, the habit of inbreeding between siblings is often carried out by them, but so far, the village government has not taken maximum action, considering that there are human rights that must be respected even though they conflict with customary rules and norms. Because according to him, it is not that simple to give them knowledge considering that their social network is still exclusive. If they do not disturb the public or others, they must be protected by the state. Their marriage rules also have traditions that are still strong, of course different from the Anak Dalam tribe community which has accepted the world from outside. What is certain is that they married according to the ritual of their ancestors and their tribal chief. Of course, according to the marriage law, they have violated the marriage regulations which can be annulled by the State. (Interview with Mr. Yutami, head of Sungai Jernih village, North Musi Rawas District)

Those who can request an annulment are the husband and wife, their parents or other family members, or the prosecutor's office. Children in consanguineous marriages are children born from marriages where both parents are related. This can happen if the parents are related by blood, such as cousins or siblings. These children may face challenges because society may not accept or support their parents' relationship.

Interview with Mr. Japarin, the traditional leader of the Anak Dalam Sungai Jernih Tribe, the name of the tribal heads of the Anak Dalam Tribe community such as Tapa Lebar, Kubu Besar, the name of the Rawas people's camp, Tapak Besar from Pagaralam and Libo Talapak from Jambi, this is a native descendant of the Anak Dalam Tribe (SAD). Clear River. According to Mr. Japarin, incestuous marriage in the Anak Dalam tribe is a custom or custom that originates from their ancestors. The SAD community, which still has strong customs, and especially does not want to mix with the public, will find it difficult to impart knowledge. Never mind discussing meetings with the public, they avoid even running far away to find a place so that no one disturbs them. According to Mr. Japarin, SAD people who cannot accept society or primitive SAD have no religion and their ancestors forbade them to have religion. In contrast to modern SAD, they have little acceptance of religious obligations, some of whom are even Muslims or Christians. Until now, their lives are still primitive in the sense that they are still full of rituals, so there are no prohibitions on actions if they do not conflict with ancestral customs or the rules of their ancestors. Moreover, the SAD marriage rules mean they just must follow the rituals of their tribal chief. (Interview with Mr. Japarin, Traditional Head of the Anak Dalam Tribe, Sungai Jernih, Muratara Regency)

From Mr. Japarin's explanation, of course the marriage behavior of SAD Sungai Jernih is very contrary to the law. Those who carry out consanguineous marriages are null and void and are considered adulterous according to religion. However, unfortunately this law respects other people's rights so much that even though there is a prohibition on incestuous marriage, until

now there have been no sanctions. So, this prohibition on illegal marriages is often carried out by the community, especially the SAD community in Sungai Jernih. I don't know how many children have resulted from this inbreeding, because according to Mr. Japarin, those resulting from inbreeding live normally and have no visible defects as mentioned by the doctors. They live like ordinary people, eating, drinking, and interacting with each other. However, the language used is a language that is difficult for the public to understand, of course.

In fact, when Mrs. Desi visited, the Deputy Regent, she explained that it was very difficult to interact with us, perhaps because of the language factor which made it difficult for us to interact, even then when we visited the place accompanied by Mr. Japarin as the traditional leader of the Anak Dalam tribe who understands their language SAD. (Interview with Mrs. Desi, Deputy Chair of the PKK, North Musi Rawas Regency, 10 November 2023)

The law says that a child is considered legitimate if his parents are married, and therefore they have certain rights. Another law says that children have the same right to inherit something from their parents, whether their parents are related by blood or not. (Agustin, 2018)

Interview with Mr. Japarin, the SAD Traditional Head of Sungai Jernih village, the life of the Anak Dalam Tribe (SAD) with nature until now they live with ethnic minorities. The state protects tribal children in Indonesia (SAD) even though they do not live with the public, but they are Indonesian citizens who live in Indonesia and must be protected. So, if blood marriages or between relatives are carried out by members of their same tribe, that is normal, according to them. Even though religion, state and customary law prohibit it, they still carry out this act, with the aim of increasing the number of descendants of their fellow tribesmen. (Interview with Mr Japarin, Traditional Head of SAD Sungai Jernih village)

Interview with Mr. Adi Riswansyah, SAD Community Leader in Sungai Jernih village, he said that the SAD community is not a religious community, so it is not surprising that they carry out the norm against incestuous marriages and also that their lives are exclusive, making it difficult for the government and even the general public to share knowledge. (Interview with Mr. Adi Riswansyah, a SAD community figure in Sungai Jernih village, Muratara Regency)

Then the children from the inner tribe (SAD) who like to interact with children from outside, they also see how to play, where they live and the habits of children from outside so this is a factor in the culture of the outside tribe coming in. However, they still obey their tribal chiefs and their customs. So up to now it has been difficult for local governments to bring their tribal children (SAD) into a modern way of life. If it does not disturb other people's lives and order, the government will not act. (Atmadja, 2018)

According to Mrs. Desi, the deputy head of the North Musi Rawas Regency PKK, she said that the government really cares about the livelihood of the Anak Dalam Tribe, such as providing them with food, then providing tools for personal needs such as providing mattresses, stoves and so on. However, they refused and chose to stay where they usually were. Then the SAD community, who closed themselves off, didn't want to interact with us.

The Impact of Incestuous Marriages on Children's Tribes from a Legal Perspective

Based on Article 2 Paragraph (2) of the Marriage Law, "Every marriage is recorded according to applicable laws and regulations. "Marriage is prohibited between two people who: f. has a relationship that is prohibited by their religion or other regulations that apply to marriage," reads Article 8 letter f of the Marriage Law. (Fuadi et al., 2023) Inbreeding or inter-

species marriage is closely related to dampening. Resistance genes in inbreeding provide an excellent physical reason for how mating is an attitude that can be observed in all significant cultures.

The Qur'an strictly prohibits marriage between families, let alone consanguineous people. Because recessive qualities will emerge through intermarital relations, according to modern science. Likewise, it is possible that the prevalence of some diseases such as hereditary leprosy (Leprae), infectious Wilson's disease, Taysac's disease, black urine (Alkaptunoria), and inherited metabolic diseases will increase when one of the relatives marries.

In an interview with Mr. Japarin, the SAD traditional leader of Sungai Jernih village, he said that until now there had never been a child from a SAD incest marriage who experienced mental disabilities, illness, death, or other risks. This is the reason why SAD people continue to engage in incest. Then the SAD community does not trust modern science such as medicine, because they trust medicine and traditional science more. Moreover, their SAD marriage was mixed with the rituals of their tribal chief. (Interview with Mr. Japarin, SAD traditional leader, Sungai Jernih village, Muratara Regency)

This was also responded to by the deputy regent of Musi Rawas Utara, Mrs. Desi, who said that until now research shows that there has been no finding of the impact of inbreeding by the Anak Dalam Tribe (SAD) community, in fact the Anak Dalam Tribe children look normal and have no defects. This is of course a question mark because it is not in accordance with medical science that inbreeding can produce defects or abnormalities in children. (Interview with Mrs. Desi, deputy head of the Muratara Regency PKK)

However, this was confirmed by Dr. Wahyuni Sadang, SpOG, he explained that the offspring of children resulting from inbreeding do look fine, but if examined there are genetic problems and even cognitive problems. Physically, it can be normal, but there can be abnormalities in the IQ weaknesses that are close to idiotic, certainly disrupting the intelligence in the brain. Abnormalities that will appear are in the chromosomes. Maybe if it's physical it might not be visible. Because it has not analyzed the abnormalities within and will arise from chromosomal effects. Because in the medical journal, 21 children resulting from incest usually had chromosomal abnormalities. One of them is autosomal recessive disorder, autosomal recessive disorder is a disorder of the nervous system, this disorder can trigger muscle weakness, problems with coordination or body movement, difficulty speaking, and even problems with the heart organ. (detik.sumsel, Wednesday, 12/31/2022).

Inbreeding is a term used in genetics to describe marriage between relatives (up to second cousins, who are great-grandparents). Inbreeding is generally defined as inbreeding. ongoing research. Population statistics show that heredity is the result. genetically recessive. Meanwhile, couples who are related face the risk of sharing the same DNA since individuals in the same family generally have similar genes.(Yunus, 2020)

Inbreeding refers to the coupling of a woman and a man who are genetically related and very close, such as parents and their son or younger and older siblings. Allah SWT forbids marriage with women who are related, whether by lineage or the composition of the word of Allah SWT Qs. An-Nisa 22-23:

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعَمَّاتُكُمْ وَخَالَاتُكُمْ وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمُ مِنَ الرَّضْعَةِ وَأُمَّهُتِ نِسَائِكُمْ وَرَبِّبُكُمْ أَلَّتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللَّاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلُ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

Meaning: And do not marry those [women] whom your fathers married, except what has already occurred. Indeed, it was immoral and hateful [to Allah] and was evil as a way. Prohibited to you [for marriage] are your mothers, your daughters, your sisters, your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters, your [milk] mothers who nursed you, your sisters through nursing, your wives' mothers, and your stepdaughters under your guardianship [born] of your wives unto whom you have gone in. But if you have not gone in unto them, there is no sin upon you. And [also prohibited are] the wives of your sons who are from your [own] loins, and that you take [in marriage] two sisters simultaneously, except for what has already occurred. Indeed, Allah is ever Forgiving and Merciful.

A significant violation occurs when one of the components of Indonesian marriage law - the prohibition of marriage, the pillars of marriage, or the terms of marriage - is violated. Articles 30 and 31 of the Civil Code regulate the material conditions of marriage. Article 30 Marriage is not permitted along deviating lines, between brothers and sisters, legitimate or illegitimate, and between brothers and sisters with each other in a straight line up and down, whether because of birth, legal or illegitimate, or because of marriage. Article 31 In addition, the following situations prohibit marriage:

(1) Brother-in-law and sister-in-law, regardless of the validity of the marriage, unless the spouse who initiated the marriage has died, or if the absence of the spouse results in the death of the husband or wife. Or when the husband or wife is absent from the husband or wife he left behind, the judge allows the marriage to someone else. (2) between uncles and themselves your parents, your grandchildren, and your sisters' daughters, in proportion to the relations between legitimate or illegitimate brothers, or between aunts or aunts' parents and their brothers.

Apart from the basic provisions contained in the Criminal Code, the Marriage Law is stated in Article 8 regarding violations of the material provisions prohibiting marriage, namely: (a) Blood relations in a straight downward or upward line of descent; (b) Blood relations in the lateral line of descent, namely between brothers, between a person and siblings, parents and between a person and his grandmother's siblings; (c) Relationship between marriage partners, namely in-laws, stepchildren, sons-in-law, and aunts/stepfathers; (d) Related to breastfeeding, namely breastfeeding parents, breastfeeding children, adopted siblings and breastfeeding aunts/uncles; (e) Siblings of the wife or as the wife's aunt or niece, in the event that the husband has more than one wife; (e) Having a relationship with religion or other marriage regulations is prohibited. The topic of temporary violations is also discussed in the Compilation of Islamic Law or KHI. The marriage is automatically dissolved based on subsequent laws. This paragraph is included in paragraphs (4) and (5) of Article 70, namely: Paragraph 4 of Article 70

Interview with Mr. Torik, village secretary of Sungai Jernih SAD village, according to him, incestuous marriages among SAD people often occur to this day, namely, apart from adding to their SAD community, channeling their desires is also due to the knowledge factor, because this primitive SAD community is willing to learn from outside communities. They are reluctant to interact with the outside world, so in their daily activities they live among their community, eat, and socialize with fellow SAD people. So, the more they close themselves off, the more often SAD inbreeding is carried out, to expand the SAD community. They are members of the Anak Tribe community. In life, they interact with each other in their tribe. This is the factor that makes it difficult for local governments to provide knowledge and invite them to interact with the outside world. Even if they feel disturbed, they will move from place to place. This is finally where local governments and the public no longer interfere with their lives. They still have the right to receive protection as citizens and they are recognized by the state as Indonesian citizens. (Interview with Mr. Torik, village secretary of Sungai Jernih village, Muratara District)

In an interview with Mr. Yutami, Head of Sungai Jernih village, he said that the number of SAD people living in the forest is approximately 52 people, all of whom do not have Family Card (KK) or KTP identification. This is different from the modern SAD community where they are recorded as having a family card and ID card, so they have the right to vote later. (Interview, Mr. Yutami, Head of Sungai Jernih village.

Violations of incest are also discussed in the Compilation of Islamic Law or KHI. The marriage is automatically dissolved based on subsequent laws. This paragraph is included in paragraphs (4) and (5) of Article 70, namely: Paragraph 4 of Article 70 Article 8 of the Marriage Law Number 1 of 1974 states that marriage is carried out between two people who are bound to each other by menstrual blood and mother's milk, with number of certain marriage obstacles: In relation to menda which includes in-laws, stepchildren, sons-in-law, as well as mothers and stepfathers, a. related by blood in a straight downward or upward lineage, b. having blood relations in a lateral lineage, namely between brothers, between a person and parents and siblings, between one another.

Compilation of Islamic Law, Article 73 Annulment of marriage is: Families are arranged in a straight line, descending below the husband or wife; B. Husband or wife; and C. Officials who have the legal authority to supervise the implementation of the marriage. D. Interested parties who are aware that the conditions of marriage are not in accordance with Islamic law and regulations as regulated in Article 67 When considering inbreeding from a genetic point of view, close relatives are referred to as consanguineous marriages (*cosanguineus*). This relates to couples who marry one of their close family members or someone else. Individuals resulting from inbreeding are referred to as inbreds, while inbreeding is the opposite of inbreeding. (Compilation of Islamic Law)

In Religious Law and the Civil Code there are other laws that regulate the prohibition of incestuous marriages ("Civil Code"). Professor H. Hilman Hadikusuma, S.H. explains, among other things, that if we return to Article 30 of the Civil Code regarding the prohibition of marriage, then a prohibited marriage is a marriage that is prohibited between those who are with each other in his book Indonesian Marriage Law According to Legislation, Customary Law, Religious Law. related in different lineages, between brothers and sisters, whether legitimate

or illegitimate, and in the upper or lower family line, either by marriage or by birth, legitimate or illegitimate.(Arunde, 2018)

The incest marriages carried out by the SAD community in Sungai Jernih village have not had any negative physical impact on the children resulting from their SAD marriages. However, in-depth research has not yet been carried out on the internal physical characteristics of children resulting from SAD marriages, such as their IQ or mental health. However, juridically, the impact of incestuous marriages is in civil law, marriage law, the Compilation of Islamic Law, from the moment the marriage is decided, it is automatically null and void or invalid. Then in society, incestuous marriage is seen as a disgrace or commonplace for the public. The concern is that if this violation is not immediately followed up by the local government, it could become a negative example for the public.

CONCLUSION

The factor that causes inbreeding among the SAD community in Sungai Jernih village, Rupit District, is because the Anak Dalam Tribe (SAD) wants to get offspring with the same genetics, apart from that, the causal factor is because they only live together between their tribes, there are no other communities, which is the cause of their SAD. marry within their tribe. Then by getting married, of course you can channel your human desires or passions. Because there is no interaction between the SAD community and the public, because of the exclusiveness of the SAD community's lives, they marry SAD people. As a result of SAD incestuous marriages, their current number is approximately 52 people. However, legally speaking, SAD incestuous marriages are null and void and are not valid marriages, and socially, incestuous marriages in the SAD community can have a negative impact on the public. Especially among teenagers and children who have minimal knowledge about incestuous marriages, in this case the government must make efforts to prevent incestuous marriages among the public, especially the SAD community. The recommendations resulting from this writing are: There needs to be special attention from the local government to the lives of the Anak Dalam Tribe (SAD) in Sungai Jernih village, Rupit district.

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