

"TABOO ON MARRIAGE WITHIN THE SAME SURNAME IN BATAK TOBA SOCIETY: HISTORICAL ROOTS AND CURRENT RELEVANCE"

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Abstract

Marriage in the Batak Toba community occurs between clans. The exogamous marriage process, namely marriage outside the clan group, is the main characteristic of the Batak Toba community's marriage tradition. Therefore, the Toba Batak community strongly opposes marriage within the same clan, known as Namariboto, because it is considered incest. Traditionally, there are three marriage systems in the Batak community, namely exogamy, endogamy, and eleutrogamy. Of the three types, marriage within the same clan is included in the category that is prohibited by Batak customs and culture. Semarga Refers to the relationship between individuals who have a lineage through the father's line. In Yogyakarta, the Batak Mandailing community, who are migrants, have experienced a change in meaning related to Batak customary culture, shifting from an exogamous marriage system to an electrogamy system that does not recognize prohibitions like in the exogamy or endogamy systems. In Batak Toba customs, marriage within the same clan is considered taboo and prohibited. If the Batak Toba people perform a marriage of the same clan, they will violate customary norms and be considered Na So Maradat (people who do not understand customs). Those involved in a marriage of the same clan will be subject to sanctions according to the Batak Toba customary rules that are still in effect today.

Keywords : *Semarga Marriage, Toba Customary Law, Consequences of Semarga Marriage*

INTRODUCTION

Indonesia, as a vast country with diverse ethnic groups, has many customs and cultures, reaching tens to hundreds. One of them is the Batak culture which originates from North Sumatra. Batak culture is divided into several groups, including Batak Toba, Batak Karo, Batak Simalungun, Batak Pakpak, Batak Mandailing, and Batak Angkola. Each of these six Batak tribes has its own unique culture and language. However, fundamentally, they share the same cultural roots, namely Batak culture. In Batak society, Marga functions as an identity that shows the origin of a person's family. Several categories in the Batak tribe have similarities in Marga. The origin of the Batak tribe's family can be traced through the Marga they have had since birth. According to Vergouwien, Marga is a sign that the individual who uses it still has the same grandfather.

1. Therefore, all Batak indigenous people

include the father's surname behind their first name. Ownership of the surname behind the name is very important when individuals from the Batak community meet, where they usually ask each other's surname first to understand the Tutar Poda (name or address) system. In general, the Batak Toba community adheres to a patrilineal system, which means that the identity of the surname is passed down through the male or father's side. The surname will not be broken if a family has a son, because the son will pass on the surname to his descendants, so that the surname will continue to exist. Unconsciously, this patrilineal culture has become a part of a person and influences

their mindset and attitude. Customary marriage law is a community law (folk law) that is not written in the form of official state legislation and regulates the rules of marriage. Based on this understanding, the law regarding customary marriage is made by a certain cultural group that is mutually agreed upon. There are three types of customary marriage: First, Exogamy, namely a man is prohibited from marrying a woman who has the same surname. Second, Endogamy, namely a man is required to marry a woman within his own family (tribe or clan) and is prohibited from marrying a woman outside his family. Third, Eleutrogamy, namely a man is no longer required or prohibited from marrying a woman either outside or within his family, but follows the limitations set by Islamic law and applicable legislation.

2. Batak society adheres to an exogamous marriage system as mentioned above.

In the existing marriage system, the Batak people adhere to the practice of exogamous marriage. From an anthropological perspective, marriage within the same clan is considered a marriage that is prohibited or violates Batak customary norms. Marriage between a man and a woman who have the same clan is considered a sibling relationship and blood relationship through the father's line (patrilineal). Marriage within the same clan is a marriage between a man and a woman who have identical clans, such as marriage between the Hasibuan and Hasibuan clans, the Harahap and Harahap clans, the Lubis and Lubis clans, and so on.

The way of life of the Toba Batak people is also regulated by the Customary System that has existed for hundreds of years from their ancestors. Determination of status derived from the Marga allows individuals to place themselves within the framework of Customary Framework known as Dalihan Na Tolu (Tungku Nan Tiga), which is considered important in the lives of all Batak people. The Dalihan Na Tolu kinship system explains the relationship between humans and is a characteristic of Batak culture. All aspects of the life of the Toba Batak tribe will run peacefully and prosperously if implemented in accordance with the principles of Dalihan Na Tolu. Dalihan Na Tolu consists of three elements or parts that form an inseparable unity.

Hula-Hula or Tondong

is a group of people who are in a "above" position, consisting of the wife's family, so it is known as Somba Marhula-hula, which requires respect for the wife's family to achieve safety and well-being. Second, Dongan Tubu is a group that is in a "parallel" position, namely friends or relatives of the same clan, and is called Manat Mardongan Tubu, which means maintaining brotherhood to avoid conflict. Third, Boru is a group that is in a "below" position, which includes our sisters and their husband's family, as well as the woman's family from the father's side, so in everyday life it is known as Elek Marboru, which means loving each other to get blessings.

The existence of Dalihan Na Tolu reflects the Customs and Traditions in the social structure, which regulates the behavior of the Batak Toba people. This can be seen in various traditional events such as death ceremonies, births, entering a new house, marriages, and others. The presence of each role in Dalihan Na Tolu can overlap if the woman and man have the same clan, making it difficult to distinguish between the Parboru and Paranak parties in various traditional events, including marriages.

Marriage is one of the important moments in human life, involving men and women, and has both physical and emotional impacts on each family and the property acquired during or before marriage. Every individual has the right to continue their lineage through marriage, which is carried out according to the culture in Indonesia.

In the context of customary law, marriage has significant meaning because it not only regulates the relationship between the bride and groom, but also between their families. In the Batak Toba community, inter-marga marriage connects the Parboru (giver of the woman) and the Paranak (buyer of the woman). The process of exogamy (marriage outside the Marga group) is a characteristic of this tradition, where marriage within the same clan is strictly prohibited because it is considered incest. For the Batak Toba community, a marriage is considered invalid if it does not follow customs. In Batak Toba terms, a forbidden marriage is called "Marsumbang," and violators will be subject to sanctions by traditional leaders. Although this practice has existed for a long time, it is now being implemented more strictly due to the social changes that have occurred.

To understand this problem in more depth, the purpose of this study is to explore the concept of blood ties in the Toba Batak indigenous community, compare it with the concept of blood ties in general, and analyze the legal consequences arising from marriages between the same clan in the Toba Batak indigenous community.

RESEARCH METHODS

This research is included in the category of Historical research, which utilizes two types of data, namely primary data and secondary data. The data collection technique used is a qualitative approach, focusing on the analysis of documents, journals, and books. After the data is collected, the processing process is carried out to organize the data regularly and systematically, making it easier to conduct analysis. The data that has been collected is then processed and classified in detail based on the criteria that must be met in order to be considered valid data.

RESULTS AND DISCUSSION

Based on the history that developed in the Toba Batak community, the Batak King was born from an incestuous marriage between Si Raja Ihat Manisia and Si Boru Ihat Manisia, who were descendants of King Odap-odap. They married Si Boru Deak Parujar who was sent by Mulajadi Na Bolon. The village of origin of the Batak King was located in Sianjur Mula-mula, at the foot of Mount Pusuk Buhit, in the western part of Samosir Island. After his death, his spirit is believed to have settled in Pusuk Buhit. The Batak King had two sons: Guru Tatea Bulan, an expert in divination, and his younger brother Raja Isumbaon, who mastered customary law. Guru Tatea Bulan had five sons: Raja Biak-biak (Raja Uti), Saribu Raja, Limbong Mulana, Sagala Raja, and Silau Raja (Malau Raja), as well as four daughters: Si Boru Paromasatau (Si Boru Anting-anting Sabungan), Si Boru Pereme, Si Boru Biding Laut, and Nan Tinjo. The son and daughter of Tatea Bulan, namely Tuan Sariburaja and his biological sister Si Boru Pareme, had an incestuous marriage. Where Tuan Sariburaja and Si Boru Pareme were actually born marporhas (twins with different genders).

The result of the incestuous marriage caused Si Boru Pareme to become pregnant and that made her other siblings angry. And that incident caused a rift between Sariburaja and his younger siblings. Sariburaja fled to the forest leaving Si Boru Pareme who was pregnant. And, Si boru pareme was also thrown into the forest. There she gave birth to a son she was carrying and named Lontung or known as Si Raja Lontung. Sariburaja then married Nai Mangiring Laut. And his new wife gave birth to a child named Borbor who was later known as Si Raja Borbor. Meanwhile, King Isumbaon had three sons: Sorimangaraja, Raja Asiasi, and Sangkar Somalidang. They are the forerunners of the clans in Batak society. The two parent clans gave birth to generations that formed clans in Batak society, known as the first sundut. For example, the Silau Raja clan which is also known as the Malau clan. There is a close relationship between the Batak genealogy and the clan status of each Batak individual. Everyone who does not recognize their clan is considered a descendant or sundut Batak. The origins of Si Raja Batak are not entirely clear; information is only obtained from historical writings about Si Boru Deak Parujar who was sent by Mulajadi Na Bolon. Until now, there are no other written records that explain the origins of Si Raja Batak in full. However, this story continues to live in the oral tradition of the Toba Batak people.

The kinship system in the Batak Toba community is patrilineal, following the father's lineage. The male lineage (father) and blood relations due to marriage (from the female side) are important, but the father's lineage is the most dominant. This is due to the belief that the Batak Toba indigenous tribe adheres to a patrilineal descent system, where male descendants play a very important role in continuing the lineage. The Batak people refer to their clan members as Dongan Sabutuha (those who come from the same womb). The male lineage is continued by the male child and will die out if no more male children are born. This patrilineal kinship system is the basis of the Batak indigenous community which consists of various descendants, clans, and tribal groups that are connected through the male lineage.

The principle of patrilineal descent, according to Soerjono Soekanto, explains that kinship is determined only through the male side. This causes all relatives from a person's father to be included in the scope of his kinship, while relatives from the mother's side are outside of that boundary. Marga, basically, is the initial name of a Batak kin group taken from the father's lineage. This marga is inherited from generation to generation through all male descendants. Over time, the descendants of sons who have a marga will form new marga which are also passed down to their generation. These branch marga behave like siblings based on the paternal lineage. Marga functions as an identity for individuals who have the same lineage through the father or patrilineal system. For example, if a father has the surname Nasution, then his children, both male and female, will also have the surname Nasution. This marga system has existed for a long time and continues to be maintained until now, even in the midst of globalization. In Batak Simalungun society, marriages of the same clan are considered invalid according to custom. No parents are willing to accept or carry out marriages of the same clan. Those who marry of the same clan will be ostracized from the

customary environment because this has an impact on daily social interactions. For example, couples who marry of the same clan may call their in-laws by the title that should be given to their father or father's brother. Overall, same-marriage marriage is a prohibition on marriage between a man and a woman who are related by blood from the father's side. In the context of Batak Toba, same-marriage marriage is included in the category of taboo and prohibited marriages. Same-marriage marriage in the Batak Toba Traditional community violates customary rules, so the perpetrators are called "Na So Maradat," which means people who do not understand customs and norms of politeness. Those who carry out same-marriage marriages will be punished according to Batak Toba customary law which is still in effect today. The sanctions or punishments applied depend on the closeness of the family relationship between the two parents who marry their children.

As time goes by, the forms of punishment or social sanctions for those who marry within the same clan also change. One form of punishment that is known is *diparsirang*, namely divorce carried out by traditional parties against couples who marry within the same clan. Or expelled from the village and stripped of their surname. This divorce process also involves gathering all extended families from both parties as well as traditional leaders to carry out the process.

Marriage within the same clan is prohibited in patrilineal society because it is believed that they still have blood relations from the same ancestors. Therefore, marriage within the same clan is considered contrary to the customs of the Toba Batak people, and those who do it will be subject to social sanctions in the form of ostracization from the local indigenous community and considered invalid by the indigenous community. Therefore, marriages of the same clan in the Toba Batak indigenous community automatically have legal consequences, similar to other marriages. If the marriage is carried out in accordance with the provisions of custom, religion, and national law, then it can be considered valid according to these three aspects.

CONCLUSION

Regarding the prohibition of marriage within the same clan in Batak Toba customs, this rule is rooted in the principle of kinship and a strong clan system in Batak society. This prohibition aims to maintain the purity of bloodlines, strengthen social ties between clans, and prevent internal conflicts within the community.

In addition, this prohibition is based on the understanding that individuals who have the same surname are considered siblings, so marrying within the same surname is considered unethical and contrary to custom. Although there are some debates and exceptions over time, the basic principle of this prohibition is still upheld by the Batak Toba community.

In addition to the cultural and social aspects, this prohibition also strengthens inter-clan relations through exogamous marriages (outside one's own clan), which contribute to the development of social networks and the strengthening of customary structures. Although this rule is still strong in Toba Batak society, there is some debate about its implementation, especially among the younger generation who live in urban areas or outside their home areas.

SUGGESTION

Parents should teach and educate their children from an early age to understand the rules of Batak Toba customs. Thus, when they are adults and ready to marry, children can choose a life partner who does not conflict with Batak Toba customs. In addition, Batak Toba traditional leaders need to continue to provide an understanding of customs, especially regarding the prohibition of marriage between the same clan which has become an integral part of the life of the Batak Toba traditional community. This is important to straighten out the understanding of the next generation regarding Batak culture and maintain its sustainability.

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