

Prohibition of Marriage According to the Mandailing Christmas Custom, North Sumatra (Maqashid Sya'riah Analysis)

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Abstract

The prohibition of marriage in Mandailing custom is an attempt to maintain genealogy, maintain the kinship system (da lihan na tolu and partuturon) and prevent generations of offspring from various health impacts that may occur if the prohibited marriage is violated. In the maqasid sharia theory, paying attention to lineage and the quality and quantity of generations of offspring is highly recommended. So in order to maintain the existence of offspring so that it can take place it is recommended to choose a partner who can give birth to healthy and many offspring, and everything that can cause no offspring in both males and females should be avoided as much as possible. Relative (cousin) marriage is a form of marriage that is prohibited in Mandailing custom but not prohibited in Islamic law and the Compilation of Islamic Law. Various population studies and several studies on health explain that consanguineous marriages have health risks to the generations they are born with, such as cancer, mental, liver, stomach-gut, hypertension, hearing loss, heart disease, thalassemia and other defects in children.

Keywords

Prohibition of Marriage,
Mandailing Customs, Maqashid
Sharia



I. Introduction

In Indonesia, Islam is one of the religions with adherents of more than 80% of the population. Indonesia is also a nation that has a society with a diversity of ethnicities, races, religions and different customs and is spread in cities and villages. This diversity is the wealth and potential of this nation. This diversity is marked by their respective customs and in accordance with the culture that their citizens adhere to and carry out. For example, in the implementation of a marriage ceremony, even though it has been carried out according to religious law and positive law, it is still always accompanied by a marriage ceremony or marriage law according to custom.

In the Mandailing custom, for example, it has its own ceremonies and procedures for carrying out the wedding procession, such as starting from manyapai boru, mangaririt boru, padamos hata, patobang hata, manulak sere up to the wedding ceremony and the procedures for carrying out walimatul urs are also arranged in such a way.

The Mandailing custom views that marriage is not merely a relationship between a man and a woman, but involves a family relationship that is dalihan na tolu (kahanggi, anak boru and mora), which determines a person's position in the family structure and also becomes the basis for behave in the family, so that marriage in the Mandailing custom becomes a sacred traditional ceremony.

In the framework of carrying out traditional marriage ceremonies in the Mandailing community, there are several prohibitions on marriage which are considered as forms that can damage the genealogy and damage the generations that are born. Some of the prohibited forms of marriage are:

1. Marriage between siblings (one mother and father)
2. Commonwealth marriages (marriage between cousins of the father or those on the same level, such as grandparents and so on).
3. Sewalak marriage (marriage between a mother's cousin or equivalent, such as a grandmother and so on)
4. Dishonored marriages (namely same-sex marriages)
5. Tarbalik Mora marriage (i.e. a man marries his naboru daughter and a woman marries a man with his bone child)

If we examine more deeply that the emergence of the above form of marriage prohibition in the Mandailing custom is considered as a maintenance of lineage, it is because of this that we are interested in writing a journal with the title "Prohibition of Marriage According to Mandailing Custom Analysis of Maqashid Syariah".

II. Research Method

In this study the authors used empirical research methods or also known as sociological legal research and also known as field research. This research is based on primary (basic) data, namely data obtained directly from the community as the first source, either by observation, interview or questionnaire.

2.1 Research Approach

a. Sociological Approach

The author examines the customary norms that apply and are firmly adhered to by the Mandailing indigenous people who indicate the background of the attitude of the Mandailing indigenous people in their behavior and indications of giving birth to rules regarding prohibitions in the process and practice of marriage. So that the norms that apply in the Mandailing custom can make it easier for the writer to review the law.

b. Historical Approach

With this approach the author will trace the history of marriage practices such as Sewaris and Sewalak that occurred during the time of the Prophet Muhammad as well as several Hadith and ijtim'a' of scholars who recommend someone to marry a woman who is not from a relative. So that the writer can be assisted in understanding and drawing a conclusion related to Sewaris and Sewalak Marriage according to the Islamic view.

III. Result and Discussion

3.1 Mandailing custom

The word Mandailing is believed to have originated from a term that is often used in Mandailing custom, namely "Mandala - Holing" (a letter tumbaga holing naso rasa) which means customary rules that cannot be erased. another opinion says that the word Mandailing comes from Minangkabau, namely Mande Lost (missing mother) another source says that the word Holing is often associated with the name Holing, a name recorded in the power of the Tang Dynasty who ruled in China in 618 - 906 AD whose center of government was on the island of Java, namely the Kalingga kingdom on the north coast of Java.

The word Mandailing was first heard in historical records contained in the poem Kakawin Negarakertagama written by Mpu Prapanca whose contents concerned various

matters relating to the Mojopahit kingdom at that time. And in the poem it says, "Lwir ning nusa pranusa pramuka sakahawat ksoni ri Malayu/ning Jambi mwang Palembang karitang i Teba len Dharmacraya tumut/Kandis Kahwas Manangkabwa ri Siyak i Rekan Kampar mwang i Pane/Kampe Harwathawe Mandahiling i Tumihang Parlak mwang i West". The poem was composed by Mpu Prapanca regarding the expansion of Mojopahit to several areas outside Java, around 1287 Caka (1365M).

The arrival of Islam in the Mandailing region was related to the occurrence of a pantry war or also known as the civil war in Minangkabau, West Sumatra in 1821-1837. The Mandailing people call it Ugamo Padori or the Bonjol religion because the development of the Islamic religion was carried out by the pandri warriors from the Minangkabau bonjol. The arrival of the paramilitary troops by the traditional/customary government that has been running so far has been interpreted as an aggression to occupy the Mandailing region as its territory, while most people who accept Islamic teachings peacefully think that this is part of the process of developing Islamic teachings in the area.

3.2 Marriage According to Mandailing Customs

According to customary law, marriage is something that binds men and women and leads to a broader meaning of relationship. The meaning of this broad relationship is interpreted as a kinship relationship between the two parties, even to the relationship between one community and another.

In the Mandailing custom, marriage is a traditional ceremony whose implementation is regulated in such a way. This is because in the Mandailing custom marriage is not only about the relationship between a man and a woman but also the marriage of two large families from the male's family and also the woman's family. In marriage, parental permission is something that must be emphasized because marriage is a matter of relatives which is a requirement for continuing the family tree, and also the community because marriage is a traditional ceremony whose implementation also involves many people.

Marriage in the Mandailing customary community has a very important meaning besides what has been mentioned previously, marriage is also an effort to strengthen family relationships to continue generations, especially generations that are linked from a paternal lineage. So thus marriage is a life value to be able to continue offspring, maintain genealogy and position and also has to do with inheritance, position and wealth.

3.3 Marriage Prohibition According to Mandailing Custom

A strong kinship system is based on an operational basis in Mandailing custom known as Elements of Dalihan Na Tolu make the implementation of marriage as a matter that needs to be considered properly. One form of marriage which is based on the Da Lihan Na Tolu element is that it is recommended that someone in the Mandailing custom perform a form of manyunuti marriage.

The recommendation for manyunduti marriages is a form of effort to maintain genealogy and partuturon in Mandailing custom, thus the manyunduti marriage must be in accordance with the rules (a man marries a woman with a naboru child and or vice versa) and may not be reversed or prohibited. So, based on the elements of Da Lihan Na Tolu, the forms of marriage that are allowed are manyunuti marriages and marriages between a man and a woman who have different surnames.

Because of this strong kinship system, there are at least a number of marriage prohibitions contained in the Mandailing custom, namely:

1. Marriage between siblings (one mother and father)
2. Commonwealth marriages (marriage between cousins of the father or those on the same level, such as grandparents and so on).
3. Sewalak marriage (marriage between a mother's cousin or equivalent, such as a grandmother and so on)
4. Tarbalik Mora marriage or the reverse of the Manyunduti marriage (ie a man marries his namboru daughter and a woman marries a man with her son)
5. Dishonored marriages (namely same-sex marriages)

At least there are several factors that cause the prohibition of marriage in the Mandailing custom mentioned above. As said by Mr. Saiful Nasution that this marriage of inheritance and walak is prohibited because it is the same as marrying said kahanggi or anggi (siblings) themselves, besides that the kinship distance between heirs and walak is still too close and is still categorized as a blood family what is feared if this marriage occurs can damage the offspring such as physical defects and so forth. According to them, this factor is strengthened by the existence of several opinions of the scholars who recommend marrying foreign women who are not related and the hadith of the Prophet SAW which reads:

رُوي أَنَّهُ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لَدَى يَوْمِيَّ ضَاوِيًّا¹⁴

Meaning: It is narrated that the Prophet Shallallahu 'Alaihi Wasallam said: "do not marry close relatives, because their children will be created weak"

Likewise, the prohibition of Tarbalik Mora marriages was prohibited because it violated Da Lihan Natolu's elements and damaged Partuturon. Then discordant marriages (same clan) are prohibited because they are considered as dongan bintanguha (born from the same uterine source / one ancestor) and can also damage the partuturon. We assume that the ban on same-sex (discordant) marriages is the impact of the prohibition on same-sex marriages as we explained earlier, but this form of marriage has been violated a lot, especially by the indigenous Mandailing migrant community.

3.4 Prohibition of Marriage According to Compilation of Islamic Law

In general, marriage law in Indonesia has been regulated in Law No. 1 of 1974, Government Regulation (PP) No. 9 of 1975. And specifically for the Indonesian Muslim community, the marriage law is specifically spelled out and re-explained in the Compilation of Islamic Law. Regarding the prohibition of marriage, it is contained in CHAPTER VI, articles 39 to 44 as follows:

Article 39: It is prohibited to enter into a marriage between a man and a woman because:

- (1) Due to lineage:
 - a. with a woman who gave birth to or who gave birth to her or her offspring;
 - b. with a woman descended from the father or mother;
 - c. with a female relative who gave birth to him
- (2) Due to the relative affinity of Semenda:
 - a. with a woman who gave birth to his wife or ex-wife;

¹⁴Ibnu Mulqin Sirajuddin Asy-Syafi'i Al-Mishry, Al Badru Al Munir, Volume VII (Riyadh: Darul Hijrah, 1425 H), print 1, Hadith Number 05, h. 499.

- b. with a woman who is the ex-wife of the person who sent her down;
- c. with a woman descended from his wife or ex-wife, unless the relationship is broken marriage to his ex-wife qobla al dukhul;
- d. with a woman ex-wife of his offspring.

(3) Due to affinity for suckling:

- a. with women who are breastfeeding and so on in a straight line upwards;
- b. with a lactating woman and so on in a straight line down;
- c. with a suckling sister, and where to suckle down;
- d. with a nursing aunt and a nursing aunt and above;
- e. with children breastfed by his wife and their offspring.

Article 40: Prohibited from entering into a marriage between a man and a woman due to certain circumstances:

- a. because the woman concerned is still married to another man;
- b. a woman who is still in her iddah period with another man;
- c. a non-Muslim woman.

Article 41 :

- (1) A man is prohibited from mixing his wife with a woman who is related by lineage or breastfeeding with his wife;
 - a. siblings, father or mother or their descendants;
 - b. woman with her aunt or niece.
- (2) The prohibition referred to in paragraph (1) remains in effect even though the wives have been divorced raj'i, but are still in the iddah period.

Article 42 :A man is prohibited from marrying a woman if the man has 4 (four) wives, all four of whom are still bound by marital ties or are still in the iddah of raj'i divorce or one of them is still bound by the marriage rope while the other is in the iddah period. divorce raj'i.

Article 43 ;

- (1) It is prohibited to enter into a marriage between a man:
 - a. with a woman whose ex-wife was divorced three times;
 - b. with a woman who was his ex-wife who was dil'an.
- (2) The prohibition is in paragraph (1) letter a. dies, if the ex-wife had married another man, then the marriage was terminated at dukhul and her iddah period had expired.

Article 44 :A Muslim woman is prohibited from marrying a man who is not Muslim.

3.5 Prohibition of Marriage According to Mandailing Custom Analysis of Maqashid Sharia

Maqashid syari'ahDerived from two words namely maqhasid and syari'ah. Maqashid is the plural form of the masdar maxim of the word (دصرق ادصرقمو ادصرق دصرقي) which has the meaning, intent and purpose. Whereas sharia in language means a road to a place of water which the Arabs connote as a straight path that must be taken and according to sharia terms is the path that Allah has ordained for humans as the direction of life in realizing a good life in this world and in the hereafter.

Mansur al khalify defines maqhasid shari'ah as al ma'ani (meanings) and al-hikam (wisdom) desired by the shari'a in every stipulation of law to realize human benefit in this

world and in the hereafter. Tahir bin Asyur defines maqashid shari'ah as al ma'ani wa alhikam, namely the various meanings and wisdom desired by the shari'a (Allah Swt and His Messenger) in every general law determination. According to Muhammad Syukri Albani in his book *Philosophy of Islamic Law and Maqhasid Sharia*, this understanding comes from what was written by Imam Syatibi about the division of the two types of maqhashid, namely maqhasid syar'i and maqhasid mukallaf. Therefore Based on these definitions, both in terms of language and the term maqhasid sharia is the purpose and or intention of Allah SWT and His Messenger in providing Islamic laws which can be traced in the verses of the Koran and Hadith as valid reasons.

Islam is a religion that respects heredity and directs a great deal of attention to strengthening the rules in order to cleanse the family and offspring from defects and weakness. When lineage becomes the foundation of kinship in the family which is supported by faith, morals and Shari'a, that is when Islam pays great attention to protecting these lineages from various things that cause mixing and humiliate the lineage's glory.

We all agree that the presence of Islam with various existing laws has the aim of realizing a human benefit, both individually and as a group, with a scope covering all aspects of human interests. So that if the law is carried out or implemented properly, it will have a good impact on humans themselves. In principle it is also explained that the purpose of the obligation to impose various shari'a on humans (mukallaf) is an attempt to embody the intent and purpose of human creation.

Contemporary scholars divide the maqhasid syhari'ah into three parts, firstly al maqhasid al'aam (general objectives), namely the various objectives contained in Islamic laws in general such as al daruriah al khams, secondly al maqasid al Khashah, namely the objectives intended in a certain chapter in Islamic law such as child welfare in a family, crime prevention in criminal law and monopoly in muamalah law. The third is al maqasid al juz'iyah (partial goal), namely the goal behind a certain text or law, such as the purpose of eliminating difficulties in allowing sick people not to fast and the goal of guaranteeing the poor and poor in the prohibition of hoarding sacrificial meat.

Based on the description above, hifz al-nasl is included in the part of al maqhasid al-aam because hifz al nasl is one of al dharuriyyah al khams (five inevitability), namely hifz al din (guarding religion), hifz al nafs (guarding the soul) hifz al nasl (guarding offspring), hifz al 'aql (guarding the mind) and hifz al mal (guarding property).

Nasab is an acknowledgment that obtains the legality of Islamic law for a child's relationship with his father's lineage which causes the child to receive education, guardianship, inheritance, and so on. Without a family relationship, there will not be a beautiful and peaceful family, and even the relationship between the child and the father will fade without a trace at all. In terminology, lineage means family ties based on blood relations, both upward and sideways.

In order to protect heredity (nasab), Islam prescribes marriage as a legal way to maintain and maintain its purity. Lineage protection is often also called hifz an nasl and some call it budh. The difference between the three terms (lineage, nasl and budh) is that lineage is defined as a downward lineage such as children and grandchildren, nasl is defined as an upward lineage such as father and grandfather, and budh is defined as the female genitalia.

Based on the description above and judging from the meaning of each term, the use of the word an nasl is the most appropriate because the protected element is basically an upward lineage. The main benefit that receives great attention in Islamic law is the continuity of a generation of humans, and preventing it from extinction with various efforts that refer to the goodness of the world and the hereafter.

The various laws that emerge from this *hifz an nasl* are broadly divided into two reviews, namely:

1. Maintaining the existence of the *nasl* in order to continue in various ways that can be done such as maximizing the presence of good and ideal offspring. So from this review emerged the following sharia laws:
 - a. It is recommended to get married, choose a good partner, marry a woman who has the potential to give birth to many children, allow polygamy and so on.
 - b. Obligation for parents to educate their children, specifically about the main principles in Islam, and
 - c. It is recommended to maintain the health of the reproductive organs.
2. Protecting the *nasl* from damage that comes its way, by avoiding things that can make the offspring become damaged, extinct and not good. So from this review it can be illustrated by looking at the following laws:
 - a. It is not recommended to live alone (single) either for reasons to focus on worship, or for various other reasons.
 - b. It is forbidden to abuse sexual relations other than what is lawful, such as adultery, sodomy and others.
 - c. It is forbidden to damage the reproductive organs or consume anything that can cause childlessness in both males and females, and
 - d. Do not perform fetal abortion.

If it is associated with *hifz an nasl* in the Shari'a there are two reviews regarding fertility, the first suggestion is to increase the quantity of offspring this is based on the Hadith of the Prophet SAW which reads:

حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ، حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ أَنَا مُسْتَلِمٌ بْنُ سَعِيدِ بْنِ أُخْتِ مَنْصُورِ بْنِ زَادَانَ عَنْ مَنْصُورٍ - يَعْنِي ابْنَ زَادَانَ - عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ؟ هُوَ عَلَيْهِ وَسَلَّمَ فَقَالَ: إِنِّي أَصَبْتُ امْرَأَةً [ذَاتَ جَمَالٍ وَحَسَبٍ] وَإِنَّهَا لَا تَلِدُ أَفَأَتَزَوَّجُهَا؟ قَالَ: (لَا) ثُمَّ أَتَاهُ الثَّانِيَةَ فَتَهَاةَ ثُمَّ أَتَاهُ الثَّلَاثَةَ فَقَالَ: (تَزَوَّجُوا الْوَدَّ وَدَ الْوَلُودَ فَإِنِّي مُكَاتِرٌ بِكُمُ الْأُمَّمِ)

Meaning: Ahmad bin Ibrahim has told us, Yazid bin Harun told us, Musta'lim bin Sa'id, the son of Mansur bin Zadzan's sister, told us, from Mansur bin Zadzan, from Muawwiyah bi Qurrah, from Ma'qil bin Yasar, he said: someone came to meet the Prophet Muhammad and said: actually I found a woman who had good looks and lineage, but could not give birth. Can I marry her? The Prophet replied "no" then the person came a second time, but the Prophet still forbade him. Then the person came a third time, then the Prophet said: "Marry a loving and fertile woman because I am proud of your many numbers in front of the entire Ummah".

The two orders pay attention to generations so that they become quality generations as mentioned in the Qur'an Surah an-Nisa' verse 9:

﴿ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا ﴾ Amen

Meaning: Let those who, if (die) leave after them, weak offspring (which) they worry about. So, fear Allah and speak the right words (in terms of protecting the rights of their offspring).

Children when viewed from the *hifz an nasl* are gifts that should be grateful for no matter what the conditions are. Without exception, the condition of the child is in an abnormal physical condition (disabled/disabled) or with special needs. Children born as ABK can be influenced by several factors including genetic disorders, pregnancy infections, high gestational age, poisoning during pregnancy and attempted abortions.

If viewed from the aspect of *maqhasid shari'ah* as previously explained, *hifz an nasl* means protecting the next generation both in terms of quantity and quality. Protecting what is meant is not only limited to protecting aspects of reality that already exist but also aspects of reality that do not yet exist. So the authors assume that the *mahram* in Islamic law or the prohibition on marriage in the Compilation of Islamic Law is an aspect of reality that does not yet exist in the framework of *hifz an nasl* and part of the prohibition on marriage in Mandailing custom is to protect offspring from the various impacts that result if the prohibition on marriage is violated.

For example, the prohibition of a man marrying his older sister or younger sister and the prohibition of marriage with suckling siblings aim to prevent the offspring produced from this marriage from being born in abnormal conditions because they have the same genetics. Wahbah Az Zuhaili explained that the prohibition of breastfeeding is caused by the fact that several parts of the human body are formed from milk. Mother's milk causes the growth of the flesh of the child she breastfeeds and causes the bones to increase in size.

Likewise, inbreeding has very close genes and can have serious negative impacts. Genetic risk in inbreeding is a biological reason in the midst of society that makes this form of marriage a taboo thing to do in most societies, especially Indonesian society. Modern scientific disciplines also state that this form of marriage can give rise to recessive traits that can give rise to diseases such as hereditary metabolism, Wilson's infectious disease, Tay Sachs disease, hereditary leprosy and black urine.

Various population studies have shown that children born from inbreeding have a greater risk of suffering from certain genetic diseases (autosomal recessive). , in decreasing carriers (carriers) of symptoms like this will not show any symptoms. Meanwhile, because a man and a woman who are siblings have the same genetic proportion, this form of inbreeding will carry the same genetic material so that the offspring produced from this form of marriage can suffer from autosomal recessive by 25%, can become carriers (carrier) by 50% or completely healthy and not a carrier by 25%.

As with inbreeding, consanguineous marriage (cousin marriage) also has the same risks. In an article entitled "Marriage of cousins: Congenital diseases and people's perceptions in Pakistan, a public health challenge." Public Health Policy, explained that the marriage of relatives (cousins) can cause congenital diseases, such as heart disease, thalassemia and other defects in children. This study also clarifies that post-neonatal mortality, childhood morbidity and haemoglobinopathies are common in offspring resulting from this form of marriage.

The same thing was also explained in the research conducted by Bener et al. This study says that cousin marriages in the Qatar area reach 51%. Based on the data they obtained, the most common cousin marriages were first cousins with the patrilineal parallel-cousin cousin marriage type with a total percentage of 26.7%. From the data obtained, this form of marriage provides a higher risk of disease, such as cancer, mental, liver, stomach and intestines, hypertension, hearing loss and diabetes mellitus. Qatar residents who suffer from the disease are explained as many as 211 are descendants of cousin marriages and 85 for non-cousin marriages.

Cousin marriage which has been extensively studied in several studies and can have an impact on disease risk is often found in populations carrying out parallel cousin

marriages (half-cousins or maternal cousins). This practice of marriage occurs mostly in Muslim communities in parts of the Middle East, West Asia, Central Africa and Pakistan. . Meanwhile, in societies where cross-marriage is practiced, it is still not clear. Yayuk Yusdiawati in her research entitled "Inherited Diseases: Health Studies in Cousin Marriages" and conducting research on many-junti marriage or cross-marriage practiced by the Mandailing indigenous people in Tanjung Beringin Padang Lawas Utara, found no mental illness in children or generations born from this form of marriage.

The above description gives us a view that Islam pays great attention to *hifz an nasl* in order to maintain the integrity of offspring both physically and psychologically. Prohibiting inbreeding can protect self-respect and family in general, namely preventing damage and negative impacts that can arise in the generations of offspring. So based on the *maqashid sharia* contained in various Islamic laws, especially marriage, the form of human happiness in the world and in the hereafter will be achieved.

IV. Conclusion

The prohibition of marriage which has become the norm and upheld by the indigenous people of Mandailing, is considered as an effort in order to maintain genealogy, maintain the kinship system (*da lihan na tolu* and *partuturon*) and prevent generations of offspring from various health impacts that may occur if the marriage is prohibited. violated.

This is in line with *Fifz an Nasl* in the *maqashid sharia* theory regarding the importance of paying attention to lineage and the quality and quantity of offspring in Islam, because children, when viewed from *Hifz an Nasl*, are a gift that should be grateful for no matter what the conditions are. So in order to maintain the existence of offspring so that it can take place it is recommended to choose a partner who can give birth to healthy and many offspring, and everything that can cause no offspring in both males and females should be avoided as much as possible.

Besides that, the author views the efforts of the Mandailing indigenous people in the context of maintaining ancestry to be a bit excessive, so that some existing marriage prohibitions are inversely proportional to the prohibition on marriage as explained in Islamic Law and the Compilation of Islamic Law in Indonesia, we put forward this opinion considering that the Mandailing indigenous people are the majority of the population are devout Muslims.

| No | Prohibition of Marriage According to Mandailing custom | Theorem | Background Factors |
|----|---|---|---|
| 1 | Marriage between siblings (one mother and father) | <ul style="list-style-type: none"> a. Quran Surah An-Nisa' Verse 23 b. Islamic Law Compilation CHAPTER VI article 39 paragraph 1 c. Analysis of <i>hifz an-nasl</i> in the <i>maqashid syari'ah</i> theory | <ul style="list-style-type: none"> a. It is believed to be able to give birth to offspring with psychological and physical disabilities. b. Damaging the kinship system or elements of <i>Da Lihan Na Tolu</i> and the concept of speech in <i>Partuturon</i> |
| 2 | Commonwealth marriages (marriage between cousins of the father or those on the same level, such as grandparents and so on). | <ul style="list-style-type: none"> a. The hadith of the Prophet SAW contained in the book <i>Al Badru Al Munir</i>, "لَا تَنْكُحُوا الْقُرَابَةَ الْقَرِيبَةَ، فَإِنَّ الْوَلَدَ يُخْلَقُ ضَاوِرًا" | <ul style="list-style-type: none"> a. Considered the same as marrying a sibling or say <i>kahanggi / ibotong</i>. b. Family distance that is too close and it is feared that the |

| No | Prohibition of Marriage According to | Theorem | Background Factors |
|----|--|--|--|
| | | <p>"Do not marry close relatives, because their children will be created weak"</p> <p>b. Opinion of the scholars who advocate marrying foreign women who are not related. (Imam Ghazali, Ibn Qudamah).</p> <p>c. Analysis of <i>hifz an-nasl</i> in the <i>maqashid syari'ah</i> theory</p> | <p>generation or offspring that are born are at high risk of having mental illness, physical and psychological disabilities.</p> <p>c. It is believed that this form of marriage will not provide peace, joy and harmony in the family.</p> <p>d. Damaging the kinship system of the <i>da lihan na tolu</i> elements and destroying the speech in the <i>partuturon</i> concept.</p> |
| 3 | Marriage Marriage (marriage between maternal cousins or equivalent like se grandma and so on up) | <p>a. The hadith of the Prophet SAW contained in the book <i>Al Badru Al Munir</i>, "لَا تَنْكِحُوا الْقَرَابَةَ الْفَرِيْبَةَ فَإِنَّ الْوَلَدَ يُخْلَقُ ضَاوِيًا" "Do not marry close relatives, because their children will be created weak"</p> <p>b. Opinion of the scholars who advocate marrying foreign women who are not related. (Imam Ghazali, Ibn Qudamah).</p> <p>c. Analysis of <i>hifz an-nasl</i> in the <i>maqashid syari'ah</i> theory</p> | <p>a. Considered the same as marrying a sibling or say <i>kahanggi / ibotong</i>.</p> <p>b. Family distance that is too close and it is feared that the generation or offspring that are born are at high risk of having mental illness, physical and psychological disabilities.</p> <p>c. It is believed that this form of marriage will not provide peace, joy and harmony in the family.</p> <p>d. Damaging the kinship system of the <i>da lihan na tolu</i> elements and destroying the speech in the <i>partuturon</i> concept.</p> |
| 4 | Mora's Tarbalik Marriage (i.e. a man marries a daughter <i>naborunya</i> and a girl married to a man of his bones) | - | Damaging the kinship system of the <i>da lihan na tolu</i> elements and destroying the speech in the <i>partuturon</i> concept. |
| 5 | Dishonored marriages (namely same-sex marriages) | - | <p>a. Considered married, said <i>Iboto</i></p> <p>b. The notion that the clan is <i>Sambiluha</i> (comes from the same stomach)</p> <p>c. Can damage the speech in the <i>partuturon</i> concept.</p> |

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