



The Dilemma Between Islamic Law And Local Tradition: A Critical Analysis of Consanguineous Marriage Practices (Rampanan Kapa') In The Tana Toraja Community

Muhammad Tahmid Nur¹, Amirullah², Zahrum³, Elmiati Nurdin⁴, Rismawati⁵

State Islamic Institute of Palopo, Indonesia¹²³⁴,

Muhammadiyah University of Palopo, Indonesia⁵

Email : muhammادتahmidnur@iainpalopo.ac.id¹, sirajuddinamirullah@gmail.com²,
zahrum60@gmail.com³, elmiatinurdin31@gmail.com⁴, risma11@umpalopo.ac.id⁵

Abstract

This study explores the complex relationship between Islamic law and local tradition through a critical analysis of consanguineous marriage practices, specifically Rampanan Kapa' Sule Langngan Banua, in the Tana Toraja community. While this tradition is deeply embedded in the region's cultural identity and serves to preserve kinship ties and inheritance structures, it raises significant concerns within the framework of Islamic legal norms, particularly those related to mahram relationships. Using a qualitative case study approach, the research collected data through in-depth interviews with Muslim community members, traditional leaders, and religious scholars in Tana Toraja. The findings reveal a deep-rooted tension between cultural continuity and religious compliance, as some community members advocate for the tradition's preservation, while others call for its reformation in line with Islamic principles. The study argues that the practice, although normative within customary law, contravenes the prohibitions outlined in Islamic jurisprudence and the Compilation of Islamic Law (KHI). Rather than acting as religious authorities (mufti or mufassir), this research adopts a socio-legal lens to assess the implications of consanguineous marriage in a multicultural and multi-religious setting. The study contributes to the discourse on legal pluralism and offers specific recommendations, including the integration of customary marriage education into local religious counseling programs, legal awareness campaigns for community leaders, and the formulation of local regulations (Perda) that respect cultural values while upholding Islamic legal principles.

Keywords: Islamic Law; Local Tradition; Consanguineous Marriage; Rampanan Kapa'; Tana Toraja

Abstrak

Penelitian ini mengkaji hubungan yang kompleks antara hukum Islam dan tradisi lokal melalui analisis kritis terhadap praktik perkawinan sedarah, khususnya Rampanan Kapa' Sule Langngan Banua, dalam komunitas Tana Toraja. Meskipun tradisi ini telah mengakar kuat dalam identitas budaya masyarakat dan berfungsi untuk menjaga ikatan kekerabatan serta struktur pewarisan, praktik ini menimbulkan persoalan serius dalam kerangka hukum Islam, khususnya terkait larangan pernikahan antar mahram. Dengan menggunakan pendekatan studi kasus kualitatif, data diperoleh melalui wawancara mendalam dengan

masyarakat Muslim, tokoh adat, dan ulama di Tana Toraja. Temuan penelitian menunjukkan adanya ketegangan antara keberlanjutan budaya dan kepatuhan terhadap syariat, di mana sebagian masyarakat mendukung pelestarian tradisi, sementara yang lain mendorong reformasi agar sesuai dengan prinsip-prinsip Islam. Studi ini berargumen bahwa praktik ini, meskipun normatif dalam hukum adat, bertentangan dengan larangan yang ditegaskan dalam fiqh Islam dan Kompilasi Hukum Islam (KHI). Penelitian ini tidak bermaksud menjadi otoritas keagamaan (*mufti* atau *mufassir*), melainkan menggunakan pendekatan sosio-yuridis untuk menilai implikasi perkawinan sedarah dalam konteks masyarakat multikultural dan multireligius. Studi ini berkontribusi pada diskursus pluralisme hukum dan menawarkan rekomendasi spesifik, antara lain integrasi pendidikan tentang perkawinan adat ke dalam program bimbingan keagamaan lokal, kampanye kesadaran hukum bagi para tokoh masyarakat, serta penyusunan peraturan daerah (Perda) yang menghormati nilai-nilai budaya namun tetap berpijak pada prinsip-prinsip hukum Islam.

Kata Kunci: Hukum Islam; Tradisi Lokal; Perkawinan Sedarah; Rampanan Kapa'; Tana Toraja

Introduction

The Rampanan Kapa' Sule Langngan Banua tradition is one of the cultural practices still preserved by the Tana Toraja community. This practice involves marriages between family members who have close blood relationships, aiming to maintain the integrity of inherited property and kinship bonds. However, this practice poses a dilemma when confronted with Islamic law, which prohibits consanguineous marriages (Isnaini, 2022). Consanguineous marriages in Islamic law are considered invalid as they involve mahram relationships, which are prohibited for marriage (Saputra & Sanjaya, 2023; Hasnadewi et al., 2024). Islamic law stipulates that a marriage is only valid if it is conducted between individuals who do not have a close blood relationship or mahram (Wardana & Zahara, 2024). This becomes crucial to study in the context of the Tana Toraja adat tradition that still upholds this practice.

Before the arrival of Islam, the Tana Toraja community lived according to adat rules known as *aluk todolo*, which encompassed various aspects of life, including governance, belief systems, and marriage (Wiryadinata, 2024; Pasulle et al., 2024; Sumiaty et al., 2023; Nooy-Palm, 1979). With the advent of Islam, significant changes occurred in these adat practices, although some old traditions like consanguineous marriage persist. Rampanan Kapa' Sule Langngan Banua literally means marriage that returns to one's own family. This term reflects the practice of marriage between individuals who still have close blood ties or belong to the same clan. In this tradition, consanguineous marriage is seen as a way to maintain

family integrity and avoid dividing inherited property among outsiders (Shenk et al., 2024).

For the Tana Toraja community, the tradition of consanguineous marriage has become deeply ingrained and is considered an integral part of their cultural identity. This practice is believed to keep the ancestral blood pure and maintain the family's social status. Additionally, consanguineous marriage is viewed as a way to ensure that inherited property remains within the extended family (Mansouritorghabeh, 2021; Shenk et al., 2024). From the perspective of Islamic law, consanguineous marriage is prohibited because it involves mahram relationships, which are strictly forbidden (Diva Pitaloka et al., 2024). Mahram refers to individuals who cannot be married due to blood relations or marital ties. Islamic law stipulates that a marriage is only valid if it is conducted between individuals who do not have mahram relationships.

Previous studies have shown that consanguineous marriages can cause various issues, including family conflicts and negative health impacts on offspring. Therefore, it is important to understand how Islamic law views this tradition and its implications for the Tana Toraja community. This study will examine the validity of consanguineous marriage practices from the perspective of Islamic law (Temaj et al., 2022). The perceptions of the Muslim community in Tana Toraja towards the Rampanan Kapa' Sule Langngan Banua tradition are varied. Some view it as an important cultural element that should be preserved, while others see it as a practice that needs to be changed to align with Islamic law. This study will explore these perspectives and provide insights on how this tradition can be harmonized with Sharia (Jairoun et al., 2024). The pillars and conditions of marriage in Islam are very clear. One of the main conditions is the absence of mahram relationships between the parties intending to marry. In the context of the Rampanan Kapa' Sule Langngan Banua tradition, mahram relationships are often overlooked, rendering such marriages invalid according to Islamic law. This presents a dilemma between preserving cultural traditions and adhering to Sharia (Ya'arit Bokek-Cohen, 2021; Amiruddin et al., 2024).

The Rampanan Kapa' Sule Langngan Banua tradition holds strong cultural values and is considered an important part of the Tana Toraja community's identity. However, in the context of Islamic law, this tradition raises various legal and ethical issues. This study aims to bridge the gap between cultural traditions and Sharia (Karimullah, 2023). Islamic law provides clear guidelines on who can and cannot be married. The prohibition of consanguineous marriage aims to protect families and communities from potential negative impacts. This study will evaluate the extent to which the Rampanan Kapa' Sule Langngan Banua tradition contradicts these principles and its implications for the local community.

This study seeks to rigorously analyze the *Rampanan Kapa' Sule Langngan Banua* tradition through the lens of Islamic law, aiming to uncover avenues for its congruence with Sharia principles. The research offers practical insights and policy recommendations for reconciling local customs with Islamic legal standards through a socio-legal viewpoint. Furthermore, the study examines the social ramifications of consanguineous marriage within the Tana Toraja community, focusing on local Muslims' perceptions and their reconciliation of traditional customs with religious duties. Particular emphasis is placed on the changing dynamics of tradition in reaction to the emergence and expansion of Islam in the region. Notwithstanding continuous changes in religious comprehension, numerous ancestral traditions, such as *Rampanan Kapa'*, persistently endure. This study examines the fundamental mechanisms that sustain this tradition despite extensive socioreligious changes. Ultimately, the study contributes to academic discourse regarding the intersection of Islamic law and indigenous customs in Indonesia. By contextualizing the analysis within a culturally unique framework, it provides novel insights into the application of Sharia in pluralistic cultures.

Previous research by Hasan (2020) focused primarily on the cultural significance of *Rampanan Kapa'* without addressing its legal implications under Islamic law. Meanwhile, Yusuf (2022) examined the persistence of *Aluk Todolo* but did not analyze the intersection between adat and religious norms. Studies by Rahmawati (2021) and Nurdin (2021) acknowledged the mahram issue, yet lacked empirical evidence from communities practicing consanguineous marriage. In contrast, this study offers a critical analysis combining socio-legal perspectives to fill this gap, as also emphasized by recent works such as Kalantari (2024), which highlight the importance of contextualizing marriage norms within pluralistic legal systems.

Although *Rampanan Kapa' Sule Langngan Banua* originates from the indigenous belief system *Aluk Todolo*, its practice has persisted even among Muslim families in certain regions of Tana Toraja, particularly in Makale subdistrict. Based on initial field observations and interviews, several Muslim families still uphold this tradition, often due to strong cultural obligations, inheritance preservation, or family honor. This creates a normative tension between inherited cultural values and Islamic legal principles. Therefore, this study deliberately focuses on Muslim practitioners of the *Rampanan Kapa'* tradition to explore its legal status within the framework of Islamic jurisprudence.

This study is also expected to serve as a basis for local government policies in managing cultural traditions and religious law. With a better understanding of how Islamic law views the tradition of consanguineous marriage, the resulting policies can be more effective in balancing cultural

and legal interests. Based on interviews with local Muslim leaders and families in Makale, a subdistrict with a significant Muslim population, it was found that the Rampanan Kapa' tradition is still practiced by some Muslim families. Although their religious identity is Islamic, cultural obligations often take precedence over legal-religious prohibitions, leading to tensions between belief and tradition

Research Methods

This research employed a qualitative methodology utilizing a case study approach. This research aims to investigate and examine the perspectives of the Muslim community in Tana Toraja regarding the tradition of Rampanan Kapa' Sule Langngan Banua and its validity within Islamic law. The research design is descriptive-analytical, intended to delineate existing phenomena and thereafter evaluate the acquired data to comprehend the perspectives of the Muslim community regarding the tradition under investigation (Fadillah et al., 2023). The primary instrument in this study is the researcher, who serves as the data collector via observation, comprehensive interviews, and documentation. This research was carried out in the Makale District, Tana Toraja Regency. The study was conducted over a period of six months, from January to June 2023. This research utilizes primary data gathered from comprehensive interviews with the Muslim community in Tana Toraja, traditional leaders, and local scholars, alongside secondary data comprising literature, official documents, and pertinent prior studies (Michael et al., 2023; Sumiaty et al., 2023). The methods of data collecting comprised observation, interviews, and documentation. The acquired data were examined by thematic analysis techniques. The analytical process comprised data collection, data reduction, data presentation, and conclusions formulation.

This research utilized a qualitative approach with a case study design. A total of 12 respondents were interviewed, comprising 5 Muslim community members, 3 traditional leaders, and 4 Islamic scholars in the Makale subdistrict of Tana Toraja. Data collection methods included observation, in-depth interviews, and documentation review (Jain, 2021).

The data were analyzed using the interactive model of Miles and Huberman (1994), which includes three key stages: data reduction, data display, and conclusion drawing/verification (Monaro et al., 2022). Data reduction was conducted by identifying and selecting relevant interview excerpts aligned with the research focus. Data display involved organizing information into thematic categories and narrative charts. Conclusion drawing was conducted through identifying emerging patterns, validating interpretations across sources, and reflecting on the broader socio-legal implications. To strengthen the validity of the data, this study applied

source triangulation, (Sridharan, 2021) ensuring that perspectives were obtained from multiple actor groups directly involved in or familiar with the Rampanan Kapa' practice (Abbas & Hidayah, 2021; Taruk, 2021).

Results and Discussion

The Perspective of the Muslim Community in Tana Toraja on the Tradition of Rampanan Kapa' Sule Langngan Banua

The Tana Toraja community views interfamily marriages as part of an evolving and widely accepted tradition. This tradition aims to strengthen familial bonds within a family clan. The people of Tana Toraja strongly support the preservation of this practice and see it as a source of pride rather than shame, as it helps maintain their kinship relations. According to an interview with H. Tamrin Lodo', a religious leader in the Makale Subdistrict, he explained that:

"Rampanan Kapa' Sule Langngan Banua is a form of marriage between two individuals who are still related by blood, with the aim of maintaining kinship ties within a family clan. However, this relationship must be well-maintained to avoid 'pasisala mata mabusa na mata malotong,' which means that if there are problems in the household leading to divorce, it can negatively impact the extended family. From an Islamic legal perspective, as long as there are no prohibitions in aspects of law, such as not being married to someone else and not being milk-siblings, this marriage is permissible." (Tamrin, 2022)

The Tana Toraja community considers the Sule Langngan Banua marriage a traditional heritage from their ancestors that will continue to be preserved and maintained even as society modernizes. In a subsequent interview with Piter Tandililing, a traditional leader in the Makale Subdistrict, he explained that:

"Rampanan Kapa' Sule Langngan Banua begins with the tanan to misua or ma' bawa pangan ceremony, where the groom visits the bride's residence to perform the traditional marriage rites. However, there are many things to avoid while practicing this tradition, one of which is dau' mi si bala'-bala' saba' pada kita, meaning to avoid quarrels and disputes because they are still family. It is important to remember that during this tradition, there are many things to avoid, including dau' mi si bala'-bala' saba' pada kita, which means avoiding quarrels and disputes because they are still family. In my view, this tradition has both positive and negative aspects. One positive aspect is that the wealth remains within the family, and the social status is maintained. A negative aspect is that children from consanguineous marriages might be born with defects." (Piter Tandililing, 2022).

Traditional leaders who understand the customs tend to support traditional practices, but they still comply with and respect national regulations (Shapiro, 2024). The current situation requires legal proof for every legal action, so even though Ma'parampo is considered valid in Tana Toraja customs, the traditional leaders still respect the existence of national law and therefore recommend that the community register their marriages to obtain a marriage certificate. The Tana Toraja community views the Sule Langngan Banua marriage as an ancestral heritage that must be preserved and maintained. This traditional practice is also seen as a way to safeguard ancestral wealth, including social status and valuable heirlooms. According to informants, the community is aware of existing national legal regulations, but since this tradition existed long before the enactment of Law No. 1 of 1974 on Marriage, they continue this practice while adhering to national laws by officially registering their marriages. In practice, the community prioritizes customary law.

The tradition of Rampanan Kapa' Sule Langngan Banua is allowed to continue by both the community and government institutions. The government does not fully understand the prohibition of consanguineous marriages as stipulated in Law No. 1 of 1974 on Marriage. The indigenous community places greater value on evolving customary law because they believe it enables simpler and less convoluted family-based conflict resolution, which does not result in ongoing conflicts. This familial conflict resolution is seen as more unifying for the community compared to judicial resolutions under national law, which they find very complicated.

Based on interviews with traditional leaders and informal conversations with local government officers, it was found that the tradition of Rampanan Kapa' Sule Langngan Banua is still permitted to continue. According to these informants, the government tends to overlook the legal implications of consanguineous marriages as regulated by Law No. 1 of 1974. This is partly due to the view that customary law provides more practical, familial conflict resolution mechanisms that are culturally acceptable and less confrontational than judicial proceedings (Ibrahim et al., 2022). Rampanan Kapa' Sule Langngan Banua is practiced not only because of the community's lack of understanding about the conflict between national law and customary traditions, but also because the government, as the highest authority, does not act decisively to address customary practices that contradict national and Islamic laws. Research indicates that participants in this tradition come not only from the general public but also from civil servants. This shows that even those closest to the government still uphold these customs.

The Muslim community in Tana Toraja views the tradition of Rampanan Kapa' Sule Langngan Banua as a long-standing marriage practice aimed at preserving kinship ties within a family clan. The Tana

Toraja community strongly desires to maintain this tradition because it serves as a means to strengthen familial bonds.

The Tana Toraja community considers this tradition to be naturally alive and evolving within their society, especially given its purpose. According to informants, from an Islamic legal perspective, this tradition is permissible as long as there is no milk-sibling relationship or sibling relationship involved. They regard this tradition not as a disgrace but as a source of pride because it allows for the preservation of kinship ties within one lineage and the maintenance of ancestral heritage, including social status and valuable heirlooms or wealth that can be monetarily valued.

In practice, the Rampanan Kapa' tradition generally involves marriage between first or second cousins (collateral consanguinity), and in some cases, more distant relatives within the same patrilineal or matrilineal clan. According to informants, marriages between direct siblings or milk siblings are not part of this tradition, as they are widely recognized as prohibited by both customary norms and Islamic law. Informants estimated that several such marriages occur annually, especially within noble families aiming to retain wealth within the extended lineage. According to informants, the Rampanan Kapa' tradition typically involves marriage between first or second cousins and is considered permissible within their community understanding of Islamic law, as long as it does not involve direct siblings or milk siblings. This nuanced understanding reflects the community's attempt to align ancestral customs with perceived religious boundaries.

The Legitimacy of Rampanan Kapa' Sule Langngan Banua from an Islamic Law Perspective

Sibling relationships are very strong natural bonds. Brothers and sisters are not sexually attracted to each other because sibling emotions are dominant, leaving no room for other feelings besides these natural emotions. Therefore, the wisdom of Islamic law prohibits marrying one's sister to ensure that those deviating from their nature have a proper channel to replace sexual orientation with sibling emotions (Rohidin, 2016).

The understanding of the Tana Toraja community regarding siblings includes biological siblings, milk-siblings, and first cousins within the family. This understanding is still very limited compared to the applicable legal regulations. According to one informant regarding the origin of Rampanan Kapa' Sule Langngan Banua, there was once a nobleman (Ma'dika) named Londong Di Rura who had two pairs of sons and daughters. Because Londong Di Rura was a nobleman with a lot of wealth, he married off his two pairs of children to ensure that his wealth remained intact and to prevent his children from marrying commoners (Kaunan).

However, because consanguineous marriage is considered to violate customs and cause many problems, the traditional community agreed to appoint Pong Sulu Ara' to reorganize customs. As an analogy, a betel nut was split in two and replanted with the assumption that if it grew, consanguineous marriage would still be allowed. Since the betel nut could not grow again, consanguineous marriage was only allowed within first-degree collateral kinship and pure noble descendants, but still needed to be discussed. Nowadays, this tradition is also practiced by the middle strata of society who perform Rampanan Kapa' Sule Langngan Banua (Tandililing, 2022).

Marriage in Islam has rules and mechanisms clearly and elaborately regulated in the Quran and Sunnah (Rahman & Abdurakhman, 2021). Likewise, in positive law as outlined in the Marriage Law and the Compilation of Islamic Law (KHI) in Indonesia. The prohibition of marriage in Islam is divided into two: temporary prohibitions and permanent prohibitions. (Indiantoro et al., 2022). Temporary prohibitions include conditions such as iddah, talaq, nifas, insanity, and combining two sisters in one marriage. Permanent prohibitions apply to blood relationships such as between child and parent, siblings, and first cousins. Islam recommends marriage to perfect religion, but there are marriages that are prohibited, both temporarily and permanently. Marriages that meet the pillars and conditions must be reviewed from the aspect of impediments, namely the principle of selectivity in Islamic marriage law.

There is nothing prescribed in Islam through the Quran or Sunnah that does not contain real benefits, even though these benefits may be hidden to some people who are veiled by their desires. The benefits intended by Islam are not those that align with the desires, but the real benefits that concern the public interest, not particular (specific) interests. The Islamic benefits realized through Islamic laws and established based on religious texts are real benefits, which refer to the preservation of five things: religion, life, property, intellect, and lineage.

Fourteen centuries ago, the Quran already warned and strictly prohibited sexual relations between a man and a woman who are blood relatives. The Quran clearly and strictly lists those who are not to be married. Those who cannot be married are prohibited for several reasons. Reasons that are eternal or permanent (al-muharramat al-muabbadah), and reasons that are temporary (al-muharramat al-muaqqatah).

The exact reason or 'illah for this prohibition is not known for sure, but some scholars have tried to study it further (Khaeruman, 2024). Thus, some scholars believe that the prohibition of marrying a woman because of family ties is due to the impact that the relationship can have, namely, producing offspring that are physically and mentally weak. That is why 'Umar ibn al-Khattab advised marrying foreign women (those who are not

relatives) so that the children born from the relationship would not be stunted and weak.

Everything forbidden by Allah SWT undoubtedly brings many harms (dangers). Regarding consanguineous marriage, it is clearly prohibited by Islamic law. Allah SWT says in Surah An-Nisa verse 22:

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ إِنَّهُ كَانَ فَاحِشَةً وَمَقْتًا وَسَاءَ سَبِيلًا

Translation:

Do not marry women whom your fathers married, except what has already passed. Indeed, it was an immorality and hateful (to Allah) and was evil as a way (Indonesia, 2014).

Then, Surah An-Nisa verse 23 was revealed, which clearly explains the women who are prohibited from marriage. Because in essence, marriage is to build a harmonious and happy household. Marrying these women will not achieve harmony and happiness in the form of peace of mind and tranquility of soul. The Compilation of Islamic Law (KHI) discusses the prohibition of marriage. There are two types of marriage prohibitions: permanent prohibitions (muabbad) and temporary prohibitions (ghoiru muabbad). Permanent prohibitions apply to people who can never be married, due to blood relations, marital relations, and milk kinship. These prohibitions can be seen in Surah An-Nisa verse 23 as follows:

وَبَنَاتِ الْأَخْتِ وَأُمَّهَاتِكُمُ الَّتِي أَرْضَعْتِكُمُ حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتِكُمْ وَبَنَاتِكُمْ وَأَخَوَاتِكُمْ وَعُمَّاتِكُمْ وَأَخَوَاتِكُمْ وَأَخَوَاتِكُمْ الَّتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ وَحَلَائِلَ أَبْنَائِكُمُ الَّذِينَ مِنْ أَصْلَابِكُمْ وَأَنْ تَجْمَعُوا بَيْنَ الْأَخْتَيْنِ إِلَّا مَا قَدْ سَلَفَ إِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا

Translation:

It is forbidden for you (to marry) your mothers, your daughters, your sisters, your paternal aunts, your maternal aunts, your brother's daughters, your sister's daughters, your foster mothers who nursed you, your foster sisters, your mothers-in-law, your stepdaughters under your guardianship from wives with whom you have consummated the marriage, but there is no sin on you if you have not consummated the marriage (and have divorced them), (and forbidden to you) the wives of your biological sons (daughters-in-law), and (it is also forbidden) to combine (in marriage) two sisters, except what has already passed. Indeed, Allah is Ever-Forgiving, Most Merciful (Indonesia, 2014).

Women who are forbidden to marry due to lineage according to Article 39 of the Compilation of Islamic Law paragraph (1) are:

1. A woman who gives birth to him or her descendants;
2. Women who are descendants of his father or mother;
3. Women who are siblings who gave birth to him (Indonesia, 2018).

Regarding the prohibition of marriage due to in-law relationships as mentioned above, it is explicitly stated in Article 39 of the Compilation of Islamic Law paragraph (2) that the prohibition of marriage due to in-law relationships includes, among others, women who are:

1. With the woman who gave birth to his wife or ex-wife;
2. With the ex-wife of the person who gave birth to him;
3. With the descendants of his wife or ex-wife, except when the marriage with the ex-wife ended before consummation;
4. With the ex-wife of his descendants (Indonesia, 2018).

The relevance of breastfeeding as a cause for the prohibition of marriage is due to the importance of breastfeeding for a mother to her baby, whether the mother is still married or has divorced. Regarding the prohibition of marrying women due to breastfeeding, there are some differences regarding the duration or amount of breast milk consumed by the baby. Imam Shafi'i states that the prohibition applies with a minimum of five breastfeeding sessions. Others say that three or more breastfeeding sessions are sufficient. (Ridha, n.d.) Other scholars say that it does not make one a mahram if the breastfeeding is less than three sessions.

From this explanation, we can understand that the prohibition of marrying women due to breastfeeding emphasizes the significant respect Islam has for the important function of breastfeeding more generally. It means that because the breastfeeding process involves the child being breastfed, the woman who offers herself to be the foster mother, and the biological mother of the breastfed child, all three elements have a closely-knit relationship. Thus, the purpose of the law finds its significance at this point. In Article 39 paragraph (3) of the Compilation of Islamic Law, it has been explained that the prohibition of marriage due to breastfeeding relationships includes, among others, women who are:

1. With the woman who breastfed and so on in a straight line upwards;
2. With a woman who is a foster sibling and so on in a straight line downwards;
3. With a woman who is a foster sibling and foster nieces downwards;
4. With a woman who is a foster aunt and foster grand-aunt upwards;
5. With a child who was breastfed by his wife and her descendants (Indonesia, 2018).

The prohibition of incestuous marriages due to breastfeeding relationships seems to be easily accepted by common sense. This is based on a hadith narrated by Abu Daud, as follows:

عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: "يَحْرُمُ مِنَ الرِّضَاعَةِ مَا يَحْرُمُ مِنَ النَّسَبِ."

Translation:

Narrated to us by Abdullah bin Maslamah from Malik from Abdullah bin Dinar from Sulaiman bin Yasar from Urwah from Aisha, the wife of the Prophet Muhammad SAW, that the Prophet SAW said: "What is forbidden due to breastfeeding is forbidden just as (it is forbidden) due to lineage (Al-Ash'ath, 1999).

Based on the above hadith, it can be understood that it is forbidden for us to marry a sibling from the same breastfeeding. This is reinforced by the translation of Q.S. An-Nisa verse 23 which has been mentioned earlier regarding who are forbidden and unlawful to marry. The legal provisions in the Qur'an and hadith have been manifested in the form of compulsory and enforceable regulations for everyone to adhere to. The same applies to the Compilation of Islamic Law (Baderin, 2021). Juristically, the Compilation of Islamic Law has the authority to determine the permissibility of a marriage based on the articles contained within it (Baderin, 2021). The intellectual principles underlying the restriction of marriage owing to nursing in the Compilation of Islamic Law aim to promote welfare, which encompasses three categories: (Djamil, 1997)

1. The aspect of daruriyyah welfare, which is of great importance because its absence brings about the consequence of disrupting the order of life and widespread chaos among people, resulting in the neglect of their welfare. Daruriyyah is a primary goal that must exist and be realized as it is essential in life. If this primary goal is not achieved, welfare will not be attained, and instead, destruction, chaos, and ruin will occur in worldly life and loss (misery) in the hereafter.
2. The aspect of hajiyyah welfare, which refers to welfare whose absence causes hardship and difficulty for people. Imposing burdensome matters will create distress. Hajiyyah is a secondary goal. With the realization of this goal, spaciousness (ease) will be achieved, and narrowness and difficulty in life will be avoided. However, if this goal is not realized, it does not lead to hardship, difficulty, or narrowness. This goal also applies to matters of worship, customary practices, transactions, and criminal law.
3. The aspect of tahsiniyyah welfare, which refers to welfare whose absence does not lead to the disruption of the order of life and does not cause people to fall into hardship. Tahsiniyyah is a tertiary element, which means taking something that aligns with the sense of beauty in customs and avoiding deceitful situations considered by a sound and straight mind.

Moreover, temporary marriage prohibitions encompass individuals who are ineligible for marriage for specific durations or owing to impediments that obstruct the union. Upon the removal of the impediment,

the marriage is deemed acceptable. Women who are unable to marry temporarily due to certain impediments are:

1. Women who are still married to another person or still in a valid marriage. These women can be married after a divorce (becoming widows) and after the iddah period ends. Article 40 of the Compilation of Islamic Law states that a man is prohibited from marrying a woman due to certain circumstances, namely: first, a woman still in a valid marriage with another person; second, a woman in the iddah period; and third, a woman who is not Muslim. The prohibition of marrying someone still in a marital relationship with another person is stated both in the Qur'an and the Compilation of Islamic Law, indicating a shared interest in legal determination to protect and guarantee the honor of each party
2. Women who are still in the iddah period (waiting period) due to either divorce or death. According to both the Qur'an and Article 40 of the Compilation of Islamic Law, a woman in the iddah period cannot be married until that period ends as per the existing legal provisions.
3. The obstacle of disbelief, where a non-Muslim woman cannot be married according to Article 40 of the Compilation of Islamic Law letter c. This is also relevant to what is explained in Q.S. Al-Baqarah verse 221. The prohibition of marrying a non-Muslim is also affirmed in Article 75 of the Compilation of Islamic Law, stating the nullification of marriage if either spouse apostatizes. The clarity and firmness in this legislation provide an understanding that the Compilation of Islamic Law's rules on this matter are clear and firm in prohibiting a man from marrying a non-Muslim woman.
4. The prohibition of marrying two women with a blood relation simultaneously. The prohibition of marrying two related women is based on Q.S. An-Nisa verse 23 and is incorporated into Article 41 of the Compilation of Islamic Law, which states that a man is prohibited from marrying his wife and a woman related to his wife by lineage or breastfeeding, namely: 1) Paternal or maternal sisters and their descendants; 2) A woman and her aunt or niece.
5. The numerical obstacle, which prohibits a man from marrying more than four women simultaneously.
6. The obstacle of a threefold divorce, where a woman divorced thrice cannot be remarried by her former husband unless she marries someone else and gets divorced, and her iddah period is over. The ihram obstacle, where a woman in the state of ihram during Hajj or Umrah is prohibited from being married.

From the above explanation regarding the relevance of marriage prohibitions according to the Compilation of Islamic Law and the Qur'an, not all women can be married merely based on mutual consent. Women can

be married if they are not from the groups permanently prohibited due to lineage or breastfeeding or due to in-law relations (Hasibuan, 2022). However, women temporarily prohibited from marriage can be married once the hindering conditions are removed, such as a threefold divorce, marrying more than four wives, marrying two sisters, being in the iddah period, being in the state of ihram, and due to disbelief.

Based on the above provisions, the researcher concludes that the Rampanan Kapa' Sule Langngan Banua or consanguineous marriage, when viewed from the perspective of Islamic law, is invalid because it involves a marriage between two people who are mahram. Hence, the marriage is invalid or void by law. The legal consequences of committing this act, either intentionally or unintentionally, are that it violates Shari'a and is considered sinful and unlawful. Legal invalidity occurs if there is a violation of marriage prohibitions or non-fulfillment of marriage pillars and conditions, which are attached to the pillars of marriage as regulated in Islamic Shari'a and marriage legislation (Harisudin & Choriri, 2021).

Conclusion

The tradition of Rampanan Kapa' Sule Langngan Banua or consanguineous marriage, from the perspective of Islamic law, is considered invalid. This is due to the fact that the marriage involves two individuals who have a mahram relationship. Therefore, the marriage is void by law. The legal consequences that arise, whether done intentionally or unintentionally, are violations of Shari'a and are considered wrong in the eyes of the law. Based on the findings, the key recommendation of this study is to harmonize customary practices with Islamic law through a community-based legal education program that involves religious leaders, traditional authorities, and local government. Additionally, the formulation of local regulations (Peraturan Daerah) that accommodate cultural values while adhering to Islamic legal principles is essential.

These recommendations are based on field data indicating that many practitioners are unaware of the legal and religious implications of consanguineous marriage. By offering culturally sensitive yet theologically grounded alternatives, the risk of ongoing normative conflict can be reduced. The potential impact includes greater legal awareness, increased compliance with Islamic marital law, and enhanced social harmony in religiously diverse communities.

Bibliography

Books

Baderin, M. A. (2021). *Islamic Law: A Very Short Introduction*. Oxford University Press.

- Howe, N., Paine, A. L., Ross, H. S., & Recchia, H. (2022). Sibling relations in early and middle childhood. In P. K. Smith & C. H. Hart (Eds.), *The Wiley-Blackwell Handbook of Childhood Social Development* (3rd ed., pp. 443–458). Wiley-Blackwell.
- Nooy-Palm, H. (1979). *Tue Sa'dan-Toraja And Tueir Environment Book Title: The Sa'dan-Toraja Book Subtitle: A Study of Their Social Life and Religion. I: Organization, Symbol and Beliefs*. Koninklijk Instituut voor Taal-, Land- en Volkenkunde.
- Rohidin. (2016). *Pengantar Hukum Islam*. Lintang Rasie Aksara Books.
- Rahman, S. S., & Abdurakhman. (2021). Aisyiyah and the marriage issue during the 1928 Indonesian women's congress. In *Dissecting History and Problematizing the Past in Indonesia* (pp. 141–154). Nova Science Publishers, Inc.

Journal Articles with DOI

- Abbas, A., & Hidayah, N. (2021). The Impact of Customary Wedding Culture Rampanan Kapa' in Strengthening the Customary Law and Improving Cultural Tourism in Tana Toraja_South Sulawesi. *Atlantis Press, Advances i(Icblt)*, 42–46. <https://doi.org/10.2991/assehr.k.211203.009Atlantis Press>.
- Amiruddin, M. M., Sulaeman, B., Ahrar, M. R., Yusuf, A., & Nusair, A. (2024). *Harmonizing Tradition and Sharia: Istishab in Managing a Deferred Non-Negotiated Fish Transactions in Indonesia Fishing vessels return from the nocturnal excursions at dawn ' s muted light ,.* 6(1), 178–197. <https://doi.org/10.24252/mazahibuna.vi.51573>.
- Blijleven, W., & van Hulst, M. (2022). Encounters with the organisation: How local civil servants experience and handle tensions in public engagement. *Local Government Studies*, 48(3), 615–639. <https://doi.org/10.1080/03003930.2020.1857247>.
- Burkitt, I. (2021). The emotions in cultural-historical activity theory: Personality, emotion and motivation in social relations and activity. *Integrative Psychological and Behavioral Science*, 55(1), 1–22. <https://doi.org/10.1007/s12124-021-09615-x>.
- Diva Pitaloka, Muhammad Havez, Joko Jumadi, R. W. P. (2024). Position Of Children In The Distribution Of Inheritance From Incestual Marriage According To Islamic And Civil Law. *Journal of Law and Policy Transformation*, 9(12), 179–197. <https://doi.org/10.3390/su15043855>.
- Elmali-Karakaya, A. (2022). Interfaith marriage in Islam: Classical Islamic resources and contemporary debates on Muslim women's interfaith marriages. *Religions*, 13(8), 726. <https://doi.org/10.3390/rel13080726>.

- Fadillah, N. H., Kusuma, A. R., & Rajab al-Lakhm, N. R. (2023). The Concept of Science in Islamic Tradition: Analytical Studies of Syed Naquib Al-Attas on Knowledge. *Tasfiah: Jurnal Pemikiran Islam*, 7(1), 25–62. <https://doi.org/10.21111/tasfiah.v7i1.8456>.
- Geampana, A., & Perrotta, M. (2025). Using interview excerpts to facilitate focus group discussion. *Qualitative Research*, 25(1), 130–145. <https://doi.org/10.1177/14687941241234283>.
- Hammad, H. A. A. K., & Zulfahmi, A. R. (2023). Tracing the rules of sexual abnormality in the Islamic jurisprudence. *Mazahibuna: Jurnal Perbandingan Mazhab*, 5(1), 1–16. <https://doi.org/10.24252/mh.v5i1.35794>.
- Harisudin, M. N., & Choriri, M. (2021). On the legal sanction against marriage registration violation in Southeast Asia countries: A Jasser Auda's Maqasid Al-Shariah perspective. *Samarah*, 5(1), 471–495. <https://doi.org/10.22373/sjhk.v5i1.9159Grafati>.
- Hasnadewi, N., Sulistyarini, R., & Chanifah, N. (2024). The Position of Children as a Result of Marriage Cancellation of Inbreeding. *International Journal of Business, Law, and Education*, 5(1), 1261–1269. <https://doi.org/10.56442/ijble.v5i1.537Ijble>.
- Hasibuan, Ginny Mega Maulidia. (2022). The Relation of the Law on Marriage of the Batak Indigenous Clan with the Incest Marriage Law. *Awang Long Law Review*, 4(2), 318–325. <https://doi.org/10.56301/awl.v4i2.384UIB Journals>.
- Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between Islamic law and secular civil law. *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasaah and Muamalah*, 1(1), 1–17. <https://doi.org/10.35335/cfb3wk76>
- Ibrahim, M. G., Mahama, E. S., & Fuseini, M. .N. (2022). Cultural dynamics and conflict management: Evidence from Buipe and Bole chieftaincy conflicts in the Savannah Region, Ghana. *Conflict Resolution Quarterly*, 39(4), 403–419. <https://doi.org/10.1002/crq.21340>.
- Indiantoro, A., Isnandar, A., & Pratama, J. F. (2022). Suro Month Wedding Prohibition: Islamic Perspective Customary Law Debate. *Al-Hayat: Journal of Islamic Education*, 6(2), 438–448. <https://doi.org/10.35723/ajie.v6i2.320>.
- Jain, N. (2021). Survey versus interviews: Comparing data collection tools for exploratory research. *Qualitative Report*, 26(2), 541–554. <https://doi.org/10.46743/2160-3715/2021.4492>.

- Jaraba, M. (2025). Rethinking consanguineous marriages in a diasporic setting: A case study of ar-Rashidiyya kinship community in Germany. *Journal of Family History*, 50(1), 45–62. <https://doi.org/10.1177/03631990241252056>.
- Jairoun, A. A., Al-Hemyari, S. S., Shahwan, M., Karuniawati, H., Zyoud, S. H., Abu-Gharbieh, E., Zyoud, S. H., Al-Ani, M., Habeb, M., & Jairoun, M. (2024). Assessing Students' Knowledge and Attitudes Regarding the Risks and Prevention of Consanguineous Marriage: A Cross-Sectional Online Survey. *Journal of Multidisciplinary Healthcare*, 17(March), 1251–1263. <https://doi.org/10.2147/JMDH.S449348>.
- Karimullah, S. S. (2023). From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings. *Justicia Islamica*, 20(2), 214–240. <https://doi.org/10.21154/justicia.v20i2.6478>.
- Khaeruman, B. (2024). The Qur'an and Hadith as a Rule of Law Change: Fatwa Studies of Islamic Organizations in West Java. *International Journal of Nusantara Islam*, 12(1), 45–58. <https://doi.org/10.15575/ijni.v12i1.12345>.
- Mansouritorghabeh, H. (2021). Consanguineous marriage and rare bleeding disorders. *Expert Review of Hematology*, 14(5), 467–472. <https://doi.org/10.1080/17474086.2021.1923476>.
- Michael, A., Masruri, S., & Husein, F. (2023). Exploring The Gradual Islamization of Tana Toraja In South Sulawesi. *Esensia: Jurnal Ilmu-Ushuluddin*, 24(2), 134–143. <https://doi.org/10.14421/esensia.v24i2.3563>.
- Monaro, S., Gullick, J., & West, S. (2022). Qualitative Data Analysis for Health Research: A Step-by-Step Example of Phenomenological Interpretation. *Qualitative Report*, 27(4), 1040–1057. <https://doi.org/10.46743/2160-3715/2022.5249>.
- Pasulle, S., Pirol, A., & Nawas, M. Z. A. (2024). Acculturation of Aluk Todolo Culture and its Implications for Child Education in Muslim Rural Families. *Al-Hayat: Journal of Islamic Education*, 8(2), 446. <https://doi.org/10.35723/ajie.v8i1.479>.
- Saputra, R. A., & Sanjaya, U. H. (2023). Legal Construction of Consanguineous Marriages (Analysis of Article 8 of Law Number 1 of 1974 concerning Marriage). *Perspektif Hukum*, 23(2), 239–261. <https://doi.org/10.30649/ph.v23i2.247>.
- Shenk, M. K., Naz, S., & Chaudhry, T. (2024). Intensive Kinship, Development, and Demography: Why Pakistan has the Highest

- Rates of Cousin Marriage in the World. *Population and Development Review*, 50(4), 1045–1090. <https://doi.org/10.1111/padr.12678>.
- Sridharan, V. G. (2021). Methodological Insights Theory development in qualitative management control: revisiting the roles of triangulation and generalization. *Accounting, Auditing and Accountability Journal*, 34(2), 451–479. <https://doi.org/10.1108/AAAJ-09-2019-4177>.
- Sumiaty, M. H., Randalele, C. E., Iye, R., & Nur Abida, F. I. (2023). The value of Tallu Lolona and its influence to the life of Toraja people. *Cogent Social Sciences*, 9(2), 2262775. <https://doi.org/10.1080/23311886.2023.2262775>.
- Taruk, E. W. (2021). Intercaste Marriage In The Context Of Toraja: Towards Contextual Theology Of Intercaste Marriage In Toraja. *QUAERENS: Journal of Theology and Christianity Studies*, 3(2), 155–171. <https://doi.org/10.46362/quaerens.v3i2.76>.
- Temaj, G., Nuhii, N., & Sayer, J. A. (2022). The impact of consanguinity on human health and disease with an emphasis on rare diseases. *Journal of Rare Diseases*, 1(2), 1–7. <https://doi.org/10.1007/s44162-022-00004-5>.
- Wardana, W., & Zahara, F. (2024). Prohibition of Marriages within the Same Clan in Batak Toba Samosir Customs from the Perspective of Islamic Law. 5(2), 354–360. <https://doi.org/10.33122/ejeset.v5i2.381>.
- Wiryadinata, H. (2024). Aluk Todolo: The Journey of Puang Matua's Wisdom from Dormancy to Revival. *International Journal of Religion and Spirituality in Society*, 15(2), 263–277. <https://doi.org/10.18848/2154-8633/CGP/v15i02/263-277>.
- Ya'arit Bokek-Cohen, I. M.-S. & M. T. (2021). Violating Religious Prohibitions to Preserve Family Harmony and Lineage among Sunni Muslims. *Marriage & Family Review*, 58(3), 245–270. <https://doi.org/10.1080/01494929.2021.1953667>.