



# Anak Dalam Tribe Marriage (Sad) in Jambi

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**Abstract.** Marriage is a legal event that creates rights and obligations for husband and wife. To actualize legal certainty of these rights and obligations, marriage must be carried out in accordance with Law Number 1 of 1974 concerning Marriage. It is based on the law of religion and belief of the husband and wife then be recorded. This regulation applies to all Indonesian citizens including the Anak Dalam Tribe (SAD) who live in Jambi. The purpose of the study is to analyze and explain the practice of Anak Dalam tribe (SAD) marriage in Jambi province. Also to analyze and explain the obstacles in practicing it. This research uses primary data sources. The main data is obtained directly in the field through interviews with the *Tomenggung* (the chairman of the tribe) and the secondary data is gain from the related literature studies of customary law. In practicing the marriages, they do it in accordance of the religious law they adhere to without leaving the regulations of their own customary marriage law. But some of them do not register their marriage. As a result, the marriage does not get legal protections. Another problem is that they do not fulfill the marriage requirements stipulated in the regulations, namely the minimum age requirement for marriage. In addition, there are still Anak Dalam Tribe who do not have administrative requirements for the registry. Therefore, the targeted finding of this research is to achieve harmonization of Anak Dalam Tribe customary law with the legal marriage law. It is also expected that Anak Dalam Tribe can comply the values contained in the applicable law in practicing the marriage.

**Keywords:** Anak Dalam Tribe (SAD) · Local Wisdom · Marriage

## 1 Introduction

Indonesia is known for its diverse customs, tribes, and cultures that characterize each region. The government recognizes and respects indigenous peoples and the basic rights of these communities as long as these communities are still alive by upholding the principles of these communities from the time of their ancestors until now. State recognition of the existence of customary law communities is stated in Article 18B Paragraph (2) of the 1945 Constitution. The customary law community along their respective characteristics have existed since hundreds of years ago.

One of the diversity and patterns of life is found in Jambi Province. It is the isolated communities which is known as the Anak Dalam Tribe (SAD) whose communities live in the forest and they prefer to be called Orang Rimbo. The Anak Dalam Tribe are

scattered in several areas which are broadly located in the North of Jambi Province around the Bukit 30 National Park, Bukit 12 National Park, and in the Southern region of Jambi Province i.e. along the Sumatra causeway. Some of them still live in the jungle, some other live in palm oil plantation areas, and in villages mingle with the surrounding community.

The life of the Anak Dalam Tribe is based on the principles contained in the customs they have inherited from their ancestors. The customary principles of them are known as *Undang Pucuk Delapan Teliti Dua Belas*. The rules or norms that develop from human behavior eventually become guidelines or benchmarks for humans in carrying out their actions [1]. For example, culture and environment of a society affect the rules of marriage. According to customary law, in general, marriage is a “civil bond” meaning that the legal consequences of marriage begin before the marriage takes place. For example, there is a wedding proposal from parents to a future husband and wife [2]. The rules of the local indigenous community also serve as guidelines for conducting marriages and each of them has its own tradition of marriage ceremonies. For example the prohibition against marriage with certain clans of their indigenous peoples or vice versa.

In Anak Dalam Tribe community, marriage is exogamous, that is, married to someone outside the family circle [3]. They are married to those from different groups. *Rombong* is a group of relatives of the Anak Dalam tribe who join the *se tubo* group to become *se rembong* group. There are three groups in Makekal, namely the Makekal Ulu group, the Middle Makekal group, and the Makekal Ilir group. This is the group of relatives of the *se rombong* who finally give each other girls to other groups of the *rombong* [4]. The marriage arrangements are arranged as follows, the Makekal Ulu group had to find a wife from the Middle Makekal group, and the Middle Makekal group had to find a wife in the Makekal Ilir group. There are three principles in the marriage of the Anak Dalam Tribe, namely: a) the exchange of girls; girls may not marry anyone other than the Orang Rimbo. b) effort, that is, if a man is going to marry a girl, he is required to go with the parents in-laws for at least one season. c) dowry, in the form of a number of cloths whose number is above 200 pieces (Mutholib, 2014:121).

During the marriage process, there is a rule named *Niti Kayuantu* test. In this test the couple who will get married must pass two pieces of logs that are peeled off, the logs are placed on a river which then must be passed by couple hand in hand. If they fall into the river, then the marriage is canceled, and they must repeat it again in another day until the slippery logs is successfully passed. After that the test also must be repeated three times. The implementation of the *Niti Kayuantu* test is the same as the wedding agreement the indigenous people outside Anak Dalam Tribe community so that it must be repeated until it is successful. After the couple has successfully do the *niti kayuantu* test, the headman will hit *baneng* (a big tortoise shell) as a sign that the marriage is approved.

Currently the Anak Dalam tribes have experienced religious conversions, from animism and dynamism to Islam, such as the Anak Dalam tribe in Nyogan, Markanding, Bunut, Nagosari and Mestong in Muaro Jambi Regency, also in Air Hitam village, Sarolangon Regency as well as in the Jebak Batu Hampar area, Singkawang Baru in Batang Hari Regency. This phenomena cause a change in the customary law, including in terms of marriage. As Setiady (2013:36) said that changes in customary law are very

possible because of the dynamic of customary law itself as it is influenced by circumstances, time and place. Beside religious conversion, lately some of Anak Dalam Tribe no longer live in jungle but they have mingled with the surrounding community and interacting with people outside their tribe. This also causes change to the marriage customs of the Anak Dalam tribe. For example, the *niti kayuantu* test (walking on slippery logs) has been increasingly abandoned (Malaloto. 1995: 39). And also used to the age of the groom is mostly younger (aged between 11 to 14 years) than the bride (aged between 17 to 21 years) but now their age gap is almost the same. Now in Nyogan Village (Muaro Jambi Regency) and Bungku Village in Batang Hari Regency, most of the Anak Dalam Tribe who are married have reached the age specified in the Marriage Law (men are 19 years old, and women are 16 years old) and they also obey Islamic Regulation for marriage as their belief (Sukarnadirajo, 2010). However, there are still couples who do not register their marriage in accordance with applicable law. Meanwhile, as citizens all Indonesian must also obey the applicable laws No. 1 of 1974 concerning Marriage. The Marriage Law regulates the registration of marriages. Marriage registration aims to obtain legal certainty. Legal certainty is a characteristic that cannot be separated from law, especially for written law. Without it, the law will lose its meaning as a guide for human behavior.

Based on the explanation above, the researcher assumed that it is necessary to dig more information about marriage law in Anak Dalam Tribe in Jambi, specifically in Nyogan Village, Muaro Regency, Jambi, Bungku Village, Batang Hari Regency, Mandingan Village and Sarolangun Regency. Using empirical juridical research in the jurisdiction of Jambi Province this study looks at the synchronization or legal work in reality. Two main research questions are addressed to this research study:

1. How do Anak Dalam Tribes practice their marriage?
2. What are the obstacle in practicing the marriage based on the applicable law?

### ***The Practice of Anak Dalam Tribe Marriage in Jambi***

The anak dalam tribe -also known as orang rimbo- is one of Malay Tribes who live in the jungle of Jambi province such as in Batang Hari, Muaro Jambi, Bungo, Merangin and Sarolangun regency. They are Indonesian who live there for a long time and some of them don't own National Identity card. The total number of them are 2250.

The Anak Dalam tribe, when viewed from a historical perspective, came from soldiers who fled from war between Jambi Malay kingdom and Pagaruyung Minang Kabau kingdom of West Sumatra. At that time, the troops from the Pagaruyung kingdom had not yet arrived in Jambi Malay Kingdom, around the border of Merangin Regency, Bungo Regency and Tebo Regency. They were running out of supplies in the middle of the road meanwhile the place to go to Jambi Malay Kingdom is still far away, the same way if they want to return to the Pagaruyung Kingdom the road is quite far. Finally, based on a mutual agreement, they did not continue their journey to the Jambi Malay Kingdom, nor would they return to the Pagaruyung Kingdom. They took an oath together with the words “ ke mudik dikutuk Rajo Minangkabau, ke ilir dikutuk Rajo Jambi, ke atas idak bapucuk, di tengah-tengah dimakan kumbang, ditimpo kayu bangun “ which means to go home is cursed by Rajo Minangkabau, to keep going is cursed by Rajo Jambi, to the top of the bashoot, to be eaten by beetles, pressed by the wood to wake up. The oath

implies that they will not break their oath, and will not submit to Rajo Pagaruyung and Rajo Jambi. So they formed their own community, namely the Anak Dalam Tribe or the Kubu Tribe, and some called the Orang Rimba [3].

In another version, it is stated that the Anak Dalam tribe in Jambi Province began with the entry of a citizen (single youth) named Bujang Parantau from the Pagaruyung kingdom of West Sumatra into the Mangkekal forest which was included in the territory of the Jambi Kingdom. In the forest Bujang Parantau found a type of fruit called "Kelopang fruit". The fruit was brought home and then broken, the fruit fragments transformed into a princess, the princess asked Bujang Parantau to marry on the condition that she had to pass the slippery wood that had been peeled off known as "wood bayur". From the marriage of the Princess with Bujan Parantau gave birth to 4 (four) children, namely: (1) Bujang Malapangi (male), (2) Dewo Tunggal (male), (3) Salero Pinang Masak (female), and (4) Putri Ivory (female),

The kinship relationship of the Anak Dalam tribe is still well maintained, leaders such as the Temenggung are democratically elected based on the abilities, courage, and expertise of the prospective leaders. The attitude of followers towards the leader is reflected in their ethics when speaking, this shows that appreciation for the leader is not only seen from the speech, but also from the language/terms used in communication. For example, the word "you" is considered impolite to be replaced with the word "mikai", while the word "I" is replaced by the word "awak". Communication between each other, especially between followers and leaders is conveyed gently, this is in accordance with their customary saying; courtesy and understanding [3].

The government structure of the Anak Dalam tribe in their daily life still follows the government structure according to the Indonesian legal system according to the area where they live as mentioned above. However, in addition to the structure according to the Indonesian legal system, they have a tradition government structure that specifically carries out their daily customs, such as marriage customs, the tradition of the Temenggung inauguration, the tradition of dispute resolution and others related to it.

The traditional government structure is chaired by Temenggung Malik who has the title "Temenggung Sukarnadirajo". Temenggung Malik is the son of Temenggung Maliki (deceased) living in Nyongan Village, Muaro Jambi Regency in charge of several friends, namely: 1. Temenggung Jelitai in Merangin Regency, 2. Tariff Temenggung in Sarolangun Regency, 3. Brodan Temenggung in Singkut District (Sarololangun Regency), 4. Temenggung Batiar in Bukit Duo Belas (Batang Hari Regency), 5. Temenggung Ambung in Tebo Regency, 6. Temenggung Rupo-Rupo in Bukit Tigopuluh (Tebo Regency and Bungo Regency), 7 Temenggung Ngalimun Sungkai in Mandiangin Village (Sarolangun Regency), Temenggung Badai in Pelepat District, Bungo Regency.

Tomenggung Malik (Temenggung Sukarnadirajo) is traditionally a Temenggung who is the highest in structure, and oversees the Temenggung-temenggung as mentioned above. He has the authority to issue orders so that the friends under him follow the prevailing customary orders or the newly issued customary orders, including the matter of marriage customs.

Marriage according to customary law is an important event in the life of indigenous peoples, because marriage does not only involve the relationship between the bride and groom, but also involves the relationship of many parties, because it unites two different

families. Marriage is not only important for people living on this earth, but also important for the spirits and ancestors for both parties.

Article 1 of Law No. 1 of 1974 concerning Marriage, it is stated that marriage is a bond between a man and a woman as husband and wife with the aim of forming a family based on the belief in the one and only God. According to Article 2 of the Conflation of Islamic Law, marriage is an act of marriage in which there is a very strong contract known as “*miitsaqan ghaliizhan*” to carry out the commands of Allah SWT. Marriage is an act of worship that must be carried out by humans on this earth who have met the requirements according to Islamic law.

The purpose of marriage in Islamic law is to fulfill the nature of the needs of men and women in order to form a happy and prosperous family based on love based on Islamic law. Thus, basically there are three objectives of marriage/marriage, namely: 1. To justify sexual relations between a man and a woman, 2. To obtain healthy offspring physically and mentally, and legal according to Islam, and 3. To obtain healthy offspring physically and mentally according to the provisions of the applicable legislation.

According to Subekti, marriage is a legal bond between a man and a woman for a long time. Marriage, which has a figurative meaning, is an act of “*Wathaa*” which means intercourse and the contract means making a marriage agreement. The definition of marriage in customary law is not the same as the meaning of marriage according to the marriage law. According to customary law that marriage does not only occur to those who are still alive but marriage can be an important thing or event that is associated with the ancestors of the departed ancestral spirits of the families of both parties who will carry out the marriage. In connection with this, Hazairin stated that the marriage event is a series of three magical acts aimed at ensuring tranquility (*koete*), happiness (*welvaart*) and fertility (*vruchtbaarheid*) [7].

Talking about marriage is not only related to customary law, religious rules, but also related to the provisions of the applicable legislation, namely Law Number 1 of 1974 concerning Marriage and Law No. 16 of 2019 concerning Marriage Amendments to Law Number 1 of 1974 and its Implementing Regulations. The Marriage Law is given the highest position in regulating marriage law in Indonesia, including recognition by the State. Against marriages carried out by all Indonesian people. The Marriage Law stipulates that in order to carry out a marriage one must meet the requirements as stipulated in the Marriage Law, namely the approval of the two prospective brides, the minimum age limit for marriage, parental permission if not yet 21 years old, there are no obstacles to marrying, not bound by marriage and not prohibited by religion [8].

The authorized officer will register the marriage as regulated in Article 2 Paragraph (2) of the Marriage Law. According to Bagir Manan in [9] stated that the function and position of marriage registration is to ensure legal order which functions as an instrument of legal certainty as well as as evidence of marriage.

The practice of marriage in the Anak Dalam tribe community in Jambi is as follows:

#### 1. Marriage age

The Anak Dalam tribe live in groups who live in their respective territories. In carrying out marriages/marriages carried out cross-linked between one group and another, so it is not permissible to do marriage in a group. Based on the research that the author did, it turned

out that the implementation of marriage in the Anak Dalam tribe community underwent changes where some of the Anak Dalam tribe community married outsiders or people who were not members of the Anak Dalam tribe community. From the 24 respondents, 14 people married outsiders (not the Anak Dalam tribe community), and 10 people married other members of the Anak Dalam tribe community who came from different groups. The Anak Dalam tribe now no longer recognize the principle of marriage which requires them to marry each other. The different tribes of Anak Dalam have different groups, so it can be said that there has been a change from the exogamous marriage system to the traditional eleutherogamous marriage system.

The marriage age of the Anak Dalam tribe according to the prevailing customs, for the prospective groom ranges from 11 years to 14 years. As for the prospective bride, the age ranges from 17 to 21 years. Here it can be seen that the prospective groom is younger than the prospective bride [4] The custom of the age of the prospective groom being younger than the prospective bride has been increasingly abandoned, especially after most of the Temanggung already know the age of marriage according to Law No. 1 of 1974 (women are 16 years old and men are 19 years old).. In fact, the age of the prospective groom is mostly older than the prospective bride.

Now with the enactment of Law No. 16 of 2019 which revoked Article 7 Paragraph (1) of Law No. 1 of 1974, the marriage age between the prospective bride and groom is the same, namely 19 years. Psychologically the age of marriage between the groom and the woman is the same (age 19 years) is sufficient time to enter the marriage phase. The 19-year-olds are basically considered mature and mature from three aspects, namely physical, emotional, and financial aspects. At the age of 19, it is hoped that the prospective bride and groom, both male and female, have completed high school. Then from the administrative side of population data at that age, they already have an Identity Card (KTP) to facilitate the administration of marriage.

## 2. Anak Dalam Tribe Marriage Customs.

### a. Single Girl Introduction Stage.

The introduction stage between the prospective groom and the prospective bride according to the customs of the Anak Dalam Tribe has begun in childhood, and is carried out in the fields when planting/harvesting (harvesting) rice together. Jambi Malay customary term is called "*Beselang*", or it is also done in the river, because in general the Anak Dalam tribe go to the river to bathe, that's where they look at each other, if they both have sympathy (love), then each of them convey to their parents. Both parents, both male and female, each met the brother of the two children, known in the customary term "*Tuo Tenganai*" by telling that their child was engaged to someone's son.

If you look at the marriage customs of the Anak Dalam Tribe, it turns out that the engagement had been carried out since childhood with the consent of both parents and *Tuo Tenganai* respectively. In contrast to engagements carried out by people who are not from the Anak Dalam tribe in the Jambi Malay Customary environment, both those living in rural and urban areas, engagements are carried out in a traditional manner by involving many parties, such as brothers from both parties, both from the prospective groom. as well as prospective brides, including village officials. The engagement was carried out before the day of the wedding, there was no engagement since childhood.

The ceremonial engagement ceremony was carried out according to adat and Islamic law to realize that Jambi Malay Customs were; “*Adat yang Bersendi Sayarak, Sayarak Besendi Kitabullah*” which means Islamic teachings as the only basis and or guideline for patterns of behavior in life.

#### b. Wedding Proposal from Men to Women.

The wedding proposal by the groom to the prospective bride is not carried out in a ceremonial event, but it is enough for the father of the groom to meet the parents of the prospective bride to ask for confirmation on the day of the inauguration of the wedding day. The determination of the inauguration day of the wedding is called “*Moro*”. The men who come follow the customary provisions which are quite simple, by bringing *seasam-segaram, selemak-semanis* (side dishes). With the receipt of the delivery, the wedding proposal from the groom’s side has been accepted by the bride. The waiting time before the Anak Dalam tribe wedding ranges from 8, 9 and 10 years, this waiting time is a process of maturity for both the prospective groom and the bride traditionally because their introduction/engagement was done since they were children. The marriage age of the Anak Dalam tribe, men aged between 11 to 14 years, women aged between 17 to 21 years. So the age of the male is younger than the age of the female [4].

Before getting married, the prospective groom must pass a test of dexterity by walking on slippery wood (*niti kayu antu*) with a time starting from sunrise to sunset. The groom’s walking on the wood has begun to be abandoned, due to the influence of the Anak Dalam Tribe’s interactions with the surrounding community and the influence of religion because the Anak Dalam Tribe is currently embracing a religion and most of them are Muslim, besides the influence of news on social media, like television.

According to Priots Sztompkae in [10] mentioned that social change is a form of change that occurs and includes a social system, where there are differences between certain system situations at different times. Social change is related to three criteria, namely; the study of differences, observations of social systems and spatial dimensions that point to areas of social change. Then Kingsley Davis said that social change is a form of change that occurs in the form of the structure and function of society. Furthermore, Mac Iver said that social change occurs due to social relations or changes in balance.

Even now the age of marriage is in accordance with the provisions of the law. However, the chairmen of the Anak Dalam Tribe in the Jambi Province do not know about the amendments to Law No. 1 of 1974 against Law No. 16 of 2019, which determines the age of marriage between male and female candidates is the same (male and female). It is 19 year old male and 19 year old female.

#### c. Implementation of the Wedding Party.

The principle adopted by the Anak Dalam Tribe in the matter of marriage is seen from three aspects, namely the exchange of the girls, the outpouring of energy and the dowry. Exchange of girls means that a girl from the Anak Dalam tribe must marry with a man from the same tribe or group, she cannot marry another group (bride-exchange). Devoting energy means, if a man wants to marry a woman, then the man must contribute energy for the benefit of the prospective bride’s family, such as building a house in the woman’s family environment, helping all the work of the prospective in-laws in the fields



(birde-servive). The bride-price is something in the form of goods that must be given by the prospective groom to the prospective bride in the form of 200 pieces of cloth [4].

Before the marriage is carried out, the prospective groom must give all the requirements requested by the prospective bride, such as: 140 sheets of cloth, *selemak semanis seasam segaram* (cooking spices, rice, etc.), a jungle fowl (chicken Brugo), a dog who is good at hunting, a wild boar, mouse deer, and a quail who is good at fighting. The marriage is carried out by a *Temanggung* (wedding official), witnessed by both parties, then the hands of the prospective bride and groom are clapped as much as seven times, then the two foreheads were slowly haunted. Then the marriage was valid, and the two couples were legal as husband and wife. As the inauguration of the marriage, a party was held at the woman's house in the evening [10].

Based on the results of the research that the author did, from 24 couples who married, the marriage was carried out in an Islamic religion, which began with the reading of the Quran, the Kabul consent and continued with the reading of prayers. It turned out that 19 couples only did marriages according to religious law and did not register their marriages and 6 couples registered their marriages with the Sub-District Religious Affairs Office. There are still married couples who do not register their marriage because they do not yet have an Identity Card.

By not registering a marriage as regulated in Article 2 Paragraph (2) of the Marriage Law, they do not have evidence that they are bound in a marriage which is an instrument of legal certainty. Marriage certificates are very important for a person's survival, with a marriage certificate, the child born in the marriage will become valid which is recognized by law. Unregistered marriages result in children born from such marriages being illegitimate children and in their birth certificates only the name of the mother is listed without the name of the father of the child. According to Radbruch, that justice and legal certainty must be considered, legal certainty must be maintained for the security and order of a country, which in the end positive law must always be obeyed [2].

### **Obstacles in the Implementation of Marriage.**

The Anak Dalam tribe who still live in remote villages who are still far from information about the currents of modernization/globalization are still far behind from the development of existing regulations in Indonesia, including the development of regulations on marriage. This is due to their educational background which is still far behind that of urban communities. They also have not received the source of information properly from the government.

According to *Temanggung Ngalimun Sungkai* (the chairman) in Mandiangin Village, Sarolangun Regency, we were never given counseling about the Marriage Law No. 1 of 1974, including the amendment by Law No. 16 of 2019 regarding the marriage age between men and women being the same, which is 19 year. We have carried out the marriage of our children so far according to the provisions of customary law, the important thing is that both men and women have reached puberty, and deserve to be married according to the prevailing custom.

From the explanation above, it can be seen that the central and regional governments have not made serious efforts to provide guidance or counseling on Law No. 1 Year 1974 as well as amendments by Law N0.16 of 2019 concerning marriage, even though they are part of the Indonesian citizens who still live in remote areas are entitled to general



legal guidance or counseling, including marriage law, so that they gradually understand marriage law, and are harmonized or synchronized with the customary marriage law applicable in their community. As a consequence of the lack of information, guidance and counseling about the marriage law, many marriages are not recorded by the marriage registrar (officers of the Religious Affairs Office), so that their marriage is without a marriage certificate.

Then according to the head of the *Tomenggung* (*Temenggung Sukadirajo Malik*), legal counseling about marriage conducted by the government regarding the Marriage Law N0.1 of 1974 was not carried out in all places where the Anak Dalam tribe resided, so it is only natural that the *Tomenggung* and their citizens do not know about laws governing marriage. In the village of Nyogan, counseling on Law No. 1 of 1974 was carried out in 2015, but Law No. 19 of 2019 regarding amendments to Law No. 1 of 1974 has not yet been handed down from the government team from either the Province Jambi and from Muaro Jambi Regency. This is one of the obstacles we don't know about the law of marriage, and we do marriages according to custom (

Whereas remote areas should be included in the Legal Awareness Family Program (KADARKUM) which is a forum that functions to bring people together for the community to increase legal knowledge and awareness for the community. In addition, it is a human right to get information about the law for remote communities such as the Anak Dalam Tribe. The program has been formed starting at the central, provincial, and district/city levels. In fact, it is possible to establish the program (KADARKUM) of the Anak Dalam Tribe in Jambi Province, which will serve as an exposure for remote other tribes in Indonesia, such as in Papua, Kalimantan.

## **Conclusion**

- a. The marriage of the Anak Dalam Tribe in Jambi Province is still carried out according to custom, and some of the marriages have already been recorded by the Marriage Officer, such as in Nyogan Village in Muaro Jambi Regency, Bungku Village in Muaro Jambi Regency, and Mandiangin Village in Sarolangun Regency. Harmonization between customary marriage law and national marriage law has not been maximized.
- b. Obstacles in the implementation of harmonization between customary marriage law and national marriage law, due to lack of information about national marriage law (Law No. 1/1974 in conjunction with Law No. 16/192019 obtained by the Anak Dalam tribe Community due to legal counseling officers has not been maximized to go to the field to provide counseling.

## **Suggestion**

- a. In order to create harmonization between the customary marriage law of the Anak Dalam Tribe and the national marriage law (Law No. 1 of 1974 in conjunction with Law No. 16 of 2019, the Marriage Registrar from the local Religious Affairs Office must actively carry out socialization activities regarding marriage regulations that applies in Indonesia.

- b. The government, starting from the District Government, Regency Government, and even the Jambi Provincial Government must immediately resolve the issue of marriages carried out by the Anak Dalam Tribe, there are still some that have not been registered. This has an impact on the validity of the marriage from state law.

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