

Marriage Tradition of Indigenous Community of Baduy and The Covid-19 Prevention

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Abstract

Baduy is a group of people who are still primitive, because they still survive with the principles of a long life full of local wisdom, including in conducting marriage rituals. However, the problem with marital procedures is contrary to positive law in Indonesia. In addition, the marriage ceremony conducted by the Baduy indigenous people involves many people which is also contrary to government policies regarding social distancing in handling the Covid-19 outbreak. The purpose of this study is (1) to analyze the marital status carried out by the Baduy community in positive law in Indonesia, (2) to analyze the efforts of the Baduy community to prevent the spread of covid-19 in the midst of procuring a marriage ritual that involves many people. The method in this paper uses normative juridical research and uses three sources of legal material, namely primary, secondary and tertiary. Data analysis was performed descriptively qualitative. The results showed that (1) the legality of the marriage of the Baduy community certainly had no legality and this marriage was not recognized by the state, (2) the marriage ceremony of the Baduy community could still be carried out as usual, bearing in mind that this community was very closed with the outside world long before the Covid-19 pandemic, but this clearly cannot be applied in outside Baduy communities which incidentally still open access for outsiders to visit

Keywords: *Baduy, Covid-19, Indegenious People, Marriage, Tradition.*

Introduction

Baduy indigenous people are a group of people who adhere to their customs, rituals and religion. Baduy community name is actually urang kenekes. They are an Indonesian people who live in the Kendeng Mountains in Lebak Regency, Banten, West Java. In their belief, Baduy people first worshiped supernatural beings, that is, spirits, supernatural spirits that were considered to be the ancestors of the givers of life and death. That spirit is what animates everything. As the sole holder of power called Batara Tunggal. The place where the supernatural creature lives is near the springs of the Cijung River and the Cisemet River. The shrine is worshiped and is called the Arca Domas. This place of worship is now strictly forbidden to outsiders.

Baduy community trust which is very thick towards spirits makes them have their own traditional ceremonies. The traditional ceremony is used in a variety of memorials and activities, including in marital activities. Usually in the traditional ceremony, the Palawari on the women's

side by Ambu, the Baduy tribe calls for the mothers to wear black Kemben traditional clothes and bring rice cone. Then, gather in one of the houses of the people to do rituals and prayers led by Pu'un or the king of Baduy Dalam. Pu'un is the supreme leader of adat as well as adat and religious government. Not only that, after the ritual, the customary leaders or leaders of the Baduy tribe gather in a bale or hall to perform the ratification of the surrogate pair and are led by Pu'un (<https://cnnbanten.id> : 1). The traditional marriage ritual carried out by the Baduy community is sacred and involves many people.

The ritual has become a natural thing and a normal routine conducted by the Baduy people. However, the problem now is that Indonesia is facing a Covid-19 pandemic outbreak, which in order to overcome the outbreak the government issued a policy on social distancing that must be obeyed by all people to avoid the spread of Covid-19. This regulation clearly contradicts the traditional rituals performed by the Baduy tribe, which involve many people and cause crowds.

Marriage is basically legal, if done according to each religion or belief. Legitimate marriage if done according to State law according to Article 2 (1) of Law no. 1/1974. The intended religious and religious law is not only the law found in the book, but also all the legal provisions (which are still valid for each group). Both of which have preceded this National marriage law. (see Article 66).

The marriage is generally based on mutual liking, but there are marriages that although the bride and groom already like each other, but the marriage is carried out with no outright or underhand marriage or marriages siri or marriage siri, namely marriages that are conducted based on religious or customary rules customs and are not recorded at the marriage registrar's office, not recorded at the KUA for those who are Muslim or in the Civil Registry Office (KCS) for those who are not Muslim. The term siri comes from the Arabic siran, israr which means secret. Siri marriages, according to the meaning of the word, marriages that are carried out in secret or secret (Yunus, 2009 : 34).

Likewise what happens to the customary law of Baduy people, where a marriage is valid if an orderly procedure has been carried out according to the law of belief, the marriage has been considered valid according to customary law and in the marriage there are traditional rituals that must be carried out by both partners. Customary marriage rituals carried out by Baduy people are based on the beliefs they profess, that is to spirits or supernatural spirits, which beliefs have not been recognized in Indonesian law because they conflict with the provisions of the Almighty God.

Hazairin argues that customary law is not statutory law although as a law it has received temporary recognition in the transitional rules of Article II of the 1945 Constitution. Legislation is always in written form (written law), whereas customary law is not written law. So what is the fate of marriage law according to customary law if it has to do with religious or religious law. Provisions of customary law that conflict with the provisions of religious law or with statutory provisions in the field of religious law. The religion in question is any religion or belief in the belief in the Almighty, if he has legal provisions in the field of marriage. The beliefs that are still held in small groups here and there lie outside the scope of national marriage laws should enter into religion before they do marriages according to the 1974 national marriage law (Zarin, 2014 : 24).

The registration of marriage is affirmed by the state in legislation (Article 2 paragraph 2 of the UUP), which aims to benefit citizens. Because with a siri marriage for men who are not responsible, it will be easy not to do what is their duty to his wife and children, easily getting divorced at will.

As one of the consequences of a legal marriage will result in legal consequences, such as the rights and obligations of husband and wife, marital property, mutual relations between parents and children (nasab), child care obligations (hadhanah) and inheritance. One result of a legal marriage, a child born from such marriage is a legitimate child, has a perfect civil relationship with both parents, as stipulated in Article 42 of the UUP Article 99 of the Presidential Instruction. Number 1 of 1991 concerning Compilation of Islamic Law. Civil relations in question include the right of nasab (lineage) of children connected to the father (in Islam), the right of fulfillment of the livelihood of parents to children, the right of care and education (hadhanah), the right to inherit each other, the right of marriage guardianship for fathers over daughters and other civil rights.

Then the problem in this paper is related to the legal status of marriages committed by the Baduy community. This is because in conducting marriages, Baduy people use their own customary law and are not familiar with the registration of marriage in the office of the marriage registrar, both KUA and KCS. For this reason, the first problem statement raised was how is marriage in the Baduy indigenous community when viewed in positive law in Indonesia? In addition, in conducting marriages, Baduy indigenous people perform traditional rituals or ceremonies that involve large numbers of people and cause crowds, which is against the social distancing policy that is being intensified by the government in its efforts to deal with the spread of the Covid-19 virus. So what about the efforts of the Baduy indigenous people in preventing the spread of Covid-19 in the midst of procuring a marriage ritual that involves many people

Research Method

The type of research used is normative juridical research (legal research) or library law research, namely research conducted by examining mere library materials or secondary data (Soekanto & Mamudji, 2011 : 3). This research was conducted by reviewing cases based on applicable laws and regulations and based on other secondary data obtained.

Result and Discussion

Baduy Indigenous Marriage Rituals: Marriage is a natural law that must occur and be carried out by every human being without exception. This is a perception of the people in the Baduy. A remote tribe located in the foothills of the Kendeng mountains, Kanekes village, Leuwidamar District, Rangkasbitung Regency, Banten has its own unique wedding culture. The Baduy marriage system is the Monogamy marriage. Which means that a Baduy man cannot have more than one wife and a polygamy marriage is a taboo subject. Marriage of the first son (sister) of one lineage to the last daughter (sister) of another lineage. A younger sibling cannot have a marriage before his brother has a marriage (ngarunghal). Furthermore, in practice, there is no difference between Bedouin cousins and cousins between cousins so that there is a tendency for marriages to occur in the closest family, which can occur up to fourth level cousins. In Baduy, they called it, baraya (Badruzaman, 2020 : 35)².

In a marriage in Baduy is a process that is not a joke among Baduy residents, because after marriage the married couple inevitably have to be able to meet their own needs. Therefore, before the customary marriage takes place there is a series of traditional processes that must be undertaken by the bridegroom. The process before the marriage consists of bobogohan (the introduction of a mate), marriage proposal and marriage contract.

Bobogohan is a time of introduction between men and women who will get married or married. Men visit women, their future wife. However, the arrival of this man must not be alone. He must come with his male friends. Because in Baduy, unmarried men and women cannot be seen together. In addition, men must help their future in-laws work in the fields. The woman's parents will assess the work of her future daughter-in-law, if it is appropriate to accompany her daughter later. In Baduy, new families must support themselves by working in the fields. However, not all prospective brides undergo bobogohan. Children who are arranged for marriage are often notified and brought together on the day of the wedding ceremony. In the belief of Baduy indigenous people, children cannot refuse arranged marriages by their parents, because they will accept the law of karma. The atmosphere of the Bobogohan program is usually accompanied by a musical instrument playing that is carried by the men. The Baduy call marriage

as a harmonious pillar, meaning that marriage must be done, because if not then he will violate his nature as a human being. After the agreement of the two parties to get married, then the application stage was conducted.

The next stage is applications that go through three processes, namely applications submitted from male families to female families. The first application was submitted to express the desire to propose a daughter (expressing the seriousness of the man to the woman). After eight months, the second application was submitted. The second proposal is proof of the seriousness of the family of a man marrying a daughter of the family. After five months, a third application is submitted and if marriage is approved, it can be held immediately (Halwany, 2020 : 3)⁴.

All three applications must be passed by every Baduy resident who will hold a marriage, especially in Inner Baduy. For Outer Baduy, the number of applications can be less than three times. During this application period, the male proposal may still be rejected.

After all the processes are gone through, a wedding ceremony is held that can only be held in the fifth month, kanem, katujuh. This calendar is based on pikukuh. Pikukuh which means rules and teachings that must be carried out by the Baduy community, these rules regulate what is permissible and what is prohibited in the Baduy tribe which has been outlined by the ancestors of the Baduy community.

In general, the bride and groom's wedding procession will say the shahada (like the consent of the Kabul), witnessed by Naib as the leader. The registration of marriage by KUA did not apply in Baduy, it was hindered by the belief they believed in. In Baduy, a marriage ceremony and a reception for the bride and groom were held at the Balai Adat, led by Pu'un to legalize the marriage. In the provisions of the marriage system the Baduy people do not recognize polygamy and divorce. They are only allowed to remarry if one of them has died (Halwany, 2020 : 4).

The Baduy people have always held fast to all the provisions and rules set by Pu'un (Head of Custom). Adherence to these provisions is an absolute guide to living life together. In addition, driven by strong conviction, almost the entire Baduy Outer and Inner Baduy people have never opposed or rejected the rules applied by the Pu'un. By living life according to the customs and rules set by the Head of Indigenous people

there, a community with a very peaceful and prosperous society is created. Their lives are essentially the same as other people's lives. The only difference is that there are so many traditional rules that they must obey.

- **Marriage of Baduy Indigenous Peoples Judging from Positive Law:** The Baduy community is a tribe that has a very strong principle. We can see this in the marriage of the Baduy community. Baduy people are very strong in regulating marriages. For the Baduy community, marriage is a natural law that must be implemented, which is usually referred to by Baduy Marriage as a "harmonious pillar", namely that marriage must be carried out so that they do not violate their nature as humans.

Marriage as mentioned in Law No. 1 of 1974 in Article 1 Paragraph 2 which reads "marriage is a bond of birth and heart between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on a Godhead. In carrying out a marriage, the most important thing that must be fulfilled is the harmony and marriage conditions. Pillars of marriage are part of the nature of sustainability. If one of the Pillars is not fulfilled, then the marriage is invalid alias canceled. The condition of marriage is something that must exist when marriage takes place (Asnawi, 2004 : 50)¹.

Aside from the Pillars and Marriage Terms, another more important thing is related to marriage administration. Because the administration of this marriage has an impact on the recording of the marriage. Recorded marriage is a form of written evidence of marriage. Regarding the provisions on marriage registration have been regulated in Article 2 of Law no. 1/1974 which states:

1. Marriage is legal, if it is done according to the law of each religion and its beliefs.
2. Each marriage is recorded according to applicable laws and regulations

Marriage registration is an administration activity of marriages conducted by Marriage Registration Employees (PPN) domiciled in the Office of Religious Affairs (KUA) within the scope of the territory of the two brides' candidates to hold marriages that are Muslim and in the Civil Registry Office (KCS) for non-Islam recorded according to applicable laws and regulations (Mardani, 2016)^{5,3}.

The importance of marriage registration is very

influential for family life, community life and state life. So that marriages that are not registered can have a negative impact, namely the marriage does not have any legal force in protecting the rights and fulfillment of the obligations of each party, both husband and wife (Mardani, 2016)⁵

If in the future a violation is committed by one of the parties, the injured party cannot claim any legal rights. Actors who are absent from their obligations, legally do not have an obligation to account for what has been done to their partners. Because the bond established in the marriage is not in accordance with the provisions of the marriage law in force in Indonesia and the marriage is considered illegal before the law. Therefore, marriages that are carried out without being registered and registered by the Registrar of Marriage, then the marriage has the potential to cause harm and neglect of obligations in the marriage bond.

As we know, the Baduy people adhere to the Sundanese wiwitan religion. This Sundanese wiwitan belief is a belief in the worship of the forces of nature and ancestral spirits (animism and dynamism) held by traditional societies. Every Baduy must have a Sundanese religion. However, as for those who are Muslim, it is a Baduy community that converted to Islam.

Regarding the legality of the marriage of the Baduy people, of course there is no legality and this marriage is not recognized by the state, because this marriage is only carried out in front of the headman which is carried out based on adat. This marriage was not registered at the civil registry office in accordance with the provisions on marriage registration as regulated in Article 2 of Law 1/1974 and Law Number.22 year 1946 jo Law Number 32 year 1954.

- **Baduy Community Efforts in Preventing the Spread of Covid-19 in the Middle of Marriage Procurement that Involves Many People:** The Baduy Dalam tribe in Lebak Regency, Banten, has their own way to ward off the spread of the corona virus or Covid-19. Even with this method, it has been proven that no Baduy people have been infected by the deadly virus. Baduy Traditional Elder who is also the Head of Kanekes Village, Leuwidamar District, Lebak Regency, Jaro Saija, stated that in order to ward off the corona virus, his party carried out the Kawalu ritual for approximately 3 months (Puji & Setyo : 2020)⁶.

To prevent transmission, during the ritual the residents are prohibited from going outside the area, especially Jakarta, Tangerang, Bekasi, Depok and Bogor which have now been designated as red zones. While those who are overseas are asked to go home immediately. Those who return to their hometowns are first required to check their health at the local health center. In addition, the promotion of clean living in order to avoid the Corona virus in accordance with instructions from the Health Office and traditional rules in Baduy.

In addition, efforts are being made to temporarily close traditional tourism objects in Baduy, Kanekes Village, Lewidamar District. The decision was the result of deliberations with traditional institutions, the Village Consultative Body (BPD) and representatives of handicraft entrepreneurs. This is expected to make the Covid-19 virus not spread to baduy tribal communities, both inside and outside (Soekanto, Soerjono & Sri Mamudji. 2011)⁷.

Related to the traditional Baduy tribal wedding ceremony that involved many people in the midst of the pandemic of the 19th plague, this should have received attention. Previously we separated first between the Baduy tribe and the outside Baduy tribe. According to the opinion of the writer, the marriage ceremony in the Baduy tribe is no problem if it is still held as usual. This is because, the indigenous Baduy tribe is indeed very closed and only government visits are allowed to enter the area. In addition, people are also not permitted to go outside the area. In addition, the ritual ritual of kawula has also been held.(Yunus, M. 2009)⁸

However, the condition is different from the baduy tribe community outside, where this area can still be visited by outsiders even though they have to go through a series of health procedures first. In baduy society outside it would be nice if the marriage ceremony for the time being did not need to involve many people, as would be done in the tradition of the Baduy. This was done to break the spread of the Covid-19 virus in the Baduy community itself.(Zarin. 2014)¹⁰

Conclusion

Baduy indigenous marriages are conducted traditionally and based on the belief they believe makes the marriage is not recorded at the office of the registrar of marriage, both KUA and KCS. This is indeed legally customary, but for the legality issue of the marriage of the Baduy people there is certainly no legality and this

marriage is not recognized by the state.

Furthermore, for the problem of the marriage ceremony of the Baduy indigenous people which involves many people, it should be addressed wisely. In dealing with this problem, it is first separated between the outer Baduy tribe and the inner Baduy tribe. In the Baduy tribe in the marriage ceremony in the Baduy tribe there is no problem if it is still carried out as usual. This is because, the Baduy indigenous tribe very closed so there is no circulation of people in and out. On the other hand, outside Baduy tribal communities cannot be applied as such because these communities still open outside community visits. Customary marriage ceremonies to outside Baduy tribal communities should be limited in terms of the number of people as will be applied in the Seba Baduy tradition.

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