

The Practice of Marrying an Uncle's Daughter (Boru Tulang) in the Simalungun Islamic Community in Tinokkah Village, Sipispis Sub-District Perspective of the Shafi'i School

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Abstract

This article aims to examine how the practice of marrying an uncle's daughter (boru tulang) in the Simalungun Islamic community in Tinokkah Village, Sipispis District, what are the factors causing the practice of marrying an uncle's daughter, and how the Shafi'i School's perspective on the practice of marrying an uncle's daughter is still carried out by the Muslim community in the village. This research is an empirical legal research, with qualitative data analysis methods. Primary data sources were obtained from interviews with Muslim communities who practiced marrying uncles' children, traditional leaders, and the author's observations. The results showed that there are still some Simalungun Muslim communities who practice marrying with uncles' daughters (boru tulang) for the reason of wanting to further strengthen family relationships, filial piety to parents, and keep family property from going out of kinship. In the perspective of the Shafi'i School, marriage with close relatives, such as marrying with uncles' daughters (boru tulang) in the Simalungun Muslim community, is not recommended even the law is makruh because it is feared that there will be negative impacts on children. However, some people feel a positive influence in realizing family resilience, through marriage with uncle's children.

Keywords: Marriage; Uncle's Daughter (Boru Tulang); Shafi'i School.

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INTRODUCTION

The Simalungun tribe is one of the Batak ethnic groups that inhabits the Simalungun regency and several other districts in North Sumatra Province. Most of the Simalungun tribe are Christians (65%), then Muslims (34%) and about 1% still adhere to traditional belief systems. As an indigenous community, the Simalungun community also has a set of customary rules related to marriage. The marriage procession in Simalungun custom consists of three stages, namely: 1) pre-wedding processions such as mangarisika, marhusip and tonggo raja, 2) wedding parties, and 3) post-wedding such as show parties and mangihut in ampang (Waruwu et al., 2019). In the most ideal form of the Simalungun marriage system, a man should marry the daughter of his mother's brother (marboruni tulang), or a woman marry the son of her father's sister (maranak ni amboru). While marriage between a man and a woman who come from the same clan (endogamy), is prohibited. If it is still done, then usually the Simalungun community will alienate those who do it both in the scope of custom and social interaction because they have violated the established customary rules (Siregar, 2022) (Muda & Suharyanto, 2020).

In the perspective of Islamic family law, a man may marry any woman, as long as she is Muslim and not her mahram. Linguistically, mahram is a form of isim makan which means the haram or the haram to marry him (Ma'luf, 1986). In terms, mahram means a trait that brings or causes the haram of marriage (Al-Dimyati & Syata, 1997). In Indonesian terms, mahram is defined as someone who still has a relationship. Families of both sisters, brothers, and cousins and so on who are not allowed to marry (Salim & Salim, 1991). From the above understanding, it can be understood that the meaning of mahram is a trait that causes it to be forbidden to marry each other between men and women. The cause of the haram of marrying each other in jurisprudence is caused by the existence of blood relationship (nasab) such as between a mother and her son, due to breastfeeding relations with a woman (rada'ah), such as between a breastfed mother and a breastfed son and due to semenda (mushaharah) relationships such as mother-in-law with her son-in-law (Turnip, 2021).

With regard to who constitutes this mahram, it is clearly explained in QS An-Nisa' paragraph (22-23), which is then transformed into the applicable marriage law in Indonesia, as contained in Article 8 of Law No. 1 of 1974 concerning Marriage and Article 39 of the Compilation of Islamic Law. Both laws and regulations emphasize the prohibition of marriage with a woman due to sexual relations, sexual relations and milk relations.

If we trace the category of women who are haram to marry (mahrumat), then the daughter of the uncle (boru tulang) is not included in that category. This means that marrying an uncle's daughter is not prohibited in the perspective of Islamic family law. However, even so, among scholars, such as the Shafi'iyah school, there is an opinion that the prospective wife should not come from a close relative (al-aqarib). Imam Al-Ghazali, one of the Shafi'iyah scholars emphasized the recommendation not to marry relatives based on the Hadith of the Prophet peace be upon him, which reads:

لا تتكحوا لقرابة القرية فان الولد يخلق ضاويا

“Do not marry close relatives, for children will be created (born) in a weak condition (emaciated scab) (Al-Ghazali, 2020).

Al-Bujairami added that it is not permissible to marry close relatives to the extent that it is makruh, because usually a child born to such a couple will be a foolish or low-reasoned child (Al-Bujairami, n.d.). What is meant by close relatives in the perspective of the Shafi'iyah school here is women who are still in the first order of the uncle and aunt path, such as the daughter of the uncle from the father line and the daughter of the uncle from the maternal line (Abu Bakar Utsman bin Muhammad Syatha, n.d.). Thus, although the uncle's daughter is not included in the category of mahrumat, it is not recommended to be married as affirmed by the Shafi'iyah School whose adherents constitute the majority in Indonesian Muslim society. This means, as adherents of the

Shafi'iyah school, in fact, it is required to pay attention to and practice the opinions of the Shafi'iyah school both regarding the issue of mahdah worship, as well as the provisions in marriage.

In practice, marriage with uncle's daughter, still occurs among the Simalungun Islamic community in Tinokkah Village, Sipispis District, even though they have long embraced Islam and in their daily worship follow the Shafi'iyah School. This paper will then try to further examine how the practice of marrying an uncle's daughter (boru bone) in the Simalungun Islamic community in Tinokkah Village, Sipispis District, what are the factors causing the practice of marrying an uncle's daughter, and how the Shafi'i School's perspective on the practice of marrying an uncle's daughter is still carried out by the Muslim community in the village.

RESEARCH METHODS

This research is an empirical legal research. Soerjono Soekanto has divided the types of legal research into two types, namely normative legal research and empirical research. Empirical legal research itself includes research on legal identification (unwritten) and research on legal effectiveness. This research will later look at how the practice of marrying an uncle's daughter (boru tulang) in the Islamic community in Tinokkah Village in a legal perspective developed by the Shafi'iyah School. The approach used in this research is a legal approach and a sociological approach (Soekanto, 2007).

The primary data source was obtained from interviews with informants, namely the Islamic community in Tinokkah Village who practiced marriage with the daughter of uncles and community leaders. Meanwhile, secondary data sources are obtained from primary legal materials and secondary legal materials. Primary legal material is obtained from Law No. 1 of 1974, KHI and the Book of Jurisprudence of the Shafi'iyah School, and secondary legal material is obtained from various research results both in the form of books and journals related to marriage practices in Simalungun tribal culture. Data collection methods used by means of interviews and observations. Interviews are conducted in a semi-structured way, namely in-depth interviews with informants. Meanwhile, the observation method is carried out with the observation method frankly, which means that the author has stated directly to the data source, that they are being part of the author's research. So, data sources know early on that their activities are being researched (Sugiyono, 2013). The data analysis method used is a qualitative method with data reduction steps, data presentation (display) and data verification.

RESULTS AND DISCUSSION

Women Who Are Forbidden to Marry (Mahrumat)

The explanation of who are women who are forbidden to marry, is clearly affirmed by Allah Almighty in the Qur'an, namely QS An-Nisa' verse (22-23) which reads:

وَلَا تَنْكِحُوا مَا نَكَحَ آبَاؤُكُمْ مِنَ النِّسَاءِ إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّهُ كَانَ فَاحِشَةً
وَمَقْتًا وَسَاءَ سَبِيلًا ۚ حُرِّمَتْ عَلَيْكُمْ أُمَّهَاتُكُمْ وَبَنَاتُكُمْ وَأَخَوَاتُكُمْ وَعُمَّتُكُمْ وَخَالَاتُكُمْ
وَبَنَاتُ الْأَخِ وَبَنَاتُ الْأُخْتِ وَأُمَّهَاتُكُمُ اللَّاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُم مِّنَ الرَّضَاعَةِ وَأُمَّهَاتُ
نِسَابِكُمْ وَرَبَائِبُكُمُ اللَّاتِي فِي حُجُورِكُمْ مِّن نِّسَابِكُمُ اللَّاتِي دَخَلْتُم بِهِنَّ فَإِن لَّمْ تَكُونُوا دَخَلْتُم
بِهِنَّ فَلَا جُنَاحَ عَلَيْكُمْ ۗ وَخَالَاتُ آبَائِكُمُ الَّذِينَ مِّنْ أَصْلَابِكُمْ وَأَن تَجْمَعُوا بَيْنَ الْأُخْتَيْنِ
إِلَّا مَا قَدْ سَلَفَ ۚ إِنَّ اللَّهَ كَانَ غَفُورًا رَّحِيمًا .

Means:

Do not marry former wives of your fathers—except what was done previously. It was indeed a shameful, despicable, and evil practice. 'Also' forbidden to you for marriage are your mothers, your daughters, your sisters, your paternal and maternal aunts, your brother's daughters, your sister's daughters, your foster-mothers, your foster-sisters, your mothers-in-law, your

stepdaughters under your guardianship if you have consummated marriage with their mothers—but if you have not, then you can marry them—nor the wives of your own sons, nor two sisters together at the same time—except what was done previously. Surely Allah is All-Forgiving, Most Merciful.

The above verse confirms the prohibition against marrying a woman who was once married by the father, or the father's ex-wife. Then, broadly speaking, the verse forbids marrying women into three groups. First, incestuous relations (*nasab*). Women belonging to this group are biological mothers, daughters, sisters, father's sisters, mother's sisters, daughters of brothers, and daughters of sisters. Second, breastfeeding relations with a woman (*rada'ah*). Women belonging to this group are foster-mothers and foster-sisters. Third, *semenda* relationships. Women belonging to this group are mothers-in-law, daughters of wives (stepchildren) in the care of wives who have been, and wives of biological children (daughters-in-law). Then this verse also forbids marrying two women at once who are both siblings.

In Law No. 1 of 1974 concerning Marriage, this mahrumat provision can be seen in Article 8, which reads:

Marriage is prohibited between two persons who:

1. Blood related in straight down or up lineage.
2. Blood relations in the lineage are sideways that are between siblings, between one and one parent's siblings and between one and his grandmother's siblings.
3. *Semenda* relations, namely in-laws, stepchildren, daughters-in-law and mother/stepfather.
4. breastfeeding relations with a woman, namely milk parents, milk children, milk siblings and milk aunts / uncles.
5. Relative relationship with wife or as aunt or niece of wife in the case of a husband with more than one wife.
6. Have a relationship that by religion or other applicable regulations prohibits marriage (Nuruddin & Tarigan, 2019).

Meanwhile, in the Compilation of Islamic Law (KHI), the validity of this mahrumat is regulated in Article 39, which reads:

It is forbidden to enter into a marriage between a man and a woman because:

1. Because of the affinity of *nasab*
 - a. With a woman who gives birth or who descends him or her offspring.
 - b. With a woman of paternal or maternal descent.
 - c. With a female sister who gave birth to him.
2. Because of the kinship of *semenda*
 - a. With a woman who gave birth to his wife or ex-wife;
 - b. With a woman whose ex-wife took him down;
 - c. With a woman descended from his wife or ex-wife, unless the disconnection of marital relations with his former wife is *qabla al-dukhul*;
 - d. With a woman whose ex-wife is descendant.
3. Because of the relationship of milk:
 - a. With the woman who breastfeeds him and so on according to a straight line up
 - b. With a woman breastfeeding and so on according to a downward line;
 - c. With a woman, a breastfeeding sibling and niece of a sibling to the bottom;
 - d. With a female breastfeeding aunt and breastfeeding aunt and above;
 - e. With children breastfed by his wife and offspring.

Article 39 of the KHI above expressly regulates women who are forbidden to marry and forbidden to marry forever (*mu'abbad*). While there are also some women who are prohibited from marrying within a certain time (*mu'aqqat*), as stipulated in Article 40 of the KHI such as women who are still bound by marriage with other men, women who are still in the *iddah* period and a woman who is not Muslim (Rofiq, 2019).

The Practice of Marrying an Uncle's Daughter (Boru Tulang) in the Simalungun Islamic Community in Tinokkah Village, Sipispis District

As explained earlier, the tradition of marrying the uncle's daughter (boru tulang) in the Simalungun community is highly recommended. Usually the marriage process begins with an arranged marriage process between the two families, which is often termed by marrying pariban. Following ancient times, the Simalungun tribe strongly supports this pariban matchmaking tradition. And if someone marries the daughter of an uncle's daughter, this is an achievement or pride for the family, but for now the tradition is no longer required in the family because also this matchmaking tradition is not absolute.

The ideal marriage for the Simalungun Islamic community is a marriage between people who are marpariban, that is, between a son and the daughter of his mother's brother. Because marriage in the Islamic society Simalungun exogamy each clan functions to give their daughters to clans different from their own clan and accept daughters from other clans to be married to sons from their own clan, this marriage system is usually called connubiumasymmetric. The picture of marriage with pariban in one family is that oppung (grandpa / grandma) gave birth to two children, namely one boy and one daughter who then they married their respective soul mates. Then this boy had a boy and a girl, and the girl also had a boy and a girl. The son will call tulang to the brother of his mother, and the daughter will call amboru to sister of his father.

The son of the father's sister will call his uncle's daughter pariban and they are called the biological marpariban and can marry but if otherwise the son of the mother's brother cannot marry the daughter of the father's sister, because this is called mariboto. And this marriage with pariban can only occur once in one family. If the uncle has more than one daughter, he can no longer marry his pariban even if the son of his naboru is still there. Because this marriage is only justified once. In practice, marrying an uncle's daughter in the tradition of the Simalungun people, is highly recommended, called marboru tulang (taking the uncle's daughter as a wife).

Tinokkah Village is one of the villages in Sipispis District, Deli Serdang Regency. Although this village is not included in Simalungun regency, Simalungun tribe pupulation is still found in this village, because this area is still directly adjacent to Simalungun regency. To see how the marriage with the uncle's daughter (boru bone) is carried out, the author has interviewed a number of informants who include the perpetrator of marriage with the uncle's daughter and community leaders.

Mr. Sulaiman is one of the Simalungun Islamic community who has practiced marriage with uncle's daughter. He married his uncle's daughter Linda Sinaga in 2021, and is now blessed with two children. When asked why he married his uncle's daughter, he further said: "Tujuanni manikahi boruni tulang pertama mangingat dong posanni omak (ibu) sapari "anggo boi dong ma namin iantara nima namambuet boru tulang pala sada", kedua halani sihol mempererat kekeluargaan ase ulang renggang dan on sendiri sejalan pakon posanni omak, perlu hita akui bersama kepragmatisan omak ijon ase harta na sadokah on idior ulang lahon ben halak" [My request to marry the uncle's daughter, first considering that there is a message from the mother (mamak) who says it is better among you (her children) who marry the uncle's daughter, at least one person will be. Second, want to strengthen family ties so that they are not tenuous, and this is also in line with the message mamak. We also need to know that the diversity here is visible so that the treasure sought so far does not go to others].

From the results of the interview above, it can be understood that the reason Mr. Sulaiman still practices marrying uncle's daughter is to fulfill his mother's message that his children are married to his sister's child. It is recommended not to break the brotherhood between his mother's family and his brother. With this marriage, his brother's daughter became a parmaen (daughter-in-law) in his family. Then with the marriage, it also aims to keep the family assets owned so as not to move to other people in a sense outside the scope of family kinship. This means, both his son and also the daughter of his brother, both are still classified as his children who also have the same

ake and grandmother. So that whatever his son has later, will not move to someone else, but also be enjoyed by the daughter of his brother.

The second interview, the researcher conducted with Mr. Yudi Sinaga who had married his uncle's daughter named Mrs. Ami br Purba. They got married in 2020 and have been blessed with 1 child. He recounted his experience when marrying his uncle's daughter as follows.

"Before marrying my uncle's daughter, I had been married to someone else, but it ended in divorce. Not even one year widowed, I finally decided to marry my uncle's daughter because of the advice of mother. Process after process was carried out where in simalungun custom when the widower wanted to ask and propose to his boru bone who was still a girl (virgin), then he had to go through the intermediary of the closest person from both parties and at that time was asked by ocik (mother's sister) about boru tulang's willingness to marry as well as ask for blessings from tulang and atturang (tulang's wife). When I asked about whether my uncle's daughter wanted to marry, of course I didn't dare to ask her directly because of my status as a widower while she was still a girl. So the mother asked for help from her sister to ask about it, and thank God we received the good news and process after process was undertaken, where before getting to the wedding a marhusip event was held first (mother asked the seriousness of boru tulang through one-on-one mediation). Long story short, we got married and had one child"

The interview with Mr. Yudi above also illustrates the role of mothers in betrothing their children to their brother's daughters, especially in his first marriage, Mr. Yudi experienced marital failure. This adds confidence for the mother to find her child's soul mate who she thinks is more suitable in building a household.

When the researcher asked, what are the disadvantages and advantages of marriage with this uncle's daughter, Mr. Yudi explained that because his wife comes from a family that has been known by his family, both himself, his mother and his father, there is an impression that the wife is less afraid or reluctant to both her father, mother and herself, because she has known the family all this time and feels part of the family as well. But even so, Mr. Yudi admitted that this did not make family relations disturbed and fractured. This is because, when he wanted to scold his wife whose status was boru bone, then he imagined his bone face (wife's father), where in Simalungun culture, the status of bone is glorified. There is even a saying in Simalungun custom that mentions "masseda hubungan pakon tulang siap-siap seng tubuh suan suanan " (risk if damaged connection with tulang, then no plant will grow planted). On that basis, family ties are really close. Actually, Mr. Yudi also knew that marrying a cousin (uncle's daughter) was not recommended by religious law, but he did not specifically mention the opinion of the Shafi'iy school. He knows that this will affect the health and growth of children.

Based on the results of the interview, it turns out that family ties that have been built both with the uncle's children, and also the uncle himself, can strengthen family resilience, so that family problems that may arise in the family, can be resolved with these ties. The interaction between the husband and his father-in-law, who is his uncle so far, can be a binder and solution to existing household problems, as experienced by Mr. Yudi in educating his wife. However, Mr. Yudi is also aware of the negative effects that could have occurred from this close family marriage (cousin), but so far his children are in good health.

Finally, the researcher interviewed Halil Silalahi's father who had married his uncle's daughter Kaila Saragih. Regarding the reasons and purposes of marrying boru bone, it is not much different from Mr. Yudi and Mr. Sulaiman, namely to strengthen family ties so as not to be tenuous. And even in the experience of getting married, he said, "Alhamdulillah, there is no problem and it is safe like marriages of people in general," he added, "if the problem must exist, but we can still discuss the solution", that's it.

Then as a comparison data, researchers have also interviewed one of the community shops, Mr. Zulkarnain Sinaga, and asked about what exactly is the purpose of marrying this uncle's daughter. He said:

"Tujuanni manikahi boruni tulang adalah mampadear hubungan na domma marjarak ase ulang renggang, anggo mabuet boruni halak tottuma hubungan pakon tulang pupus lang be donok

songon hunasalni kemudia ase harta nadop idior sudah payah sadokahon seng laho ben halak nalegan, porlu nabotoh bahwa anggo anakni amboruni hungaris keturunan na lang marhabayakon tottuni tulangpe agak-agak payahma paluahkon boruni.” [The purpose of marrying an uncle's daughter is to repair the relationship that has been distant, so as not to be tenuous if marrying another daughter, of course, the relationship with the bone will not be as before. Then, so that the treasure that has been painstakingly searched so far does not transfer into the hands of others. We also need to know that the son of the uncle's sister (son of amboru), if he is of a descendant who has nothing, of course even bones seem to be difficult to let go of his daughter to be married to the son of amboru].

The explanation of the traditional leaders above reinforces the results of previous interviews with respondents, that among the factors still practiced marriage with the uncle's daughter is to strengthen kinship so as not to be tenuous. Because the fraternal relationship between the mother of the man and the father of the married woman who is a sibling, will continue to be maintained and established with the marriage bond of their children. However, the community leaders above also did not deny the existence of economic factors in the tradition of marrying this uncle's daughter. He revealed that for an uncle, he will also sometimes look at the economic factors of his nephew, if it is somewhat established, it is usually easy for an uncle to agree to his daughter being married by his nephew.

Shafi'i School's Perspective on the Practice of Marrying an Uncle's Daughter (Boru Tulang)

In the perspective of Islamic family law, a man may marry any woman, as long as the woman is Muslim and not her mahram, or the woman is forbidden to marry, such as the biological mother, sister, daughter of the brother, etc. However, even so, among the Shafi'i school, there is an opinion that the prospective wife should not come from a close relative. Among the Shafi'iyah scholars who argue on this subject are the following:

1. Imam Al-Gazali

In his book, *Ihya' Ulumiddin*, Al-Gahazali wrote about the rules of marriage, one of which affirmed that men who are about to marry should choose a future wife who is not a close relative. According to Imam Al-Ghazali, marrying a close relative will minimize martyrdom. His statement is based on the hadith of the Holy Prophet (peace be upon him):

لَا تَنْكِحُوا أَقْرَابًا لِقَرَابَةِ الْقَرِيبَةِ فَإِنَّ الْوَالِدِ يَخْلُقُ ضَاوِيًا

“Do not marry close relatives, for children will be created (born) in a weak condition (emaciated scab).” (Abu Hamid Muhammad bin Muhammad Al-Ghazali, n.d.)

Al-Ghazali explained that children born to close relatives will be weak, because biological martyrdom will only rise because of the strong influence of the senses of sight and sight, while the influence of the senses of sight and harmony will only be strong because they see and touch something foreign and new.

2. Imam Al-Bujairami

According to Imam Al-Bujairami, the impermissibility of marrying this close relative in his legal level is makruh because generally a child born to such a couple will be a foolish or low-reasoned child.

3. Imam Syafi'i

The suggestion not to marry close relatives as expressed by Al-Ghazali is in accordance with the opinion of Imam As-Shafi'i, as quoted by Al-Khatib as-Shirbini who states:

إن الشافعي نص على أنه يستحب له أن لا يزوج من عشيرته

“Indeed, Imam al-Shafi'i stated clearly that for the future husband it is permissible not to marry his (close) relatives”

The suggestion not to marry a close relative could not be refuted by the marriage of the Holy Prophet (peace be upon him) and his cousin Zainab bint Jahsh, who was none other than the daughter of his father's nephew, Umamah bint Abdul Muttalib. The marriage of the Prophet and Zaynab did not matter, because the marriage was precisely to explain his ability (Al-Khatib As-Syirbini, n.d.).

Sayyid Bakri Syatha explained, what is meant by close relatives is women who are still in the first degree or order of the path of uncles and aunts of fathers or mothers. It says, The words of the author of the book Fathul Mu'in: 'Close relatives are women who are still in the first degree of the path of uncles and aunts from father and mother), such as the daughter of the uncle from the father's line, the daughter of the uncle from the mother's line, the daughter of the aunt from the father's line, and the daughter of the aunt from the mother's line (Syatha, n.d.). In Indonesia, such kinship relationships are commonly known as younger siblings or cousins (Rahman, 2017), which also include the daughter of an uncle.

Based on the perspective of the Shafi'iy school above, the actual practice of marriage with the uncle's daughter which is still carried out by some Simalungun Islamic communities in Tinokkah Village, is not recommended or and can be categorized as makruh acts under shari'iy law, although the marriage law is still valid because the woman married is not included in the mahrumat (woman who is haram to marry). It seems that Shafiyya scholars based their opinion on the possibility of harm to children born from marriages of close relatives. This is also acknowledged by some respondents who understand the existence of religious messages that do not strongly encourage marrying close relatives such as with this female cousin (boru bone). However, because the purpose of the marriage is still to glorify the mother's heart by marrying her brother's daughter, and want to strengthen kinship that might be tenuous if not by marrying boru bone, the tradition of marrying with a close relative's family is still practiced by some Simalungun Islamic communities in Tinokkah Village. Even some of those who practice marriage with this uncle's daughter feel happy and can maintain the resilience of their families, due to the kinship ties that have been established so far

With regard to the effect of marriage carried out with close family on the health factors of children to be born, it has actually been researched written by academics in several journal articles. Oktavia Wahyu Utami, in her research explained that the consequences if we marry relatives, among others, are the easy transmission of inherited diseases to the children produced, and increase the number of inherited diseases among fellow families. Many evidences explain that marriage with relatives can cause deafness, striped, mute and many others. In the Qur'an and Hadith it has also been explained about the advice to avoid marriage with relatives. To avoid transmission of various types of inherited diseases, we should look for a life partner not from close family, because we as humans should follow the commands of Allah and Muhammad peace be upon him and stay away from their prohibitions, so that we can survive the world and the Hereafter (Utami, 2020).

However, Yayuk Yusdiawati in his research also stated that actually congenital diseases are not an absolute risk in all types of cousin marriages. The risk of disease resulting from cousin marriage is not an absolute negative impact on all cousin couples. Parallel cousin pairs are more likely to experience it. This can be proven from several researchers who examined health risks in populations that practice parallel cousin marriage. In cousin couples who cross-cousin found no health risk impact. Therefore, cousin marriages still survive today, especially in cross-cousin marriages (Yusdiawati, 2018).

CONCLUSION

From the description above, it can be concluded that the practice of marrying an uncle's daughter (boru tulang) still exists in some Simalungun Muslim communities for the reason of wanting to strengthen family relations, filial piety to parents by following their recommendations, and keeping family property from going out of the kinship line. In the perspective of the Shafi'i School, marriage with close relatives, such as marrying the daughter of an uncle (boru bone) in the



Simalungun Muslim community, is not recommended even the law is makruh because it is feared that there will be results in weak libido and negative impacts on the health of the child to be born. However, some people feel a positive influence in realizing family resilience, through marriage with uncle's daughter.

REFERENCES

- Abu Bakar Utsman bin Muhammad Syatha. (n.d.). *I'anatu al-Thalibin, Juz 3*. Dar al-Fikr, 1418.
- Abu Hamid Muhammad bin Muhammad Al-Ghazali. (n.d.). *Ihya' Ulumiddin, juz II*. Darul Ma'rifah.
- Al-Bujairami, S. bin M. bin U. (n.d.). *Hasyiyah al-Bujairimi 'ala Syarhi Minhaj, juz III*. Matba'ah Al-Halabi.
- Al-Dimyati, A. B. bin M., & Syata, S. M. (1997). *Hasyiyah I 'anah al-Talibin*. Beirut: Dar Al-Fikr.
- Al-Ghazali, I. (2020). *Ihya'Ulumuddin 6*. Nuansa Cendekia.
- Al-Khatib As-Syirbini. (n.d.). *Mugniy al-Muhtaj*. Dar Kutub Ilmiah: 1415 H.
- Ma'luf, L. (1986). Kamus al-Munjid. Beirut: Al-Maktabah Al-Katuliqiyah.
- Muda, I., & Suharyanto, A. (2020). Analysis of life's inter-religious harmony based on the philosophy of Dalihan Na Tolu in Sipirok Sub-district, South Tapanuli Regency, North Sumatera Province. *Journal of Human Behavior in the Social Environment*, 0(0), 1–8. <https://doi.org/10.1080/10911359.2019.1708526>
- Nuruddin, A., & Tarigan, A. A. (2019). *Hukum Perdata Islam Di Indonesia: Studi Kritis Perkembangan Hukum Islam Dari Fikih, Undang-Undang Nomor 1 Tahun 1974 sampai Kompilasi Hukum Islam*.
- Rahman, J. (2017). *Tahapan Mendidik Anak*. Hikam Pustaka.
- Rofiq, A. (2019). *Hukum Perdata Islam di Indonesia*. Rajawali Press.
- Salim, P., & Salim, Y. (1991). Kamus bahasa Indonesia kontemporer. (No Title).
- Siregar, Z. (2022). Partuha Maujana Simalungun (PMS): Lembaga Adat Penjaga Identitas Etnik Simalungun, 1964-1969. *MUKADIMAH: Jurnal Pendidikan, Sejarah, Dan Ilmu-Ilmu Sosial*, 6(1), 59–68.
- Soekanto, S. (2007). *Penelitian hukum normatif: Suatu tinjauan singkat*.
- Sugiyono, D. (2013). *Metode penelitian pendidikan pendekatan kuantitatif, kualitatif dan R&D*.
- Syatha, A. B. U. bin M. (n.d.). *I'anatu Thalibin*. Dar-Fikr: 1418 H.
- Turnip, I. R. S. (2021). *Hukum Perdata Islam di Indonesia: Studi tentang hukum perkawinan, kewarisan, wasiat, hibah dan perwakafan*.
- Utami, O. W. (2020). MENIKAH DENGAN KAUM KERABAT DAN PENGARUHNYA BAGI ANAK-ANAK. *Profetika: Jurnal Studi Islam*, 21(2), 245–250.
- Waruwu, E., Sumbayak, D. P., Sipayung, S. F. B., & Manik, P. (2019). Analisis proses dan nilai hata-hata mambere podah dalam perkawinan adat Simalungun. *SeBaSa*, 2(2), 141–151.
- Yusdiawati, Y. (2018). Penyakit Bawaan: Kajian Resiko Kesehatan pada Perkawinan Sepupu. *Jurnal Antropologi: Isu-Isu Sosial Budaya*, 19(2), 89–99.