

## THE PARTICIPATION OF INDIGENOUS COMMUNITY LEADERS IN MARRIAGE BASED ON LAW NO. 1 OF 1974 CONCERNING MARRIAGE

Gatot Efrianto<sup>1</sup>, Arovah Windiani<sup>2</sup>

<sup>1</sup>Universitas Bhayangkara Jakarta Raya, Indonesia

<sup>2</sup>Universitas Muhammadiyah Jakarta, Indonesia

Email: gatot.efrianto@dsn.ubharajaya.ac.id<sup>1</sup>, arovahwindiani@gmail.com<sup>2</sup>

### ABSTRACT

**Abstract:** In each region, of course, there is a diversity of customs that apply in the indigenous people of an area, one of which is regarding marriages carried out customarily. Customary marriage is an important and sacred event for indigenous peoples, to live together as husband and wife with the aim of realizing the unity of a happy and eternal home, in which there is a great responsibility not only to the integrity of their household but also to the environment, society and also God. Regarding the issue of Indonesian customary law, it is very principled because adat is one of the mirrors for the nation, adat is an identity for the nation, and identity for each region. Indonesia is a country that adheres to plurality in the field of law, where the existence of western law, religious law and customary law is recognized. This research study is juridical normative as the main approach, considering that the discussion is based on laws and legal principles that apply in customary marriage issues. The Participation of Indigenous Peoples' Leaders in Marriage Of course, the community can maintain and preserve the culture of local wisdom and the values contained therein because the birth of Law Number 1 of 1974 concerning Marriage is a law that is a manifestation of many customary laws, ethnic groups in Indonesia that have privileges, which regulate all members of society who have reached adulthood who will carry out marriage.

**Keywords:** The Participation of Indigenous Peoples' Leaders, Marriage Law No. 1 of 1974 concerning Marriage

### Introduction

Indonesia is a country that has a pluralistic nature be it culture, ethnicity, language, or religion. This pluralistic nature results in the emergence of legal diversity as an unavoidable phenomenon. Indonesian law expressly recognizes and respects the unity of indigenous peoples and their traditional rights as long as they are alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia as stipulated in the Law (Sumardi, 2016).

Customary law, including unwritten law, is part of the law in force in Indonesia, so its existence is clear evidence that Indonesia recognizes legal pluralism (Agusta, 2021). Customary law because of its unwritten nature, unites one community environment with another community environment. With a holistic and integrative understanding, the progress and position of customary law can be known, understood and understood. Positively, it means that customary law is seen as a rule that originates from within the minds and desires of the environmental community. But negatively it is from its

relationship with other rules, both reinforcing and weakening, and the interaction of state political developments (Asshiddiqie, 2017).

The positive advancement of rules means that customary rules will be seen as recognized in society in teachings, legislation, in rules and in people's daily lives. Conversely, negative developments in how customary rules are marginalized and shifted or do not apply because of the existence of positive laws that are prioritized by the State both in legislation and in decisions of judicial institutions. Customary rules actually follow a society that still lives in a cycle of subsystems, so its validity suitable for the life of modern society begins to be questioned. Customary rules in their progress are influenced by legal politics adopted by a container and the method of approach used to find customary law (Nasution, 2018).

In each region, of course, there is a diversity of customs that apply in the indigenous people of an area, one of which is regarding marriages carried out customarily. Customary marriage is an important and sacred event for indigenous peoples, to live together as husband and wife with the aim of realizing the unity of a happy and eternal home, in which there is a great responsibility not only to the integrity of their household but also to the environment, society and also God.

Marriage is the inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Supreme Godhead (Panjaitan et al., 2022). Marriage is a legal act between husband and wife, to realize worship to Allah Almighty, which causes civil law consequences between the two. Because the purpose of marriage is so noble, it is necessary to regulate the rights and obligations of each husband and wife. If the rights and obligations of husband and wife are fulfilled, then the dream of husband and wife in the ark of their household will be realized, based on love and affection (Abror & MH, 2020).

To maintain, and protect the family and improve the welfare and happiness of the family, laws were drafted that regulate marriage and family. Law Number 1 of 1974 concerning Marriage is a law that has privileges, which regulates all members of society who have reached adulthood who will carry out marriage. Marriage in community life is an important institution and must be fulfilled in various aspects of its law, including customary law and Islamic law itself. Islamic law, etymologically, affirms marriage as mixing, alignment, or bonding (Astia, 2022).

Marry is etymologically used to express the meaning of intercourse, contract, and embrace. An example of its use in sexual intercourse is in the words of the Holy Prophet, *"I was born from marriage, not from prostitution, that is, from lawful intercourse, not haram"*. (Nursafitri, 2016) However, talking about marriage is not only regulated in Islamic law, but customary law. Customs in Indonesia also uphold the values and institutions of marriage in society. This is in line with the purpose of marriage itself that marriage is to prevent violence and take care of oneself and family.

## Research Method

This research is a juridical- normative legal research, namely research on the provisions of laws and regulations that apply as positive law in Indonesia. Secondary research data are collected through literature studies related to legal issues or problems raised in research. Secondary data from the research results are analyzed qualitatively systematically so that conclusions are obtained from the problems discussed. Research data is described in clear, effective, organized, coherent, and logical sentences so that it can facilitate analysis and discussion of problems.

## Result And Discussion

### Customary Law Marriage

At first, living things are not able to develop on their own and need other living things because living things are social creatures and have instincts. Because life requires other living things, each living thing must be related to other living things, the result of this interaction relationship gives birth to an experience. The results of this experience will later be found value rules that can be recognized as good things and bad things. The value rules will create a mindset / assumption that can cause an attitude, for example a person's tendency to do or not do. If the attitude has referred to the tendency to act, then behavior will arise (Subagia & Djaja, 2023).

The exact form of behavior is a compact way of a group of people, for example how to buy and sell transactions, how to share inheritance, how to marry, and others. If there are deviations, there are consequences, but they are weak. From this method will be found a habit, and the punishment for deviation is stronger than the original punishment. Habits that are repeated in a society must give birth to standards of attitude or morals in which the punishment for deviation has become strong (Sabilla, 2022).

Regarding the issue of Indonesian customary law, it is very principled because adat is one of the mirrors for the nation, adat is an identity for the nation, and identity for each region. Indonesia is a country that adheres to plurality in the field of law, where the existence of western law, religious law and customary law is recognized. In practice, some communities still use customary law to manage order in their environment. Customary law communities make the foundation for making decisions or laws and regulations officially, recognized for their existence but limited in their role. There are several characteristics inherent in customary law including (Supriatin, 2012):

- a. Communal, customary law has a strong nature of togetherness;
- b. Magist-religious, having an ancient view of life and way of thinking that combines beliefs, such as supernatural and occult;
- c. Concrete thoughts, customary law pays attention to the development of state law;
- d. Visually, customary law is caused by a bond in society, for example the procedures for marriage ceremonies between regions must be different, but still do not negate Islamic law such as the husband is an imam rather than the wife is obliged to obey the husband.

Customary rules or Islamic rules are a social institution if we look at it in terms of a sociological approach to law. One of the differences is, the source of customary rules is

society while Islamic rules are revelations sent down by Allah SWT through the Prophet Muhammad SAW to mankind. However, this is not a contradiction due to differences in sources. To enlighten these differences, various concepts of social interaction are needed, such as the concept of accommodation which is a form of social interaction (Simanjuntak, 2022).

As a unity of social institutions, customary rules and Islamic rules will interact in life will be supported by the community or adherents of its teachings. This concept is an abstraction derived from thought, and is empirical. Some of the goals are, to reduce conflicts that occur between problems that occur between individuals and groups caused by misunderstandings, relieve conflicts for a while, then to allow cooperation between social groups. A simple example is such as the nature of tolerance between groups and individuals that occurs due to diversity in life (Wekke, 2018).

Actually, customary rules and Islamic rules have a relationship, namely having the same position or role. The two rules complement each other without having to lose the slightest identity of each of the two rules. For example, in various regions in Indonesia, before the enactment of Law No. 1 of 1974 in terms of marriage, the law governing marriage in Islam became a benchmark together with customary marriage law (Irianto, 2016).

In marriage, of course, obey the laws, both the laws created by the government and the customary laws of Islamic law. Legally the government i.e. the government creates marriage laws. Likewise, Islamic law is regulated, how the marriage is carried out properly so that it does not violate the norms regulated in Islamic law. Likewise, marriage is regulated by customary law, namely each region has differences inherent in the local area, for example, Sundanese customs perform marriages different from Javanese customs, but they still prioritize Islamic rules and government rules that have been created so that the marriage can be considered valid and accepted by the community. The government makes a marriage law, namely to regulate the implementation of marriage carried out by a husband and wife, the definition of marriage according to the law is that there is a bond between a man and a woman to build a household and the marriage is considered valid in terms of law, religion and custom.

Marriage in customary law communities in general in Indonesia marriage is not only meant as a "civil engagement", but also a "customary engagement" and at the same time a "kinship and neighborliness alliance". So the occurrence of a marriage bond not only has consequences on civil relations, such as the rights and obligations of husband and wife, joint property, the position of children, the rights and obligations of parents, but also concerns the relations of inheritance, kinship, kinship and neighborliness customs and concerns traditional and religious ceremonies.

The legal consequences of customary marriage have existed since before the marriage occurred, for example with the existence of a marriage relationship which is "rasan sanak" (child, bachelor-girl relationship) and "rasan tuha" (relationship between the family parents of the prospective husband and wife). After the occurrence of the

marriage bond, the rights and obligations of parents (including family members or relatives) arise according to local customary law, namely in carrying out customary ceremonies and subsequently in participating in fostering and maintaining harmony, integrity and permanence of the lives of their children who are bound in marriage. The validity of marriage according to customary law for customary law communities in Indonesia depends on the religion of the indigenous people. This means that if it has been carried out according to the rules of religious law, then the marriage is valid according to customary law, except for those who still adhere to the old (ancient) religion such as "Marapu" (worshiping the spirits of their ancestors), then the marriage carried out according to their customary or religious order is valid according to local customary law.

### **The Participation of Indigenous Peoples in Sundanese Marriage**

At the time before Islam entered West Java, people still adhered to animist beliefs marked by the worship of ancestral spirits. This arises because they still believe that ancestral spirits are always around them, even though the nature is different. This belief in ancestral spirits is the belief of the Sundanese people during prehistoric times. This is an effect of the mindset of the Sundanese people who believe that humans in essence, do not live alone in this world, but are accompanied by the spirits of their ancestors. Thus, the spirits of the ancestors are considered as spirits of kindness that will make people's lives happier. Therefore, at each stage of traditional ceremonies, Sundanese people usually use symbols as media or symbols.

Traditional ceremony is a ceremony carried out for generations that applies in an area. Various kinds of traditional ceremonies that apply in various regions are the order of noble values that have been formed by elders and passed down from generation to generation. Therefore, the traditional marriage ceremony is a series of traditional activities for generations, which is appropriate in the sawer song.

The traditional marriage ceremony is only a culture or *ceremony*, which if not done there is no influence or bad consequences for the bride, because in marriage all that must be done is a marriage contract to justify a bond, but the name of culture must certainly be preserved. The marriage ceremony is performed depending on the master of ceremonies who delivers, this explains that the role of humans is very important in the development of culture. In this case, humans are in control of cultural life and development. Traditions as part of culture, also more or less added by humans themselves, they have the right to change or accept them.

Marriage is a moment of the union of lovers in a conjugal bond that is legalized before God and recognized by the state. Marriage is a very sacred event and is awaited by every couple. Sacred itself for the Sundanese people is as a means for humans to connect with the Divine. Therefore, not a few couples who make marriage preparations well in advance, and the most important thing for couples to do before marriage is to get closer to God and ask for His blessing so that the marriage that is carried out is successful, smooth, and happy born inside forever.

Traditional marriage is not merely to satisfy lust, but to achieve tranquility, tranquility and mutual protection between husband and wife based on deep love and affection. Because love and affection not only allow the couple to form a peaceful and happy family life, but also give the strength needed to prioritize higher cultural values. This is expressed and implied in the marriage ceremony. All activities including all traditional ceremonial equipment are symbols that have a certain meaning and hope, which aims to ask God Almighty so that all requests can be granted. Indigenous people will usually help selflessly when other communities will carry out marriages, from the proposal procession to the wedding reception, indigenous people will help in the implementation of the marriage.

In modern times like today, with the development of social science, many people neglect and do not heed traditions, so now people do not understand things about traditional ceremonies. Those who understand it are very limited, so it is feared that this traditional ceremony that has noble values, will gradually be displaced by external values that are not in accordance with Indonesian culture. One example is the traditional Sundanese marriage ceremony, which some people almost forget, because the noble values contained in it are only known by traditional leaders or people engaged in wedding *event organizers*.

Before marriage and after the marriage contract, ceremonies are more inclined to elements of belief expressed in the form of figurative meanings and symbols of events. Meanwhile, the marriage contract ceremony is carried out in accordance with the laws and regulations of the religion that are fully adhered to. Thus the traditional Sundanese marriage ceremony is a combination of elements of nature, characteristics, beliefs and religion, all of which support each other. From this series of events or moments, the marriage ceremony has its own meaning, which leads to the safety and happiness of the bride and groom in the future. But in the marriage ceremony there are things that are still maintained, some have begun to be unused or reduced in intensity. This is because "the bride" does not want to beat around the bush and wants to be simpler.

Each particular ethnicity has a different marriage ceremony procession, which is seen in terms of clothing, makeup, accessories and procedures for carrying out marriage from each region. The participation of indigenous peoples will be seen in their involvement in carrying out a series of customary marriage processions. One of them is the traditional Sundanese marriage procession in West Java, Bogor Regency, Sukajadi Village, where the marriage procession is carried out in several stages, namely mapag panganten, seserahan, akad nikah, sungkeman, sawer panganten, nincak endog, open the door and huap lingkungan. The entire ceremony is a hereditary custom that has noble values that have been formed by the elders and passed down from generation to generation. The marriage ceremony procession is as follows:

### **Mapag Panganten Ceremony**

The mapag panganten ceremony is a traditional ceremony at marriage, where this ceremony is a unique ceremony because of the presence of the figure Ki Lengser who is in charge of leading the ceremony. The mapag panganten ceremony is performed before

the groom arrives and before *ijab qabul*. Before starting, the *nayaga* (gamelan players) *degung* chant songs while waiting for the preparation of the ceremony to be completed, when the ceremony is ready, which is marked by the arrival of the groom, then the *nayaga* will chant the welcoming song and start the ceremony with *gendings* during the ceremony.

The *Mapag panganten* ceremony is one of the rituals that is part of the whole series of traditional marriage ceremonies in Sundanese society. Etymologically, the word *mapag* in Sundanese means to pick up or welcome. So *mapag panganten* is an event to welcome the arrival of the bride and her family. In this case, what is welcomed is the groom's party because in general the Sundanese marriage ceremony is carried out at the bride's family residence.

The *mapag panganten* ceremony is carried out as a custom of courtesy or manners that have become a common habit, namely mutual respect. The *mapag panganten* ceremony begins when the groom and his entourage have come to the place of ceremony. The groom accompanied by his parents and close relatives came hand in hand. The group must wait for the readiness of the bride's family who will *mapag* (welcome). After everything is ready, *Ki Lengser* (traditional elder) who acts as the master of ceremonies signals to the *panayagan* (music players), *pager ayu* (dancers), *retainer* (guard soldiers), and the bride's family who will welcome the arrival of the groom, that the ceremony will be held soon.

The repertoire of powdered *gending* marks the beginning of the ceremony. Then *Ki Lengser* invited the courtiers to escort the groom and his entourage. After a conversation between *Ki Lengser* and the head of the troupe, the *ayu pagers* (dancers) consisting of six people then welcomed the arrival of the group with dancing and sowing flowers.

### **Handover Ceremony**

Upon arrival of the groom and his entourage at the bride's house, a welcome was held with a flower arrangement made of jasmine flowers to the groom carried out by the bride's mother, which symbolizes that the woman welcomes the arrival of the groom with a clean sacred heart and open arms. In this ceremony, the parents of the groom hand over their sons to the parents of the bride-to-be while carrying the bride's necessities, namely women's clothing from head to toe which is a symbol of the man's side as a form of responsibility to the woman's family. This ceremony was carried out with the following schedule ([Riasih, 2018](#)):

- a. Opening with a welcome to the guests, thanks to God and apologies if there are shortcomings in its implementation.
- b. A welcome from the host delivered by the father of the bride-to-be or the representative he entrusted, and the content of the welcome was in the form of a question about the purpose of the group's arrival.
- c. A welcome from the guest, delivered by the father of the groom or the entrusted representative, and conveys about the fulfillment of the promise that has been said at the time of proposing with the intention of giving up his son and just giving a gift.

- d. The welcome from the host returned, who expressed the joy of receiving such a precious gift from the guest while thanking God.
- e. Delivery or handover in a symbolic manner of the groom and all parcels.
- f. Closing with prayer, usually performed by kiai or ajengan.

There is a Sundanese proverb "ngaleut ngeungkeuy ngabandaleut ngematngemat nyatang pinang", which means to go hand in hand through valleys and hills. But with the development of the times, the proverb may be less familiar because it used to be done on foot, but now using motorized vehicles, cars, and paved roads has been evenly distributed to remote villages.

### **Marriage Agreement**

Accompanied by his future in-laws, the groom is brought into the marriage contract room and invited to sit on the chair that has been prepared. Furthermore, the master of ceremonies invited the parents of the bride and groom, witnesses, officers from the Office of Religious Affairs (KUA), as well as several parents from both parties to sit in the space provided. The bride is welcome to sit next to her future husband which is then immediately followed by the Akad Nikah ceremony. Before the ijab (marriage contract) begins, the bride and groom are veiled with a long white hood, this symbolizes the union of two people who are still pure, born and mental (Asman et al., 2021).

After the marriage contract is completed, the bride and groom are welcome to stand for the handover of the dowry and receive their respective marriage certificates. According to elders, dowry is only as a symbol not as a buyer like or a sign of love. Mas is a precious metal that is yellowish in color and valuable objects from other objects. Kawin means friend or loyal friend. Dowry for Sundanese people is not very important, this depends on the ability of the groom and usually has been negotiated at the time of proposing or at the time of offering. The dowry can be in the form of money, items such as gold, prayer tools or Scripture, and others.

Thus the marriage contract ceremony was completed, closed with prayers and thanks to the ruler and witnesses. In religious regulations, marriage is considered valid if at the time the marriage contract is attended by; The two brides-to-be, the guardian (the father of the bride and groom or the representative appointed by him), witnesses (at least two people), the special officer of religious affairs i.e. the devotee.

### **Sawer Panganten Ceremony**

The sawer ceremony is a ceremony of giving marriage advice to the bride, and is performed in the panyaweran between the courtyard and the house, where water falls from the roof. Because sawer comes from the word awer which means falling water splashing. At the ceremony, the bride and groom are seated in the seats provided, the woman on the left and the man on the right. Both of them were umbrellaed and accompanied by relatives. After that, the nyawer ceremony was carried out by the representative of the bride's parents, by singing sawer songs containing admonitions and prayers, interspersed with sprinkling white rice, turmeric dissolved in water, then

used to stir white rice so that the rice turned yellow, coins, umbrellas, candies, betel rolled in the form of cigars containing gambier, whiting, areca nut, and tobacco, all of which are mixed in one container (Irawan, 2021).

The sowing of sawer material symbolizes that the bride and groom should not hesitate to provide assistance / wealth to relatives and others. Sundanese marriage ceremonies cannot be separated from the function of communication, namely direct communication in the form of verbal using sung art words or in Sundanese "digalindengkeun", "dikawihkeun", so that it is harmonious, not bored and quite memorable. In addition, there is also indirect communication in the form of non-verbal using symbols or silokas, for example on equipment materials used in sawer ceremonies; rice, turmeric, candy, betel, umbrellas, and coins, all of which carry a certain meaning for the life of the bride.

### **Sungkem Ceremony**

The sungkem ceremony is a ceremony of apology to parents as a sign of filial piety and gratitude for guidance from birth to marriage. In addition, the bride and groom ask for blessings in building a new home life, so that they always get God's blessings and mercy. The implementation of the sungkem ceremony, begins with the bride and groom performing sungkem prayers to their respective parents. The bride and groom take turns performing sungkeman to the father and mother of the bride, then the bride and groom perform sungkeman to both parents of the groom. To whom he first sungkem, some argue to the mother first, because she gave birth to us, and some argue to the father, because he is the head of the family. But it is up to the family or bride to decide.

When performing sungkeman, either with the bride's parents or the groom's parents, the bride and groom sit squatting and bowing their heads, both parents extending their right hands to shake and kiss, while the parents' left hands stroke to both brides. The sungkem ceremony is usually guided by a make-up, in whose execution the make-up develops the pupuh.

The sungkem ceremony is always identified with the most moving procession. The bride and the bride's parents usually always cry during this ceremony, because it is a process where the bride and groom ask permission from the parents, and the parents have successfully completed their sons and daughters towards independence to form a family. For the bride, the sungkem ceremony is an event that is awaited to ask for the blessings of parents.

### **Nincak Endog (Step on eggs) ceremony**

The egg stepping ceremony is a ceremony that symbolizes the way of communication or association between husband and wife in everyday life. After the sawer ceremony is over, the bride and groom are welcome to stand up to perform the nincak endog ceremony, the groom stands at the bottom of the stairs and the bride stands on the higher steps carrying jugs and facing each other face to face. The ceremony continues to be led by a make-up who explains the purpose and meaning of the ceremony to be held. The ingredients used in the nincak endog ceremony contain meanings as symbols and advice for the safety of the bride and groom. Such materials consist of:

- a. Sagar; That is the seven-stalk lidi (harupat). Lidi has hard properties, not easily broken or brittle. An advice for the bride and groom not to be easily angry because it will cause life not to be peaceful or harmonious.
- b. A chicken egg symbolizes an intention or willingness to act as a responsible human being and the resignation of a wife to follow the guidance of her husband, the association of husband and wife, produce offspring in the form of mucus that resembles the contents of chicken eggs, humans are born from the same material, therefore there is no reason to be arrogant, arrogant, and feel more than others.
- c. Ajug (lamp) has seven axes, but now often used candles, symbolizing as a light for the bride and groom in running the household, so that both of them hone, nurture, and love each other.
- d. Elekan is a piece of bamboo that is taken not with the segment, something empty. This is a hint that the bride and groom must be knowledgeable, not to be empty like the elekan.
- e. A small jug filled with clear water, symbolizing a cleaning tool and as a cooler or calming atmosphere when the heart is upset.

In explaining the meaning and meaning of these objects, makeup artists are usually very agile in describing while being funny, so that the ceremony becomes festive, especially things that allude to problems that are usually done by married couples. The egg stamping ceremony begins with the groom and bride being told to hold a seven-stalk agar. The prostration held by the groom is lit, then the bride ignites the sticks until they catch fire.

Then it was extinguished, and the sticks were broken and finally discarded. After finishing removing the broken stick, the groom stripped off or removed the right leg shovel to start the nincak endog event and the elekan was placed on the ground in front of him. Eggs and elekan must be broken at the same time. After that the bride washes the groom's feet with water from a small jug. After the water is empty, the jug is slammed until it breaks, symbolizing contentment, the wife must be happy to serve the husband and the husband must enter the house with a clean, clear and fresh heart.

### **Huap Lingkungan Ceremony**

Huap Lingkungan is a parable of a harmonious husband and wife life, always full of longing, mutual love, love, and mutual need. The ceremony is presided over by the dresser and witnessed by the bride's parents, family and often also by close friends of the bride and groom. The food dish for the environment is traditionally served by the bride, as the first meal from the wife to her husband after the two are married. This means that since then the parents of both parties will not take care of it anymore, not feeding as before. This can also be interpreted as bribes, giving and the last care of parents to the bride and groom, which then the bride and groom themselves take care of the necessities of life.

In this ceremony the parents of the bride and groom also feed the bride and groom in turn, this symbolizes an expression that the mouthfuls done by the bride's parents are the last mouthfuls to their children. After the bribery, the bride and groom hold the big brother chicken (grilled chicken), each holding his thigh, the dresser gives a cue and the bride and groom pull each other until it is divided in two. According to Sundanese belief, whoever manages to get a greater share, he is the one who will bring the most sustenance. In addition, it also means that husband and wife in the household will have to work together or encourage each other in seeking sustenance. The implementation of this circumference bribery ceremony, is not always the same in its order, there are those who prioritize the event of pulling the cockerels, and then feeding each other. This depends on who presides over the ceremony. After the hury ceremony is over, the event continues by giving the bride and groom the opportunity to receive blessing prayers from relatives.

#### **Marriage in Law No. 1 of 1974**

Marriage is the inner birth bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the divinity of the Almighty. Marriage is valid if it is performed according to the laws of each religion and belief. Every marriage is recorded according to applicable laws and regulations. Conditions for marriage:

1. The marriage must be based on the consent of both prospective brides;
2. To consummate a marriage a person who has not reached the age of 21 (twenty-one) years must obtain the consent of both parents;
3. In the event that one of the parents has died or is in a state of inability to express his will, then the permission referred to in paragraph (2) of this article is sufficient to obtain from the surviving parent or from the parent who is able to express his will;
4. In the event that both parents have died or are in a state of inability to express their will, permission is obtained from the guardian, custodian or related family in a straight line as long as they are alive and in a state of being able to express their will;
5. Marriage is only permitted if the male party has reached the age of 19 (nineteen) years and the female party has reached the age of 16 (sixteen) years;
6. In the case of deviations between the two who have not reached the age of age, may seek dispensation from the Court or other Officer appointed by both the male and female parents;

Marriage is prohibited between two persons who:

1. Blood related in a straight down or up lineage;
2. Blood relations in the sideways lineage i.e. between siblings, between one and one's parents' siblings and between one and his grandparents;
3. Have temporary relationships, namely in-laws, stepchildren-in-law and mother/stepfather;
4. Related milk, namely milk parents, milk children, milk siblings and milk aunts / uncles;

5. Relative relations with the wife or as aunt or niece of the wife, in the case of a husband with more than one wife;
6. Have a relationship that, by religion or other applicable regulations, is prohibited from marrying;
7. A person who is still married to another person;

If a divorced husband and wife remarry each other and divorce a second time, no marriage can be held between them, as long as the laws of each religion and belief of the person concerned do not specify otherwise.

### Conclusion

The marriage of the indigenous people of the Sundanese tribe, until now is still carried out with the mechanism of traditional marriage, but its cultural values have begun to be marginalized by the times, including holding wedding receptions without traditional ceremonial processions. Nowadays it prioritizes music entertainment rather than the customs in the village. By preserving culture by the Adamese people, it is hoped that it can maintain local wisdom, tribal customs, especially Sundanese tribes in West Java. Improving and preserving culture is expected that indigenous peoples in villages are also not inferior in competition in movements in the modern world. Even with various local wisdom in it, it can later improve the economy of rural communities through the introduction of marriages carried out by indigenous people and as one of the uniqueness that must be maintained. In the Participation of Indigenous Peoples Leaders in Marriage, of course, the community can maintain and preserve the culture of local wisdom and the values contained therein because the birth of Law Number 1 of 1974 concerning Marriage is a law that is a manifestation of many customary laws, ethnic groups in Indonesia that have privileges, which regulate all members of society who have reached adulthood to be married.

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