

Stratification of Customary Marriage According to *Larvul Ngabal* Law

Saini Musaad¹, Adonia Ivonne Laturette², Barzah Latupono³

¹Student of Postgraduate Program, Department Master of Law, Pattimura University, Ambon, Indonesia

^{2,3}Lecturer Postgraduate Program, Department Master of Law, Pattimura University, Ambon, Indonesia

ABSTRACT: The Marriage Law stipulates that marriage is a physical and spiritual 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 One Almighty God. Stratification and differences in position or caste in customs can give birth to customs/traditions of forced marriage, for example. Forced marriage or matchmaking is an actual problem that occurs in society that needs attention in society in Indonesia, including the community in the Kei Islands which is famous for the "*Larvul Ngabal*" Customary Law which is often the main basis for the Kei indigenous community in carrying out the tradition or custom of marriage. This study employs an empirical juridical research method, utilizing both primary and secondary data sources. The research is conducted in the Southeast Maluku Regency, specifically in the Ratschap Yarbadang area of the Ohoi/Tetoat village in the Southeast Maluku Regency of the Maluku Province. The results that in marriage relationships due to the implementation of the caste system, especially in the upper caste (*mel-mel*) they want an endogamous caste marriage, with the intention that their family members marry people of the same caste. Thus, by highlighting the influence of caste in marriage, the prohibition of marriage outside of caste in the Kei Islands explains the marriage system in the Kei Islands as an endogamous caste marriage system. Marriage between a man and a woman is valid if there is an agreement between the two without any coercion, including in the principle of Human Rights which rejects restrictions on ethnicity, race, religion and class in marriage. This is certainly contrary to the caste endogamy system adopted by the community of the Kei Islands, which prohibits inter-caste marriages.

KEYWORDS: Marital Stratification, Human Rights, *Larvul Ngabal*.

INTRODUCTION

As social creatures, humans always need to live and interact with other people. One such relationship is the bond between a man and a woman, which is carried out through the institution of marriage. Marriage is a sacred institution that humans carry out as a form of obedience to God's commands. Marriage is an important event in human life and is, by nature, the right of every individual. In other words, marriage is a human right.

Human rights regarding marriage include the right to marry and start a family; equal rights for women and men during marriage and after divorce; the protection of marriage as a legal act; and the protection of the right to respect for private and family life. These rights are protected by several provisions:

1. Article 28B, Paragraph 1, of the 1945 Constitution of the Republic of Indonesia, which recognizes marriage as a human right of citizens.
2. Article 16 of the Universal Declaration of Human Rights, which states that every adult has the right to marry and start a family;
3. Article 10 of Law No. 39 of 1999 on Human Rights emphasizes the right to form a family and have children. In Indonesia, marriage is regulated by positive law as a physical and mental bond between a man and a woman as husband and wife. This means that marriage is not only a physical bond that connects a man and a woman; it also binds them inwardly. This bond is born from a relationship that is expected to be happy and eternal, based on God Almighty.¹

Marriage also involves close correspondence between religious and cultural aspects. This correspondence causes diversity in marriage traditions between regions in Indonesia.

Indonesia has provisions regarding marriage that are regulated by Law Number 1 of 1974 concerning marriage, which was amended by Law 16 of 2019. Article 1 of the Marriage Law defines marriage as "a physical and mental bond between a man and a woman as husband and wife, with the aim of forming a happy and eternal family based on Almighty God." Thus, marriage not only binds the bodies of men and women as husband and wife, but also their hearts and feelings, creating a happy family.

¹ Barzah Latupono, *Penyelesaian Perkawinan yang Tidak Memenuhi Syarat Perkawinan Melalui Isbath Nikah, Jurnal Hukum dan Pembangunan*, Vol. 49, No. 4, 2019, pg. 959-967

Stratification of Customary Marriage According to *Larvul Ngabal* Law

A legal marriage can maintain human honor and chastity. A marriage becomes valid if it meets the formal and material requirements. Article 2 of the Marriage Law stipulates that the material requirements for the validity of a marriage if it is carried out according to the laws of religion and belief of each, then it must be recorded according to the applicable laws and regulations. Meanwhile, the formal requirements for the validity of marriage according to the Marriage Law are as stipulated in article 6, namely:

1. Marriage must be based on the consent of the bride and groom;
2. To enter into marriage, a person who has not reached the age of 21 years must obtain the permission of both parents;
3. Marriage is only permitted if the man has reached the age of 19 years and the woman has reached the age of 16 years;
4. A person who is still married to another person cannot remarry unless Article 3 paragraph 2 and Article 4 are complied with;
5. If a divorced husband and wife remarry one another and divorce again for the second time if their religious law so requires;
6. A waiting period shall apply to a woman whose marriage is dissolved.²

Article 6 of the Marriage Law states that marriage is an inner bond based on consent, sincerity, and voluntariness. Therefore, marriage must be based on the consent, sincerity, and voluntariness of the prospective bride and groom. This inner bond can be formed when the prospective spouses have gotten to know each other's personalities before deciding to marry. Thus, marriage must be based on willingness, with no element of coercion. As previously mentioned, marriage involves juridical, religious, and cultural aspects. The cultural aspect of marriage causes the process to vary from region to region in Indonesia due to the diversity of customs and cultures.

The motto of the Indonesian nation, *Bhineka Tunggal Ika*, recognizes and respects the diversity of customs and cultures, meaning "different but still one." This motto illustrates the diversity of Indonesian customs, which consist of many tribes.

Recognition and respect for this diversity, including customary law, are constitutionally regulated in Article 18b, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states, "The State recognizes and respects the unity of customary law communities and their traditional rights, as long as they are in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law."³ This article contains several important terms that need to be understood. Customary law communities are groups of people with historical ties, customs, and culture who inhabit certain territories. The state recognizes their existence. Traditional rights are the rights attached to customary law communities. These rights include customary rights, land rights, rights to natural resources, and other rights recognized by the state.

State recognition and respect: is the attitude and actions of the state that provide legal protection and respect to indigenous peoples and their traditional rights, as part of the nation's cultural wealth and diversity. Customary law is maintained and implemented as legal provisions that regulate all areas of the lives of indigenous peoples, not only the private aspects but also the public aspects, namely customary kinship, customary inheritance, customary land, customary transactions, customary governance, customary offenses and judicial mechanisms, including customary marriage.

There is a fact in customary marriage that tends to contradict marriage according to the Marriage Law that on the one hand the Marriage Law requires marriage to be carried out on the basis of the consent of the bride and groom with sincerity and voluntariness born from a relationship of mutual knowledge. As a manifestation of the nature of marriage as a human right as recognized in the constitution and laws and regulations. However, on the other hand, the Constitution also recognizes and respects indigenous peoples and their rights, including customary law, so it also recognizes and respects the customary marriage law that applies in an indigenous community.

In reality, customary marriage laws contain conventions that contradict laws and regulations. For example, stratification and differences in position or caste in *Adat* can lead to the tradition of forced marriage. Forced and arranged marriages are actual problems in Indonesian society that need attention, including among the people of the Kei Islands, who are famous for their *Larvul Ngabal* customary law. This law is often the main basis for the Kei indigenous people's tradition of marriage, which has been enforced for generations in the customary law community of the Kei Islands.

Based on the above background, the problem raised in this paper is how is the stratification of marriage according to the customary law of *Larvul Ngabal*?

RESEARCH METHOD

This research uses empirical juridical methods with research data sources consisting of primary data and secondary data. The research location is Southeast Maluku Regency, precisely in Ratschap Yabadang, Ohoi / Tetoat Village, Southeast Maluku Regency, Maluku Province. The respondents selected in this study included the Rat (king) of Yabadang, Orang Kaya (village head), and husband and wife couples who were victims of the forced marriage tradition. The data collection techniques used were interviews and direct observation at the research location. The data analysis technique used is qualitative analysis.

²*Ibid*

³ Adonia Ivone. Laturette, *Penyelesaian Sengketa Hak Ulayat pada Kawasan Hutan, Jurnal Sasi*, Vol. 27, No. 1, 2021, pg.102-112

RESULT AND DISCUSSION

1. Legal Concept of Larvur Ngabal

Larvul Ngabal customary law is a customary law that lives in the Kei Islands community (nuhu evav) in Southeast Maluku Regency, which is a series of analysis of the ability and intelligence of the ancestors in translating the social reality at that time which is codified as a set of rules that are then able to ensure welfare within the scope of Kei society both politically, economically, socio-culturally and legally.⁴ De jure, this legal culture has an important role as a source of customary law of the people in the Kei islands, which consists of 7 (seven) main articles described in 21 paragraphs regarding rules consisting of the law of life (navnev), the law of decency (hanilit) and the law of social justice (hawear balwirin), where the three legal concepts (Navnev, Hanilit and Hawear Balwirin) are each complemented by seven articles of legal prohibition called Sa Sor Fit (seven layers of error / violation) and overall the customary law consists of 7 articles.⁵

The Larvul Ngabal customary law plays a crucial role in maintaining the social life of the Kei people, particularly with regard to ethics and the preservation of human values. The various prohibitions in the Nev-nev, Hanilit, and Huwear Balwirin laws aim to promote appreciation and respect for others, even those who are different. If these prohibitions are followed, they will create a safe and peaceful way of life. This way of life aligns with the Ain Ni Ain philosophy of the Kei Islands people. This philosophy unites the pluralistic Kei Islands community socially, linguistically, and religiously.⁶ Notably, Larvul Ngabal law includes a prohibition against elopement, as outlined in the Hanalit law. The Hanalit Law regulates manners between men and women. It focuses on morality and ethics.

There are 7 prohibitions on this law, called: *Sasa Sorfit Hanalit* law, which are:

1. *Sis, af*, the prohibition of whistling, hissing and flirting with women.
2. *Kifuk mat ko*, the prohibition of flirting with women.
3. *Kis kafir*, Temar U, prohibition of pinching, picking at women, and swinging a bow when walking with women.
4. *A lebak*, humak voan, prohibition of hugging and kissing women.
5. *Tod es*, prohibition of forcibly grabbing women and raping them.
6. *Marvuan fa ivun*, prohibition of impregnating women out of wedlock
7. *Manu'u marai*, the prohibition of eloping, and taking someone's wife.

Kei customary marriage law has principles that become the parameters of the Kei community in conducting marriages based on the division of strata / caste, or class levels. This also defines the Larvul Nagabal adat law as a law consisting of customs accepted as legal requirements or mandatory rules of behavior, practices, and beliefs that are very important and are an intrinsic part of the social system so that they are treated as if they are laws that have been carried out and held by each group which is considered a law that has been regulated by their grandfathers and ancestors which are still used in the marriage process in each group in the Kei Islands.

For the Kei community of Southeast Maluku Regency, differences in social strata are an obstacle to marriage as mandated in Marriage Law Number 1 of 1974, in order to obtain a physical and mental bond between a man and a woman as husband and wife with the aim of forming a happy family / eternal household based on God Almighty. because of differences in sects / castes in local community customs. So that marriage in the customary law community in the Kei islands becomes an important thing to consider in the practice of marriage. Marriage is considered valid if it is carried out according to their respective laws and beliefs. Because it is a form of protection for the parties.⁷

There is an inter-caste marriage procedure in the Kei customary law society, namely in arranged marriages or marriages must marry people of the same caste or in the Kei language, "the *mel-mel* caste must marry the *mel- mel* caste, and the *ren- ren* caste must marry the *ren- ren* caste, likewise, the *ri- ri* caste must marry the *ri- ri* caste" explained that the *Mel-mel* caste = noble class, and *Ren-ren* = middle class and lower caste (*ri-ri*). If a man or woman of different castes marries, this has very big consequences or risks. Because in the old days, if there was a marriage between different castes, both of them were subjected to very harsh actions, namely they broke the kinship relationship with the person who had married a different strata/caste and they were prohibited from associating with the local community. Another impact of this caste practice is that if a person from the lower caste (*ri-ri*) has a very high position and educational degree, but if he returns to his hometown, then he must submit and obey all the customs that apply in the middle of his hometown. As explained above, although this one law is not officially written, it sometimes has a coercive nature to the people in it, this is because the indigenous people in it also have confidence in the law so they obey it and believe they will

⁴ Rumagorong Jamal, Studi Penyelesaian Perkara Pidana di Desa Rumonin Menurut Hukum Adat Larvul Ngabal, Skripsi Fakultas Syariah IAIN Ambon, 2012.

⁵ Husin anang Kablamay dan Ahmad Lothor. Hanalit Pertanggungjawaban pidana asusila, LP2M IAIN Ambon, Ambon, 2020, hal.1

⁶ Wedemina Yudit Tiwery. Lar Vul Ngabal dan Ain Ni Ain Sebagai Pemersatu Kemajuan di Kepulauan Kei Maluku Tenggara, *Sodality: Jurnal Sosiologi Pedesaan*, Vol.6 No.1, 2018, pg. 8-15

⁷ Hendrik Belekubun, Catatan Ringan *Interaksi Sosial dan Budaya*, Perkawinan adat kei, 2016, <https://ahmybell.blogspot.com/>, diakses pada 7 agustus 2024

Stratification of Customary Marriage According to *Larvul Ngabal* Law

receive sanctions if the law is not carried out and violated. The 7th prohibition in *Hanalit* Law, namely *Manu'u marai*, the prohibition of carrying out elopements, and seizing people's wives, is a form of affirmation of the *Larvul Ngabal* Law in enforcing customary laws governing marriages that cannot be carried out outside the caste.

2. Social Stratification in the Kei Islands Society of Southeast Maluku Based on *Tom Tad*

The term stratification comes from the words *strata* and *stratum* which mean layers. Therefore, social stratification is often translated as the layering of society. A number of individuals who have the same position (status) according to the size of their society are said to be in a layer (*stratum*). Social stratification is a system of differentiating individuals or groups in society, which places them in different social classes in a hierarchy and provides different rights and obligations between individuals in one layer and another.⁸

Social stratification is the division of a population or society into distinct social classes, such as the upper class, middle class, and lower class. The core of a stratified society is an imbalance in the distribution of rights, obligations, and responsibilities among individuals and groups.⁹ Classification into these groups is based on a social system's more hierarchical layers according to power, privilege, and prestige.¹⁰

Pitirin A. Sorokin states that social stratification is the differentiation of the population into classes in a hierarchical manner. Its manifestation is the existence of higher classes and lower classes. According to Sorokin, the basis and core of the layers in society is the absence of balance in the distribution of rights and obligations, and the responsibility of social values and their direction among members of society.¹¹ Among the existing societies, some of them have a very strict social stratification. A person is born into a certain category and it is not possible for him to rise to a higher category. His membership in a category is the main factor that determines the level of education he can receive, the position he occupies, the person he marries and so on. These strict categories are usually called castes.

In the Kei Islands of Southeast Maluku, including Tetoat Raatschap Yarbadang Village, there is a differentiation of the population into stratified classes referred to as social stratification. *Tom Tad* is an oral history of the Kei people.¹² *Tom* means "story, telling", and *tad* means "evidence" of the story. The important thing in *Tom Tad* is the division of Kei society into three groups: *nuhu duan-tuan tan*, the first inhabitants of Kei, believed to have emerged from the land, sea, animals, plants, categorized as *ren ren*, and *mel nuhu duan*. Second, *marvutun/mardat*, migrants from Java-Sumatra, Bali-Sumbawa, Luang, Jailolo-Ternate, and Seram-Banda are categorized as *mel marvutun/mardat*.

Through customary mechanisms, these immigrants were accepted by the Tan Masters. Those deemed capable were given the opportunity to lead and manage the area alongside the indigenous population. Intergroup marriage was forbidden because they agreed to be *ren-ren* brothers and *mel-mel* sisters. Third, the *iri ri* were servants or slaves who violated custom and were either redeemed or prisoners of war. These three social groups are called castes.

In practice, caste is clearly visible in Kei's population settlement patterns, which are divided by caste. The upper class *mel-mel* occupies the front of the village, the middle class *ren-ren* occupies the middle, and the lower class *iri-iri* occupies the back. This concept also influences everyday life. For example, the lower caste (*iri-iri*) is responsible for cleaning the village environment. This stems from the community's decision-making system, in which the upper caste's (*mel-mel*) voice is given more weight than that of the lower caste.

Thus, caste manners are very important, in which there should be no mixing of castes, in the sense that the upper (*mel-mel*) and middle (*ren-ren*) castes should not mix with the lower caste (*iri-iri*). This is evident in daily life, for example if a lower caste (*iri-iri*) wants to go to the king, then he must crawl about 10 meters from outside his master's house before meeting the king or his officials. In addition, in marital relations due to the caste system, especially the upper castes (*mel-mel*) wanted caste endogamous marriages, with the intention that their family members would marry people of the same caste. If a man/woman from one of their families marries outside their caste with a man/woman from a lower caste (*iri-iri*), they will be ostracized and expelled from the family. This often results in couples who already love them being more likely to flee outside the Kei islands.

THE TRADITIONAL MARRIAGE OF THE KEI ISLANDS COMMUNITY IN SOUTHEAST MALUKU IS A GOOD EXAMPLE OF SOCIAL STRATIFICATION.

As previously reviewed, the caste division of the Kei Islands community consists of *mel-mel*, *ren-ren*, and *iri-iri* as forms of social stratification. The *mel-mel* are considered the upper caste because they have the opportunity to become leaders. The *ren-ren* are

⁸ Indianto Muin, *Sosiologi*, Erlangga, Jakarta, 2004, hal. 48

⁹ Pitirin A. Sorokin, *Social Stratification*, Harper, New York, 1998, hal. 36.

¹⁰ Robert, M.Z. Lawang, *Teori Sosiologi Mikro dan Makro Jilid I*, Rineka Cipta, Jakarta, 1998, hal. 42.

¹¹ Soerjono Soekanto, *Sosiologi Suatu Pengantar*, Raja Grafindo Persada, Jakarta, 1995, hal. 220.

¹² Elly Esra Kudubun, *Konstruksi Relasi Mel-Mel, Ren-Ren, Dan Iri-Ri (Studi Sosiologis Tentang Perbedaan Dalam Persatuan Masyarakat Desa Ohoiwait, Kecamatan Kei Besar, Maluku Tenggara)*, Prosiding Konferensi Nasional Sosiologi, Vol. 1, No. 2 Tahun 2023, pg. 349-359

Stratification of Customary Marriage According to *Larvul Ngabal* Law

considered the middle caste because they are natives. The *iri-iri* are considered the lower caste because they are prisoners of war, custom violators, or people who have been redeemed. There are several customary marriage systems in place, which are described below.

a. Endogamy System

In this marriage system, people are only allowed to marry someone from their own family tribe. Men are prohibited from seeking wives outside of their own kinship. This system is rarely followed in Indonesia. According to van Vollenhoven, there is only one region in Indonesia that practically recognizes this system, namely in the Toraja area. This system is not suitable for the parental kinship system.

b. Eleutherogamy System

A man is no longer required or prohibited from seeking a wife outside or within his kinship circle. Rather, it is within the limits of close relationships or *nasab* and *pariparan* (deliberation) as stipulated by Islamic law and in the applicable laws and regulations. The prohibition of marriage that is related to family ties, namely because of *nasab* or close descent, such as marrying a mother, grandmother, biological child, father or mother's sibling, this is not permitted and because of deliberation or a relationship of reciprocity, such as marrying a stepmother, daughter-in-law, father-in-law, stepson, this is also prohibited.

c. Exogamy System

In this system, people are required to marry into other tribes. Marrying into one's own tribe is prohibited. However, over time, and the turning of the times, it gradually undergoes a softening process in such a way that the marriage ban is treated only in a very small family environment. This system can be found in the Gayi, Alas, Tapanuli, Minangkabau, South Sumatra, Buru and Seram regions.¹³

Based on these three systems, the reality of marriage events that occur in the Kei Islands shows that there is a prohibition of marriage outside the caste. P. M. Laksono in his dissertation which was later cited by Kudubun¹⁴ that there is an agreement on the prohibition of marriage between migrants and natives. This prohibition is based on the agreement that:

- a) The migrants have not or are not clearly known their origins
- b) Because they (migrants) have been adopted and considered as siblings (younger siblings), mixed marriages are a violation of customary oaths.

In marital relations due to the caste system, especially the upper castes (*mel-mel*) want endogamous caste marriages, with the intention that their family members marry people of the same caste. If a man/woman from one of their families marries outside their caste with a man/woman from a lower caste (*iri-iri*), they will be ostracized and expelled from the family.¹⁵ Thus, by highlighting the influence of caste in marriage, the prohibition of marriage outside the caste in the Kei Islands explains the marriage system in the Kei Islands as a caste endogamous marriage system. This means that marriage is only allowed as long as it is within the same caste or social level.

The author's interviews with traditional leaders in Tetoat Village emphasize this scientific view, as follows:

The customary vow determines the marriage boundaries between *mel* and *mel*, as well as between *mel* and *ren*. Therefore, *mel* cannot marry *ren*, nor can *ren* marry *mel*. Each marriage stratum remains within its own nation or descendants because it is part of the agreement of our ancestors. However, due to changing times and economic levels, many have disregarded the previous customs, and many *mel* have married *ren*, and vice versa.¹⁶

However, if *mel* marries *ren* then falls the nation or descends the strata. In essence, each marriage is in accordance with the caste. So if for example there is a *mel* caste that violates the rules and marries an *iri* caste and wants to rise caste/degree again, it must marry 7 generations to restore the degree, then it will be raised back to the *mel* nation. For example, if I have a child who has married down, I cannot marry my brother's child even though it is one blood. Because in Kei, people prioritize customs over religion because customs are very sensitive. So the point is like this, if a man or woman from the *mel* nation marries a man or woman from the *Irir* nation or in *Ren* then he will be ostracized (sworn and banished) by the family and even the risk goes down to the children and grandchildren and so on. So after a marriage between two strata, *mel* marries an *iri* then *mel* will go down to *iri*. So if for example someone marries religiously, it is only religiously, but in customary law they are sworn off by the family.

The interview basically explains that customary law stipulates that marriage is only allowed within the same caste and that marriage between different castes is not allowed. However, if there is a case of marriage between different castes, it will have certain implications. For example, if a man or woman from the *Mel* caste marries a man or woman from the *Irir* or *Ren* caste, he or she will be ostracized (sworn at and banished) by the family and the risk will even be passed down to the children and grandchildren. And

¹³ Soerjono Soekanto, *Intisari Hukum Keluarga*, Citra Aditya Bakti, Bandung, 1992 hal. 132

¹⁴ Elly Esra Kudubun, *Op. Cit*, pg. 349-359

¹⁵ Marthinus Ngabalin, SISTEM KASTA Kajian Teologi Sosial Terhadap Praktek Pelaksanaan Kasta di Kepulauan Kei Kabupaten Maluku Tenggara, *Kenosis (Jurnal Kajian Teologi)*, Vol.1, No. 2, 2019, pg. 148-163.

¹⁶ Wawancara Penulis bersama Tokoh-tokoh Adat Desa Tetoat, Ratschap Yarbadang, Kecamatan Kei Kecil, Kabupaten Maluku Tenggara

Stratification of Customary Marriage According to *Larvul Ngabal* Law

someone among them who is in a higher caste will go down caste following their partner's caste. For example, if a Mel caste person marries a *ren* or *iri* caste person, the *mel* caste person will “fall down” to the same caste as the *ren* or *iri* caste person.

So where is the role of the Larvul Ngabal Law in such a marriage law? It must be emphasized that the Larvul Ngabal Law does not specifically regulate either the caste system or the caste marriage system. However, there is a part of Larvul Ngabal Law, namely Hanalit Law, which regulates the Sasa Sorfit of Hanalit Law, namely:

1. Sis, af, prohibition of whistling, hissing and flirting with women.
2. Kifuk mat ko, prohibition of flirting with women.
3. Kis kafir, Temar U, prohibition of pinching, picking at women, and swinging a bow when walking with women.
4. A lebak, humak voan, prohibition of hugging and kissing women.
5. Tod es, prohibition of forcibly grabbing women and raping them.
6. Marvuan fa ivun, prohibition of impregnating women out of wedlock
7. Manu'u marai, the prohibition of eloping, and taking someone's wife.

The 7th prohibition in Sasa Sorfit Hanalit law, namely Manu'u marai, the prohibition of carrying out elopement, and seizing people's wives, emphasizes the position of customary law governing caste marriage which in the concept of marriage law is referred to as caste endogamy, that the prohibition of elopement certainly has implications for the existence of customary law governing caste endogamy which will be maintained. Because when the Kei community submits and obeys the Larvul Ngabal law, the Kei community must obey and submit to the caste endogamy law. Because the only way to violate the law of caste endogamy is to elope, but such elopement is prohibited by the Larvul Ngabal Law, the kei community must continue to implement caste endogamy in order to submit and obey the Larvul Ngabal Law. The simple conclusion is that a violation of the caste endogamy law will result in a violation of the Larvul Ngabal Law.

CONCLUSION

The social stratification of the Kei Islands community of mel-mel, ren-ren, and iri-iri. With mel-mel who is considered an upper caste because he is given the opportunity to become a leader, ren-ren as a native who is considered a middle caste, and iri-iri who are prisoners of war, custom violators or people who are redeemed as lower castes. In marital relations due to the caste system, especially the upper castes (mel-mel) want caste endogamous marriages, with the intention that their family members marry people of the same caste. If a man/woman from one of their families marries outside their caste with a man/woman from a lower caste (iri-iri), they will be ostracized and expelled from the family. Thus, by highlighting the influence of caste in marriage, the prohibition of marriage outside the caste in the Kei Islands explains the marriage system in the Kei Islands as a caste endogamous marriage system. This means that marriage is only allowed as long as it is within the same caste or social level.

REFERENCE

Journals/Proceedings :

- 1) Adonia. Ivone. Laturette, Penyelesaian Sengketa Hak Ulayat pada Kawasan Hutan, Jurnal Sasi, Vol. 27 No. 1, 2021, pg.102-112
- 2) Barzah Latupono, Penyelesaian Perkawinan yang Tidak Memenuhi Syarat Perkawinan Melalui Isbath Nikah, Jurnal Hukum dan Pembangunan, Vol. 49 No. 4, 2019, pg. 959-967
- 3) Elly Esra Kudubun, Konstruksi Relasi Mel-Mel, Ren-Ren, Dan Iri-Ri (Studi Sosiologis Tentang Perbedaan Dalam Persatuan Masyarakat Desa Ohoiwait, Kecamatan Kei Besar, Maluku Tenggara), Prosiding Konferensi Nasional Sosiologi Vol. 1, No. 2, Tahun 2023, pg. 349-359
- 4) Marthinus Ngabalin, SISTEM KASTA Kajian Teologi Sosial Terhadap Praktek Pelaksanaan Kasta di Kepulauan Kei Kabupaten Maluku Tenggara, Kenosis (Jurnal Kajian Teologi), Vol.1, No. 2, 2019, pg. 148-163.
- 5) Nabila Maharani, Pelaksanaan Kawin Paksa Sebagai Tuntutan Adat Dalam Perspektif Hukum Positif dan Hak Asasi Manusia, TARUNAWAL: Journal of Law and Syariah, Vol. 2, No. 1, 2024, pg. 25-34, <https://doi.org/10.54298/tarunalaw.v2i01.168>
- 6) Wedemina Yudit Tiwery. Lar Vul Ngabal dan Ain Ni Ain Sebagai Pemersatu Kemajuan di Kepulauan Kei Maluku Tenggara, Sodality: Jurnal Sosiologi Pedesaan, Vol. 6, No. 1, 2018, pg. 8-15

Books:

- 1) Husin anang Kablamay dan Ahmad Lothor. (2022), *Hanalit: Pertanggungjawaban Pidana Asusila*, LP2M IAIN Ambon, Ambon
- 2) Indianto Muin, (2004) *Sosiologi*, Erlangga, Jakarta
- 3) Pitirin A. Sorokin, (1998) *Social Stratification*, Harper, New York
- 4) Robert, M.Z. Lawang, (1998) *Teori Sosiologi Mikro dan Makro Jilid I*, Rineka Cipta, Jakarta.

Stratification of Customary Marriage According to *Larvul Ngabal* Law

- 5) Rumagorong Jamal, Studi Penyelesaian Perkara Pidana di Desa Rumonin Menurut Hukum Adat Larvul Ngabal, Skripsi Fakultas Syariah IAIN Ambon, 2012.
- 6) Soerjono Soekanto, (1992) *Intisari Hukum Keluarga*, Citra Aditya Bakti, Bandung
- 7) Soerjono Soekanto, (1995) *Sosiologi Suatu Pengantar*, Raja Grafindo Persada, Jakarta

Website :

- 1) Hendrik Belekubun, Catatan Ringan *Interaksi Sosial dan Budaya*, Perkawinan Adat Kei, 2016, <https://ahmybell.blogspot.com/>, diakses pada 7 agustus 2024



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.