

## Endogamous Matrilateral Parallel Cousin Marriage: A Maqāṣid al-Sharī'ah Perspective

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### ABSTRACT

The practice of matrilateral parallel cousin marriage, which refers to marriage between the daughter and the son of two sisters, occurs in Kutoanyar Village, Kedu Sub-district, Temanggung Regency. This practice is noteworthy to analyze because, although it is not categorized as prohibited in Islamic law, it generates various perspectives and assumptions within the community. Particularly concerning potential biological impacts on offspring and the consideration of maqashid shariah values. The purpose of this research is to analyze how this marriage practice is carried out and to analyze it within the framework of maqashid shariah, which includes the five primary objectives of Islamic law: the preservation of religion, lineage, intellect, property, and life. This study employs a qualitative research method with a socio-empirical approach and is classified as field research. The findings indicate that cousin marriages in Kutoanyar Village are commonly arranged by family and are socially accepted by the local community. However, from the perspective of maqashid shariah, such marriages conflict with hifz an-nafs (protection of life), hifz an-nasl (protection of lineage), and hifz al-aql (protection of intellect) due to the emergence of physical and mental disabilities among offspring as a result of these unions. Therefore, while such marriages may be legally permissible in Islam, they should be approached with caution, especially in light of genetic health considerations.

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### Introduction

Marriage is an extraordinary and beautiful blessing bestowed by Allah SWT upon humankind. Islam views marriage as an institution that embodies various forms of maṣlaḥah and contributes positively to human life, both individually and socially (Sumarjoko, 2018). The purpose of marriage is to fulfill the command of Allah SWT and to establish a family that is legally recognized within society. Through marriage, it is expected that a harmonious, orderly,

and peaceful household will be realized (Mahmud Yunus, 1964). In addition, marriage functions as a means of preventing acts of adultery (*zinā*) and fostering tranquility and inner peace for married individuals, their families, and the wider community (M. Idris Ramulyo, 1996).

The prominent Islamic philosopher *Imām al-Ghazālī* explains that the objectives and benefits of marriage can be classified into five main aspects. First, marriage aims to produce legitimate offspring who will continue lineage and expand the existence of humankind. Second, it fulfills innate human desires in accordance with natural disposition (*fitrah*). Third, it safeguards individuals from immoral behavior and moral corruption. Fourth, it establishes and manages a household that serves as the fundamental foundation of society, grounded in love and compassion. Fifth, marriage encourages seriousness in seeking lawful sustenance and strengthens a sense of responsibility (Sofyan Hasan & Warkum Sumitro, 1994).

In Islamic law, not every man is permitted to marry every woman. This is due to the existence of marital impediments known in *fiqh al-munākahāt* as *mawāni' al-nikāh*. These impediments refer to certain relationships between a man and a woman that prohibit marriage and render the marital contract unlawful. In general, prohibitions on marriage under Islamic law are categorized into two types. First, temporary prohibitions, which include prohibitions arising from lineage (*nasab*), affinity through marriage (*muṣāharah*), milk kinship (*raḍā'ah*), and *li'ān*. Second, permanent prohibitions, which include the prohibition of marrying two sisters simultaneously, excessive polygyny beyond the permitted limit, marriage due to an existing marital bond, prohibition after a triple divorce, prohibition during a state of *iḥrām*, prohibition due to adultery, and prohibition based on religious difference. Within traditional societies, such as those found in various regions of Indonesia, marriage practices often follow patterns inherited across generations. One such traditional form is endogamous marriage. Specifically, matrilateral parallel cousin marriage, which refers to marriage between the children of two same-sex siblings on the maternal side, such as a marriage between the son of one maternal aunt and the daughter of another maternal aunt. In other words, the form of endogamous marriage examined in this study refers to marriage between close relatives, such as cousins or relatives descending from the same grandmother (*sesama mbah*).

Endogamous marriage is not categorized as being prohibited by *mawāni' al-nikāh*; however, this type of marriage may have biological implications for offspring. Individuals who carry autosomal recessive genetic disorders are typically healthy and show no visible symptoms, despite possessing defective genes. If such individuals marry non-carriers, their offspring will not suffer from the associated genetic disease. There is no explicit *ḥadīth* that

strictly prohibits marriage between relatives. Nevertheless, several narrations are attributed to 'Umar ibn al-Khaṭṭāb, who once advised the family of al-Sā'ib—who frequently practiced intra-family marriage—to marry their children outside the family, so that future generations would not become physically or socially weakened (Sayyid Ahmad al-Musayyar, 2008). In Islamic law, the institution of marriage plays a vital role as it encompasses various aspects of life protected by the Shari'ah. The framework of *maqāṣid al-shari'ah*—the objectives underlying Islamic law—provides an evaluative lens through which social practices, including marriage, can be assessed. The *maqāṣid* consist of five fundamental principles: the protection of religion (*ḥifẓ al-dīn*), lineage (*ḥifẓ al-nasl*), intellect (*ḥifẓ al-‘aql*), property (*ḥifẓ al-māl*), and life (*ḥifẓ al-nafs*). Every form of social relationship, including marriage, should support the preservation of these five essential objectives.

In the context of *ḥifẓ al-nasl* (the protection of lineage), marriage is expected to produce offspring who are physically and psychologically healthy. If endogamous marriage practices are found to pose significant genetic risks, their compatibility with the objectives of *maqāṣid al-shari'ah* should be reconsidered. Furthermore, *ḥifẓ al-nafs* (the protection of life) requires that marriage should not result in physical or psychological harm to the individuals involved. Likewise, *ḥifẓ al-‘aql* (the protection of intellect) and *ḥifẓ al-māl* (the protection of property) are relevant in evaluating how such practices affect rational decision-making in spouse selection and the distribution of wealth within extended families. Based on the foregoing discussion, many communities believe that endogamous marriage may negatively affect offspring, even though Islam does not explicitly prohibit such unions. In Kutoanyar Village, Kedu Subdistrict, Temanggung Regency, endogamous marriage occurs primarily due to family-arranged matchmaking that encourages marriage between cousins or relatives from the same grandmother. From such cousin marriages, three children were born. The first and second children were male, while the third and youngest child was female. The observed impact on their offspring included physical disability in the first child, while all three children exhibited atypical mental development compared to the general population. The study of this practice is significant, given the limited number of studies that specifically address matrilateral parallel cousin marriage within the framework of *maqāṣid al-shari'ah*.

## Method

This study employs a qualitative approach, in which data are collected from a natural setting to understand the phenomenon under investigation, with the researcher serving as the primary research instrument. Samples were selected through interviews with purposively chosen informants, while data collection techniques involved triangulation. A case study

method was applied, as the research seeks to gain an in-depth understanding of matrilateral parallel cousin endogamous marriage practices from the perspective of *maqāṣid al-sharī‘ah* within a specific location. The case study approach was selected to obtain comprehensive and detailed information through the application of multiple data collection procedures over a defined period. Informants were selected based on specific criteria, namely individuals directly involved in the practice. They were expected to provide information regarding the reasons behind the occurrence of endogamous marriage and its analysis from the perspective of *maqāṣid al-sharī‘ah*. Through three key informants, the researcher aims to obtain a comprehensive understanding of the causes, consequences, and processes of matrilateral parallel cousin endogamous marriage in Kutoanyar Village, Kedu Subdistrict, Temanggung Regency, as examined through the lens of *maqāṣid al-sharī‘ah*.

## Results

Endogamous marriage is chosen as an alternative form of marriage within one's own kinship line. In the extended family that served as the informants in this study on endogamous marriage practices, there are already two couples who married their own cousins. One couple represents a parallel cousin marriage, while the other represents a cross-cousin marriage. The informants who became the subjects of this study fall into the category of parallel cousins, because the mothers of both the husband and the wife are biological sisters, a relationship referred to as a matrilateral parallel cousin. Parents indeed exert a strong influence on their children's lives, including matters related to marriage. This influence is often justified by the belief that parental decisions are the best choices and that marriage constitutes a form of worship, even though such decisions may not necessarily be beneficial for the children themselves. In the community of Kutoanyar Village, Kedu District, Temanggung Regency, cousin marriage is not considered taboo, as such practices have frequently occurred within the local society. One informant, "IU," stated: "In this village, families 'D' and 'N' are not the only ones who married their cousins. There are several other couples as well. The strongest reason is to preserve inherited property. Such marriages are also not viewed as shameful. Even if the children are born with abnormalities, it is considered merely a test from God and not associated with cousin marriage, because the marriage itself was based on mutual agreement."

(Informant IU, 2025) Nevertheless, marriage in Islam must be carried out on the basis of voluntary consent and without coercion from either party (Abdul Rahman, 2002).

Before conducting interviews, the researcher first carried out observations of informants in Kutoanyar Village, Kedu District, Temanggung Regency. The following are the observations and interviews conducted with several informants who practiced matrilateral parallel cousin marriage in the area. The first observation involved an interview with informant "D" (61 years old), who married his cousin. His marital relationship with his wife, informant "N" (58 years old), has remained harmonious since 1987 until the present. The observation was conducted on the evening of June 13, 2025. *Maqāṣid al-sharī'ah* refers to the objectives to be achieved within Islamic law. Based on these objectives, many considerations should guide human actions to ensure alignment with the purposes of the *Sharī'a*. In the context of marriage, post-marital welfare becomes a crucial objective, including adequate religious education within the family, emotional freedom, healthy and high-quality offspring, psychological stability, and wise decision-making within the household. These goals can be achieved when *maqāṣid al-sharī'ah* serve as guiding principles both before and after marriage. The researcher conducted a second interview with "N," the wife of "D," on the same evening, June 13, 2025. According to her account, the marriage resulted from an arranged match initiated by their grandmother. The grandmother believed that marrying her grandchildren to each other would help preserve inheritance within the lineage. This belief became the primary reason for the implementation of matrilateral parallel cousin endogamous marriage in the family. "N" admitted that she initially rejected the proposed arrangement, arguing that she had no feelings of affection toward "D," which she considered essential as a foundation for marriage. However, she eventually accepted the arrangement due to persuasion from surrounding family members, who insisted that parental choices would not lead children toward harm in their future. This reasoning ultimately influenced her decision to proceed with the marriage.

The informants acknowledged that their married life has been harmonious and stable, strengthening family ties and intimacy. However, socially, the family became highly conservative, potentially hindering the development of broader social skills and limiting affective connections with external parties. Despite these positive aspects, emotional instability at the beginning of the marriage—stemming from the wife's initial rejection—may be viewed as inconsistent with the *Sharī'a* objective of preserving religion (*ḥifẓ al-dīn*). Islam fundamentally rejects coercion and non-voluntary consent in marriage. The adverse outcomes of this matrilateral parallel cousin marriage are also evident in the condition of their offspring.

Of their three children, the first son, aged 35 ("S"), suffers from both physical and mental disabilities, including impaired vision, unclear speech, difficulty walking, and limited cognitive development. The second child, a 32-year-old son ("AT"), is physically normal but exhibits psychological immaturity, resulting in limited social functioning. Despite these challenges, he successfully completed senior high school. The third child, a 29-year-old daughter ("AK"), completed her undergraduate education and currently works as a kindergarten teacher. Intellectually, she demonstrated strong academic abilities; however, she has suffered from high-degree myopia since childhood and exhibits emotional instability, often expressing anger through excessive crying and shouting, behaviors inconsistent with psychological maturity. Her social skills are also limited, and she rarely interacts with peers. Based on direct observations and interviews with "D" and "N," the researcher conducted a third interview on June 15, 2025, with "IU," a nephew of the couple and a local religious teacher. He stated that cousin marriage is not a family tradition but occurred due to the initiative of a great-grandmother who arranged marriages among her grandchildren. From his religious perspective, IU explained that the objectives of Sharī'a—particularly *hifz al-dīn*—are not fulfilled when marriage is conducted under coercion, even if it remains legally valid. Freedom in choosing a spouse is part of preserving life (*hifz al-nafs*). Furthermore, religious preservation is undermined if future generations lack sufficient quality to sustain Islamic teachings. The observed hereditary abnormalities contradict *hifz al-nasl*, while the psychological impacts fail to meet *hifz al-‘aql*. Additionally, marriage motivated by preserving inheritance is not necessarily effective for safeguarding wealth (*hifz al-māl*), as it may generate outcomes contrary to the objectives of Sharī'a. Ultimately, matrilateral parallel cousin endogamous marriage remains a personal choice and a human right. While trusting parental judgment is reasonable, the prevalence of negative impacts warrants careful consideration. Marriage should align with *maqāṣid al-sharī‘ah*, even though adverse effects do not universally occur in all endogamous marriages.

Marriage is often viewed not merely as a personal bond but as a social contract between extended families or clans. In local cultural systems, matrilateral parallel cousin marriage is regulated informally through customs, beliefs, and economic considerations (Koentjaraningrat, 2002). Its social and cultural purposes include strengthening extended family solidarity, preserving inheritance, and maintaining social stability and control. As education levels and exposure to modern values increase, endogamous marriage practices are increasingly scrutinized, particularly regarding personal choice, emotional compatibility, and genetic risks across generations. From a human rights perspective, marriage should be based

on individual consent rather than collective family interests. Social pressure to marry a cousin may constitute domination over personal freedom, often driven by inheritance preservation and adherence to customary norms (Geertz, 1989). In health terminology, endogamy refers to reproduction through marriage between closely related individuals (Endang Rahayu, 2004). It may also be defined as marriage between cousins sharing common lineage through patrilineal or matrilineal lines, often motivated by preserving inheritance or lineage purity (Kamanto Sunarto, 2004).

Interviews reveal that such marriages are not solely arranged but also consider socio-economic compatibility. While no written laws explicitly prohibit cousin marriage under Indonesian law or Islamic marital principles, genetic factors cannot be ignored. Allah SWT created the universe based on causality, and humans are obliged to engage in rational effort while entrusting outcomes to Allah SWT. Among His mercies is the institution of marriage, which contains benefits that strengthen human bonds and promote compassion and cooperation in righteousness and piety (Ahmad Musthafa, 1993).

## Discussion

Several interrelated factors influence the decision to engage in endogamous marriage within the community. One of the primary considerations is economic and social interest, particularly the intention to preserve inherited property within the extended family. In agrarian societies, land and family assets possess not only economic value but also symbolic meaning as representations of lineage continuity. By marrying within the kinship network, families seek to prevent the fragmentation of inheritance while simultaneously strengthening internal social bonds among relatives. Another significant factor is the influence of tradition. Long-standing family norms and customary practices encourage cousin marriage as a mechanism for maintaining familial harmony and ensuring the continuity of inherited traditions. These traditions are transmitted across generations and gradually become socially legitimized practices that are rarely questioned, especially in communities where kinship solidarity is highly valued.

In addition, parental involvement plays a crucial role in shaping marital decisions. Parents often actively participate in determining their children's prospective spouses, guided by considerations of kinship proximity, shared family background, and social status. Such involvement is commonly justified by the belief that parents possess greater wisdom and experience, enabling them to make choices deemed most beneficial for their children's future.

However, this dynamic may also limit individual autonomy in marital decision-making, particularly when parental preferences outweigh personal consent.

## Conclusion

The practice of marriage between maternal parallel cousins (matrilateral parallel cousins) in Kutoanyar Village arises primarily from the intention to preserve family inheritance and ancestral property. This practice originated from an arranged marriage initiated by the grandmother of both parties. Although the wife initially rejected the arrangement, over time the marriage developed into a harmonious relationship that has lasted to the present. Nevertheless, this practice resulted in three offspring who exhibit genetic impacts associated with cousin marriage. The first child, a 35-year-old male (initial S), grew up with abnormal vision, unclear speech, difficulty walking, and underdeveloped cognitive functioning. The second child, a 32-year-old male (initial AT), developed physically normally but demonstrated mental immaturity that limited his social interaction and adaptive functioning. The third child, a 29-year-old female (initial AK), experienced severe visual impairment from an early age requiring corrective lenses. Similar to the second child, she also displays emotional instability, often expressing emotions excessively and disproportionately. The framework of *maqāṣid al-shari‘ah* provides a broader and more substantive analytical perspective, extending beyond the dichotomy of lawful-unlawful or valid-invalid, to assess whether the practice of matrilateral parallel cousin marriage generates benefit (*maṣlahah*) or harm (*mafsadah*). From the perspective of *hifz al-nafs* (protection of life), this practice poses potential risks to physical well-being, as evidenced by medical and genetic disorders observed among the offspring in Kutoanyar Village. These conditions directly affect quality of life and threaten physical safety. Psychologically, the practice also reflects social and cultural pressures particularly on women who lack full autonomy in choosing their marital partners. From the perspective of *hifz al-nasl* (protection of progeny), Islamic law strongly emphasizes the importance of producing healthy, strong, and high-quality offspring. Scientifically, repeated close-kin marriages increase the risk of genetic and developmental disorders, leading to children with below-average intelligence, learning difficulties, and unstable behavior. Furthermore, the observed mental and emotional immaturity manifested through social dependence, weak decision-making capacity, poor emotional regulation, and limited sense of responsibility also indicates impairment of intellect, constituting a violation of *hifz al-‘aql* in its generational dimension.

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