

The Validity of the Belis Marriage is Related to the Right to Inherit Land in Hambapraing Village, East Sumba Regency

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Abstract. *Because there is a shift in the meaning of belis from a cultural tradition to something that is considered a burden and burdensome for men as the party who gives belis, this also causes the giving of belis to not be carried out in full before the marriage takes place. So from this it is very good to examine if the belis is not fully implemented whether the heirs' rights for the heirs will be obtained. Rather than this, this study uses an empirical legal research method by using a conceptual approach. Where the source of data for this research is obtained through primary data obtained through the results of interviews, observations and documentation. Secondary data is obtained through applicable laws and regulations. The data source is then analyzed with description techniques and legal discovery techniques in the field. The result of this study is that if the marriage status of the belis that has not been paid in full in Hambraping village, then the man will be obliged to prepare land and land for the woman who is in the village which is usually called Laku Longgamai which means that the woman is not allowed to visit the man's house and is only allowed once a month if the woman returns to her biological parents' house. It is also not allowed to stay overnight and stay overnight.*

Keywords : *Marriage, Belis, Inheritance*

1. INTRODUCTION

Sumba Island is an area in Indonesia entire of culture that is still maintained today. One of the cultures still kept on the island of Sumba, especially in Hambapraing Village, East Sumba Regency, is the traditional culture of marriage. Marriage in Hambapraing Village, East Sumba Regency, in particular, is the formation of a new family and the unification of the Kabisu (Big Family). The marriage of the Sumba tribe is not just a matter of women and men who marry, but it is a matter of parents, relatives, and Kabisu from both sides.

Marriage in the Sumbanese community is generally carried out according to customary law by giving dowry or dowry, which in the Sumba community itself is called Belis (Andronikus Ndaparoka, 2022). The people of Sumba interpret Belis as an expression of cultural values, not a nominal exchange price. While giving Belis, there are several animals in the form of horses or buffaloes and objects in the form of Mamuli (precious metal objects, usually made of gold or silver) (Steven & Yunanto, 2019).

Belis is an essential element in the symbol of marriage; it is seen as a tradition that has ancestral values and a form of respect for women, but on the one hand, it is also a binding relationship, family or a symbol to unite men and women as husband and wife (Lede et al., 2018). Belis is one of the main things a man must give to the parents or family of a woman

who has handed over a daughter to the parents or the man's family (Djaren, 1984). Belis is always a keyword to open the door to talk if there are plans to hold a marriage (Kleden, 2017; Nono, 2022). And since Belis has always been a buzzword, it's no wonder that love in many cases marriage becomes obsolete (Dentis, 2021). Customary territory is something untouchable in the traditional marriage system of East Sumba. Even if several marriage models support it, it arises in the choice of the bride-to-be, but in the end, the customary obligation in the form of Belis must be fulfilled. In this position, the individual no longer takes a role, but the community plays a role.

The indigenous people in Hambapraing Village, East Sumba Regency, view women as creatures created by God who have an essential role in the family and society. This means there is a difference in status, but the difference lies in biological reasons. From this perception, women have their place, namely being respected and appreciated. Respect is evident in the community's life in the village of Hambapraing, where a woman is considered a family dowry. There is a motto that dowry is the price of a woman. The high respect for women can be seen in the many Belis given by men as a tribute to the woman and her family.

If the future wife comes from a family with high social status, then the number of Mamuli is much higher; if the girl comes from a simple family, then the number and size of Mamuli and how much they weigh can be compromised. The amount of Mamuli to propose to a woman ranges from one package of Mamuli to more than one package of Mamuli, which usually applies among nobles or prominent people. One Mamuli price package varies, namely Rp. 25,000,000 (twenty-five million rupiah) to Rp. 100,000,000 (one hundred million rupiah) depends on how much Mamuli weighs, which is determined by the woman's family.

Along with the development of the Belis era, it was felt that a few people objected to the amount of Belis that they had to give, so elopement became one of the solutions for those who considered it heavy. The legal consequences of elopement always cause problems in the administration of the state (Kaunang et al., 2022; Ndjurumbaha et al., 2021). Elopement does not get public services in government agencies because it is carried out illegally due to the absence of a legal guardian, so all forms of legal relations related to marriage administration cannot be carried out. Basically, what is called elopement in East Sumba, namely Palai Ngandi, is a man who invites the woman to run away from the house of the woman's parents because of obstacles, and then they stay in the man's house for some time. The man's house is a shelter, and after a few days, they return to their parents' house together to ask for prayers of blessing to carry out the marriage. The most important of these actions is that the parents of both men

and women know that their children are fleeing from home equally to avoid some of the customary stages that hinder their marriage.

This type of marriage is a form of customary violation that has customary fines because, according to the people of East Sumba, customs are sacred, live in them, and are interconnected in their minds. One of the efforts to overcome this phenomenon is the realization of socialization by the local government, mainly the Population and Civil Registration Office, because all marriages carried out in each region must be registered in a state administrative manner.

The thick traditional culture in Hambapraing Village, East Sumba Regency, especially the marriage custom, also makes the distribution of inheritance participate in local customary law. The distribution of inheritance has been embraced in Hambapraing Village, East Sumba Regency, from generation to generation in the distribution of inheritance rights entitled to inheritance from heirs only boys. At the same time, girls do not get inheritance rights because one day, they will marry and follow their husbands. With the weight of the Belis giving, it is felt that the Belis gift cannot be fully implemented before the marriage takes place; on this basis, the author is what causes the author to discuss if Belis has not been fully implemented whether the heir will get his inheritance.

2. LITERATURE REVIEW

Certainty Theory

The applicable law established by the authorities and authoritative, in this case, the government, must be firm in society and contain openness so that the public can understand the meaning of the rules or legal provisions these authorities have set. According to experts' theory of legal certainty, the law must not have contradictory properties. If it is contradictory, the law will be a source of doubt. Legal certainty can be a legal tool for a country that has clarity and can guarantee every citizen's rights and obligations according to the society's culture. The theory of legal certainty in my research will ensure that a person can perform a behavior by the provisions of the applicable law and vice versa. Without legal certainty, an individual cannot have a standard provision to carry out a behavior. In essence, the law must be definite and fair. That is, a definite law is a guideline for conduct, and a fair is a guideline for conduct that must support an order and is considered reasonable. The law is carried out only by being definite and fair according to its function.

Theory of validity

The validity of the rules emphasizes citizens' trust in the origin of concrete sources, which can be reviewed and proven with the naked eye. Thus, it can be concluded that validity is a perfect thing that has existed and is valid. Meanwhile, the validity of the rules is the rules that have been applied, real and perfect. Legal validity in Indonesia means that it has been stated in a written rule, such as laws and regulations, government regulations, circulars and several other written legal rules.

3. METHODS

Using a conceptual approach, this study uses an empirical legal research method to analyze the law, which is seen as a patterned community behavior in people's lives that constantly interacts with and relates to aspects of the surrounding community. The source of data for this research is primary data obtained through the results of interviews, observations and documentation. Secondary data is obtained through applicable laws and regulations. The data source is then analyzed with description techniques and legal discovery techniques in the field (UTAMA & WIRYANI, 2023).

4. RESULTS AND DISCUSSION

The people of East Sumba still hold tightly to the tradition of giving Belis or dowry through livestock, woven fabrics, and jewelry. Behind the high cost of giving Belis, they always maintain several local wisdom values, one of which is preventing divorce. Almost every family in East Sumba has pets, ranging from horses, buffaloes, pigs, and cows to chickens. Most of these livestock are raised not for consumption but for preparation if their family or relatives get married at any time. How many horses, buffaloes, or pigs are needed for Belis depends on the request from the bride; it can be 50 heads, 80 heads, 100 heads, and so on. Belis is not about making a profit but tying the knot of kinship. The giving of Belis does not have to be paid off in full at the wedding time but can be continued afterward. The most important thing is the commitment of the groom to give a certain amount of Belis (Anggraeni & Beding, 2003).

Generally, Belis transactions do not recognize the word paid, but the Belis process can last a lifetime. However, Belis will be awaited and billed at some customary events. If at one time the woman experiences grief or any customary event, then the man is obliged to give 1

buffalo and 1 horse or pig, depending on the economic situation; this can be said indirectly as a payment for Belis. This unique wedding custom event, which was a long process, consuming a lot of energy, time sacrifice, and even tears between the two parties, resulted in a strong foundation for building the ark of the household. This is proven by Sumba island's lack of divorce cases, especially in Hambapraing Village. The customary marriage process can take place smoothly if all Belis media are available according to the agreement between the two parties so that the Belis process can be in line with its function as a tool to determine the validity of marriage, as a tool to strengthen family relationships, as a marker that the woman in Belis has left the family of origin, tools to raise the status of men's families.

The marriage system of Belis in Hambapraing village, East Sumba Regency, can be said to be relevant and quite reliable because the accounting process in terms of identification can be disclosed and explained. The identification function is to capture events that qualify as transactions, in this case, Belis. This event causes a change in cash in the sense that there are expenses incurred from each stage of Belis by the male and female families; it can be said that in the process of giving value to the marriage customs of the East Sumba community, the concept of fair value in accounting is used. The idea of fair value of assets recognized in the traditional procession of marriage is likely that there will be economic benefits in the future. The acquisition of these entities and assets has a value or cost that can be reliably measured. If the expenditure does not generate economic benefits in the future, then the expenditure cannot be recognized as an asset. In this case, the assets contained in Belis can be classified into asset groups, and their value can be measured. The most relevant method in measuring an asset is fair value. How do we determine the number of Belis married in the community of Hambapraing village? Giving dowry in a hambapraing town is defined by social status and educational status, categorized as high and not education for the woman. If the woman has a high education, then the high Belis will also be given, and the Belis that will be provided if the woman's education level up to high school is around Rp. 25,000,000 (twenty-five million rupiah), and if the women's level of education is a bachelor's degree, it will range from Rp. 30,000,000 (thirty million rupiah) to Rp. 50,000,000 (fifty million rupiahs), so some men object, especially those whose economy is middle to lower; the giving of Belis in Hambapraing village is a custom passed down by their ancestors to respect women.

In conducting a conversation in the Belis, sometimes the man needs more time to pay off the Belis stage in the customary marriage process, basically inseparable from journals and financial reports. Journals and financial statements are critical components in accounting events; the parties involved can find important information related to Belis. It is important

because if both parties are involved in a divorce, the Belis can be returned. This reporting is essential as evidence of information for related family generations, both children and grandchildren. This evidence can be used as a notary basis for both men and women or as an administrative basis that is immortalized in the bookkeeping of documents as information about various parties involved in assisting in the Belis customary process. In the village of Hambapraing, East Sumba Regency, a marriage system known as Belis; this traditional marriage aims to maintain the lineage and establish a kinship system with the outside region. Customary marriage has several processes and procedures based on customs. In addition to considering the high and low castes, another thing used as a benchmark in giving Belis is the social status and educational status of the two prospective brides.

The validity of marriage under customary law is often not automatically recognized by national law. According to Law Number 1 of 1974 concerning Marriage, marriage is considered valid if it is carried out by the laws of their respective religions and is recorded at the Religious Affairs Office (KUA) for Muslims or at the Civil Registration Office for those of other faiths. This discrepancy between the validity of customary marriage and national law can cause various legal problems, especially regarding recording the legal status and protecting the rights of married couples and their children.

The right to inherit land in Hambapraing Village must be kept from the influence of the Belis tradition. In the indigenous people of East Sumba, customary land and extended family land are often the subject of inheritance. The validity of a marriage recognized by custom plays a vital role in determining who is entitled to inherit the land. Here are some aspects to look out for:

1. Recognition of Child Status

According to customary law, children born from marriages that are considered valid have the right to inherit land from their father's family. On the other hand, if the parent's marriage is considered invalid according to custom, the child may lose their inheritance rights or face limited recognition in the extended family. This can cause conflicts between family members.

2. Women's Rights in Inheritance

In the East Sumba customary system, women often have limited inheritance rights, especially over land. However, implementing Belis can affect women's inheritance rights, for example, through the compensation given to women when the Belis is handed over. As a result, women's position in the distribution of inheritance is often debated, especially in land disputes.

3. Belis' Influence on the Distribution of Inheritance

Belis became a symbol of the legitimacy of marriage and influenced the social structure and distribution of inheritance within the extended family. In some cases, inherited land is not divided equally but given to male descendants who are more obligated to protect customary land. However, if the Belis is considered to have not been paid off, the distribution of the inheritance may be delayed or changed.

4. Conflict Between Customary Law and National Law

When the validity of marriage is only recognized by customary law without recording according to national law, the potential for conflict in the distribution of inheritance becomes higher. This is especially true when one party takes an inheritance dispute to court, where national law is often used as the basis for a decision.

In Hambapraing Village, the Belis tradition has profound consequences if it is not fully repaid. In cases where the Belis has not been paid in full, the man must prepare land and land for the woman, usually called Laku Longgamai. This action is a form of customary responsibility and compensation for obligations that still need to be fully completed, which is not only an obligation but also reflects the value of respect for women's families and kinship relationships.

The practice of Longgamai has particular rules. Women in the status of Laku Longgamai are not allowed to visit the house of the male side, including the home of their in-laws, except in certain minimal situations. If the woman returns to her biological parents' house, the visit is only allowed to be done once a month. During the visit, women are prohibited from staying overnight or staying at their parent's houses, so the visit must be done in one day, and the woman must return before nightfall. This rule is intended to maintain a balanced relationship between the two family parties as long as the Belis has not been paid off.

More than just social rules, Laku Longgamai is a heritage of customs influenced by customary law. This tradition has been inherited from generation to generation and is still upheld by the people of Hambapraing Village. Its values aim to maintain harmony, mutual respect, and trust between the extended families of both parties. Violations of the rules of Laku Longgamai are considered a breach of customs, which can result in customary sanctions. This sanction is usually in the form of an official reprimand from the customary elder or the community. Sometimes, it can also be a fine or additional obligation the man must fulfill.

In addition, Laku Longgamai also has a deep symbolic dimension. The prohibition on women from visiting the man's house illustrates that women's rights have only been fully

guaranteed once the obligation of the Belis is fully fulfilled. Thus, Laku Longgamai is not just a technical rule but also a way to emphasize the importance of the male family's responsibility in fulfilling customary obligations. This tradition reflects how the people of Hambapraing Village uphold traditional values and norms that have become part of their cultural identity.

5. CONCLUSION

Suppose the marital status of the Belis has yet to be paid in full in hambraping village. In that case, the man will be obliged to prepare land and land for the woman who is in the town, which is usually called Laku Longgamai, which means that the woman is not allowed to visit the man's house and is only allowed once a month if the woman returns to her biological parents' house. It is also not allowed to stay overnight. This custom has been trusted for generations by the people of hambapraing village, which, if violated, will receive customary sanctions and reprimands. Generally, Belis transactions do not recognize the word keel, but the Belis process can last a lifetime. However, Belis will be awaited and billed at several customary events. If at one time the woman experiences grief or any customary event, then the man is obliged to give 1 buffalo and 1 horse or pig, depending on the economic situation. This can be said indirectly as a payment for Belis. This unique traditional wedding event, a long process, consumed a lot of energy, sacrificed time, and even caused tears between the two parties, resulting in a strong foundation for building a household ark. This is proven by Sumba island's lack of divorce cases, especially in Hambapraing village. The customary marriage process can occur smoothly if all Belis media are available according to the agreement between the two parties. So, in the process of Belis, this can be in line with its function as a tool to determine the validity of marriage, as a tool to strengthen family relationships, as a marker that the woman in Belis has left the family of origin, a tool to raise the status of the male family.

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