

## Customary Hegemony and Limited Female Agency: The Persistence of the *Sangkal* Tradition in Madurese Communities

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### Abstract

This article examines the persistence of the *sangkal* tradition within Madurese Muslim communities, exploring how customary hegemony influences women's agency and interacts with local religious authority. The tradition is rooted in a cultural narrative that prohibits women from refusing the first marriage proposal (*tako' sangkal*), with noncompliance believed to bring misfortune upon them. Although it lacks any foundation in Islamic jurisprudence (*fiqh*), the tradition continues to function as a powerful social norm influencing pre-marital decision-making. Employing a socio-legal approach, this field research draws on in-depth interviews with women who accepted or rejected their first proposals, as well as local religious leaders in Klompang Timur, Pamekasan. The study identifies four mechanisms that simultaneously sustain the *sangkal* tradition: the genealogical authority of ancestral custom, internalization of misfortune narratives, symbolic pressures tied to family honor, and limited religious literacy that enables customary norms to overshadow the principles of *khitbah* (marriage proposal) in *fiqh*. Women's responses range from compliance to strategic negotiation, such as symbolic acceptance, to overt resistance through refusal or temporary self-displacement. Local religious leaders acknowledge that *tako' sangkal* has no *sharī'ah* legitimacy and may be detrimental to women; yet, such recognition rarely materializes into public critique or reform. This article argues that the endurance of the *sangkal* tradition is driven not by religious legitimacy but by the hegemonic power of custom, the social production of fear, and the narrow space for women's agency within family and community structures.



[Artikel ini menelusuri keberthanan tradisi sangkal dalam masyarakat muslim Madura dengan menelaah bagaimana hegemoni adat membentuk ruang agensi perempuan dan berinteraksi dengan otoritas keagamaan setempat. Tradisi ini bertumpu pada narasi kultural bahwa perempuan tidak diperkenankan menolak lamaran pertama (tako' sangkal), dan ketidakpatuhan diyakini mendatangkan kemalangan baginya. Meskipun tidak memiliki dasar hukum dalam fikih Islam, tradisi ini tetap berfungsi sebagai norma sosial yang kuat dalam proses pengambilan keputusan pra-nikah. Melalui pendekatan sosio-legal, penelitian lapangan ini berbasis wawancara mendalam dengan para perempuan yang menerima dan menolak lamaran pertama serta tokoh agama di Klompang Timur, Pamekasan. Penelitian menemukan empat mekanisme yang secara simultan menopang tradisi sangkal: otoritas genealogis adat leluhur, internalisasi narasi kemalangan, tekanan simbolik terkait kehormatan keluarga, dan minimnya literasi keagamaan yang memungkinkan adat mendominasi prinsip lamaran (khitbah) dalam fikih Islam. Respons perempuan hadir dalam bentuk kepatuhan, strategi negosiasi seperti penerimaan simbolik, hingga resistensi terbuka melalui penolakan atau pengungsian sementara. Para tokoh agama setempat mengakui bahwa tako' sangkal tidak memiliki legitimasi syariah dan berpotensi merugikan perempuan, tetapi pengakuan tersebut jarang berwujud dalam kritik publik sampai upaya reformasi. Artikel ini menegaskan bahwa bertahannya sangkal tidak didorong oleh legitimasi agama melainkan oleh kekuatan hegemonik adat, produksi ketakutan sosial, dan sempitnya ruang agensi perempuan di ruang keluarga dan komunitas.]

**Keywords:** Customary Hegemony, Madurese Communities, Marriage Proposals, Religious Authority, *Sangkal* Tradition.

## Introduction

Across various societies, practices related to marriage proposals (Arabic: *khitbah*) and weddings generate complex social dynamics, functioning not only as personal rites but also as institutional mechanisms that regulate kinship hierarchies, family status, and gender norms.<sup>1</sup> These practices often exert subtle or overt pressures on individuals during the pre-marital phase. Research on Yoruba marriage customs in Nigeria, cross-cultural systems of bride wealth and engagement, and changes in marital patterns in Montenegro and Ibadan demonstrates that pre-marital rituals frequently serve as arenas of negotiation among tradition, modernity, and social control, often constraining personal autonomy.<sup>2</sup> Moreover, engagement rituals

<sup>1</sup> See: Joanna Pepin et al., "An Analysis of Wedding Books for Grooms: A Feminist Perspective," *Journal of Feminist Family Therapy* 20, no. 4 (November 2008): 328–56; Miomirka Rakonjac, Ljiljana Pajović Dujović, and Sanja Šubarić, "Traditional and Contemporary Wedding Customs in Montenegro: Values and Identity Changes," *Traditiones* 51, no. 1 (January 2023): 147–71; Corina Florina Tătar et al., "Between Tradition and Modernity: Ethnographic Perspectives on Marriage Practices in Ethiopia, Namibia, Romania and Senegal," *GeoJournal of Tourism and Geosites* 57, no. 4 supplement (December 2024): 2029–40.

<sup>2</sup> See: Olayinka Akanle and Kazeem Olakunle, "Discontinuities, Continuities and Emerging Patterns in Wedding Activities among the Yoruba People of Southwestern Nigeria," *African Journal of Religion, Philosophy and Culture* 6, no. 2 (June 2025): 135–56; Olayinka Akanle et al., "This Is Who We Are and Why!: Ethnography of Weddings in Ibadan, Nigeria," *Etude de La Population Africaine* 33, no. 1 (2019): 4686–99.

reinforce power structures through expectations of masculinity and symbolic gender roles,<sup>3</sup> while the modernization of wedding ceremonies has introduced new economic stratifications that accentuate social boundaries.<sup>4</sup> Simultaneously, the persistence of cultural traditions underscores how ethnic groups continue to observe pre-marital rituals as markers of their collective identity.<sup>5</sup> These observations suggest that engagement practices serve as instruments of moral and social control, governing individual choices and providing insight into the persistence of certain customary practices despite the emergence of modern values.

Within the Madurese Muslim context, the *sangkal* tradition, an ancestral marriage-proposal custom practiced in Pamekasan Regency, serves as a salient example of how pre-marital rituals operate as mechanisms of social regulation that restrict women's agency. Central to this tradition is the belief that Madurese Muslim women are prohibited from rejecting the first marriage proposal, a prohibition known as *tako' sangkal*. This belief, transmitted intergenerationally, posits that a woman's refusal will result in misfortune, such as difficulty securing a future spouse or remaining unmarried indefinitely,<sup>6</sup> forms of "customary punishment" accepted without empirical evidence or a verifiable historical origin. Although some community members regard this belief as a myth,<sup>7</sup> adherence to *tako' sangkal* remains robust, particularly in rural areas such as Klompang Timur Village, where social pressure, family reputation, and ancestral moral narratives reinforce compliance with the practice. Normatively, the *sangkal* tradition conflicts with Islamic legal principles, which afford women the autonomy to accept or decline marriage proposals. Despite this tension, the tradition persists and continues to exert significant social influence within Madurese society today.

Existing scholarship on marriage-proposal traditions within various customary communities can be broadly categorized into three principal typologies. First, numerous scholars interpret these traditions as mechanisms for socio-cultural preservation. Traditions such as *merariq* in Lombok, *binsabin-tonggebban* in Madura, and *jadi mali* in Sarawak are conceptualized as instruments for transmitting collective identity, reinforcing social cohesion, and guiding ethical norms in partner selection, thereby sustaining social stability and the continuity of ancestral values.<sup>8</sup>

<sup>3</sup> Kismullah Abdul Muthalib, Dohra Fitriasia, and Nia Zahara, "Ceremonial Language and Social Cohesion: An Analysis of Seumapa in Acehese Wedding Traditions," *Studies in English Language and Education* 11, no. 2 (June 2024): 1231-47.

<sup>4</sup> See: Oludayo Tade and Magdaline Aimeanota Nnamani, "Symbolic Status of Space: Event Centre Culture and Patronage in Nigeria," *Journal of Asian and African Studies* 52, no. 5 (August 2017): 646-56; Susi Susanti et al., "From Social Solidarity to Transactional Relations: The Transformation of the Ompangan Tradition in Marriage Celebrations Among the Madurese Muslim Community in Kubu Raya," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 2025): 1-24.

<sup>5</sup> Cheng Yi and Sakchai Sikka, "Exploring Spiritual Continuity: The Du Jie Ceremony as a Manifestation of Religious Identity and Cultural Resilience among the Yao Ethnic Group in Hunan, China," *The International Journal of Interdisciplinary Cultural Studies* 20, no. 1 (2024): 97-118.

<sup>6</sup> BR, "Interview with a Local Religious Leader," November 2024.

<sup>7</sup> SS, "Interview with an Actor Involved in the *Sangkal* Tradition," November 2024.

<sup>8</sup> See: Suhaimi Suhaimi, Agustri Purwandi, and Akhmad Farid Mawardi Sufyan, "Binsabin Dan Tonggebban as Madurese Local Wisdom: An Anthropology of Islamic Law Analyses," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 1 (June 2021): 161-79; Awang Rozaimie, Amelia Alfred Tom, and

Second, other studies emphasize marriage proposal traditions as arenas of negotiation among religious norms, customary law, and state regulation. The *misek* tradition among the Dayak Ngaju and the *kalosara* ritual of the Tolaki community exemplify how Islamic legal norms may flexibly accommodate customary practices while simultaneously delineating the boundaries of state legal authority in validating pre-marital rituals.<sup>9</sup> Third, a body of scholarship investigates engagement traditions as structures of power that shape gender relations and constrain individual agency. For example, the *ngemblok* tradition in Rembang illustrates the persistence of patriarchal control, which may engender psychological pressure and symbolic violence against women. In contrast, intermarriage practices in Rote reveal how marriage preferences and power relations between groups evolve alongside transformations in social, religious, and ethnic identities.<sup>10</sup> Collectively, these studies demonstrate that pre-marital engagement rituals are not merely ceremonial events but rather complex spaces where cultural preservation, normative regulation, and the production and negotiation of power converge.

Departing from the thematic focus of prior research, which predominantly addresses cultural functions, legal accommodations, or power dynamics, this article specifically explores the factors that sustain the *sangkal* tradition within the Madurese Muslim community of Klompang Timur Village. Furthermore, it examines how women, whether they accept or reject the tradition, interpret their social experiences within this customary framework. Additionally, the article analyzes the perspectives of local religious authorities concerning the legitimacy of *tako'sangkal* within the context of Islamic law and communal morality. This study contends that the persistence of the *sangkal* tradition is not grounded in *shari'ah*-based legitimacy but rather in the hegemonic dominance of custom, the perpetuation of social fear, the constrained scope of women's agency, and the absence of definitive normative correction from religious authorities.

This study adopts an empirical methodology grounded in a socio-legal framework to examine the *sangkal* tradition within the Madurese Muslim community, utilizing social action theory as an analytical lens.<sup>11</sup> Fieldwork was conducted over two months, from November to December 2024, in Klompang Timur Village, Pamekasan Regency, chosen due to the tradition's persistent and socially

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Susana William Jalil, "Conserving the Jadi Mali Ritual for Cultural Sustainability: A Case Study of the Iban Community in Sarawak," *Kajian Malaysia* 41, no. 1 (April 2023): 43–61; Toetik Koesbardiati et al., "Reforming 'Merariq': Towards Harmonized Approach – Socio-Culture, Islamic Law, and Biological Consequences," *Journal of Law and Legal Reform* 6, no. 1 (March 2025): 357–90.

<sup>9</sup> See: Sadiani Sadiani et al., "Progressive Islamic Law and Misek Tradition of Dayak Ngaju in Central Kalimantan," *El-Mashlahah* 13, no. 2 (December 2023): 225–44; Ahmadi et al., "Legal Authority and Marital Identity: A Study on the Kalosara Tradition of the Tolaki People in Southeast Sulawesi," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (October 2024): 317–32.

<sup>10</sup> See: Triana Sofiani, Iqbal Kamalludin, and Raihanah Abdullah, "Violence Against Women in Pre-Marital Relationships: The Ngemblok Tradition among the Muslim Community in Rembang," *Journal of Islamic Law* 5, no. 2 (August 2024): 147–69; Michelle Carnegie, "Intermarriage and Reciprocal Household Exchange Practices in a Mixed Community in Roti, Indonesia," *The Australian Journal of Anthropology* 24, no. 1 (April 2013): 81–98.

<sup>11</sup> Max Weber, *The Theory of Social and Economic Organization*, trans. Alexander Morell Henderson and Talcott Parsons (New York: Oxford University Press, 1974), 112–18.

binding nature among its inhabitants. Data collection involved in-depth interviews with nine primary informants, comprising three local religious leaders, three women who declined initial marriage proposals, and three women who accepted them. Secondary data were sourced from statutory regulations, classical *fiqh* (Islamic jurisprudence) texts, prior research, scholarly articles, books, book chapters, and other pertinent academic resources. To ensure the validity of the data, source triangulation was employed, and all data underwent qualitative analysis.

### **The Social Structure Supporting the *Sangkal* Tradition in Klompang Timur Village**

All inhabitants of Klompang Timur Village are Muslim, and the *sangkal* tradition remains actively practiced to this day. Central to this tradition is a cultural myth that prohibits women from rejecting the first marriage proposal, locally referred to as *tako' sangkal*. The community believes women who violate this prohibition invite misfortune. The persistence of this practice cannot be attributed to a single cause. Instead, it results from the interplay of binding customary authority, communal constructions of misfortune, familial honor ethics, and limited religious literacy. These conditions collectively enable customary norms to supersede Islamic principles and formal legal frameworks. Together, these four elements constitute a social regime that governs women's behavior during pre-marital engagements, thereby transforming *tako' sangkal* from a mere mythological belief into an entrenched mechanism of social control. Within a socio-legal context, the *sangkal* tradition operates as an informal norm endowed with significant social coercive power, despite its contradiction with Islamic legal principles and human rights norms that uphold individual freedom in spouse selection.<sup>12</sup>

The primary foundation sustaining the *sangkal* tradition is the status of ancestral customs as a form of normative authority. Among Madurese Muslims in Klompang Timur, tradition is not merely a cultural inheritance but constitutes a moral imperative essential for preserving communal identity. It is exemplified by the statement of BR, a local religious leader, who noted that the community continues the practice because the ancestral tradition remains very strong.<sup>13</sup> This assertion demonstrates that custom is regarded not as a discretionary choice but as an ethical obligation. From the perspective of legal anthropology, this phenomenon reflects the predominance of living customary law, which often proves more effective in regulating social behavior than either state law or religious doctrine.<sup>14</sup> Consequently, women's decision-making in pre-marital proposals is constrained not only by

<sup>12</sup> See: Sofiani, Kamalludin, and Abdullah, "Violence Against Women in Pre-Marital Relationships," 147–69; Arif Sugitanata and Muhammad Lutfi Hakim, "The Domination of Customary Law in Muslim Matrimonial Procedures: Prohibiting Khitbah in the Sade Muslim Community," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (December 2023): 302–19.

<sup>13</sup> BR, "Interview with a Local Religious Leader," November 2024.

<sup>14</sup> See: Linda Firdawaty, Habib Shulton Asnawi, and Siti Mahmudah, "Semanda Lekok in the Sai Batin Community, Lampung: Wife's Domination of Marital Assets from Maqāsid al-Sharī'ah Perspective," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (September 2024): 1734–62; Dinda Difia Madina, Zezen Zainul Ali, and Mega Puspita, "Aligning Islamic Law and Customary Law: Legal Dialectics in the Tradition of Forced Marriage in Jambi," *Justicia Islamica* 20, no. 1 (June 2023): 1–16.

immediate family influences but also by the moral imperative to uphold what is considered a sacred tradition.<sup>15</sup>

This entrenched customary framework is further reinforced by a collective belief in the potential misfortune that may ensue if a first marriage proposal is rejected. Narratives concerning “bad luck,” “becoming a spinster,” or “blocked destiny” function as mechanisms of moral regulation that instill fear in both women and their families. For instance, SS, a female informant who once declined a first proposal, recounted: “*When I rejected the first proposal, not long after that our house caught fire, and many people justified the incident as a consequence of my refusal.*”<sup>16</sup> Such narratives illustrate how communities construct irrational yet collectively accepted causal relationships, which are subsequently employed as social justifications to exert pressure on women to conform. From a socio-legal perspective, this mechanism represents a discursive form of sanction that, although not codified in formal regulations, remains highly effective in enforcing social discipline.<sup>17</sup>

Furthermore, the acceptance of an initial marriage proposal is influenced by an ethic of honor that designates women as custodians of family dignity. Many families hold the belief that rejecting a proposal made with “good intentions” may lead to social discord and cause embarrassment to the prospective groom’s family. AY, a female informant who accepted her first proposal, stated: “*Se’ alamar reng pekus ye e’taremah kanto ngarkeih pihak se lake* [As long as the man is good, we should accept the proposal to respect and avoid hurting him].”<sup>18</sup> This assertion suggests that a woman’s acceptance of a proposal does not necessarily reflect her personal preference but rather represents an effort to preserve harmonious interfamily relations. Within Madurese culture, the logic of honor plays a pivotal role in pre-marital decision-making processes. Women are often positioned as guardians of family reputation, which significantly constrains their capacity for personal autonomy and negotiation.<sup>19</sup> Consequently, the *sangkal* tradition is upheld not only by metaphysical beliefs but also by a moral economy that compels women to conform to prevailing social expectations.

An equally important factor is the community’s limited religious literacy regarding women’s rights in spouse selection. BR, the local religious leader

<sup>15</sup> Anthony Luyirika Kafumbe, “Women’s Rights to Property in Marriage, Divorce, and Widowhood in Uganda: The Problematic Aspects,” *Human Rights Review* 11, no. 2 (June 2010): 199–221.

<sup>16</sup> SS, “Interview with an Actor Involved in the *Sangkal* Tradition,” November 2024.

<sup>17</sup> See: Nailur Rahmi and Rinta Okta Henny, “Sanksi Adat Tentang Larangan Perkawinan terhadap Orang Sesuku dengan Pelaku Zina,” *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (November 2020): 329–42; Siti Dian Natasya Solin et al., “Batak Customary Marriage: A Study of the Prohibition of Same-Clan Marriage and Its Relevance in the Contemporary Era,” *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 62–81; Defel Fakhyadi and Muhammad Adib Samsudin, “Islamic Law Meets Minangkabau Customs: Navigating Forbidden Marriages in Tanah Datar,” *El-Mashlahah* 14, no. 1 (March 2024): 1–20.

<sup>18</sup> AY, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>19</sup> Vera Hoelscher, Ratna Khanijou, and Daniela Pirani, “Changing Informal Institutions via Mimesis: Gender Equality in Marriage Proposals,” *Gender, Work & Organization* 30, no. 1 (January 2023): 52–67.

previously cited, noted that one reason for the persistence of the *sangkal* tradition is “*korang paham de’ agemah*” [insufficient understanding of religion].<sup>20</sup> This observation indicates that many Madurese Muslims lack adequate knowledge of Islamic legal principles concerning mutual consent in marriage. Indeed, Islamic law does not mandate that women accept the first marriage proposal. On the contrary, classical *fiqh* rule grants women full autonomy to choose their marriage partner and to reject a proposal.<sup>21</sup> The absence of robust theological critique from religious authorities creates a normative vacuum, allowing customary norms to assume regulatory authority. From a socio-legal perspective, this situation exemplifies a form of asymmetric legal pluralism, wherein customary norms do not merely coexist with religious norms but instead dominate social practice due to the weak articulation of *sharī’ah*-based principles at the community level.<sup>22</sup>

### **Between Compliance and Resistance: Women’s Negotiation of the *Sangkal* Tradition**

Madurese Muslim women in the *sangkal* tradition of Klompang Timur Village are heterogeneous, encompassing a range of social positions, from full acceptance to explicit rejection. These positions are influenced by a complex interplay of rational, emotional, moral, and religious factors. This diversity of interpretations indicates that *tako’ sangkal* does not function as a monolithic or uncontested norm. Instead, it operates as a cultural practice that is continuously negotiated by social actors within the lived contexts of family relations, moral economies, and religious understandings. The varied responses reveal the internal dynamics of the community, where deeply entrenched traditions intersect with individual aspirations for autonomy in spouse selection, thereby positioning the *sangkal* tradition as a contested site among custom, *sharī’ah*, and human rights.<sup>23</sup>

Compliance was most pronounced among informants who accepted the initial marriage proposal due to strong parental beliefs and customary pressures. One female informant, AS, described how parental adherence to the legitimacy of tradition transformed the acceptance of a proposal into a symbolic obligation. She explained:<sup>24</sup>

*“Oreng toanah engkok se parcajeh ka tradisi sangkal jiah mun nolak lamaran se de’kade’en, seanyamanah reng toah, pak ben emak tak terro anak parabannah capok sangkal lebileh, mangkanah jieh naremah peih* [My parents believe in the *sangkal* tradition. If I rejected the first proposal, as parents, they

<sup>20</sup> BR, “Interview with a Local Religious Leader,” November 2024.

<sup>21</sup> Al-Sayyid Sābiq, *Fiqh al-Sunnah* (Cairo: Al-Faṭḥ li al-‘Ilām al-‘Arabī, n.d.), 2:16–21.

<sup>22</sup> See: Sofiani, Kamalludin, and Abdullah, “Violence Against Women in Pre-Marital Relationships,” 147–69; Chelsea Langston Bombino, “Cross-Cultural Religious Literacy Formation and Women’s Leadership for FoRB,” *The Review of Faith & International Affairs* 22, no. 1 (January 2024): 18–23.

<sup>23</sup> See: Sofiani, Kamalludin, and Abdullah, “Violence Against Women in Pre-Marital Relationships,” 147–69; Muhammad Salahuddin et al., “Between Adat Law and National Law: The Resistance of Sasak Women to Their Inheritance Rights in Lombok Indonesia,” *Lex Localis - Journal of Local Self-Government* 21, no. 4 (November 2023): 923–36; Sugitanata and Hakim, “The Domination of Customary Law in Muslim Matrimonial Procedures,” 302–19.

<sup>24</sup> AS, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

did not want their daughter to be struck by *sangkal* later on; that is why they accepted the proposal].”

Her statement indicates that acceptance was driven not by compatibility or *kafā`ah* in Islamic marriage law, but by a desire to mitigate the perceived risks associated with *tako` sangkal*. Despite initially consenting to the proposal, AS’s family collectively resolved to annul the engagement to prevent an undesirable marriage, while maintaining the appearance of customary legitimacy.<sup>25</sup> This phenomenon exemplifies how community members strategically navigate the tensions between customary norms and personal interests: the custom is symbolically respected through initial acceptance, whereas the substantive decision is postponed and ultimately altered through social mechanisms such as subsequent annulment. This behavior reflects a synthesis of value-rational action (upholding customary values) and instrumental-rational action (annulling the engagement for pragmatic reasons), thereby illustrating a nuanced negotiation between communal norms and individual aspirations.<sup>26</sup>

A different scenario is observed in the case of AY, another informant, who accepted her initial marriage proposal not solely due to customary pressure but also because she believed that the marriage would ensure a more secure economic future. She recalled:<sup>27</sup>

*“De`kade`en engko` naremah lamaran pertama jiah polanah tan reng toah se parcajeh ka tradisi sangkal, pak ben emmak aberrik saran ka engko` mun lamareh akabin dekki` pekal lebbi pekus ben nyaman tarotamah deri ekonomi* [At first, I accepted the proposal because my parents, who adhere to the *sangkal* tradition, assured me that after marriage, my life would improve, especially financially.]”

Her narrative illustrates that *tako` sangkal* functions not solely as a mystical threat but can also develop into a pragmatic calculation wherein economic factors increasingly assume importance. Although AY initially lacked emotional interest, she recognized that the suitor possessed a good education and stable employment.<sup>28</sup> Consequently, her acceptance arose at the confluence of customary pressure and aspirations for upward economic mobility. It exemplifies a complex social rationality in which individuals reconcile customary frameworks with forward-looking considerations, indicating that *tako` sangkal* often serves as an “initial trigger” subsequently augmented by additional rational deliberations.

A more severe instance of coercion is evident in the testimony of IM, another female informant. She reported, *“Bektoh roah engko` naremah lamaran polanah e`paksa reng toah ben keluar* [At that time, I accepted the proposal because my

<sup>25</sup> AS, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>26</sup> Fatimah Zuhrah et al., “Tradition Beyond Formal Fiqh: Ethnic Perspectives on Negotiating Kafā`ah in Marriage within the Aceh Singkil Community,” *Journal of Islamic Law* 6, no. 2 (June 2025): 155–76.

<sup>27</sup> AY, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>28</sup> AY, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

parents and other relatives compelled me].”<sup>29</sup> IM emphasized that she was compelled to accept the proposal despite already having a partner.<sup>30</sup> In this context, the *sangkal* tradition functions as a mechanism for perpetuating familial control over women’s bodies and choices. Her decision to flee the family home to terminate the engagement constitutes a form of direct resistance against oppressive customary structures. Notably, her resistance was not immediately perceived as a violation of custom, as the initial acceptance had already fulfilled the symbolic requirement of compliance. Thus, *sangkal* creates a situation in which women may engage in “formal compliance” to preserve family honor while simultaneously exercising “substantive refusal” through annulment. It demonstrates that *sangkal* operates as a symbolic rather than substantive norm, thereby providing women with the opportunity to employ tactical resistance in pursuit of personal autonomy.<sup>31</sup>

Resistance was also observed among informants who rejected the initial proposal based on principles of modern rationality, educational priorities, or skepticism toward the associated myth. For instance, NN declined her first proposal because she wished to pursue further education. Despite facing social stigma, her decision reflects a value orientation grounded in individual aspirations rather than adherence to customary norms.<sup>32</sup> SS exhibited a more nuanced form of resistance, taking into account factors such as age, education, and *nasab* (lineage). Her emphasis on *nasab* suggests that her rejection was not merely a dismissal of tradition but rather a religious interpretation of *kafā’ah* as a legitimate criterion in Islamic marriage. Ironically, although she did not believe in the myth, a subsequent fire was interpreted by the community as evidence of *sangkal*.<sup>33</sup> Finally, IF rejected her initial proposal for clear moral and legal reasons, as she was still very young. She explained, “*Bektoh roah engko’ nolak lamaran se pertama polanah ki’ na’kana’ kelas 2 SMP* [At that time, I rejected the first proposal because I was still underage—in the second year of junior high school].”<sup>34</sup> Her parents also rejected the proposal to safeguard her future and education. Unlike previous cases, the family’s decision was broadly accepted by the community, indicating that resistance to *tako’ sangkal* is more readily tolerated when it is grounded in strong moral justifications that align with prevailing social values.<sup>35</sup>

<sup>29</sup> IM, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>30</sup> IM, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>31</sup> See: Anru Lee, “Women of the Sisters’ Hall: Religion and the Making of Women’s Alternative Space in Taiwan’s Economic Restructuring,” *Gender, Place & Culture* 15, no. 4 (August 2008): 373–93; Mustafid Mustafid et al., “Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau,” *Journal of Islamic Law* 5, no. 1 (January 2024): 1–18.

<sup>32</sup> NN, “Interview with an Actor Involved in the *Sangkal* Tradition,” December 2024.

<sup>33</sup> SS, “Interview with an Actor Involved in the *Sangkal* Tradition,” November 2024.

<sup>34</sup> IF, “Interview with an Actor Involved in the *Sangkal* Tradition,” November 2024.

<sup>35</sup> See: Abu Muslim et al., “Compromises and Customs: Strategic Practices in Bugis Sinjai Traditional Marriages,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 2 (July 2025): 1130–53; Elena Moore, “Forms of Femininity at the End of a Customary Marriage,” *Gender & Society* 29, no. 6 (December 2015): 817–40.

Collectively, these findings indicate that acceptance or rejection of the *sangkal* tradition cannot be understood as a simple binary choice. Instead, it is expressed along a continuum of complex social behaviors, ranging from full compliance and symbolic compliance to negotiation, covert resistance, and explicit rejection. From a *sharī'ah* perspective, certain community members invoke the concept of *kafā'ah* as a religious criterion in their decision-making processes, although customary norms frequently prevail. From a socio-legal standpoint, these practices exemplify a form of legal pluralism in which custom, religion, and modern aspirations interact and compete to regulate pre-marital conduct.<sup>36</sup> Ultimately, the community's evolving attitudes toward the *sangkal* tradition reflect an ongoing tension between binding normative frameworks and individual efforts to assert autonomy within a social context that continues to prioritize collective honor.<sup>37</sup>

### Religious Leaders on the *Sangkal* Tradition: Customary Authority, Normative Gaps, and the Construction of Social Risk

Interviews conducted with religious leaders in Klompang Timur Village reveal a complex and ambivalent attitude toward the *sangkal* tradition. These leaders consistently maintain that the *tako' sangkal* practice lacks a normative basis in both the Qur'an and the Hadith. However, they simultaneously refrain from issuing explicit objections or corrective fatwas against the tradition. This ambivalence transcends individual hesitation and instead reflects a broader social structure wherein the strength of Madurese custom—as a living normative order—exerts greater influence within the moral domain than *fiqh* norms. Within the framework of legal pluralism, this situation suggests that customary law operates as the primary regulatory system, while *fiqh* assumes a largely symbolic role with limited practical authority,<sup>38</sup> particularly concerning matters related to pre-marital relations.

Religious leaders generally concur that the persistence of *tako' sangkal* is primarily sustained by communal belief in ancestral heritage rather than by religious normative frameworks. BI, a local religious leader, emphasized that the community upholds this tradition based on customary beliefs that lack legitimacy within Islamic law, noting that Islamic law restrictions concerning marriage proposals apply exclusively to women who are already engaged.<sup>39</sup> Another religious leader, UB, explained:<sup>40</sup>

<sup>36</sup> Abdul Helim et al., "Babilangan in the Marriage Traditions of the Banjar Community in South Kalimantan: A Legal Pluralism Perspective," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 9, no. 2 (July 2025): 915–36.

<sup>37</sup> See: Sindiso Mnisi and Aninka Claassens, "Rural Women Redefining Land Rights in the Context of Living Customary Law," *South African Journal on Human Rights* 25, no. 3 (January 2009): 491–516; Kamaruddin Kamaruddin, "Widows' Rights and Customary Law: Addressing Responsive Law to Divorce Cases of Tolaki Community in Indonesia," *Mazahib* 22, no. 2 (December 2023): 283–308.

<sup>38</sup> Arbanur Rasyid, Rayendriani Fahmei Lubis, and Idris Saleh, "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (October 2024): 419–48.

<sup>39</sup> Sābiq, *Fiqh al-Sunnah*, 2:16–21.

<sup>40</sup> BI, "Interview with a Local Religious Leader," November 2024.

“*Biyasaepon kaangguy malanggeng kabiyasa'an otaba tradisi kasebbut adhasar dha' kaparcaja'an tor kamantebban atena settong oreng, narema amarga badha kasaeyan, nangeng manabi adhasar dha' Al-Qu'ran sareng hadis tadha' potegga atorán se ngator* [Usually, people maintain this tradition based on personal conviction and certainty, accepting it because it brings perceived well-being; however, according to the Qur'an and Hadith, there is no specific rule governing it].”

This statement illustrates that *sangkal* persists as a norm grounded in belief rather than religion. From a socio-legal standpoint, it reveals how the community regards custom as a moral authority to be maintained for the preservation of collective identity.<sup>41</sup> The belief in *tako' sangkal* operates not only as a cultural myth but also as a mechanism that generates fear, stigma, and social repercussions—factors that frequently exert greater influence than religious doctrines.<sup>42</sup>

Although religious leaders assert that *tako' sangkal* is not a religious obligation, they nevertheless characterize it as a customary recommendation. TB, another local religious leader, stated: “*Kasebbut banne kawajiban, namong sakadar ngereng lalampanna bangaseppo se kabiddhimen se aropa adat* [Tradition is not an obligation, but merely a recommendation that stems from custom].”<sup>43</sup> In practice, the Madurese community reconceptualizes the category of “recommendation” as a moral obligation endowed with significant coercive power. Specifically, *tako' sangkal* functions through a social logic that anticipates the risk of misfortune and damage to reputation, thereby converting customary advice into a binding social mandate. Consequently, custom generates a form of “unwritten social sanction” that is more effective than religious decrees, thereby diminishing the authority of religious leaders relative to the entrenched power of custom.<sup>44</sup>

The social risk dimension associated with *tako' sangkal* is underscored by statements from several religious leaders. BI observed that acceptance of the initial marriage proposal is frequently motivated by concern for a woman's future, rooted in the belief that rejecting the first suitor diminishes the likelihood of subsequent proposals.<sup>45</sup> Consequently, declining a first proposal is perceived as adversely affecting a woman's marital prospects. Furthermore, religious leaders highlight the significant implications of *tako' sangkal* for marital stability. BR critically noted that marriages entered into under pressure or without genuine female consent often led to incompatibility and, in some cases, divorce. BR stated:<sup>46</sup>

<sup>41</sup> T. W. Bennett, “Comparative Law and African Customary Law,” in *The Oxford Handbook of Comparative Law*, by T. W. Bennett, ed. Mathias Reimann and Reinhard Zimmermann (Oxford University Press, 2006), 640–74.

<sup>42</sup> Juan Ramos López, Jim Rivelino Paucá Gomez, and Félix Rojas Orellana, “Legal Pluralism and Customary Law in Andean Communities: The Case of the Casaorcco Community, Ayacucho, 2020,” *Edelweiss Applied Science and Technology* 9, no. 3 (March 2025): 651–59.

<sup>43</sup> TB, “Interview with a Local Religious Leader,” November 2024.

<sup>44</sup> Supardi Mursalin et al., “Pecoah Kohon: The Restriction on Inter-Cousins Marriage in Indigenous the Rejang Society,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 2023): 69–80.

<sup>45</sup> BI, “Interview with a Local Religious Leader,” November 2024.

<sup>46</sup> BR, “Interview with a Local Religious Leader,” November 2024.

*“Biasaepon akibatta dari tradisi kasebbut bisa saos kadeddiyan bedena tella’ e bigkeng are, amarga ampon sobung kasaeyan (taresna) jugen torkadang ampon sobung pertimbangan deri segi kafā’ ah epon [The impact of this tradition often leads to divorce later on, because there is no emotional connection and sometimes no consideration of kafā’ ah].”*

Furthermore, TB noted that customary pressure may compel women to flee their homes when their parents force them to accept a marriage proposal.<sup>47</sup> Such cases demonstrate that extreme forms of resistance arise when women’s opportunities for negotiation are completely denied within the family structure. These observations support the argument that *tako’ sangkal* not only restricts women’s freedom to choose a spouse but also fosters pre-marital relationships marked by symbolic violence and structural coercion.<sup>48</sup>

Interestingly, despite their explicit disapproval of the *sangkal* tradition, religious leaders lack both the institutional capacity and social legitimacy necessary to abolish it. BR expressed his opposition to the tradition, highlighting its potentially harmful effects, yet acknowledged the difficulty of abandoning it due to its deep entrenchment in community consciousness.<sup>49</sup> This situation illustrates a “gap in authority” between religious doctrine and customary practice. Within rural Madurese Muslim society, custom operates as a socio-moral system that governs behavior, whereas religious authority often has limited influence over entrenched cultural practices. Religious leaders themselves concede that their guidance is frequently overshadowed by parental concerns regarding “spinsterhood” or misfortune associated with the rejection of the first marriage proposal.<sup>50</sup>

Overall, these findings indicate that the persistence of the *sangkal* tradition is not underpinned by *sharī’ah* legitimacy but rather by a complex interplay of structural factors. These include the predominance of custom as a source of moral authority, insufficient religious understanding, the generation of social risks that influence community decision-making, and the limited corrective influence of religious leaders in opposing practices that contravene *sharī’ah* principles and undermine women’s autonomy. Although religious leaders acknowledge that *sangkal* is a harmful practice, potentially impeding the development of harmonious families and contributing to psychological distress, coerced marriages, and even divorce or flight, the lack of robust normative intervention combined with enduring communal beliefs enables the tradition to persist as an effective and enduring mechanism of social control within contemporary Madurese society.

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<sup>47</sup> TB, “Interview with a Local Religious Leader,” November 2024.

<sup>48</sup> See: Sofiani, Kamalludin, and Abdullah, “Violence Against Women in Pre-Marital Relationships,” 147–69; Suruchi Thapar-Björkert, Lotta Samelius, and Gurchathen S. Sanghera, “Exploring Symbolic Violence in the Everyday: Misrecognition, Condescension, Consent and Complicity,” *Feminist Review* 112, no. 1 (February 2016): 144–62.

<sup>49</sup> BR, “Interview with a Local Religious Leader,” November 2024.

<sup>50</sup> BR, “Interview with a Local Religious Leader,” November 2024.

### Interaction Among Custom, Women's Agency, and Religious Authority in the Perpetuation of the *Sangkal* Tradition

The *sangkal* tradition in Klompang Timur Village operates within a highly intricate social framework, where custom, women's agency, and religious authority intersect asymmetrically. *Tako' sangkal* endures not merely as a cultural legacy but as a normative system operating through mechanisms of social control, risk allocation, and the internalization of fear institutionalized across generations. At the structural level, the community regards *tako' sangkal* as a customary norm endowed with significant coercive power, reinforced by beliefs in misfortune myths, veneration of ancestral heritage, and an ethic of family honor that frames the rejection of a first marriage proposal as a potential source of social stigma or diminished marital prospects. These elements collectively establish a context in which custom emerges as the predominant moral authority, superseding both religious and state law in the regulation of pre-marital practices.<sup>51</sup>

Within this context, women are not merely passive participants; instead, they actively navigate customary pressures through diverse forms of agency that, while fragmented, remain discernible. The findings of this study identify three primary types of responses: full compliance, pragmatic negotiation, and limited resistance. Compliance is observed when women accept marriage proposals to meet familial and communal expectations and to mitigate the social risks associated with *tako' sangkal*.<sup>52</sup> Nonetheless, some women engage in symbolic compliance by initially accepting proposals but subsequently delaying or dissolving engagements,<sup>53</sup> employing this strategy as a means to negotiate restrictive social structures. Although less frequent, resistance manifests through outright rejection, temporary departure from the household, or postponement of marriage, particularly among women with educational ambitions, concerns regarding *kafā'ah*, or support from family members with more rational orientations. This range of responses indicates that *tako' sangkal* does not eliminate women's agency; rather, it shapes and constrains it, with agency being expressed through subtle and often non-confrontational strategies.<sup>54</sup>

Religious leaders, meanwhile, introduce an additional layer of ambivalence that perpetuates the persistence of *sangkal*. They consistently assert that *tako' sangkal* lacks a basis in the Qur'an or Hadith and that accepting a first marriage proposal is not a religious mandate.<sup>55</sup> However, the absence of decisive corrective measures from religious authorities permits customary interpretations at the community level to remain predominant. These leaders face an epistemic dilemma. Although they

<sup>51</sup> See: Sofiani, Kamalludin, and Abdullah, "Violence Against Women in Pre-Marital Relationships," 147–69; Sugitanata and Hakim, "The Domination of Customary Law in Muslim Matrimonial Procedures," 302–19.

<sup>52</sup> IM, "Interview with an Actor Involved in the *Sangkal* Tradition," December 2024; AS, "Interview with an Actor Involved in the *Sangkal* Tradition," December 2024.

<sup>53</sup> AS, "Interview with an Actor Involved in the *Sangkal* Tradition," December 2024.

<sup>54</sup> Lee, "Women of the Sisters' Hall," 373–93; Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority," 1–18.

<sup>55</sup> BI, "Interview with a Local Religious Leader," November 2024.

acknowledge the detrimental effects of *tako' sangkal*, including the risks of marital incompatibility, divorce, and psychological distress for women, they lack the institutional capacity to confront a deeply entrenched tradition.<sup>56</sup> As a result, religious authority often adopts an accommodative stance, with religious guidance unable to override the symbolic power of custom, which is more firmly rooted in the collective consciousness of the community. This dynamic illustrates a pronounced imbalance between custom and religion, wherein custom functions as the primary normative framework, while religion operates as a secondary moral reference.<sup>57</sup>

The predominance of customary practices in pre-marital relationships is not exclusive to the *sangkal* tradition. A comparable pattern is observed in the *ngemblok* tradition practiced among Muslim communities in Rembang, Central Java. Although women and their families present gifts to the groom's family as a symbolic act during the proposal process, women frequently experience sexual and psychological violence within these pre-marital relationships. Sofiani, Kamalludin, and Abdullah contend that such occurrences are rooted in deeply entrenched patriarchal structures that limit women's ability to terminate these relationships.<sup>58</sup> Conversely, in the *nikah-kawin* tradition of West Java, women possess greater autonomy than men in selecting their partners and, in some instances, are empowered to pronounce the marriage vows themselves. As noted by Neng Eri Sofiana and colleagues, this tradition exemplifies an indigenous commitment to respecting and valuing women.<sup>59</sup> Furthermore, additional research on engagement and marriage practices highlights the enduring influence of customary law as a vital component of the cultural heritage of local communities.<sup>60</sup>

## Conclusion

This study reveals that the persistence of the *sangkal* (marriage proposal) tradition in Klompang Timur Village should not be regarded merely as a remnant of cultural heritage but rather as a socially constructed norm maintained through the interaction of hegemonic customary authority, fragmented female agency, and the ambivalent role of religious leaders. The continuation of *sangkal* is influenced by the interplay of misfortune myths, family honor ethics, ancestral customary authority, and low levels of religious literacy, which collectively enable customary law to

<sup>56</sup> BR, "Interview with a Local Religious Leader," November 2024; TB, "Interview with a Local Religious Leader," November 2024.

<sup>57</sup> See: Sofiani, Kamalludin, and Abdullah, "Violence Against Women in Pre-Marital Relationships," 147–69; Sugitanata and Hakim, "The Domination of Customary Law in Muslim Matrimonial Procedures," 302–19.

<sup>58</sup> Sofiani, Kamalludin, and Abdullah, "Violence Against Women in Pre-Marital Relationships," 147–69.

<sup>59</sup> Neng Eri Sofiana et al., "Gender-Responsive Construction in Nikah-Kawin Traditions in West Java: A Qiwwamah Perspective," *El-Mashlahah* 14, no. 1 (June 2024): 71–94.

<sup>60</sup> See: Ahmadi et al., "Legal Authority and Marital Identity," 317–32; Julianto Jover Jotam Kalalo, Philipus Betaubun, and Chyntia Novita Kalalo, "Implementation of Marriage by Indigenous Law to Yei Tribe Communities," *International Journal of Management* 10, no. 6 (November 2019): 45–53; Zulkarnain, Habib Iman Nurdin Sholeh, and Ahmad Zaenul Muttaqin, "Local Wisdom in Sebambangan Traditional Marriage Practices: A Maqāṣid Shari'ah Perspective," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (July 2024): 119–37.

supersede both *sharīah* and state law. Women navigate this complex social environment through diverse forms of action, including compliance, symbolic negotiation, and resistance, demonstrating that although agency is present, it remains tightly constrained by social pressures and limited opportunities for negotiation. Concurrently, religious leaders recognize that *sangkal* lacks foundation in Islamic law and may lead to incompatibility, psychological distress, or divorce; however, their subordinate status within the customary hierarchy restricts their ability to intervene or effect meaningful normative change.

These findings highlight the imperative of employing culturally grounded strategies to transform the practice of *sangkal*. Such strategies include enhancing substantive religious literacy, promoting women's empowerment through education, and encouraging religious leaders to adopt a more assertive role in articulating *sharīah*-based principles of marital consent. However, the study's scope is constrained by its focus on a single village, a limited number of informants, and reliance on subjective narratives that may not fully capture underlying social dynamics. Future research should incorporate broader geographic contexts, deeper ethnographic engagement, and more comprehensive gender perspectives to develop a more nuanced understanding of the socio-cultural mechanisms that sustain *sangkal* within contemporary Madurese society.

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