

## Exploring Abhakalan Culture (Early Marriage) in Madura: A Dialogue of Customary Law, Religion, and The State

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### Abstract

This study explores the culture of *Abhakalan* in Madura in the context of early marriage, analyzing its intersections with customary law, religion, and the state. While aimed at preserving family honor, this practice often prioritizes the principle of *ḍarran* (harm), leading to gender inequality and injustices toward women. The research seeks to evaluate the implications of this cultural practice on women's rights and gender equality, using an empirical legal method grounded in conflict theory and social change, combined with Islamic concepts of *'urf* (accepted custom), *naḥ'an* (benefit), and *ḍarran* (harm). Findings indicate that *Abhakalan* culture denies women agency in marriage decisions, perpetuating stereotypes of female inferiority and limiting their opportunities for empowerment and education. This study highlights the need for cultural reform through gender advocacy, mindset shifts, and family economic empowerment. By fostering dialogue among customary law, religion, and state policies, the research underscores pathways to equitable and sustainable gender equality.

### Abstrak

Penelitian ini mengkaji budaya *Abhakalan* di Madura dalam konteks pernikahan dini dengan menganalisis keterkaitannya dengan hukum adat, agama, dan negara. Meskipun bertujuan menjaga kehormatan keluarga, praktik ini sering mengedepankan prinsip *ḍarran* (bahaya) yang berujung pada ketidakadilan terhadap perempuan dan ketimpangan gender. Penelitian ini bertujuan untuk mengevaluasi dampak budaya ini terhadap hak-hak perempuan dan kesetaraan gender, menggunakan metode hukum empiris yang berlandaskan teori konflik dan perubahan sosial, serta konsep Islam seperti *'urf* (adat yang diterima), *naḥ'an* (manfaat), dan *ḍarran* (kerugian). Temuan menunjukkan bahwa budaya *Abhakalan* mengabaikan hak perempuan dalam pengambilan keputusan terkait pernikahan, memperkuat stereotip inferioritas perempuan, serta membatasi peluang pendidikan dan pemberdayaan mereka. Penelitian ini menekankan pentingnya reformasi budaya melalui advokasi gender, perubahan pola pikir, dan pemberdayaan ekonomi keluarga, dan dengan mendorong dialog antara hukum adat, agama, dan kebijakan negara, studi ini menawarkan langkah menuju kesetaraan gender yang adil dan berkelanjutan.

### Keywords:

Abhakalan; Early Marriage; Gender Equality; Customary Law; Religion; State

### How to Cite:

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## Introduction

The long debate on *fiqh al-aqalliyāt* initiated by several scholars, especially Yūsuf al-Qaraḍāwī, continues to this day. This topic is indeed interesting, resulting in both pro and contra sides emerging. A group of scholars, particularly those from the Middle East with a more progressive mindset, tend to support this idea and continue to develop it. On the contrary, those who oppose it criticize and ridicule it, ranging from the lack of objectivity of a mufti implementing this *fiqh* methodology to accusations that this *fiqh* model is illegal and tends to make Muslims in the West liberal.

Indonesia's rich cultural diversity deeply roots the significance of marriage, with customary law playing a central role in guiding marital practices. Each ethnic group adheres to its distinct traditions, embedding marriage within a sacred societal framework that emphasizes spiritual connections, social roles, and kinship systems (Sadat et al., 2023). These customs often reflect the spiritual and ancestral beliefs of local ethnic religions, reinforcing marriage as both a cultural celebration and a spiritual rite. However, social stratification within these communities can create inequalities, sometimes leading to exclusion from the kinship system if traditional norms are violated (Salahuddin, 2012). This marriage serves as both a unifying force and a potential source of conflict, as adherence to customary laws determines one's inclusion in the broader social fabric.

Social stratification within Indonesian society often leads to the formation of social classes, which can result in injustice and conflict, particularly when individuals fail to adhere to societal norms (Sumardi & Hanum, 2019). Among the ethnic groups in Indonesia, violations of these norms can result in exclusion from the kinship system, a significant consequence in communities where familial ties are central to social structure (Salahuddin, 2012). In particular, people view marriage not only as a union between a husband and wife, but also as an agreement involving both families, with parents from both sides playing a supportive role to ensure the longevity and happiness of the marriage.

*Abhakalan*, a tradition practiced by the Madurese community, refers to the custom of early marriage, where young girls are arranged to marry at an early age. This practice is typically initiated by parents or extended family members with the intention of preserving family honor and strengthening social ties between families. However, in practice, *Abhakalan* often undermines women's autonomy as decisions regarding marriage are rarely based on their consent or aspirations (Ridwan et al., 2023a). Deeply rooted in patriarchal structures, this tradition positions women as subordinate to familial decisions, limiting their opportunities to shape their own futures. This cultural practice contrasts sharply with the principle of gender equality as emphasized in the Quran (QS. al-Ḥujurāt: 13), which asserts that men and women are equal in spiritual and social matters. The verse refutes any notion of inequality, affirming that one's worth in the eyes of Allah is based on righteousness, not gender (Suhra, 2013). This highlights the tension between traditional customs and the Islamic teachings of gender parity.

Despite this, the implementation of CEDAW has faced varying degrees of success in different countries, especially in contexts where patriarchal traditions and customs remain deeply entrenched. For example, in India, while the government has made strides in addressing child marriage and gender inequality through legal frameworks such as the Child Marriage Prohibition Act of 2006, enforcement remains inconsistent, especially in rural areas that have strong cultural resilience. Similarly, Pakistan has ratified CEDAW and introduced reforms, such as the Sindh Child Marriage Limitation Act of 2013, which criminalizes marriage under the age of 18.

In Indonesia, the situation reflects a similar struggle. Although Law No. 7 from 1984 formalized the country's commitment to CEDAW (Alfitri, 2020), the continued practice of

early marriage, particularly in regions such as Madura, underscores the difficulty of reconciling international obligations with local customs. This challenge is compounded by the interaction between customary law, religious norms, and state laws, creating a complex legal landscape that often leaves women vulnerable. The state's efforts to protect women through legal reforms, such as changes in Marriage Law No. 1 of 1974 to Marriage Law No. 16 of 2019 that raises the minimum age of marriage, have met cultural resistance that hinders full compliance at the community level.

Gender equality remains an important area of study to this day. With a long history of addressing the global discrimination faced by women due to social and gender differences, the United Nations (UN) organized a convention in 1979 to eradicate all forms of discrimination against women, as highlighted by (Taufik et al., 2022). The UN is committed to addressing gender equality across various domains, including education, the socialization of children, household responsibilities, gender-based violence, sexual health, and achieving a balance between work and family obligations (Fauzia, 2022). Although Indonesia ratified this convention in 1984 with Law No. 7 of 1984, the state's socialization efforts have been inadequate. According to Law Number 18 of 2014, every woman has the right to basic protections, fair access to justice, and well-being opportunities, which include the right to adequate education. This law underscores the need for the government to protect women and ensure they have equal opportunities to men in achieving well-being (Azizah, 2019).

Previous studies on gender equality show evidence of gender equality between women and men, where ideally, they need to achieve similar opportunities in education, political participation, and health to realize their full potential and rights. Gender equality stands as a foundational principle within the Millennium Development Goals (MDGs), sparking enduring transformations in patriarchal frameworks, as outlined by Dharani & Balamurugan (2024).

In reality, women encounter bias and discrimination across various domains, irrespective of their religious affiliations. Unfortunately, contemporary society still grapples with male dominance and chauvinism, as observed by (Esquivel & Sweetman, 2016). Women globally confront discrimination in both private and public spheres, whether through direct or indirect means, despite the widespread influence of modernity and globalization in human life. Despite these challenges, numerous efforts have been undertaken to address the issues affecting women globally, as noted by Unterhalter (2005).

Gender equality, a principle regulating equal treatment in marriage, manifests differently in Islamic practices compared to the customary systems of Indonesian ethnic groups. The conflict and tension between Islamic law and customary law in the context of marriage in Indonesia are evident, particularly in the differing views on gender roles and authority within the household. While Islamic law generally provides more defined roles for men and women, many customary laws may either reinforce or challenge these roles, leading to conflicts in areas such as inheritance, polygamy, and the decision-making power within families. These tensions reflect broader societal debates about the balance between religious obligations and cultural traditions, as discussed by Hadigunawan et al (2021).

Exploring Madurese culture with a focus on women reveals that the Madurese perceive women as individuals requiring supervision and protection, a belief that frequently leads to early marriages (Miswoni, 2016). This view of women's roles extends beyond marriage and is also evident in traditional practices such as batik making, where gender-specific tasks are assigned: women engage in the delicate work of fabric painting, while men handle the more physically demanding task of wax removal from the fabric (Noer, 2012). These cultural practices reinforce traditional gender roles and underscore how Madurese society shapes the expectations and responsibilities of men and women. Moreover, research indicates that cultural

contexts, such as associating blue with men and pink with women, further shape these gendered images and positions (Hasan, 2012).

In India, the dowry system reinforces gender inequality, often leading to child marriages to alleviate economic burdens. Similarly, in parts of Africa, female genital mutilation (FGM) stems from cultural norms aimed at controlling women's autonomy under the guise of family honor (Pardy et al., 2020). These practices, like Madura's *Abhakalan*, prioritize communal and familial obligations over individual freedoms, restricting women's agency in key life decisions. Religious leaders, such as the Kyai in Madura, often legitimize early marriages, similar to their counterparts in Pakistan, where interpretations of Islamic law have been used to justify the practice despite legal opposition. Global reforms offer pathways for change. Tunisia and Morocco have successfully harmonized Islamic principles with gender equality standards (Bennis et al., 2017), raising marriage ages and enhancing women's autonomy. Indonesia can draw from these examples to address early marriages, balancing cultural traditions with women's rights.

This forms the starting point for contemplating the patriarchal aspects of early Madurese marriage culture. Social changes, community mobility, education, socioeconomic status, and other factors play influential roles in shaping this ongoing dialogue (Taher, 2022). In analyzing the patriarchal aspects of Madurese early marriage culture, it is important to recognize the complexity and nuances that define this debate. Many studies have explored the *Abhakalan* culture of Madura Island, such as the research by Miswoni (2016), which highlights how *Abhakalan* has become a deeply rooted tradition. Today, this hereditary practice persists, employing methods like matchmaking and manipulating the age of marriage to maintain the custom of early marriage (Miswoni, 2016).

Rofika and Hariastuti argue that socio-cultural aspects influence the age of child marriage (Rofika & Hariastuti, 2020). Social factors that influence include the level of knowledge and education of children and parents, the economic situation of the family, and trust in religious figures or Kyai. Cultural aspects influencing child marriage include parental efforts in matchmaking, parental expectations to protect the lineage, the practice of magic, and the legal manipulation of age accepted by the community. Suryandari and Holifah conducted a study on family communication as a strategy to deter early marriages in the village of *Pegantenan* in Madura. Within *Pegantenan*, three primary factors influencing early marriages are identified: cultural norms, economic conditions, and a limited awareness of reproductive health. Despite the generally elevated incidence of early marriages in Madura, certain communities within the *Pegantenan* village in Pamekasan, Madura, actively prevent early marriages by emphasizing and optimizing family communication (Suryandari & Holifah, 2022).

Iken Nafikadini (Nafikadini et al., 2021) states that Madurese women tend to feel forced, both when they are about to get married and after marriage. They feel pressured due to a high level of fear. They still cannot adapt to their status as wives, and their comfort and security are so low that they choose to continue living in their old environment (Nafikadini et al., 2021). Sudarso discusses gender inequality circumstances faced by many women in the Indonesian population, particularly in the coastal areas of East Java (Sudarso et al., 2019). The circumstances in this situation are intricately linked to the prevalence of a patriarchal culture as both a lifestyle and a set of ethical principles. Coastal women not only face cultural oppression stemming from the influence of patriarchal culture but also contend with structural challenges (Sudarso et al., 2019).

Research on marriage in Indonesia focuses not only on the socio-cultural aspects shaped by customary law but also covers the challenges of the interaction between positive law,

religion, and local cultural practices. Investigation into the provisions of regulations such as Law No. 1 of 1974 on Marriage, amended by Law No. 16 of 2019, is essential to understand the protection of the rights of women and children, especially regarding the practice of early marriage as it exists in the *Abhakalan* culture in Madura. The study also emphasizes the interaction between religious, state, and customary law to see how governments ratify international conventions such as CEDAW, as well as the challenges faced in their implementation at the local level. The sustainability of early marriage practices in various regions indicates resistance to changes mandated by national and international law.

The main problem in this study lies in the gap between state regulation efforts and social realities that still support discriminatory practices, such as early marriage in *Abhakalan* culture. This study will explore how the existing legislation, including Law No. 1 of 1974 on Marriage, amended by Law No. 16 of 2019, and the commitment to CEDAW, faces various challenges in its application in the field. On the one hand, state law seeks to protect women, especially in terms of gender equality and human rights. However, resistance from indigenous peoples remains strong, rooted in traditions that have been going on for generations.

More complex issues arise when religious law, which also has a strong influence on society, interacts with state and customary law. Religions in Indonesia, especially Islam, provide provisions that allow early marriage under certain conditions. Therefore, this study should critically examine how religious interpretations justify practices that harm women. This creates a dilemma between the state's obligation to protect individual rights and the sovereignty of indigenous and religious communities in safeguarding their traditions.

This study will also raise the issue of women's leadership in indigenous communities. The kinship system often places women in a subordinate role, leading to marriage decisions that disregard their will. This deepens structural inequities involving gender and creates cycles of inequality that are difficult to break. The study's complexity stems from the intersectional analysis of law, culture, religion, and gender, all of which intertwine to influence women's position in traditional marriage.

Using an interdisciplinary approach, this study explores whether existing regulations are effective enough in protecting women or instead expose loopholes that allow the continuation of harmful practices. This study, from the perspective of legal anthropology, highlights how differences in customary, religious, and state legal norms create challenges in efforts to achieve gender equality. We also need to critically examine Indonesia's prevailing legal system to determine whether state law can effectively penetrate patriarchal customary social structures and provide women with fundamental rights.

Consequently, this study not only aims to analyze descriptively the phenomenon of early marriage in Madura but also aims to critically highlight how customary law and the state interact and the extent to which existing regulations are able to overcome cultural resistance to gender equality in the institution of marriage. Furthermore, the conflict theory approach analyzes the tension between customary law, religious law, and state law. This theory helps in understanding how the power dynamics and interests of different groups can create or reinforce practices that are discriminatory against women, especially in the context of early marriage. The social change approach is also an essential element to see how society responds to government-driven regulatory changes, as well as cultural resistance to legal modernisation efforts.

The researcher also integrates Islamic methodology, in particular by applying the concepts of *'urf* (social tradition), *naʿfan* (benefit), and *ḍarran* (harm). We use *'urf* to analyze the maintenance of social traditions like *Abhakalan* in society, and use *naʿfan* and *ḍarran* as



parameters to determine whether these traditions benefit or harm women and society as a whole. Thus, using this methodology provides a holistic view of how Islamic values interact with the country's customary norms and laws in the case of early marriage.

## Method

This study employs an empirical legal methodology (Sadat et al., 2023) to explore how the practice of *Abhakalan* reflects the interaction between customary, religious, and state legal norms in Madura. Data collection methods include literature reviews and qualitative analysis of case studies representing the typological variations of *Abhakalan* practices. By focusing on relevant sources such as scientific articles, Islamic legal texts, and academic studies, this approach provides a nuanced understanding of the socio-cultural and legal dimensions of early marriage in the region.

Three case studies illustrate the diverse typologies of *Abhakalan*. The first case highlights the social pressures that lead families to arrange early marriages to preserve family honor and avoid stigma. The second case examines economic motivations, where families view marriage as a solution to financial hardships. The third case focuses on religious justification, where specific interpretations of Islamic teachings are used to legitimize the practice. These case studies reveal the deeply rooted socio-cultural, economic, and religious factors that perpetuate *Abhakalan* and its adverse consequences, including restricted educational opportunities, limited personal agency, and systemic gender inequality.

The findings demonstrate that while *Abhakalan* aims to uphold cultural values, its negative impacts often outweigh its perceived benefits. Conflict theory is applied to analyze the tension between modern legal frameworks and traditional practices, while social change theory evaluates the societal response to regulatory reforms. Islamic legal principles, including *'urf* (social tradition), *naʿfan* (benefit), and *ḍarran* (harm), provide further context for assessing the practice's relevance and alignment with contemporary human rights standards.

## Gender Equality Concept

The 17th century saw the beginning of the pursuit of gender equality, which gained momentum after the French Revolution in 1789. The term "equality" has its roots in the French word *égalité* and evolved into egalitarianism, representing the belief that all individuals are equal and deserve similar opportunities and rights. By the late 18th century, the idea of gender equality gained prominence with the initial advocacy for women's rights in Western Europe, with figures like Olympe de Gouges and Mary Wollstonecraft playing pivotal roles in shaping the concept (Stanton, 2020).

Intergovernmental efforts, particularly the Declaration on the Elimination of Discrimination against Women (1975) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1979, further solidified global acknowledgment of gender equality in the 21st century (Kurzman et al., 2019). However, gender equality has long been part of the Islamic legal framework, particularly in the domain of family law. The Quran and the Sunnah may not explicitly mention "gender equality," but Islamic texts extensively discuss the rights and duties of men and women in a complementary and equitable manner.

Islamic family law provides a framework for understanding gender equality, particularly in the context of marriage, divorce, inheritance, and childrearing. The Quran and Sunnah emphasize the balance of roles between men and women, focussing on equity rather than absolute equality. For instance, the Quran and Sunnah design the division of

responsibilities in marriage to promote the well-being of the family unit through mutual respect and shared duties, despite potential gender-based differences in these roles. Islam understands gender in terms of social roles and obligations, not just biological differences (Ramli, 2012).

Critics often misunderstand the Islamic perspective on gender equality in family law, arguing that the distinctions between men and women suggest patriarchal bias. However, Islamic jurisprudence explains that these distinctions aim to balance the needs of the family and society, ensuring that both men and women fulfill their complementary roles. Islamic family studies better conceptualize gender equality as equity, recognizing the equality of men and women before God, yet recognizing their distinct responsibilities to uphold familial harmony (Arafa & El-Ashry, 2017).

While modern interpretations of gender equality focus on sameness and identical rights, Islamic family law emphasizes the equitable distribution of roles and responsibilities, ensuring justice and balance within the family structure. This understanding challenges patriarchal practices often mistaken for Islamic principles, providing a nuanced view of gender in both religious and legal frameworks (Harris & Muhtar, 2019).

### **Islam, State, and Early Marriage Culture in Madura**

The examination of the introduction of Islam in Madura is intricately connected to the broader history of Islam in the Indonesian archipelago. Islam's presence in Madura is an integral part of the historical narrative of Islam in the archipelago, extending from historical times to the current era. The process of Islamization in the archipelago, facilitated through cultural conduits, has significantly contributed to the integration of Islam into various cultural foundations within the Indonesian population's diverse contexts (Asni, 2017). The Islamic law institutionalization has also allowed for the incorporation of various local wisdom values, serving as considerations in Islamic legal frameworks. Examining the relationship between the local wisdom values and the teachings of sacred texts requires methodologies that result in the development of Islamic approaches, notably through concepts such as *'urf* (social tradition), *naf'an* (benefit), and *darran* (harm).

Long-standing cultural practices, when deemed beneficial in alignment with Islam, can be taken into account when formulating Islamic law. Acculturation, a concept that encapsulates the lengthy process of combining and sometimes surpassing both Islamic and local wisdom values, reflects the way communities, groups, and individuals live and interact with their existing culture. Moreover, the emergence of resistance against new teachings should be understood as part of people's attachment to various long-standing values (local wisdom). Simultaneously, it serves as a process of learning to comprehend recent values (Islam). In such scenarios, it is inappropriate to assert a sense of 'defeat' or 'victory' between Islam and local culture (Widiana, 2015). This aligns with the principle of "preserving the old that brings benefits and accommodating the new that is more beneficial."

This guiding principle promotes Islamic research to adopt an approach that embraces the values of local wisdom alongside pure Islamic teachings. This principle has led to the emergence of the concept of "Islam Nusantara" within the context of Indonesia's varied and multi-religious community. Religion, state, and local cultures are considered the sources of positive values that should be respected and not questioned or contested, as both are believed to encompass goodness. The archipelago's cultural and ethnic diversity has endowed Indonesia with a rich cultural tapestry, influencing the expression of Islam in the region.

Within this context, the Madurese ethnic group stands out as one of the largest ethnic groups in East Java (Kosim, 2007). Comprising Bangkalan Regency and Sumenep Regency,

the Madurese people have, since ancient times, integrated the Sharia system (religion), state, and culture into a unified set of values observed during various stages of the marriage process (Atem, 2022). These value systems, rooted in religion, state, and culture, serve as guiding references in the implementation of marriage traditions among the Madurese.

Research on gender studies and the *Abhakalan* culture, particularly in Madura, highlights significant intersections between cultural traditions, gender roles, and early marriage practices. Several studies have explored how *Abhakalan* culture, which supports early marriages, mainly affects women's roles and autonomy. Munawara et al., (2015) emphasize that the cultural practice involves arranged marriages from a young age, leaving women with little to no decision-making power and often neglecting their education. This practice reflects a patriarchal structure in which the community values male authority, further marginalizing women in decision-making processes related to marriage.

Miswoni (2016) delves into the impact of these traditions on gender equality. The study reveals that the deeply ingrained *Abhakalan* norms sustain a system that restricts women's roles in marriage and motherhood, thereby hindering their access to education and personal growth. The deep intertwining of these practices with local cultural and religious interpretations creates a cycle of gender inequality that is difficult to break.

Another significant study focuses on the legal aspects of early marriage. Firdaus & Setyowati (2022) examine the manipulation of age in marriage registrations in Madura, where individuals used falsified documents to circumvent legal age restrictions. This highlights the tension between state laws, which have raised the legal marriage age, and traditional practices that continue to value early marriage as a means of preserving family honor and preventing premarital relationships. Moreover, Indrianingsih et al., (2020) provide insights into the health consequences of early marriages, particularly the risks posed to women's reproductive health. The research points to an urgent need for interventions that address both the cultural practices and the health risks associated with these early unions.

These studies collectively emphasize the complex interaction between local customs, gender roles, and the legal frameworks that seek to regulate marriage. *Abhakalan*'s persistence reflects not only a cultural resistance to change, but also a broader issue of the perpetuation of gender norms within these communities (Ridwan, 2018). Scholars persist in investigating the constructive resolution of these conflicts by reconciling Islamic principles such as *'urf* (social tradition) with modern legal standards.

Many research studies question the norms contained in *Abhakalan* culture in terms of conformity with religious and state norms, especially in *Abhakalan* culture (early marriage). In *Abhakalan*, the people commonly engage in practices such as age manipulation and traditional matchmaking. Furthermore, the role of women is often seen as insignificant, with the education of girls being overlooked. In *Abhakalan*, women are chosen, assigned, and married without their input or consent. Marriages are arranged according to the parents' wishes, with no regard for the children's rights, and all decisions made by the parents must be obeyed.

Therefore, research on *Abhakalan* culture (early marriage) becomes essential based on several considerations. *Naf'an* in *Abhakalan* culture (early marriage) is, first, a form of preserving the local wisdom of Madurese society and a form of preventing adultery. Second, in Islam, the age limit for marriage is when individuals are *aqil* (mentally mature) and *baligh* (have reached puberty). A male or female who has not reached the age of 19 yet is mentally mature and reached puberty, is legally valid to marry.

*Darran* in *Abhakalan* culture is, first, the conflict of religious and state norms in the impact of the *Abhakalan* practice, and the conflict of religious norms from the aspect of *'urf*



(social tradition) with consideration of *naʿan* (benefit) and *ḍarran* (harm). Second, there is a conflict of state norms regarding the limit of age for marriage in the law of marriage. The method to find answers to these norm conflicts is by using the Islamic methodology approach with *urf* in terms of *naʿan* and *ḍarran*, referring to the Quran and hadiths as the primary sources. This allows for arguing in formulating alternative methods to find common ground between the question of whether *Abhakalan* culture is still relevant to be maintained or abandoned.

The limits of tolerance and common ground between Islamic law, the state, and local wisdom are *naʿan* and *ḍarran*. In the view of Islamic law, if something causes more *naʿan* (harm) than *ḍarran* (benefit), it must be abandoned. The conflicts between religious norms, state laws, and local traditions surrounding the practice of *Abhakalan* in Madura reveal tensions, particularly in the implementation of this cultural practice. While *urf* (social tradition) emphasizes the benefits of early marriage (*maslahah*), Islamic law considers both *maslahah* (benefit) and *dharar* (harm) when interpreting the validity and implications of such customs. The state, on the other hand, enforces regulations, such as the legal age for marriage, which often contradict local traditions. This clash between Islamic legal principles, state law, and local customs requires a deeper understanding of how early marriage impacts families within these communities.

To illustrate the real-world impact of these conflicting norms, interview data collected from affected individuals provides insight into the practical challenges they face. The practice of *Abhakalan* in Madurese culture presents profound challenges, particularly in the form of *ḍarran* or harm, which profoundly affects the lives of those involved. These impacts, as expressed by interview participants, shed light on the tangible consequences of early marriage and its entrenched cultural roots.

Ali and Siti, for example, shared their struggle with legal and administrative complications stemming from their early marriage. "*The impact we faced was confusion when trying to create our child's birth certificate,*" they explained. "*When I wanted to go for Umrah, I needed a marriage certificate. At that time, our marriage wasn't officially recognized because of our youth.*" Their experience highlights how the lack of legal recognition for such marriages creates a ripple effect, complicating both everyday matters and spiritual obligations.

From a gender analysis perspective, *Abhakalan* exemplifies structural inequality where patriarchal norms prioritize familial honor over individual autonomy. These norms deny women agency in critical life decisions, reinforcing their subordination within the family and society. In Ali and Siti's case, the absence of legal recognition for their marriage not only created administrative burdens but also undermined their access to fundamental rights. This issue is more pronounced for women like Siti, whose legal status becomes more precarious in a system that often marginalizes their voices and experiences.

The tension lies in the intersection of customary, religious, and state laws, each carrying distinct gender implications. Customary norms validate *Abhakalan* as a practice to preserve social order and prevent moral transgressions, often sidelining the rights and aspirations of women and girls. Religious frameworks, when interpreted narrowly, can reinforce these practices by emphasizing societal harmony over individual welfare. Meanwhile, state laws that set minimum marriage ages attempt to address these issues but often fail to penetrate deeply rooted cultural practices, leaving women in vulnerable positions.

Similarly, Narwi and Roqiah highlighted the emotional toll and conflicts arising from their union. Roqiah revealed, "*After marrying at an early age, constant conflicts arose because I refused to fulfill duties like cooking, washing, cleaning, and other household tasks.*" Their

marriage, conducted in secrecy, also lacked legal documentation, leaving them vulnerable to further complications. This reflects the ways in which cultural expectations, particularly around gendered household roles, exacerbate tensions within such unions.

Narwi and Roqiah's account exemplifies the emotional and relational consequences of early marriage, particularly when viewed through the lens of gender inequality. Their experience highlights the pressure placed on young women to conform to traditional household roles, such as cooking, cleaning, and washing, which are often imposed without consideration of their readiness or consent. For Roqiah, these expectations led to ongoing conflicts within the marriage, underscoring the strain that gendered labor divisions place on young brides.

From a gender analysis perspective, the cultural norms underpinning *Abhakalan* reinforce the systemic undervaluation of women's autonomy and agency. Young women like Roqiah are frequently thrust into roles of domestic responsibility, often at the expense of their education and personal growth. The secrecy surrounding their marriage, coupled with the lack of legal documentation, further marginalizes their position, depriving them of formal protections and exacerbating their vulnerability within the union. These dynamics reflect a broader structural inequality where women are seen as subservient to male authority, perpetuating cycles of dependency and disempowerment.

The complexity of their situation also reveals the intersection of cultural, religious, and legal norms. While cultural expectations emphasize women's roles as caretakers and homemakers, religious interpretations may justify these roles as essential for familial harmony. However, such interpretations often fail to account for the lived realities and emotional burdens experienced by women like Roqiah. Meanwhile, the absence of state recognition for their marriage leaves them without legal recourse, compounding the inequities they face.

This case illustrates the urgent need for reforms that challenge entrenched gender stereotypes and promote equitable roles within marriage. Efforts to address these issues should include gender-sensitive education that emphasizes the shared responsibilities of spouses and the importance of women's autonomy.

For Kasem and Nipah, economic hardship emerged as a defining consequence of early marriage. "*The impact we felt was severe economic difficulty*," they explained. They continued, "*We had to migrate to another city to seek a livelihood for our family. We have many children eight in total, five girls and three boys.*" Their account highlights the financial strain that often accompanies large families formed without adequate preparation or resources, further perpetuating cycles of poverty.

Matturi and Aisyah described their struggles with interpersonal conflicts and the pressures of raising a large family. "*We faced various conflicts caused by differences in opinion*," said Mrs. Aisyah. "*We also have many children—twelve in total, though only eight are alive, including three girls and five boys.*" Their story reflects not only the emotional strain of discord but also the pain of losing children, further underscoring the multifaceted *darran* experienced by families bound by *Abhakalan* practices.

The experiences of Kasem and Nipah, as well as Matturi and Aisyah, highlight the profound economic and emotional toll of early marriage, particularly when viewed through a gender-sensitive lens. These families' struggles underscore how cultural practices like *Abhakalan* perpetuate systemic inequality, with disproportionate burdens placed on women, who often bear the brunt of economic instability and familial discord.

Economic hardship is a recurring theme in these cases, as exemplified by Kasem and Nipah's migration to seek livelihoods for their large family of eight children. This reflects a broader pattern where families formed through early marriage often lack adequate resources

and preparation, forcing them into cycles of poverty. For women like Mrs. Nipah, this economic strain is frequently compounded by their limited opportunities for education and empowerment, restricting their ability to contribute to household income and decision-making.

For Matturi and Aisyah, interpersonal conflicts and the emotional toll of raising a large family reveal the multifaceted *darran* (harm) inflicted by *Abhakalan*. Women like Aisyah, who must navigate the dual burdens of domestic labor and emotional strain, often face disproportionate responsibilities within the marriage. The loss of children, as experienced by their family, adds another layer of emotional suffering, which disproportionately affects mothers due to their primary caregiving roles.

These cases illustrate how the intersection of economic vulnerability and traditional gender norms entrenches inequality within families formed through *Abhakalan*. Cultural expectations prioritize large families as a source of social capital, yet they rarely account for the economic and emotional capacity required to support them. From a gender perspective, the lack of agency afforded to women in such unions exacerbates these challenges, trapping them in roles that limit their autonomy and perpetuate cycles of dependency.

Addressing these issues requires targeted reforms that focus on both economic empowerment and gender equality. Programs that promote family financial literacy and provide women with opportunities for education and income generation can help alleviate the economic pressures associated with early marriage. Simultaneously, community-based advocacy that challenges traditional gender roles and emphasizes shared responsibilities within marriage is essential for fostering more equitable family dynamics.

The concept of *darran* is closely aligned with the Quranic term "*bi durri*" as referenced in QS. al-An'ām [6]:17, which signifies adversity that only Allah can alleviate. The harm experienced by these couples exemplifies the enduring hardship encapsulated in this term, manifesting in legal, emotional, economic, and interpersonal dimensions. Islamic teachings emphasize the avoidance of harm (*darar*) and the pursuit of welfare (*maslahah*), principles that stand in stark contrast to the outcomes of *Abhakalan*.

According to social tradition (*'urf*), the culture of *Abhakalan* (early marriage) can be interpreted as changeable, provided that the community reforms the *Abhakalan* culture and accepts social changes in accordance with norms (Suwito et al., 2023). In terms of Religion and State, as per Marriage Law No. 16 of 2019, the permissible age for marriage is set at 19 years for both men and women. It is advised against proceeding with marriage if an individual, whether male or female, falls below the stipulated legal age (Jasmaniar & Muhdar, 2021).

Local wisdom finds its relevance in Islam when the implementation of culture does not contradict various principles of Sharia. In this situation, the approach of local wisdom to the *Abhakalan* culture (early marriage) seeks to embrace human thought outcomes associated with worldly life. In contrast, the theological approach consistently aligns with the benefits in both the present life and the afterlife.

### **Social, economic, and cultural factors in the preservation of the *Abhakalan* tradition**

The *Abhakalan* culture of early marriage in Madura is deeply rooted in traditional customs, societal norms, and economic circumstances, perpetuated across generations and upheld by strong familial and communal expectations. This cultural practice remains prevalent despite significant societal changes, illustrating the complexities of intertwining cultural, educational, parental, and economic factors.

Traditionally, Madurese society views marriage as an essential milestone, closely tied to cultural identity and social reputation. Many families adhere to the belief that girls should marry shortly after their first menstruation, typically between the ages of 12 and 15 (Mahalli, 2001). This expectation is reinforced by community norms that stigmatize unmarried women as "unmarriageable," causing shame and social pressure for parents. Supami stated, *"If the age limit has been exceeded, and marriage has not been carried out, neighbors will mock using words like 'tak pajuh lakeh' (unmarriageable woman). Certainly, some parents will feel ashamed if their child does not get married. Abhakalan is one of the cultural aspects preserved by the Madurese people, and by marrying off their children, it means they have preserved the cultural customs of their environment and respect the values of local traditions"* (Supami, 2023).

In some cases, the tradition of *Abhakalan* manifests through practices like *nikah ngodeh*, where marriages are prearranged based on the birth of children, even to the extent of babies being promised to one another by their families. Parents often determine the future spouse of their child, favoring familial or social ties over personal choice. Religious leaders are frequently involved in legitimizing these arrangements, highlighting the strong interplay between cultural practices and religious authority.

Educational limitations further contribute to the prevalence of early marriages in Madura. A lack of parental education leads to simplistic views on the role of women, often confined to household responsibilities. Parents commonly believe that higher education is unnecessary for girls, as their primary roles are expected to revolve around domestic duties. This perspective is reflected in the words of Sya'i, who noted that *"marriages are often arranged for those who have just completed junior high school. For them, marriage is an alternative way to continue life, as education is not seen as essential"* (Ali, 2023). Economic constraints exacerbate this issue, with many parents opting to marry off their children early rather than support their continued education. Research findings from various regions in Madura reveal that limited educational attainment correlates strongly with early marriage practices, driven by economic and cultural pressures (Susilo, 2017; Mahfudin & Waqi'ah, 2016; Hasin, 2015).

Economic factors also play a critical role in sustaining *Abhakalan*. Families in poverty often view early marriage as a pragmatic solution to alleviate financial burdens. Parents, unable to afford the costs of education or daily expenses, may prioritize marrying off their daughters to financially stable suitors. This financial motivation frequently outweighs considerations of the child's readiness for marriage. Some families see marriage as a means to secure economic stability, often resulting in migration to urban areas where the young couples seek livelihoods as laborers, street vendors, or small-scale traders. As stated by Sya'i, *"I do not have a problem with marriages conducted by young people before they reach 19 years old age, as stipulated by the law. However, if someone chooses to do so, I won't intervene. It's their right, along with their families. Moreover, there is no prohibition in Islam, so if both families agree to the marriage of their children, why not? But personally, I won't give permission for my child to get married at a young age. I will marry my son and daughter when they have successfully completed their bachelor's education. I, along with my wife, got married when we were in the second year of junior high school. I hope that my children will complete their education up to university"* (Ali, 2023).

The lived experiences of individuals within this cultural framework underscore the multifaceted consequences of early marriage. Ali and Siti shared how their unregistered marriage created administrative complications, particularly when they needed documentation for their child's birth certificate or to perform Umrah: *"When I wanted to go for Umrah, I*

needed a marriage certificate. At that time, our marriage was not official because we were still young" (Ali, 2023) and (Siti, 2023).

Narwi and Roqiah described ongoing marital conflicts stemming from unmet expectations of household roles: "After marrying at an early age, constant conflicts arose because I refused to fulfill duties like cooking, washing, cleaning, and other household tasks" (Narwi, 2023) and (Roqiah, 2023). Kasem and Nipah emphasized the severe economic difficulties they faced, compounded by having eight children to support: "The impact we felt was severe economic difficulty. We had to migrate to another city to seek a livelihood for our family" (Kasem, 2023) and (Nipah, 2023). Similarly, Matturi and Aisyah recounted their struggles with interpersonal conflicts and the emotional toll of losing four of their twelve children: "We faced various conflicts caused by differences in opinion. We also have many children, twelve in total, though only eight are alive" (Matturi and Aisyah, 2023).

These narratives illustrate the pervasive harm, or *darran*, caused by *Abhakalan*. The concept of *darran*, deeply embedded in Islamic teachings, reflects the adverse outcomes experienced by those entangled in such practices. As highlighted in the Quran, hardships that befall individuals are profound and often beyond human resolution. The *Abhakalan* tradition challenges the balance between cultural preservation and the fundamental principles of justice and welfare (*maslahah*) in Islam, which emphasize the avoidance of harm (*darar*).

Addressing the complexities of early marriage in Madura requires a multidimensional approach. Legal reforms, while necessary, must be accompanied by educational outreach to shift societal attitudes toward the value of education and the autonomy of young individuals. Engaging community and religious leaders to advocate for delayed marriages and dismantle harmful cultural norms is essential. By fostering a dialogue that respects cultural identity while promoting individual rights, Madura can move toward practices that uphold both tradition and the well-being of its people.

### **Cultural Impact of *Abhakalan* (Early Marriage) in Madura: Social, Economic, and Family Perspectives**

*Abhakalan* culture (early marriage) affects Madura residents and their families. Early weddings have personal and social effects, as Ali and Siti; Narwi and Roqiah; Kasem and Nipah; and Matturi and Aisyah have shown in interviews. Actual Madurans show how early marriage impacts their social, economic, and family well-being.

The bureaucratic hurdles Ali and Siti experienced included getting their child's birth certificate and marriage certificate owing to their early marriage. Narwi and Roqiah also described how early marriage caused family disputes, especially as Roqiah struggled with domestic duties. According to the traditional belief that more children bring more benefits, Kasem and Nipah, as well as Matturi and Aisyah, faced tremendous financial troubles and the stress of having big families. The interviews show that the *Abhakalan* practice causes social harm (*darran*), supporting the premise that women, children, and families suffer more than any imagined benefits. To combat *Abhakalan* culture's negative impacts, we must pursue religious and state-aligned changes.

### **Cultural Reform of *Abhakalan* in Madura**

People regularly violate government rules. Madura traditionally marries off their children early. The absence of official registration with the Religious Affairs Office (KUA) is a harmful cultural tendency that has grown ubiquitous and a new custom, even if *Abhakalan* is legalized. A secret and unregistered marriage is legitimate in Islamic law, but the state does not



recognize it without KUA registration. A legal marriage is religiously legitimate and recorded with the KUA (Maknun et al., 2022).

Local *Abhakalan* knowledge handed down through generations in Madura may be reformed via social transformation. This technique seeks to modify *Abhakalan* marital wisdom, which contradicts national and religious standards. Activities in social transformation include, first, gender advocacy to parents may change Madura's *Abhakalan* culture. This practice teaches parents about gender, who are often expected to arrange marriages for their children without considering their desires (Murni et al., 2022). Enacting Regional Regulations on gender advocacy allows the local government to execute this activity via the KUA in each sub-district and traditional leaders (Kyai) (Faridi, 2021). When Madura society adopts gender advocacy, the community's evolving view of *Abhakalan* culture will fade. The adoption of *Abhakalan* culture in Madura will transform perspectives and attitudes.

Second, changing Madura society's understanding of *Abhakalan* culture requires changing its thinking. This development reflects Madura society's view of female equality and family economic empowerment. With more information about the pros and downsides of *Abhakalan* culture, they will decide whether to continue. Social change affecting this culture will eventually vanish from Madura.

Third, there is a need for family economic empowerment. In Madura's *Abhakalan* cultural transformation, the community must comprehend family finances (Jasmaniar & Muhdar, 2021), such as the gender advocacy program. If the local government integrates family economic empowerment in Regional Regulations, Madura society will modify its view on *Abhakalan* culture. According to social change theory, Madura's *Abhakalan* culture will eventually perish.

### **Comparative Analysis of *Naf'an* and *Darran* in the *Abhakalan* Culture: Evaluating Legal Contestation Across Customary, Islamic, and State Laws in Indonesia**

The advantages (*naf'an*) and harms (*darran*) of Madura's *Abhakalan* culture must be compared with Indonesia's tripartite legal system, customary law, Islamic law, and state law. Madura's patriarchal *Abhakalan* ritual involves early marriage for young girls. By preventing premarital relationships, a core concern in a conservative social setting, this cultural practice aims to preserve family honor and social stability (Dewi et al., 2022). This practice shows complicated legal and ethical issues across Indonesia's three primary legal systems. Customary law gives *Abhakalan* great social value (*naf'an*) for the community, guaranteeing that households follow long-standing customs that promote social peace and morality.

Early marriage protects societal honor. Families arrange marriages for their daughters when they attain physical maturity to avoid moral and social violations (Ridwan et al., 2023b). Local leaders emphasize the significance of social cohesiveness and upholding generational traditions in their interviews. Dissenters within the community worry about the strain this puts on young women and restricts their liberty and future goals. Opposing perspectives show a critical imbalance between community advantages and individual well-being. Islamic law, as interpreted in Madura, allows early marriage if it follows social custom (*al-'urf*) and does not contradict Islam.

A legal framework validates traditional traditions like *Abhakalan*. The paper interviews Islamic scholars who discuss whether early marriage's costs (*darran*)—gender discrimination, lack of education, and psychological distress—outweigh its benefits. Islamic law, especially *maqasid al-sharia* (the aims of Islamic law), requires behaviors to promote welfare and avoid

damage (Imron et al., 2023). Islamic experts increasingly propose that we should rethink this practice due to the problems young girls pushed into early marriage endure.

They say it no longer protects social welfare and may contravene its values. State legislation, especially Indonesia's minimum marriage age, directly confronts *Abhakalan*. Traditional customs that allow marriage based on physical maturity rather than legal adulthood contradict the law, which protects children's rights and ensures their education and personal development. As local government officials struggle to implement state laws in rural places where cultural practices dominate legal awareness, interviews reflect this conflict. Due to legal uncertainty between state and customary law, governmental authorities sometimes lack the social legitimacy to interfere in local concerns.

State law protects, but it seldom addresses, the complex cultural realities that drive *Abhakalan*. The thorough examination of these three legal systems shows that *Abhakalan*'s disadvantages to young women increasingly exceed its benefits, mostly related to social order and tradition. Early marriage's psychological, scholastic, and economic drawbacks disproportionately harm women, limiting their potential and perpetuating poverty and inequality.

The interviews highlighted two groups: defenders of the practice, who advocate for tradition, and opponents, who call for legal and cultural reforms to address current human rights issues. This research reveals that although customary law supports early marriage under *Abhakalan*, Islamic and state legal viewpoints are increasingly skeptical of its detrimental effects. The legal dispute between both systems reflects a more significant social discussion over tradition in Indonesia, particularly in a globalized society where gender equality and children's rights are gaining significance. A balanced approach may entail increased discussion across various legal systems to create a more culturally sensitive but legally progressive framework that prioritizes individual rights and societal peace.

## Conclusion

Despite its strong roots in Madurese culture and customary law, we must now reconsider the practice of *Abhakalan* in the context of Islamic law and state law, particularly considering its impact on women and gender issues. The findings of this study show that although *Abhakalan* serves to maintain family honor and social stability, this practice brings significant disadvantages to women, especially in terms of educational rights, gender equality, and individual freedom. Tensions between the three legal systems customary, Islamic, and state indicate the need for a more integrative and progressive approach to law.

This study contributes to the theoretical discourse of Islamic law by highlighting that within the framework of *maqasid al-sharia*, practices that were allowed initially due to social tradition (*'urf*) should be abandoned when they bring more harm (*darran*) than benefit (*naʿʿan*). Methodologically, the study extends the study of the application of *'urf* in a modern context, particularly with regard to gender issues, by utilizing interviews that show how the interpretation of religious law can shift according to the needs of the times. The implications for gender studies are substantial, as this article opens space for discussion about the need to strengthen women's rights in a legal system that is more responsive to social change. This could be an essential step in a reform of Islamic law that is more gender-friendly, without completely ignoring traditional values, but still prioritizing the protection of human rights.

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