

Violation of Women's Rights: The *Kawin Magrib* Tradition of the Sasak Muslim Community in Lombok, Indonesia

Pelanggaran Hak-Hak Perempuan: Tradisi *Kawin Magrib* pada Masyarakat Muslim Sasak di Lombok, Indonesia

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Abstract: This article investigates violations of women's rights stemming from the practice of *kawin magrib*, a form of forced marriage, within the Sasak Muslim community in Lombok, Indonesia. Despite its inherently gender-discriminatory nature, the *kawin magrib* tradition remains a fundamental aspect of Sasak Muslims' identity and societal structure. Employing a socio-legal approach and conducting in-depth interviews with nine key informants, this study delves into the persistent reasons behind this tradition and its repercussions on women's rights. The authors found that the primary objective of *kawin magrib* is to uphold the moral standards of the younger generation within religious norms. However, the profound adverse effects on women cannot be disregarded. This article highlights the severe psychological trauma endured by women due to this customary law and the potential for men to exploit this tradition deceptively, marrying women without genuine consent. Based on these findings, the article underscores the urgent necessity of reforming this practice, with a strong focus on safeguarding women's rights and promoting gender equality.

Keywords: Women's Rights, Customary Law, *Kawin Magrib* Tradition, Forced Marriage, Indonesia.

Abstrak: Artikel ini menganalisis pelanggaran hak perempuan yang timbul dari praktik *kawin magrib* (pemaksaan perkawinan) di kalangan masyarakat Muslim Sasak di Lombok, Indonesia. Walaupun *kawin magrib* ini termasuk salah satu bentuk pemaksaan perkawinan yang mengandung unsur diskriminasi gender, tradisi ini tetap berlanjut dan menjadi elemen integral dari identitas dan struktur sosial masyarakat Muslim Sasak. Melalui pendekatan sosial-legal dan wawancara mendalam dengan sembilan informan kunci, artikel ini mengungkapkan alasan yang mendasari kelangsungan tradisi tersebut dan dampaknya terhadap hak-hak perempuan. Para penulis menemukan bahwa tradisi *kawin magrib* memiliki tujuan untuk menjaga moralitas generasi muda dalam kerangka norma-norma agama. Namun, tidak dapat diabaikan bahwa dampak negatifnya terhadap perempuan sangat signifikan. Artikel ini mendemonstrasikan bahwa perempuan yang mendapat sanksi dari hukum adat ini mengalami trauma psikologis yang mendalam. Lebih lanjut, tradisi ini membuka peluang bagi laki-laki untuk menyalahgunakan sistem dan menggunakannya sebagai alat penipuan guna menikahi perempuan tanpa mendapatkan persetujuan mereka. Studi ini menegaskan perlunya reformasi dalam tradisi dan penekanan pada perlindungan hak perempuan dan kesetaraan gender.

Keywords: Hak-Hak Perempuan, Hukum Adat, Tradisi *Kawin Magrib*, Pemaksaan Perkawinan, Indonesia.

A. Introduction

Gender discrimination remains a significant concern in Indonesia, particularly within the framework of a patriarchal culture that perpetuates gender inequality and injustice.¹ This entrenched patriarchal culture has fostered an environment that allows for the proliferation of sexism, thereby placing women at a disadvantage across various spheres of life.² This challenge is exacerbated when women's endeavors to secure their fundamental rights are perceived as conflicting with enduring religious traditions and concepts deeply embedded in society.³ Women's identities are molded within this cultural framework, where societal expectations and norms shape their means of self-expression.⁴ However, when

¹ Siti Ruhaini Dzuhayatin, "Gender Glass Ceiling in Indonesia: Manifestation, Roots, and Theological Breakthrough," *Al-Jami'ah: Journal of Islamic Studies* 58, no. 1 (2020): 209–40.

² Ali A. Dashti et al., "Woman's Activism as Public Relations in a Patriarchal Society: The Case of Kuwait," *Public Relations Review* 49, no. 4 (November 2023): 102350.

³ Masthuriyah Sa'dan, "Menakar Tradisi Kawin Paksa di Madura dengan Barometer HAM," *Musāwa Jurnal Studi Gender dan Islam* 14, no. 2 (July 7, 2015): 143–56.

⁴ Rosdalina Bukido et al., "Harmonization of Customary and Islamic Law in the Gama Tradition of the Muslim Mongondow Community of North Sulawesi," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (2022): 239–54.

examined outside this framework, women frequently encounter discrimination and social isolation and may even be labeled as transgressors of moral norms.⁵

A tangible expression of gender discrimination within a patriarchal culture is found in the practice of *kawin magrib*, known as forced marriage, within the Sasak Muslim community on Lombok Island. This tradition refers to a Sasak customary sanction imposed on young couples who venture outside the village for leisure or dating and return after the standard time limit set by Sasak society, typically around *maghrib* (approximately six in the evening), which is the fourth of the five daily prayers in Islam.⁶ Once such an action becomes known, the girl's parents hold the young man responsible, compelling him to marry their daughter under established customary law.⁷ By enforcing this sanction, the tradition of *kawin magrib* appears to legitimize forced marriage while disregarding a woman's agency in determining her life path.⁸ While numerous international and national legal conventions acknowledge the right of indigenous communities to uphold their customary laws,⁹ it remains imperative to scrutinize how this tradition, within its local context, contradicts the fundamental principles of gender equality and women's human rights. The practice of *kawin magrib* classifies as a form of forced marriage and is recognized as one of the 15 classifications of sexual violence in Indonesia.¹⁰

The practice of forced marriage has garnered significant attention from numerous scholars. Neha Jain has asserted that forced marriage has been

⁵ Reyah Haizana Parween, Perera Manuja Niranshi, and Guruge Duminda, "Community Perceptions on Intimate Partner Violence: A Qualitative Study from Sri Langka," *Asia-Pacific Journal of Public Health* 35, no. 2-3 (2023): 121-28.

⁶ National Commission on Violence against Women, "Siaran Pers Komnas Perempuan Tentang Perkawinan Anak Merupakan Praktik Berbahaya (Harmful Practice) Yang Menghambat Indonesia Emas 2045," August 3, 2021, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-perkawinan-anak-merupakan-praktik-berbahaya-harmful-practice-yang-menghambat-indonesia-emas-2045-3-agustus-2021>.

⁷ IDN TIMES NTB, "Dikawinkan Saat Telat Pulang Jadi Pemicu Pernikahan Dini NTB," accessed January 25, 2023, <https://ntb.idntimes.com/news/ntb/muhammad-nasir-18/dikawinkan-saat-telat-pulang-jadi-pemicu-pernikahan-dini-di-ntb>.

⁸ H, Sasak Muslim Community in Lombok, December 13, 2022.

⁹ Ahmad Syofyan, "Perlindungan Hak-Hak Masyarakat Adat Menurut Hukum Internasional," *Fiat Justitia Jurnal Ilmu Hukum* 6, no. 2 (2012): 1-19.

¹⁰ National Commission on Violence against Women, "Instrumen Modul & Referensi Pemantauan," accessed January 28, 2023, <https://komnasperempuan.go.id/instrumen-modul-referensi-pemantauan-detail/15-bentuk-kekerasan-seksual-sebuah-pengenalan>.

recognized as an international crime.¹¹ O'Brien and Wadesango et al. have categorized this practice as a gender-based crime aimed at controlling women and reinforcing women's low status in society.¹² This practice severely impacts efforts to achieve gender equality and justice in society. Additionally, Rembe et al., Critelli, Panjaitan, Bembot and Sermada, Kelen, and Doko et al. have identified forced marriage's damaging physical and psychological impacts on women.¹³ These include violence, isolation, stigma, prolonged trauma, and even women's death risk. In the context of community traditions, Maloney and Ferme argue that forced marriage violates human rights and is also inhumane.¹⁴ This sentiment is also reflected in the tradition of forced marriage through unilateral arranged marriages found in Madura.¹⁵ Therefore, Emmanuel argues that there is a complex relationship between customary law and human rights, as many values clash.¹⁶ This article complements prior studies by uncovering the reasons behind the persistence of such traditions and their negative implications for women's rights.

This article is the result of field research with a socio-legal approach. The research was conducted over three months, from December 2022 to February 2023, to explore the tradition of *kawin magrib* in the Sasak Muslim community on Lombok

¹¹ Neha Jain, "Forced Marriage as a Crime against Humanity Problems of Definition and Prosecution," *Journal of International Criminal Justice* 6, no. 5 (November 1, 2008): 1013–32.

¹² See: Melanie O'Brien, "Gender Dimensions of Forced Marriage in International Criminal Law," in *Gender and International Criminal Law*, ed. Indira Rosenthal, Valerie Oosterveld, and Susana SáCouto, 1st ed. (Oxford University Press/Oxford, 2022), 207; Newman Wadesango, Symphorosa Rembe, and Owence Chabaya, "Violation of Women's Rights by Harmful Traditional Practices," *The Anthropologist* 13, no. 2 (2017): 121–29.

¹³ See: Junifer Dame Panjaitan et al., "Forced Marriage in the Bride-Napping Case in Sumba-East Nusa Tenggara Linked with Positive Law in Indonesia," *Jurnal Dinamika Hukum* 22, no. 3 (December 29, 2022): 632–46; Laurensius Bembot and Donatus Sermada, "Tradisi Kawin Tangkap di Sumba, NTT Perspektif Filsafat Moral Emmanuel Kant," *SAGACITY: Journal of Theology and Christian Education* 3, no. 1 (2022): 70–8; Konradus Doni Kelen, "Kawin Tangkap di Sumba dan Ketidakadilan Gender," *Jurnal IDEAS* 8, no. 2 (2022): 625–32; Elanda Welhelmina Doko, I Made Suwitra, and Diah gayatry Sudibya, "Tradisi Kawin Tangkap (Piti Rambang) Suku Sumba di Nusa Tenggara Timur," *Jurnal Konstruksi Hukum* 2, no. 3 (2021): 656–60.

¹⁴ See: Kathleen M Maloney, "Ending Impunity for Forced Marriage in Conflict Zones: The Need for Greater Judicial Emphasis on the Human Rights of Girls," *Journal of International Criminal Justice* 19, no. 2 (2021): 327–58; Mariane C. Ferme, "Forced Marriage and Sexual Enslavement: Debating Consent, Custom, and the Law at the Special Court for Sierra Leone," in *Out of War*, 2018, 218–36.

¹⁵ Masthuriyah Sa'dan, "Menakar Tradisi Kawin Paksa di Madura dengan Barometer HAM," 143–155.

¹⁶ Mikano Emmanuel Kiye, "Conflict Between Customary Law and Human Rights in Cameroon: The Role of the Courts in Fostering an Equitably Gendered Society," *African Study Monographs* 36, no. 2 (2015): 75–100.

Island, West Nusa Tenggara, Indonesia. In-depth interviews were conducted with nine key informants who play a role in the tradition. Two Adat Sasak leaders were interviewed to gain insight into the history, purpose, and implementation of the *kawin magrib* tradition. Additionally, interviews were conducted with four individuals from the Sasak Muslim community to provide a broader perspective on how the application of this customary law is perceived and understood in their social context. Three women who had experienced the impact of this tradition were also interviewed to analyze the negative consequences of applying customary sanctions. To ensure the confidentiality of the informants, the authors have kept their identities undisclosed. Furthermore, the article critically analyzes various international conventions, national legal regulations, and Islamic religious texts relevant to the focus of this research.

B. Genealogy of the *Kawin Magrib* Tradition in the Sasak Muslim Community

The Sasak people are the indigenous ethnic group of Lombok, West Nusa Tenggara, Indonesia. Etymologically, “Sasak” is derived from the words “*sah*,” meaning ‘to go,’ and “*shaka*,” meaning ‘ancestors,’ giving rise to the meaning ‘journey to the land of ancestors.’ Genealogically, the Sasak community traces its roots back to the Javanese people, as evidenced by the use of Javanese script in Sasak society’s literature. Jejawan, one of the Javanese scripts, has also developed within the Sasak community.¹⁷ According to Lukman, the term “Sasak” refers to “*sak-sak*,” which means ‘boat’ (*sampan*), symbolizing how Sasak ancestors arrived using boats.¹⁸ Approximately 90% of Lombok’s population belongs to the Sasak ethnic group. At the same time, the remaining portion comprises migrants from various ethnic backgrounds, such as Sumbawa, Bali, Java, Arab, and China.¹⁹ Data from 2022

¹⁷ Arif Sugitanata, Suud Sarim Karimullah, and Heru Sunardi, “Hukum Perkawinan di Masyarakat Sasak Lombok Nusa Tenggara Barat (Analisis Produk Hukum Perkawinan Masyarakat Sasak Lombok Nusa Tenggara Barat),” *JAKSYA: The Indonesian Journal of Islamic Law and Civil Law* 4, no. 1 (2023): 19–39.

¹⁸ Lalu Lukman, *Pulau Lombok dalam Sejarah: Ditinjau dari Aspek Budaya* (Mataram: 2005), 3.

¹⁹ Erni Budiwanti, *Islam Sasak: Wetu Telu versus Waktu Lima* (Yogyakarta: LKiS, 2000), 6–7.

reveals that out of 3,915,527 Sasak ethnic group members, 3,772,838 are Muslims, and 142,683 follow religions other than Islam.²⁰

Islam first entered Lombok in the 16th century following the downfall of the Majapahit Kingdom.²¹ Before that, most Sasak communities adhered to Hindu-Buddhist beliefs influenced by the Majapahit Kingdom. Initially, Islam was introduced through Hindu customs using Old Javanese as the communication medium. In the 17th century, Islamic Sultanates replaced the Majapahit Kingdom. Although the Muslim community was initially small, Islam expanded through trade connections from the spice-rich Maluku islands to the northern shores of Lombok. Lombok also became a center of conflict in the 17th century involving the Balinese king, Karangasem, and Makassar people operating from Sumbawa.²²

Despite most of the Sasak community embracing Islam, traditions and customs from the Hindu-Buddhist era continue to influence their culture today.²³ These traditions have become integral to Sasak's identity in Lombok and are upheld. It is attributed to customary law known as "*awik-awik*." This customary law holds significance for the Sasak people and is implemented in every ritual. The doctrines passed down by ancestors are staunchly held and preserved by the Sasak community. Traditional leaders play a crucial role in ensuring the ongoing implementation of *awik-awik* among the Sasak community.²⁴

One enduring aspect of customary law is the practice of *kawin magrib*. This tradition involves forced marriage for couples who date during the daytime and return home after maghrib, which marks the beginning of the evening prayer. The coercion is based on the assumption that the couple has engaged in immoral actions, such as adultery. For the Sasak community, these romantic activities violate the

²⁰ Dinas Pemberdayaan Masyarakat, Pemerintahan Desa, Kependudukan dan Pencatatan Sipil, "Jumlah Penduduk Menurut Agama," accessed February 2, 2023, <https://data.ntbprov.go.id/dataset/jumlah-penduduk-menurut-agama>.

²¹ Solicin Salam, *Lombok Pulau Perawan, Sejarah dan Masa Depan* (Jakarta: Kuning MAS, 1992), 14.

²² Fath Zakaria, *Mozaik Budaya Orang Mataram* (Mataram: Yayasan Sumurmas Al-Hamidy, 1998), 15.

²³ Retno Sirnopati, "Agama Lokal Pribumi Sasak (Menelusuri Jejak 'Islam Wetu Telu' di Lombok)," *Tsaqofah: Jurnal Agama Dan Budaya* 19, no. 2 (2021): 103–12.

²⁴ Jamaludin Jamaludin and Arif Sugitanata, "Tradisi Ngorek pada Upacara Nyongkolan Perkawinan Adat Sasak Tanak Awu," *Al-Hukama'* 10, no. 2 (2020): 319–48.

established customs. Despite most Sasak people adopting Islam, this tradition continues to be practiced since the 1980s.²⁵

The *kawin magrib* tradition is integral to the intense and persistent *awik-awik*.²⁶ Those who defy customary laws, including the *kawin magrib* tradition, face consequences in customary sanctions. These sanctions vary, ranging from social exclusion to customary fines, depending on the extent of the violation and the community's response.²⁷ It underscores the robust influence of customary norms and how the *kawin magrib* tradition endures amidst modern Sasak society's social and cultural dynamics.

The practice of *kawin magrib* not only reflects the Sasak Muslim community's respect for cultural heritage but also serves as an effort to avoid the negative consequences of violating these customary norms. A traditional leader in Lombok, A, stated:²⁸

Kawin magrib ni teberlakuan uahk laeq gede, lamun arak bani langgarn jak, yat berlakuan terus sanksi adat. Ye ntant berlakuan awiq-awiq, jari pengareq dengan toak laeq, lamun ndek tegas ntan'n berlakuan sanksi adat ni, laon kahn arak jari penegeln kanak-kanak bajang ni, adeqn taon tata krame gumi sasak ni [The tradition of *kawin magrib* has been in place for a long time, my child. If someone dares to violate it, we will undoubtedly apply customary sanctions. It is our way of preserving and upholding the rules of our ancestors. Without firm decisions in applying these customary sanctions, the future generations might lose their direction; hence, they need to understand the principles in the land of Sasak].

The imposition of these customary sanctions aims to uphold the morality of the youth and ensure their compliance with religious laws.²⁹ However, the Sasak Muslim community's response to these customary sanctions varies. Some argue that these sanctions prevent shame from falling upon the family.³⁰ In contrast, others view the *kawin magrib* tradition as a form of marriage prohibited by religion due to

²⁵ Irwan Irwan et al., "Pengabdian pada Masyarakat Penyuluhan Pencegahan Perkawinan Usia Dini di Desa Beber Lombok Tengah," *J-Abdi: Jurnal Pengabdian Kepada Masyarakat* 2, no. 9 (2023): 6039–44.

²⁶ H, Sasak Traditional Figure in Lombok, January 4, 2023.

²⁷ Arif Sugitanata, "Larangan Adat Nyongkolan dalam Perkawinan Masyarakat Sasak Lendang Beso Pada Masa Pandemi COVID-19," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 13, no. 1 (2020): 67–78.

²⁸ A, Sasak Traditional Figure in Lombok, January 8, 2023.

²⁹ H, Sasak Traditional Figure in Lombok, January 4, 2023.

³⁰ A, Sasak Traditional Figure in Lombok, January 8, 2023.

its potential as forced marriage.³¹ As an integral part of the Sasak Muslim community, women are most negatively affected by the tradition of *kawin magrib*, as men often exploit this tradition to marry their beloved partners.³²

Previous research has shown that forced marriage practices limit women's autonomy and choices within marriage.³³ The involved families often orchestrate the wedding process, with the bride typically not explicitly allowed to provide consent or refuse the marriage. This phenomenon reflects the declining dignity of women.³⁴ Additionally, it is essential to note that forced marriage is a harmful action that infringes upon individual freedoms and violates human rights, as internationally recognized.³⁵ In a normative context, Gul analyzed that traditions mandating marriages to specific individuals across various parts of the world are not in line with Islamic law principles.³⁶

C. Negative Impacts of the *Kawin Magrib* Tradition on Women

The enforcement of customary law within the Sasak community through the practice of *kawin magrib* exemplifies the enduring influence of tradition and cultural values on social behavior.³⁷ Despite the increasing demands of modernity, this custom remains a fundamental pillar within the social structure of the Sasak community, serving as a cornerstone of their collective identity.³⁸ However, applying customary law in the context of *kawin magrib* presents specific challenges, particularly in women's rights protection. While the tradition yields positive impacts, such as fostering adherence to customary laws and preserving community

³¹ Masthuriyah Sa'dan, "Menakar Tradisi Kawin Paksa di Madura dengan Barometer HAM": 143-56.

³² AS, Sasak Muslim Community in Lombok, January 15, 2023.

³³ Deborah J. Smith, "Decisions, Desires and Diversity: Marriage Practices in Afghanistan," Afghanistan Research and Evaluation Unit Issues Paper Series (The Afghanistan Research and Evaluation Unit, February 9, 2009), 24-35.

³⁴ Newman Wadesango, Symphorosa Rembe, and Owence Chabaya, "Violation of Women's Rights by Harmful Traditional Practices," 121-129.

³⁵ Khatidja Chantler and Melanie McCarry, "Forced Marriage, Coercive Control, and Conducive Contexts: The Experiences of Women in Scotland," *Violence Against Women* 26, no. 1 (2020): 89-109.

³⁶ Rizwan Gul, Mian Muhammad Saleem, and Abdus Samad Khan, "Gurdianship in Forced Marriages," *The Law*, no. 1, (2021): 11-20.

³⁷ A, Sasak Traditional Figure in Lombok, January 8, 2023.

³⁸ AS, Sasak Muslim Community in Lombok, January 15, 2023.

harmony,³⁹ it also has negative consequences, particularly for women subjected to these traditional sanctions.⁴⁰ The *kawin magrib* tradition detrimentally affects women, leading to psychological trauma that can manifest in marital conflicts and deceitful behavior by men.

Firstly, the *kawin magrib* tradition has a detrimental psychological effect on women. Research data highlights complex psychological impacts on women in unexpected marriages triggered by customary sanctions and social pressures. These experiences often evoke shock, trauma, and deep-seated disbelief, indicating adverse reactions to sudden changes in their lives.⁴¹ Though mentally unprepared, cultural and social pressures compel them to accept these marriages, sometimes with lingering shock. The psychological implications of such abrupt marriages present emotional and mental challenges for women. They grapple with transitioning from a pampered daughter to a wife and face conflicts with their husbands, often due to financial constraints and unpreparedness. S stated:⁴²

Girangk besiak laek kance semame'k, gare-gare kepeng sekedik sik belanje keperluan pawon, masiht ndek man bedoe bale malik, numpang leq balen mentoak'k sengak laek muk ndek man merarik jak temanjaak gati sik dengan toak'k, ape sak melek'k tebelian doang, nani ndek semel ngendeng lalok jok dengan toak [I often quarreled with my husband over limited money for household necessities. We still do not have our own home and live with in-laws. Before marriage, my parents spoiled me, giving me everything I wanted. Now, I feel embarrassed asking them for assistance too often].

Sexual violence in the form of forced marriages brings about substantial psychological burdens on the victims as they lose their right to consent. Consequently, women subjected to this practice often experience psychological, and in some cases, prolonged physical violence.⁴³ In this research context, forced marriages violate Islamic legal principles⁴⁴ since the foundational principles of free

³⁹ M, Sasak Muslim Community in Lombok, January 16, 2023.

⁴⁰ D, Sasak Muslim Community in Lombok, January 18, 2023.

⁴¹ O, Women Victims of the *Kawin Magrib* Tradition in Lombok, January 12, 2023.

⁴² S, Women Victims of the *Kawin Magrib* Tradition in Lombok, January 28, 2023.

⁴³ See: Newman Wadesango, Symphorosa Rembe, and Owence Chabaya, "Violation of Women's Rights by Harmful Traditional Practices," 121–129; Filomena M Critelli, "Between Law and Custom: 673–693; Neha Jain, "Forced Marriage as a Crime against Humanity Problems of Definition and Prosecution," 1013–32; Junifer Dame Panjaitan et al., "Forced Marriage in the Bride-Napping Case in Sumba-East Nusa Tenggara Linked with Positive Law in Indonesia," 632–46.

⁴⁴ Syahrul Mubarak Subeitan, "Forced Marriage: Implementation of the Mandatory Provisions of the Bride's Consent in Indonesia," *Jurnal Ilmiah Syari'ah* 21, no. 1 (2022): 81.

will and consent in marriage are disregarded. Embracing Islamic teachings as a basis to combat the *kawin magrib* tradition is crucial since, from this perspective, marriage bonds must adhere to norms⁴⁵ and legal regulations.⁴⁶

Law No. 23 of 2004 on the Elimination of Domestic Violence strictly prohibits various forms of domestic violence, including physical, psychological, and sexual abuse and neglect.⁴⁷ The Human Rights Council notes that women victims of forced marriages face further degradation of their human rights.⁴⁸ The impacts of such marriages include insecurity, gender inequality, heightened risk of sexual and gender-based violence, the erosion of the rule of law and state authority, limited educational access, and more.⁴⁹

Secondly, the *kawin magrib* tradition negatively impacts women, often exploited by men for deceit. This deception harms women emotionally and socially. In some cases, women unknowingly become part of a fraudulent practice intended by men, making them feel betrayed and trapped in undesired situations. H stated:⁵⁰

Kawin magrib ni girangn temanfaatan sik mame-mame ni, apelaagi ndekn terestuan sik dengan toakn, laon lalon tenak berayen jalan-jalan terus olek kemalem-malem inggas magrib, muk tetengat sik masyarakat, tedemak terus tesanksi siq adat harus merarik, mele ndek mele dengan toakn yak setuju soaln uah heboh bejulu, daripaden lile keluargen kan anak'k [The *kawin magrib* tradition is often exploited by men, especially if their parents do not approve of them. They would invite their girlfriends out and return after dusk, attracting community attention. Customary sanctions then force them into marriage. Reluctantly, the girl's family agrees to the marriage to avoid societal shame].

Women in this study find themselves trapped as victims of forced marriages, with deceitful men exploiting societal and traditional norms to justify them. The loss

⁴⁵ Alexia Sabbe et al., "Marriage and Migration: Moroccan Women's Views on Partner Choice, Arranged and Forced Marriage in Belgium," *Journal of International Migration and Integration* 20, no. 4 (2019): 1097–1120.

⁴⁶ Pusat Kajian Wanita dan Gender, *Hak-Hak Perempuan: Instrumen Hukum untuk Mewujudkan Keadilan Gender* (Yayasan Obor Indonesia, 2004), 67–68.

⁴⁷ Arif Sugitanata and Suud Sarim Karimullah, "Implementasi Hukum Keluarga Islam pada Undang-Undang Perkawinan di Indonesia Mengenai Hak Memilih Pasangan bagi Perempuan," *SETARA: Jurnal Studi Gender dan Anak* 5, no. 1 (2023): 1–14.

⁴⁸ OHCHR, "Child and Forced Marriage, Including in Humanitarian Settings," OHCHR, accessed February 24, 2023, <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>.

⁴⁹ Subeitan, "Forced Marriage," 81.

⁵⁰ H, Sasak Muslim Community in Lombok, December 13, 2022.

of control over their right to consent or to reject such unions results in a pervasive feeling of diminished autonomy and decision-making power. Paradoxically, these women's families are also entrapped, compelled to consent to avoid potential societal repercussions that may arise from refusal. Moreover, the detrimental effects extend to psychological and emotional well-being, stressing these women immensely. These situations' coercive nature and lack of agency contribute to strained relationships with their families. It, in turn, exposes them to the risk of societal stigmatization and discrimination, which can severely undermine their self-esteem and overall psychological well-being.⁵¹

These findings reveal a community and traditional leadership tendency to overlook the existing reality, mirroring the patriarchal thought patterns in Sasak culture. The *kawin magrib* tradition not only reflects the clash between religion and culture but also results in women's rights oppression. Both religious teachings and national law supposedly guarantee these rights.⁵² In a legal context, Law No. 12 of 2022 regarding Sexual Violence Crimes categorizes the *kawin magrib* tradition as a form of sexual violence, particularly forced marriage. This law also emphasizes that such forced marriages often masquerade as cultural practices, indicating male superiority over women.⁵³ Forced marriages represent gender-based crimes designed to control women.⁵⁴ Kerman et al. assert that forced marriages closely relate to cultural acceptance of male superiority over women and acceptance of culturally based violence.⁵⁵

D. Between Respecting Traditions and Protecting Women's Rights

The findings of this research reveal that the practice of the *kawin magrib* tradition can potentially contravene human rights principles, especially regarding the psychological pressures and potential fraud risks women face. Within this

⁵¹ I, Women Victims of the *Kawin Magrib* Tradition in Lombok, February 4, 2023.

⁵² Knut D. Asplund, Suparman Marzuki, and Eko Riyadi, *Hukum Hak Asasi Manusia* (Yogyakarta: PUSHAM UII, 2008), 150.

⁵³ "Law No. 12 of 2022 on Sexual Violence Crime," Articles 4 and 10.

⁵⁴ Melanie O'Brien, "Gender Dimensions of Forced Marriage in International Criminal Law," 207.

⁵⁵ Kader Tekkas Kerman and Patricia Betrus, "Violence Against Women in Turkey: A Social Ecological Framework of Determinants and Prevention Strategies," *Trauma, Violence, and Abuse* 21, no. 3 (2020): 510–26.

context, fundamental rights, such as fair legal protection, freedom from discrimination, and respect for personal dignity and integrity, can be jeopardized. While upholding cultural and traditional values is vital, it is crucial to remember that individual rights and freedoms, particularly for women, should not be compromised.⁵⁶

From the perspective of local wisdom, women are often constrained by narrow behavioral norms in tradition. The consequences of these restrictions can violate their human rights, leading to experiences of violence, isolation from family, and stigmatization.⁵⁷ Furthermore, women perceived to breach sexual norms may face risks of social and economic harm, broadly affecting their families. It happens due to rigid gender concepts, where women's public presence and participation are sometimes viewed as risky behaviors, potentially leading to sexual offenses or even considered as the offense itself. Consequently, there is a pressing need to restructure certain marital practices to offer better protection for women against unlawful sexual actions. This restructuring includes stringent supervision of mobility, attire, social interaction, education, and prevention of forced marriage practices.⁵⁸

Meanwhile, Article 16 (1) of the Convention on the Elimination of All Forms of Discrimination Against Women emphasizes that nations must take equitable measures to eradicate discrimination against women in any marriage-related domain. Adopted by the United Nations in 1979, this Convention aims to eliminate discrimination against women. In the *kawin magrib* tradition context, ensuring equal rights between men and women is essential, including equal rights in marital relations, freedom of partner choice without coercion, shared responsibilities in households and divorces, and the right to a parent regardless of marital status.⁵⁹ The United Nations Human Rights also asserts that forced marriage is a form of violence against women. The *kawin magrib* tradition is dangerous and signifies gender

⁵⁶ Israpil, "Budaya Patriarki dan Kekerasan terhadap Perempuan (Sejarah dan Perkembangannya)," *Jurnal Pusaka* 5, no. 2 (2017): 141–50.

⁵⁷ Filomena M Critelli, "Between Law and Custom," 673–93.

⁵⁸ A Submission to the UN Office of the High Commissioner on, Human Rights, and OCHCR, "Child, Early and Forced Marriage: A Multi-Country Study" (Women Living Under Muslim Laws, December 15, 2013), 21.

⁵⁹ Kelompok Kerja Convention Watch, *Hak-Hak Perempuan: Instrumen Hukum untuk Mewujudkan Keadilan Gender* (Jakarta: Yayasan Pustaka Obor Indonesia, 2007), 67–68.

inequality, threatening women's lives and futures. Beyond depriving them of decision-making rights about their lives, this tradition hinders their education, makes them more vulnerable to violence, discrimination, and harassment, and limits their participation in economic, political, and social spheres.⁶⁰

Every tradition harming women's rights and interests must be reassessed. The customary sanctions implemented in the *kawin magrib* tradition within the Sasak Muslim community do not align with Islamic principles emphasizing freedom, equality, justice, and public good (*maṣlaḥah*).⁶¹ Islam profoundly respects human rights and has a solid humanitarian dimension. It is evident in a hadith narrating a young woman's approach to Prophet Muhammad, complaining about her father arranging her marriage to a cousin to elevate the family's status. The Prophet granted the final decision to her. She then stated that while she agreed to her father's decision, she wanted other women to know her father did not have absolute authority.⁶² This hadith mirrors Islamic values that deeply respect women's rights to make choices and decisions. However, the *kawin magrib* tradition implementation demonstrates misalignment with these principles.

To uphold the continuity of the *kawin magrib* tradition, addressing challenges necessitates a comprehensive approach that respects the cultural context of the Sasak community. Therefore, it is essential to possess a deep understanding of their social structure and cultural values, which encompasses the pivotal role of customs and the effects of the *kawin magrib* tradition on women. Engaging in active dialogues involving the entire community, particularly women and community leaders, becomes crucial for devising solutions considering collective aspirations and values.⁶³

Besides these efforts, educating the community about human rights and legal protections is central. Solid knowledge and deep understanding of these issues

⁶⁰ "Child and Forced Marriage, Including in Humanitarian Settings," OHCHR, accessed February 24, 2023, <https://www.ohchr.org/en/women/child-and-forced-marriage-including-humanitarian-settings>.

⁶¹ Husein Muhammad, *Fiqh Seksualitas: Risalah Islam untuk Pemenuhan Hak-Hak Seksualitas* (Jakarta, Indonesia: Perkumpulan Keluarga Berencana Indonesia, 2011), 31.

⁶² Faqihuddin Abdul Kodir, *60 Hadits Shahih Khusus tentang Hak-Hak Perempuan dalam Islam Dilengkapi Penafsirannya* (Yogyakarta: Diva Press, 2019), 160–61.

⁶³ Muhdi Muhdi, "Kawin Tangkap Perspektif Maqashid al-Syari'ah dan Undang-Undang Positif," *Shakhsiyah Burhaniyah: Jurnal Penelitian Hukum Islam* 5, no. 2 (July 6, 2020): 127–42.

ensure that all community members, especially women, can advocate for their rights while supporting justice and equality principles. Stakeholder capacity enhancement is required through suitable mechanisms, aligning with the principles recognized in the Convention on the Elimination of All Forms of Discrimination Against Women.⁶⁴ Through these actions, it is hoped that traditions potentially harming women's rights can be reassessed to achieve an inclusive and equal society. In this process, it is vital to consider the precious cultural heritage while ensuring individual rights, especially women's, are not overlooked.

E. Conclusion

This article delves deeply into the negative impacts of the *kawin magrib* tradition within the Sasak Muslim community in Lombok. While serving as an essential part of the Sasak community's identity and social structure, this tradition has significant negative repercussions for women. The practice of forced marriage not only leads to psychological trauma for women trapped in sudden marriages but also serves as a tool for men to exploit social and customary norms. Though viewed as an effort to preserve morality and protect customs, *kawin magrib* violates the principles of women's human rights and consensual marriage and conflicts with Islamic teachings.

The *kawin magrib* tradition reflects the tension between cultural heritage and the demands for gender equality and the protection of women's human rights. This article highlights the need for a balanced approach between traditional culture, religion, and modern law to mitigate the negative impacts of harming women. It includes educating the community about women's rights, strengthening legal protections against sexual violence and domestic abuse, and stimulating discussions about cultural adaptations that respect human rights principles. In this way, the Sasak Muslim community can maintain its cultural identity while avoiding practices that neglect the principles of gender equality and women's human rights.

⁶⁴ "Convention on the Elimination of All Forms of Discrimination against Women New York," OHCHR, December 18, 1979, Article 5.

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