

Violence Against Women in Pre-Marital Relationships: The *Ngemblok* Tradition among the Muslim Community in Rembang

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Abstract

Violence against women occurs not only within households but also in pre-marital relationships, as exemplified by the *ngemblok* tradition practiced by the Muslim community in Rembang, Central Java. This tradition involves a marriage proposal process where the woman's family presents goods (*seseheraban*) to the prospective groom to symbolise the binding of their pre-marital relationship. This article aims to analyse the *ngemblok* tradition, examining the reasons and experiences of those involved, particularly women, and assessing the tradition from the perspectives of state law and human rights. Through in-depth interviews with 16 key informants, including participants in the tradition, the study found that *ngemblok* facilitates acquaintance between the bride and groom and their families through a matchmaker appointed by the woman's family. The patriarchal culture grants the woman's parents, especially the father, unilateral authority in selecting a partner for their daughter, often leading to sexual and psychological violence. Women frequently feel compelled to comply with their parents' wishes to avoid social stigma and sanctions and to uphold ancestral traditions. This article argues that patriarchal cultural mechanisms render women powerless in ending pre-marital relationships, undermining gender equality and human rights, and perpetuating violence against women.

[Kekerasan terhadap perempuan tidak hanya terjadi dalam rumah tangga, tetapi juga dalam hubungan pranikah. Fenomena tersebut terdapat dalam tradisi ngemblok yang dipraktikkan oleh komunitas muslim di Rembang, Jawa Tengah. Tradisi ini merupakan prosesi peminangan perkawinan yang diinisiasi oleh keluarga perempuan dengan memberikan sejumlah barang (*seseheraban*) kepada calon pengantin laki-laki sebagai simbol pengikatan hubungan pranikah antara kedua calon pengantin. Artikel ini bertujuan untuk menganalisis tradisi ngemblok, alasan dan pengalaman para aktor, terutama perempuan, dalam mempraktikkannya serta bagaimana perspektif hukum negara dan Hak Asasi Manusia terhadap tradisi tersebut. Melalui wawancara secara mendalam dengan 16 informan kunci yang terdiri dari sejumlah aktor yang terlibat dalam tradisi ini, penelitian ini menemukan bahwa tradisi ngemblok bertujuan untuk memfasilitasi kedua calon pengantin dan keluarga untuk saling mengenal dengan perantara mak comblang yang ditunjuk oleh keluarga perempuan. Budaya patriarki mengakibatkan orang tua dari perempuan, terutama ayah, memiliki otoritas sepihak dalam mencarikan pasangan bagi putrinya. Bahkan berkontribusi terhadap kekerasan seksual dan psikologis yang dialami perempuan mereka dalam hubungan pranikah tersebut. Para perempuan sering kali terpaksa mengikuti keinginan sepihak orang tuanya untuk menghindari stigma dan sanksi sosial dari masyarakat serta menjaga tradisi yang telah diwarisi oleh nenek moyang. Artikel ini berargumentasi bahwa mekanisme budaya

berbasis patriarki menyebabkan ketidakberdayaan perempuan sebagai korban dalam mengakhiri hubungan pranikah yang tidak hanya mencederai prinsip-prinsip kesetaraan gender dan Hak Asasi Manusia, tetapi juga pembiaran terhadap perlakuan kekerasan terhadap perempuan.]

Keywords: Human Rights, Marriage Proposal, Ngemblok Tradition, Pre-Marital Relationships, Violence Against Women.

Introduction

The phenomenon of violence stemming from forced marriages has garnered significant international attention over the past two decades.¹ This violence against women has severe negative impacts not only on wives and children but has also reached epidemic proportions.² In countries such as Iran and Tunisia, women endure a range of physical, sexual, psychological, and social violence, which is prevalent in pre-marital relationships.³ Post-marriage, women in Saudi Arabia and Indonesia face domestic violence (*Kekerasan dalam Rumah Tangga* or KDRT) that adversely affects their physical, mental, sexual, and reproductive health, as well as the well-being of their children.⁴ The causes of this violence are multifaceted, including factors such as religion, culture, personality, interpersonal relationships, and kinship bonding systems.⁵ The indifference of some Arab countries towards such violence arises from the belief that domestic violence is a private matter and, often, a justifiable response to perceived misbehaviour by the wife.⁶ These forms of violence

¹ Clara Rigoni, *Honour-Based Violence and Forced Marriages: Community and Restorative Practices in Europe*, 1st ed. (London: Routledge, 2022), ii.

² See: Saïda Douki Dedieu et al., "Violence Against Women in the Arab World: Eyes Shut Wide Open," in *Handbook of Healthcare in the Arab World* (Springer, Cham, 2021), 207–55; Ogadimma Arisukwu et al., "Perception of Domestic Violence among Rural Women in Kuje," *Heliyon* 7, no. 2 (February 2021): e06303.

³ See: Ladan Rahbari, "Violence in Pre-marital relationships in Iran: An Exploratory Qualitative Research," in *Violence: Probing the Boundaries around the World*, ed. Arie David Plat and Silvia Naisberg Silberman (Boston: BRILL, 2020), 185–202; F. Fekih-Romdhane, R. Ridha, and M. Cheour, "Violence Sexuelle Exercée sur les Femmes en Tunisie," *L'Encéphale* 45, no. 6 (December 2019): 527–29.

⁴ See: Fatima Hamza Barnawi, "Prevalence and Risk Factors of Domestic Violence Against Women Attending a Primary Care Center in Riyadh, Saudi Arabia," *Journal of Interpersonal Violence* 32, no. 8 (April 2017): 1171–86; Ulin Na'mah, Rezki Suci Qamaria, and Hesti Ayu Makrufah, "The Concept of Mubādalāh (Mutuality) and the Public Role of Wife to Prevent Domestic Violence," *Al-'Adalah* 19, no. 2 (25 December 2022): 291–314; Hasanudin Hasanudin et al., "Phenomena of Domestic Violence Against Women and Divorce in 2020-2022 in Indonesia: An Islamic Perspective," *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 2 (23 August 2023): 137–52; Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 1 (26 September 2023): 1–16; Sukendar Sukendar et al., "Women's Access to Justice: Mediation for the Victims of Domestic Violence in Central Java, Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (31 March 2023): 602–28; Nasruddin Yusuf, Nur Azizah, and Faradila Hasan, "Feminism Analysis of Judges' Considerations for Post-Divorce Domestic Violence Victims in Medan and Banda Aceh Religious Courts," *Al-'Adalah* 20, no. 2 (26 December 2023): 283–308.

⁵ See: Lana Clara Chikhungu et al., "Culture and Domestic Violence Amongst Ever-Married Women in Malawi: An Analysis of Emotional, Sexual, Less-Severe Physical and Severe Physical Violence," *Journal of Biosocial Science* 53, no. 2 (March 2021): 199–213; Roghieh Bayrami and Ali Vafaee Najari, "The Factors Contributing to Domestic Violence from the Perspective of Iranian Couples: A Qualitative Study," *Journal of Qualitative Research in Health Sciences* 9, no. 2 (1 September 2020): 133–44.

⁶ S. Douki et al., "Violence Against Women in Arab and Islamic Countries," *Archives of Women's Mental Health* 6, no. 3 (1 August 2003): 165–71.

against women have become “culturalized”, highlighting the failure of the state to protect the human rights of victims.⁷

Sexual violence in pre-marital relationships is also evident in the *ngembloke* tradition within the Muslim community of Rembang Regency, Central Java. *Ngembloke* is a proposal procession initiated by the bride’s family in the traditional marriage system, during which they present several goods (*sesebaran*) to the prospective groom as a symbol of the bond between the two candidates.⁸ Once a man has received an *emblokan* (marriage proposal) from a woman, he is prohibited from accepting an *emblokan* from another woman. Following this tradition, the parents of both the bride and groom permit their children to date to become acquainted with each other’s personalities. Remarkably, they do not forbid them from ‘sleeping together’, whether at the bride’s or groom’s parents’ house.⁹ Additionally, some parents of the bride-to-be even take their daughters to the village midwife for contraception to prevent pregnancy before the marriage contract.¹⁰ Normatively, this tradition contradicts Islamic law and state law, which prohibit coercion in marriage,¹¹ including coercion in the use of contraceptives.¹² Despite this contradiction with religious norms and state law, the tradition continues to be practiced by some Muslim communities in the Rembang district.

Numerous studies have explored violence against women in various marital and premarital traditions in Indonesia. Anwar Hafidzi et al. identified gender bias in the Banjar ethnic marriage tradition, where norms tend to grant men greater control and power while disregarding women’s contributions and interests in marriage.¹³ Similarly, Dudi Badruzaman found gender bias in the marriage traditions of the Baduy community,¹⁴ and Muh Sudirman and Mustaring observed similar biases in the indigenous Bugis community in Pare-Pare.¹⁵ The majority of these studies argue that such gender-biased marriage traditions reflect the

⁷ Aisha K. Gill and Samantha Walker, “On Honour, Culture and Violence Against Women in Black and Minority Ethnic Communities,” in *The Emerald Handbook of Feminism, Criminology and Social Change*, ed. Sandra Walklate et al. (Emerald Publishing Limited, 2020), 157–76.

⁸ See: BS, Personal Interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal Interview with Community Leader in Sale Village, February 8, 2023.

⁹ RK, Personal Interview with Community Leader in Sluke Village, February 4, 2023.

¹⁰ See: IS, Personal Interview with Midwife in Gunem Village, January 18, 2023; NT, Personal Interview with Midwife in Sale Village, January 17, 2023; DR, Personal Interview with Midwife in Sluke Village, January 25, 2023.

¹¹ See: Mehrdad Rayejian Asli and Mojgan Amrollahi Byouki, “Forced Marriage in Islamic Countries: The Role of Violence in Family Relationships,” in *Women and Children as Victims and Offenders: Background, Prevention, Reintegration: Suggestions for Succeeding Generations (Volume 1)*, ed. Helmut Kury, Slawomir Redo, and Evelyn Shea (Cham: Springer International Publishing, 2016), 729–53; Arifah Millati Agustina and Nor Ismah, “Challenging Traditional Islamic Authority: Indonesian Female Ulama and the Fatwa Against Forced Marriages,” *Journal of Islamic Law* 5, no. 1 (29 February 2024): 125–46; Sastro Mustapa Wantu et al., “Early Child Marriage: Customary Law, Support System, and Unwed Pregnancy in Gorontalo,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (26 December 2021): 780–803.

¹² “Crime of Sexual Violence Act No. 12 of 2022,” Article 4.

¹³ Anwar Hafidzi et al., “A Review on Cultural Customs of Marriage Traditions Among Banjar Ethnic Women in Banjarmasin Indonesia,” *Potret Pemikiran* 25, no. 1 (2021): 112–18.

¹⁴ Dudi Badruzaman, “Fenomena Perkawinan Suku Pedalaman Menyoroti Praktek Budaya dan Gender dalam Tradisi Suku Baduy,” *Jurnal Sosial Humaniora* 11, no. 1 (2020): 29–39.

¹⁵ Muh Sudirman and Mustaring Mustaring, “Penyerahan Penne Anreang dalam Tradisi Perkawinan Adat Bugis Parepare: Kajian Gender dan Hukum Islam,” *DIKTUM: Jurnal Syariat dan Hukum* 20, no. 2 (2022): 228–42.

dominance of a patriarchal culture that restricts women's rights and freedoms.¹⁶ In some forced marriage traditions, marriages are arranged based on agreements between the parents of the bride and groom,¹⁷ which some men exploit to marry the woman they desire without her consent.¹⁸ However, women's consent in Islamic marriage is crucial for establishing a harmonious family.¹⁹ Through an analysis of the *ngemblok* tradition and the narratives of victims' experiences, particularly women, this article argues that patriarchal cultural mechanisms contribute to women's powerlessness in ending pre-marital relationships, thereby leading to violence against women.

This article is based on a field study employing a socio-legal approach, conducted in three villages: Gunem, Sluke, and Sale, in Rembang Regency, Central Java, Indonesia. Data were conducted through in-depth interviews with 16 key informants over three months, from January to March 2023. The informants included eight participants in the *ngemblok* tradition (RT, LN, LM, SM, RE, SU, JP, and RH), two matchmakers (LU and SR), three village midwives (IS, NT, and DR), and three community leaders (BS, MR, and RK). To maintain confidentiality, all informants' names were anonymized. The interviews aimed to provide a comprehensive understanding of the *ngemblok* tradition practiced by Muslim communities in these villages, as well as the reasons and experiences of the participants, particularly women, in continuing the tradition. The data were analysed interactively.²⁰

Women's Families and Dominance in Mate Selection in the *Ngemblok* Tradition

Rembang is a regency in Central Java Province characterised by a predominantly Muslim population. According to the 2021 census, the population comprises 638,157 Muslims and 6,050 non-Muslims.²¹ Religious practices, such as the five daily prayers, fasting during Ramadan, celebrating religious holidays, and various other rituals, are integral to the daily lives of the Muslim community in Rembang. Additionally, Rembang is renowned for its rich traditional Javanese heritage. Performing arts, traditional music, and crafts play a significant and inseparable role in the community's cultural life.²² These religious practices and

¹⁶ See: Bustami Saladin, "Tradisi Merari' Suku Sasak di Lombok dalam Perspektif Hukum Islam," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 1 (2013): 21–39; Lalu Riki Wijaya, "Bias Gender pada Perkawinan Perempuan Bangsawan Sasak," *QAWWAM* 16, no. 1 (2022): 1–12; Baiq Desy Anggraeny, "Perkawinan Adat Merarik: Kajian Budaya Hukum Masyarakat Suku Sasak," *De Jure: Jurnal Hukum dan Syaria'ah* 9, no. 1 (2017): 43–52; Sary Wisudawati and Kamaludin Yusra, "Symbolic Power of Sasak Women as Reflected in the Sasak Marriage Processes," in *3rd Annual Conference of Education and Social Sciences (ACCESS 2021)* (Atlantis Press, 2022), 303–13.

¹⁷ See: Konradus Doni Kelen, "Kawin Tangkap di Sumba dan Ketidakadilan Gender," *Ideas: Jurnal Pendidikan, Sosial, dan Budaya* 8, no. 2 (2022): 624–32; Amara Ridha Amalia Agust, "Posisi Perempuan dalam Adat Pernikahan Budaya Sumba dan Korelasinya dengan Budaya Osing di Banyuwangi dan Sasak di Lombok," *Babtera Indonesia: Jurnal Penelitian Bahasa dan Sastra Indonesia* 7, no. 2 (2022): 357–63.

¹⁸ Arif Sugitanata et al., "Violation of Women's Rights: The Kawin Magrib Tradition of the Sasak Muslim Community in Lombok, Indonesia," *Journal of Islamic Law* 4, no. 2 (27 August 2023): 197–217.

¹⁹ Syahrul Mubarak Subeitan, "Forced Marriage: Implementation of the Mandatory Provisions of the Bride's Consent in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 1 (10 June 2022): 77–87.

²⁰ See: Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis* (California: Sage Publications, 2018), 8–10.

²¹ BPS-Statistics of Rembang Regency, "Rembang Regency in Figures 2022" (BPS-Statistics of Rembang Regency, 2022), 180.

²² R. Hafizh, "Perancangan Fasilitas Pertunjukan Kesenian Asli Rembang di Kabupaten Rembang," (Thesis, Surabaya, Universitas 17 Agustus 1945, 2020), 45–50.

traditional values are deeply respected and embedded in everyday life, imparting a distinctive character to the community.²³

The Muslim community in Rembang adheres to a social structure based on a patrilineal kinship system,²⁴ exemplified by the longstanding *ngemblok* tradition. *Ngemblok* is a formal marriage proposal or engagement custom where the bride's family approaches the groom's family.²⁵ In Islam, this practice is known as *khitbah*.²⁶ Unlike most Javanese communities,²⁷ in Rembang, the bride's family initiates the proposal by presenting various offerings, such as staple foods, fruits, and raw materials, as a *panjer* (token) to demonstrate their serious intention of marrying their daughter to the groom.²⁸ This gesture aims to honour the groom, acknowledging his higher social position relative to the bride.²⁹

For the Muslim community in Rembang, *ngemblok* signifies *ditengeri* (being marked). This denotes that a man who has been *ngemblok* is considered the property of the bride-to-be. In other words, once a woman has performed *ngemblok*, her rights to her body are considered to belong to her future husband. Consequently, a man who has received *emblokan* (marriage proposal) from one woman should not accept *emblokan* from another.³⁰ Should he disregard this custom, he is required to return twice the value of the offerings received from the bride's family. Conversely, if the engagement is annulled by the woman's family, they are not obliged to repay anything beyond what they have already expended.³¹

The *ngemblok* tradition consists of three stages: *nakokke* (asking), *nontoni* (showing), and *dodok lawang* (knocking on the door).³² The first stage, *nakokke*, involves a confirmation process wherein the bride-to-be's family inquires whether the single man already has a

²³ Misbakhudin Misbakhudin, "Tradisi Slup-Slupan: Akulturasi Islam dan Budaya Jawa di Rembang Jawa Tengah," *Sabda: Jurnal Kajian Kebudayaan* 11, no. 2 (1 December 2016): 53–64.

²⁴ Agus Sudaryanto, "Pola Pewarisan di kalangan Nelayan Desa Pandanganwetan, Kecamatan Kragan, Kabupaten Rembang," *Mimbar Hukum* 21, no. 1 (2009): 171–86.

²⁵ See: BS, Personal Interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal Interview with Community Leader in Sale Village, February 8, 2023; RK, Personal Interview with Community Leader in Sluke Village.

²⁶ See: Arif Sugitanata and Muhammad Lutfi Hakim, "The Domination of Customary Law in Muslim Matrimonial Procedures: Prohibiting *Khitbah* in the Sade Muslim Community," *Al-Abwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (30 December 2023): 302–19; Masduki Masduki, "Kontekstualisasi Hadis Peminangan Perempuan terhadap Laki-Laki," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 20, no. 1 (20 October 2019): 62–80.

²⁷ Walter L. Williams, *Javanese Lives: Women and Men in Modern Indonesian Society* (New Brunswick and London: Rutgers University Press, 1991), 132–151.

²⁸ Kalimatul Ulfah, At. Sugeng Priyanto, and Slamet Sumarto, "Pelaksanaan Tradisi Ngemblok dalam Perkawinan (Studi Kasus di Kecamatan Sale Kabupaten Rembang)," *Unnes Civic Education Journal* 1, no. 1 (2012): 46–53.

²⁹ Agus Sudaryanto, "Tradisi Ngemblok dalam Perkawinan dan Implikasinya terhadap Penguasaan Harta di Komunitas Nelayan Pandangan Wetan Rembang," *Refleksi Hukum: Jurnal Ilmu Hukum* 6, no. 1 (2021): 71–86.

³⁰ See: RK, Personal interview with Community Leader in Sluke Village, February 4, 2023; Mutoharoh Mutoharoh and Djumadi Purwoatmodjo, "Dampak Hukum dan Non Hukum Perkawinan Adat Ngemblok di Kabupaten Rembang," *Notarius* 15, no. 1 (2022): 85–104.

³¹ See: BS, Personal interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal interview with Community Leader in Sale Village, February 8, 2023; RK, Personal interview with Community Leader in Sluke Village.

³² See: BS, Personal interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal interview with Community Leader in Sale Village, February 8, 2023; RK, Personal interview with Community Leader in Sluke Village.

prospective wife.³³ During this stage, the bride's family selects a *dandan* (matchmaker) to represent them in proposing their daughter to the single man. The *dandan*, chosen by the bride's family, is typically a relative or friend of the groom known to the bride's family.³⁴ In the *nakokke* stage, the *dandan* directly asks the single man if he has a prospective wife and if he is willing to accept a proposal from the bride's family. This enquiry can take place at various locations, including the single man's home, the market, or in public spaces.³⁵

If, at the *nakokke* stage, the man does not yet have a candidate, the proposal process proceeds to the *nontoni* stage. The purpose of this second stage is to introduce the identity of the prospective bride presented during the *nakokke* stage and the identity of the prospective groom. This includes details such as family background, education, occupation, economic conditions, and level of religiosity.³⁶ The *nontoni* stage is typically conducted by the *dandan* in one of two ways. Firstly, the *dandan* may arrange a direct meeting between the prospective bride and groom. Alternatively, the *dandan* may present photos and provide comprehensive information about the prospective bride and her family, and vice versa. These two stages, *nakokke* and *nontoni*, are not required if the daughter is already in a relationship with the man.³⁷

After the prospective bride and groom and their families have become acquainted, the *dodok lawang* procession is carried out. The bride-to-be and her family visit the groom's family to formally seek approval for the proposal.³⁸ The procession begins with the handover of various items from the bride's family to the groom's family, followed by a discussion led by the *dandan* (a matchmaker) as the representative of the bride's family. This event concludes with local community leaders offering advice to the prospective couple. The discussion between the families also determines the date for the marriage contract.³⁹ This date is set based on mutual agreement, considering factors such as *neton* (the day of birth or *pasaran*), *geblake* (day of death of ancestors), and the auspicious month according to the *Hijriyah* (Islamic calendar) and Javanese calendar. The three stages of the *ngemblok* tradition typically span a minimum of two weeks and a maximum of three months.⁴⁰

From the *ngemblok* tradition until the marriage contract, the parents of the prospective bride and groom allow their son and daughter to live together in the same residence.⁴¹ This can be either the woman's family home or a specially designated house provided by one of the families for the couple to live in after the marriage contract is finalised. The purpose of this arrangement is to help the couple become familiar with each other and prepare for various wedding events. Additionally, both the bride and groom's parents allow their children

³³ LU, Personal Interview with Matchmaker, March 24, 2023.

³⁴ See: JP, Personal Interview with Actor of the *Ngemblok* Tradition, January 22, 2023; RH, Personal interview with Actor of the *Ngemblok* Tradition, January 30, 2023.

³⁵ SR, Personal Interview with Matchmaker, March 25, 2023.

³⁶ SR, Personal Interview with Matchmaker.

³⁷ LM, Personal interview with Actor of the *Ngemblok* Tradition, January 29, 2023.

³⁸ See: MR, Personal Interview with Community Leader in Sale Village, February 8, 2023; RK, Personal Interview with Community Leader in Sluke Village.

³⁹ LU, Personal Interview with Matchmaker.

⁴⁰ SR, Personal Interview with Matchmaker.

⁴¹ See: RT, Personal Interview with Actor of the *Ngemblok* Tradition, January 28, 2023; RE, Personal interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal interview with Actor of the *Ngemblok* Tradition, February 7, 2023.

to share the same room, despite being aware of the potential for premarital sexual activity. In fact, the bride's parents often take her to the village midwife for contraceptive measures, such as birth control injections or pills,⁴² to prevent pregnancy before the wedding ceremony. Although these actions go against Islamic teachings, both families choose to overlook this contradiction, confident in the certainty of the upcoming marriage.⁴³

Regardless of premarital sexual activity, the *ngemblok* tradition highlights the important role of the prospective bride and her family in each stage of the pre-marital relationship. According to Mukoyimah and Ambar Hermawan, this tradition gives women equal status with men by allowing them to choose their own partners and propose to them.⁴⁴ Agus Sudaryanto argues that the *ngemblok* tradition reflects the matrilineal heritage of the fishing community in Rembang, where women have significant influence in marital decisions.⁴⁵ However, while the *ngemblok* tradition promotes gender equality in partner selection, it also exposes women to the risk of sexual violence. Additionally, these cultural norms negatively impact women's property rights beyond pre-marital relationships.⁴⁶

The *Ngemblok* Tradition and Preserving Ancestral Legacy

The *ngemblok* tradition has been practiced for generations by the Muslim community in Rembang. As of 2019, only the villages of Gunem, Sluke, and Sale in Rembang Regency continue this practice. Interviews with practitioners and elders (*sesepuh*) in these villages revealed three primary reasons for its persistence: the preservation of tradition, the avoidance of social sanctions, and respect for men. For local communities, traditions are inherited rules that provide legitimacy, awareness, and belief in norms and values, serving as symbols of collective identity and strengthening community loyalty. Despite any dissatisfaction, humans rely on traditions for societal cohesion.⁴⁷

The primary motivation for upholding the *ngemblok* tradition is the preservation of ancestral customs. Practitioners view this tradition as a means of honouring their forebears

⁴² See: IS, Personal Interview with Midwife in Gunem Village, January 18, 2023; NT, Personal Interview with Midwife in Sale Village, January 17, 2023; DR, Personal Interview with Midwife in Sluke Village.

⁴³ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁴⁴ Mukoyimah Mukoyimah and Ambar Hermawan, "Studi Komunikasi Humanis Perempuan dalam Mengenalkan Tradisi Ngemblok di Desa Lodan Kecamatan Sarang," *ORASI: Jurnal Dakwah dan Komunikasi* 12, no. 2 (2021): 297.

⁴⁵ Sudaryanto, "Tradisi Ngemblok dalam Perkawinan dan Implikasinya terhadap Penguasaan Harta di Komunitas Nelayan Pandangan Wetan Rembang," 71–86.

⁴⁶ See: Napsiah Napsiah, Muryanti Muryanti, and Yani Tri Wijayanti, "Inequality as a Construct of Customary Law: Access to Home Ownership Rights of Women in Lampung," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (30 June 2024): 185–203; RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (16 June 2023): 25–48; Fahmi Fatwa Rosyadi Satria Hamdani et al., "Traditional Law vs. Islamic Law; An Analysis of Muslim Community Awareness in Inheritance Issues," *Al-Ahkam* 32, no. 1 (28 April 2022): 109–30.

⁴⁷ See: Struan Jacobs, "Edward Shils' Theory of Tradition," *Philosophy of the Social Sciences* 37, no. 2 (1 June 2007): 139–62; Simon Bronner, "The Meaning of Tradition: An Introduction," *Western Folklore* 59 (1 March 2000): 87–104; Raihanah Abdullah, Patricia Martinez, and Wirdati Mohd Radzi, "Islam and Adat: Considering the Wife's Moral Contribution in the Division of Harta Sepencharian in Malaysia," *Indonesia and the Malay World* 38, no. 111 (2010): 161–80.

and ensuring the continuity of their heritage.⁴⁸ They take pride in the *ngemblok* tradition, considering it integral to their cultural identity.⁴⁹ The tradition instils values such as togetherness, cooperation, and respect within families and communities.⁵⁰ Despite the ongoing changes in the modern world, local communities emphasise the importance of preserving this tradition to maintain their cultural identity and communal solidarity. SU states:⁵¹

“Ngemblok is a cultural tradition that demonstrates our respect for our ancestors. We practice it not only in the context of marriage but also to uphold our relationships and identity as people of Rembang.”

The Muslim communities practicing the *ngemblok* tradition aim to avoid social sanctions, such as ostracism, negative stigma, and criticism from the community. Individuals who violate this tradition are perceived as deviant, and their commitment to preserving traditional identity is questioned.⁵² This belief underscores the necessity of upholding and respecting the tradition, with any deviation considered an anomaly.⁵³ The fear of social sanctions significantly contributes to the continuity of the *ngemblok* tradition.

Respecting men is another key reason for the *ngemblok* tradition, exemplified by presenting the gift during the *dodok lawang* procession. This gift strengthens the familial bond between the bride and groom and signifies the bride’s family’s sincere intentions in the proposal.⁵⁴ The bride’s proposal to the groom demonstrates the community’s respect for men, affirming the groom’s role as his wife’s companion rather than being dominated by her.⁵⁵ Consequently, this tradition functions as a social mechanism that reinforces men’s positions and upholds patriarchal norms in society.⁵⁶ RE states:⁵⁷

“The ngemblok tradition is our way of showing respect to men. It is not just about material gifts but also about recognising men’s role in caring for and leading the family. By upholding this tradition, we ensure that men feel valued and that their authority is acknowledged within the community.”

The data indicates that the practice of the *ngemblok* tradition among the Muslim community in Rembang is motivated by several factors: the preservation of ancestral traditions, avoidance of social sanctions, and respect for men. While, Sudaryanto identifies

⁴⁸ See: RT, Personal Interview with Actor of the *Ngemblok* Tradition, January 28, 2023; LN, Personal Interview with Actor of the *Ngemblok* Tradition, February 2, 2023.

⁴⁹ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵⁰ BS, Personal Interview with Community Leader in Gunem Village.

⁵¹ SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵² See: RT, Personal Interview with Actor of the *Ngemblok* Tradition, January 28, 2023; LN, Personal Interview with Actor of the *Ngemblok* Tradition, February 2, 2023; RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵³ See: RT, Personal Interview with Actor of the *Ngemblok* Tradition, January 28, 2023; LN, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵⁴ See: RT, Personal Interview with Actor of the *Ngemblok* Tradition, January 28, 2023; LN, Personal Interview with Actor of the *Ngemblok* Tradition, February 2, 2023; RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵⁵ Muflikhatul Khoiroh and Abd Syakur Syakur, “The Flexibility of Islamic Law in the Ganjur Tradition in Lamongan, Indonesia,” *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 23, no. 2 (25 December 2023): 139–59.

⁵⁶ SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁵⁷ RE, Personal Interview with Actor of the *Ngemblok* Tradition.

additional motivations, including fostering unity between the bride and groom, maintaining self-esteem, cultural prevalence, mythical significance, and honouring men.⁵⁸ Mutoharoh and Purwoatmodjo outline three primary motivations: the preservation of ancestral heritage, the recognition of men's higher societal standing, and the avoidance of customary penalties.⁵⁹ Among these, the preservation of tradition emerges as the predominant rationale, aligning with previous research emphasising the tradition's role in safeguarding indigenous cultural identity against modern influences.⁶⁰ The *ngemblok* tradition thus embodies local wisdom integral to community identity.⁶¹

Women's Bodily Autonomy in the *Ngemblok* Tradition

The *ngemblok* tradition aims to facilitate mutual acquaintance between prospective brides and grooms before marriage decisions are made. Proponents argue that this practice fosters marital harmony by allowing couples to understand each other's personalities beforehand. However, empirical evidence suggests that marriages initiated through this tradition often fail to achieve this objective and may contribute to increased divorce rates.⁶² Additionally, the tradition often grants unilateral authority to the bride's parents, particularly the father, in selecting a spouse for their daughter. Brides-to-be who already have romantic partners willingly participate in *ngemblok*, whereas those without prior relationships are sometimes compelled by parental expectations to avoid community censure.⁶³ Consequently, despite its intended purpose of promoting mutual understanding, *ngemblok* frequently falls short of its goals and may even expose brides-to-be to the risks of sexual violence.

In *ngemblok* practices, the bride-to-be's autonomy in selecting a life partner is often supplanted by parental, particularly paternal, authority. Fathers wield unilateral control in choosing prospective husbands, reflecting cultural norms of filial obedience.⁶⁴ Nonetheless, women also exert agency in partner selection. Instances exist where women with pre-existing boyfriends find paternal acceptance despite initial reservations. Intriguingly, following *ngemblok* rituals, some fathers encourage continued meetings between their daughters and their partners, even permitting overnight stays. LM recounts:⁶⁵

"Before undergoing the ngemblok ceremony, my father would scold me if I invited my boyfriend to the house. However, after ngemblok, I was encouraged to meet him frequently and allowed to stay

⁵⁸ Sudaryanto, "Tradisi Ngemblok dalam Perkawinan dan Implikasinya terhadap Penguasaan Harta di Komunitas Nelayan Pandangan Wetan Rembang," 74–78.

⁵⁹ Mutoharoh and Purwoatmodjo, "Dampak Hukum dan Non Hukum Perkawinan Adat Ngemblok di Kabupaten Rembang," 91.

⁶⁰ Sugitanata and Hakim, "The Domination of Customary Law in Muslim Matrimonial Procedures," 302–319.

⁶¹ See: Dinda Bestari and Eka Kurnia Sari, "Bridal Bath Prohibition as a Local Wisdom Among Lampung Communities on Islamic Law Perspective," *El-Mashlahab* 12, no. 1 (30 June 2022): 37–51; Abdurrahman Misno Bambang Prawiro, "Religion and the Local Tradition of Life Cycle Rituals in Kampung Naga, West Java," *Al-Albab* 4, no. 1 (1 June 2015): 55–68.

⁶² Triana Apriyanita, "Tradisi Ngemblok: Fenomena Pernikahan Dini (Studi Kasus Desa Tegaldowo, Kec. Gunem, Kab. Rembang)," (Universitas Islam Negeri Syarif Hidayatullah: Jakarta, 2015), 52–53.

⁶³ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁶⁴ See: BS, Personal Interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal Interview with Community Leader in Sale Village, February 8, 2023.

⁶⁵ LM, Personal Interview with Actor of the *Ngemblok* Tradition.

overnight at home. According to my parents, the ngemblok ceremony marked my relationship with my future husband as akin to a married couple, thus eliminating any issues with us spending time together at home. The purpose of this arrangement was to foster familiarity, ensuring that our eventual marriage would not feel awkward.”

The *ngemblok* tradition has been practiced by the Muslim community in Rembang Regency, driven by the norm that women should not cancel marriage proposals.⁶⁶ According to local beliefs, violating this norm can result in curses and is considered ‘*ora ilok*’ (uncooperative).⁶⁷ In contrast, men have the freedom to accept or reject proposals.⁶⁸ Additionally, the community believes that a girl who has begun menstruating must marry promptly to avoid bringing disgrace to her family. Parents fear their daughters will become ‘old maids’, leading them to find partners quickly.⁶⁹ This belief is encapsulated in the local saying, ‘better a widow than an old maid’.⁷⁰ These norms contribute to the practice of *ngemblok* and the increasing number of child marriages in Rembang Regency, with many couples under the age of 18.⁷¹

In accordance with the *ngemblok* tradition, parents encourage the bride and groom to meet regularly to get to know each other better, ensuring a smoother transition into marriage.⁷² Some parents even allow the bride to stay overnight at her future spouse’s home and, in some cases, to make love. To prevent unwanted pregnancies, some parents have advised their daughters to take contraceptive pills from the *ngemblok* period until the wedding ceremony.⁷³ However, it should be noted that recently, some parents in certain villages in the Rembang district have prohibited the bride and groom from sleeping in the same room prior to marriage.⁷⁴

Permission to sleep together presents a dilemma for the bride-to-be, particularly when the groom-to-be invites her to make love. According to several key informants, some brides felt compelled to comply with their future husbands’ wishes. While some initially refused due to fear of committing adultery, they eventually acquiesced, believing it would be impolite to decline their future husband’s invitation. As recounted by RE:⁷⁵

“After graduating from junior high school, I worked in Jakarta as a household servant. When I returned home for Eid, I was introduced to a man as a potential husband. My mother told me, “I can’t refuse a man who wants to marry me; if it’s not suitable, I’ll get divorced”. I felt compelled to

⁶⁶ See: BS, Personal Interview with Community Leader in Gunem Village, January 31, 2023; MR, Personal Interview with Community Leader in Sale Village, February 8, 2023.

⁶⁷ RK, Personal Interview with Community Leader in Sluke Village.

⁶⁸ See: JP, Personal Interview with Actor of the *Ngemblok* Tradition, January 22, 2023; RH, Personal Interview with Actor of the *Ngemblok* Tradition.

⁶⁹ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁷⁰ See: LU, Personal Interview with Matchmaker; SR, Personal Interview with Matchmaker.

⁷¹ Trianah Sofiani, “The Strategic Policy of Child Marriage Prevention on Gender-Integrated (Strengthening Best Practice Areas Toward Child Marriage-Free Zones),” *Munawarab* 14, no. 2 (2022): 231.

⁷² LM, Personal Interview with Actor of the *Ngemblok* Tradition.

⁷³ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁷⁴ RK, Personal Interview with Community Leader in Sluke Village.

⁷⁵ RE, Personal Interview with Actor of the *Ngemblok* Tradition.

comply with my parents' wishes. I feared my future husband because he was rude and would always yell at me if I refused to go on a date. After two years of marriage, I am now divorced."

Although the parents were aware of the possibility of premarital sex if they allowed the bride-to-be to sleep in the same room as her future husband, they chose to ignore this concern. Interestingly, the bride's parents even instructed their daughter to take birth control pills⁷⁶ to prevent pregnancy before the wedding. The brides-to-be were left feeling distressed and tormented by the expectation of engaging in sexual intercourse and the directive from their parents to use contraceptives. One bride, SU, shared her story:⁷⁷

"My marriage was arranged by my parents. After the arrangement, my future husband frequently requested sexual intercourse, to which I acquiesced despite feeling deeply saddened and tormented. My mother instructed me to take birth control pills to prevent pregnancy before the marriage contract. After marriage and the birth of one child, my husband's behaviour became increasingly violent, and he frequently got drunk. I wish to seek a divorce but lack the courage to initiate the proceedings in court."

The *ngemblok* tradition illustrates the complexity of premarital customs among Muslim communities and their impact on women. Firstly, parental attitudes shift significantly, from initially prohibiting meetings between couples to actively encouraging them after the *ngemblok* process, even permitting the couple to 'sleep together'.⁷⁸ Secondly, there is evident parental pressure on women to comply with their parents' choices for a life partner, often without considering personal suitability or compatibility.⁷⁹ This highlights the strong influence of parents in determining their children's marital fate, negatively impacting their rights.⁸⁰ Thirdly, women often experience violence and unhappiness in their marriages, including physical and psychological abuse. Despite a desire for divorce, they frequently lack the support or courage to pursue legal action.⁸¹ This indicates that the *ngemblok* tradition can have detrimental effects on women, particularly concerning the choice of a life partner and marital life.

The patriarchal-based *ngemblok* tradition manipulates women's bodies to be obedient, submissive, controlled, and restricted, causing them to lose their authority without realising it. In the *ngemblok* tradition, the rights over a woman's body belong to her father and future husband. This transfer of ownership begins when the bride-to-be's parents introduce her to her future husband. After *ngemblok*, the rights to her body are ceded to her future husband. Contrastingly, the tradition of giving devotee rings in traditional marriages among the Serawai tribe in Central Bengkulu aims to preserve the virginity of teenagers amid moral

⁷⁶ See: IS, Personal Interview with Midwife in Gunem Village, January 18, 2023; NT, Personal Interview with Midwife in Sale Village, January 17, 2023; DR, Personal Interview with Midwife in Sluke Village.

⁷⁷ SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁷⁸ LM, Personal Interview with Actor of the *Ngemblok* Tradition.

⁷⁹ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁸⁰ Qodariah Barkah et al., "Abandonment of Women's Rights in Child Marriage; An Islamic Law Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (31 December 2022): 383–411.

⁸¹ See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

degradation.⁸² This data demonstrates that the bride-to-be's body becomes an object within a community-constructed system through premarital traditions. The subjugation of women's bodies to patriarchal norms⁸³ and culture aligns with Foucault's concept of the 'docile body'—a body obediently tamed.⁸⁴ Women's bodies are maintained by a culture that is silently, yet forcefully, imposed through artificial means, rendering them unaware of it.⁸⁵ The internalisation of patriarchal culture leads women to accept these conditions as normal.⁸⁶

The *ngemblok* tradition results in girls having no bargaining position and no power to protest due to the strong culture of male dominance. This tradition makes girls victims of local marriage customs, forcing them to bear a heavier social burden than boys. The construction of ownership rights over women's bodies in this tradition is shaped by societal views, understandings, and beliefs about the body and sexuality, all influenced by patriarchal culture. This symbolic power perpetuates the objectification of women's bodies through cultural constructions that produce taboos, myths, and stereotypes,⁸⁷ such as labelling them 'taboo', '*ora ilok*', and '*balak*'.⁸⁸ The objectification of women's bodies as a product of patriarchy is a primary cause of violence against women.⁸⁹ The practice of forced marriage constitutes sexual violence and is contrary to Islamic law, gender equality, and human rights.⁹⁰

Sexual and Psychological Violence: A State Law and Human Rights Perspective

Violence against women in pre-marital relationships also occurs during the period between the *ngemblok* ceremony and the marriage ceremony. During this waiting period, the parents of the bride and groom permit their children to live and sleep together. While this permission is intended to help the couple get to know each other, premarital sexual relations often occur. To prevent pregnancy before the marriage ceremony, the bride-to-be's parents take her to

⁸² Suwarjin Suwarjin et al., "Virginity and Cincin Penyembah: Sociological, Philosophical, and Maqāsid al-Sharī'ah Study on Serawai Tribe Traditional Marriage," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (18 June 2023): 49–70.

⁸³ See: Jana Sawicki, *Disciplining Foucault: Feminism, Power, and the Body* (Routledge, 2020), 38; Sandra Lee Bartky, "Foucault, Femininity, and the Modernization of Patriarchal Power," in *Feminist Social Thought* (Routledge, 2014), 92–111.

⁸⁴ Danik Fujiati, "Seksualitas Perempuan dalam Budaya Patriarkhi," *Muwazab* 8, no. 1 (2016): 26–47.

⁸⁵ See: Fakhra Ahmed and Hidna Iqbal, "Self-Silencing and Marital Adjustment in Women with and without Depression," *Pakistan Journal of Psychological Research* 34, no. 2 (2019): 311–30; Annisa Ariftha and Anang Anas Azhar, "Symbolic Violence Against Women in Medan's Patriarchal Culture," *Jurnal Ilmiah Peuradeun* 11, no. 2 (30 May 2023): 709–28.

⁸⁶ See: Sri Nur Syifa and Neng Hannah, "Objektifikasi Tubuh Perempuan sebagai Akar Kekerasan Seksual (Studi Pemikiran Michel Foucault)," *Jaqfi: Jurnal Aqidah dan Filsafat Islam* 7, no. 2 (2022): 288–317; Ann J Cahill, "Foucault, Rape, and the Construction of the Feminine Body," *Hypatia* 15, no. 1 (2000): 43–63.

⁸⁷ Linda Mshweshwe, "Understanding Domestic Violence: Masculinity, Culture, Traditions," *Heliyon* 6, no. 10 (October 2020): e05334.

⁸⁸ M Meghan Davidson and Sarah J Gervais, "Violence against Women through the Lens of Objectification Theory," *Violence against Women* 21, no. 3 (2015): 330–54.

⁸⁹ Ade Irma Sakina and Dessy Hasanah Siti A., "Menyoroti Budaya Patriarki di Indonesia," *Share: Social Work Journal* 7, no. 1 (2017): 97.

⁹⁰ See: "Crime of Sexual Violence Act No. 12 of 2022," Article 4; Misbachul Munir and Siti Zumrotun, "The Position of Ijbar Rights in Perspective Islamic Law and Human Rights," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (July 1, 2023): 206–14; Toha Andiko, Zurifah Nurdin, and Ahmed Abdul Malik, "Reactualization of Wali Mujbir in the Modern Era: Maqasid Sharia Analysis of Imam Shafi'i's Concept Regarding Wali's Ijbar Right," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, no. 2 (December 31, 2023): 274–91.

the village midwife for contraception,⁹¹ either through birth control injections or pills.⁹² This coercion to use contraceptives constitutes a form of sexual violence, as it contradicts principles of gender equality and human rights.⁹³

Since the parents allow the bride-to-be and groom-to-be to sleep together, women often fear refusing sexual advances from their future husbands.⁹⁴ Some women comply silently, while others refuse by yelling. Due to frequent refusals, women are eventually forced to comply, feeling that yelling is disrespectful to their future husbands, who have accepted their marriage proposals.⁹⁵ In this context, women experience sexual intimidation from prevailing community norms of modesty, reinforced by parental authority permitting cohabitation. Unfortunately, Rembang lacks customary institutions to address premarital sexual relations, unlike the Tolaki tribe in Southeast Sumatra.⁹⁶

The violence against women inherent in the *ngemblok* tradition negatively impacts the physical and psychological well-being of the bride-to-be. Physically, their virginity, preserved for their legal husband, may be taken by another man who is not yet their husband. Psychologically, they feel sad and tormented, having accepted the prospective groom chosen by their parents, and are disappointed by their parents' willingness to allow her virginity to be taken.⁹⁷ This sexual and psychological violence is perpetuated by cultural factors aimed at preserving ancestral traditions.

Sexual and psychological violence against women in pre-marital relationships also occurs in Iran, Mexico, and Kyrgyzstan. Rahbari identified cultural factors in Iran that contribute to victims' inability to end violent relationships, perpetuating a cycle of violence.⁹⁸ Sonia M. Frias demonstrated that the proposal traditions of seven indigenous communities in Oaxaca and Chiapas, Mexico, lead to violence against women.⁹⁹ Similarly, Russell Kleinbach et al. found discrimination against women in the Kyrgyz tradition of *ala kachuu*.¹⁰⁰ This violence extends beyond pre-marital relationships to include family members.¹⁰¹ Therefore, social change is essential to ensuring adherence to human rights.¹⁰²

⁹¹ See: IS, Personal Interview with Midwife in Gunem Village, January 18, 2023; NT, Personal Interview with Midwife in Sale Village, January 17, 2023; DR, Personal Communication with Midwife in Sluke Village.

⁹² See: RE, Personal Interview with Actor of the *Ngemblok* Tradition, January 21, 2023; SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁹³ "Crime of Sexual Violence Act No. 12 of 2022," Article 4.

⁹⁴ RE, Personal Interview with Actor of the *Ngemblok* Tradition.

⁹⁵ RE.

⁹⁶ Islamul Haq et al., "Unlocking the Potential of 'Kalosara': An Extensive Analysis of Adultery Instances Dispute Resolution in the Tolaki Tribe through the Lens of al-Ishlah Concept," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 1 (June 30, 2024): 86–100.

⁹⁷ SU, Personal Interview with Actor of the *Ngemblok* Tradition.

⁹⁸ Rahbari, "Violence in Pre-marital relationships in Iran: An Exploratory Qualitative Research," 185–202.

⁹⁹ Sonia M. Frias, "Family and Partner Violence Against Women: Forced Marriage in Mexican Indigenous Communities," *International Journal of Law, Policy and the Family* 31, no. 1 (1 April 2017): 60–78.

¹⁰⁰ Russell Kleinbach, Mehrigiul Ablezova, and Medina Aitieva, "Kidnapping for Marriage (Ala Kachuu) in a Kyrgyz Village," *Central Asian Survey* 24, no. 2 (1 June 2005): 191–202.

¹⁰¹ Tateki Yoga Tursilarini et al., "Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 28, 2024): 129–42.

¹⁰² See: Emin Najafli et al., "Ensuring Human Rights in Ukraine during Introduction of Martial Law: Constitutional and Administrative Aspect," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (April 18, 2024): 52–72; Kateryna Buriak et al., "Empirical Analysis of Legal Regulations on Family Violence During Wartime in Ukraine: A Comprehensive Examination," *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 2 (2023): 267–80.

In addition to the *ngemblok* tradition, some premarital customs violate women's rights, while others promote them in accordance with Islamic law. The *kawin magrib* tradition among the Sasak tribe in Lombok, as studied by Sugitanata et al., causes trauma for women, contradicting human rights.¹⁰³ A similar situation is observed in the *belis* tradition among the Flores tribe.¹⁰⁴ Oheo Kaimuddin Haris et al. found sexual, physical, and psychological violence against women in the *tangkap kawin* tradition among the Sumba tribe.¹⁰⁵ In contrast, the *misek* tradition among the Ngaju Dayak respects women's rights and aligns with Islamic law.¹⁰⁶ Dri Santoso et al. found that the *munginte* tradition in Gayo traditional marriage reflects a harmonious relationship between customary and Islamic law.¹⁰⁷ While some marriage proposal traditions are often seen as conflicting with international human rights,¹⁰⁸ others adhere to the principles of *fiqh al-munākahāt* (Islamic jurisprudence of marriage) and *maqāṣid shari'ah* (objectives of Islamic law),¹⁰⁹ ensuring the protection of women and children through case management reform.¹¹⁰

The loss of autonomy, fear, and helplessness that women experience in the *ngemblok* tradition can be categorised as psychological violence. From the standpoint of state law and human rights, this form of psychological violence in pre-marital relationships goes against Article 8 of the Elimination of Domestic Violence Act No. 23 of 2004.¹¹¹ Additionally, sexual violence is considered a criminal offence under Article 4 of the Crime of Sexual Violence Act No. 12 of 2022.¹¹² Moreover, the *ngemblok* tradition violates Article 10 Paragraph 2 of Law No. 39 of 1999 on Human Rights, which guarantees the freedom of choice for both the bride and groom when it comes to selecting a spouse.¹¹³ It also prohibits forced marriage and the sexual exploitation of children, thus infringing upon their rights to personal freedom and security.¹¹⁴ This tradition further goes against Article 28I (2) of the 1945 Constitution of the Republic of Indonesia, which ensures protection from discriminatory treatment based on

¹⁰³ Sugitanata et al., "Violation of Women's Rights," 197–217.

¹⁰⁴ Wawan Suriadi and Shahrul Mizan bin Ismail, "A Violation of Woman's Rights under Tradition of Belis in East Nusa Tenggara, Indonesia," *Unram Law Review* 5, no. 1 (April 28, 2021): 1–16.

¹⁰⁵ Siti Syahida Nurani et al., "Capturing the Bride Culture in Sumba, East Nusa Tenggara: A Victimological Analysis," *Jurnal Dinamika Hukum* 23, no. 2 (29 August 2023): 357–72.

¹⁰⁶ Sadiani Sadiani et al., "Progressive Islamic Law and Misek Tradition of Dayak Ngaju in Central Kalimantan," *El-Masblahab* 13, no. 2 (31 December 2023): 225–44.

¹⁰⁷ Dri Santoso et al., "Harmony of Religion and Culture: Fiqh Munākahat Perspective on the Gayo Marriage Custom," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 22, no. 2 (5 December 2022): 199–218.

¹⁰⁸ Müfit Selim Saruhan, "Prejudices on Concerning Human Rights Vis-a-Vis Islam," *Jurnal Ilmiah Peuradeum* 8, no. 2 (May 30, 2020): 397–408.

¹⁰⁹ Ulul Umami and Abdul Ghofur, "Human Rights in Maqāṣid al-Shari'ah al-Āmmah: A Perspective of Ibn 'Ashūr," *Al-Abkam* 32, no. 1 (April 28, 2022): 87–108.

¹¹⁰ Kutbuddin Aibak, "Implementation of Maqāṣid Shari'ah in Reform of Case Management of Violence against Women and Children," *De Jure: Jurnal Hukum dan Syari'ah* 15, no. 1 (July 13, 2023): 82–98.

¹¹¹ "Elimination of Domestic Violence Act No. 23 of 2004," Article 8.

¹¹² "Crime of Sexual Violence Act No. 12 of 2022," Article 4. See: Agus Riwanto et al., "Addressing Campus Sexual Violence: A Collaborative Governance Approach to Legal Policy," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 2 (30 December 2023): 232; Jm Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (15 June 2024): 53–77; Inna Fauzi and Any Ismayawati, "Child Marriage in Indonesia: Sexual Violence or Not?," *De Jure: Jurnal Hukum dan Syari'ah* 14, no. 2 (30 December 2022): 288–303.

¹¹³ "Human Rights Act No. 39 of 1999."

¹¹⁴ Iqbal Kamalludin et al., "Sexual Violence and the Politics of Criminal Law in Indonesia: A Gender Equality Approach and Maqāṣid al-Shari'ah," *Ash-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 57, no. 1 (2023): 51–81.

any grounds, including gender.¹¹⁵ Furthermore, the *ngemblok* tradition is in contradiction with the principles outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹¹⁶ Based on state laws and international conventions, the *ngemblok* tradition violates principles of gender equality and human rights, enabling sexual and psychological violence against women in Rembang Regency. While discriminatory traditions persist, state laws and gender-based movements have significantly shifted the paradigm of family law to protect women's rights, thereby maintaining national morality against the threats posed by evolving criminality.¹¹⁷

Conclusion

The *ngemblok* tradition, practiced by the Muslim community in Rembang, Central Java, is a cultural phenomenon that raises significant controversy regarding human rights and gender equality, particularly concerning women. This tradition involves a marriage proposal initiated by the woman's family, who present offerings to the prospective groom to strengthen the premarital bond. While intended to facilitate mutual recognition between the bride and groom, this practice often subjects women to sexual and psychological violence under patriarchal family control, especially by the girl's parents, who choose her life partner. Violence against women is evident throughout the *ngemblok* process, including the *nakokke*, *nontoni*, and *dodok lawang* stages, up to the marriage ceremony.

The dominant patriarchal culture in the *ngemblok* tradition grants full authority to women's parents, especially fathers, in arranging their daughters' marriages. Rejection of their choice often results in social stigma for women, illustrating how patriarchal cultural constructions limit women's independence in determining their marital destiny. This not only restricts women's freedom of choice but also contributes to violent practices that contravene universal human rights principles. These findings underscore the need for legal reforms to protect women within Indonesia's premarital traditions by strengthening law enforcement against violence and ensuring the elimination of gender discrimination.

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¹¹⁵ "Constitution of the Republic of Indonesia 1945."

¹¹⁶ "Convention on the Elimination of All Forms of Discrimination against Women," December 18, 1979, Article 16.

¹¹⁷ See: Iqbal Kamalludin, "Restoration of Pancasila Values Against Criminal Law Reform Strategy in Indonesia Political Perspective of Islamic Law," *Syariah: Jurnal Hukum dan Pemikiran* 22, no. 1 (31 May 2022): 31–47; Muhammad Lutfi Hakim et al., "Implementasi, Kendala dan Efektifitas Kursus Pranikah di KUA Kecamatan Pontianak Tenggara," *Al-Istinbat: Jurnal Hukum Islam* 5, no. 2 (30 November 2020): 311–28; Edy Setyawan et al., "Legal Age for Marriage: SDGs and Masalah Perspectives in Legal Policy Change in Indonesia," *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 2 (22 September 2023): 183–98.

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