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Contextualizing *Sadd al-Dharīʿah* in Reconstructing Nyuwito Practice: Protecting Women's Dignity in the Samin Community

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Abstract: This article examines how *sadd al-dharīʿah* (blocking the means to harm) is mobilized in the reconstruction of Nyuwito, a customary apprenticeship embedded in the marriage process of the Samin community in Jepang Hamlet, Margomulyo, Bojonegoro, Indonesia. Addressing a gap in research on how preventive Islamic legal reasoning translates into changes to living custom, the study draws on a qualitative socio-legal and phenomenological approach. Data comprise semi-structured interviews with 19 purposively selected participants three customary and community representatives, four state and religious actors, and 12 practitioners and family members alongside non-participant analysis of 24 visual records and relevant documentary materials. The findings distinguish three configurations: Nyuwito Kumpul, involving potentially close premarital co-residence; Nyuwito Partisipatif, which retains apprenticeship while setting spatial and temporal boundaries; and Akad Mendahului Magang, in which the marriage contract precedes the apprenticeship. The analysis argues that *sadd al-dharīʿah* is most defensible as a selective and proportionate assessment of specific means and risks, rather than a blanket rejection of customary practice. Women's accounts highlight concerns about religious boundaries and community judgment, indicating that reputational costs may be gendered. The qualitative evidence does not establish the prevalence of each configuration or demonstrate that any adaptation eliminates gendered harm. The article contributes the concept of procedural reconstruction to socio-legal analysis of Islamic legal reasoning within plural normative settings.

Keywords: *sadd al-dharīʿah; Nyuwito; Samin community; women's dignity; legal pluralism*

Abstrak: Artikel ini mengkaji bagaimana *sadd al-dharīʿah* (menutup sarana menuju kerusakan) dimobilisasi dalam rekonstruksi Nyuwito, yaitu magang *adat* yang tertanam dalam proses perkawinan komunitas Samin di Dusun Jepang, Margomulyo, Bojonegoro, Indonesia. Untuk menjawab kesenjangan penelitian tentang bagaimana penalaran hukum Islam yang bersifat preventif diterjemahkan menjadi perubahan pada *adat* yang hidup, penelitian ini menggunakan pendekatan sosio-legal dan fenomenologis kualitatif. Data terdiri atas wawancara semi-terstruktur dengan 19 partisipan yang dipilih secara purposif, yaitu tiga perwakilan *adat* dan masyarakat, empat aktor negara dan keagamaan, serta 12 pelaku dan anggota keluarga, di samping analisis nonpartisipan terhadap 24 rekaman visual dan bahan dokumenter yang relevan. Temuan penelitian membedakan tiga konfigurasi: Nyuwito Kumpul, yang melibatkan tinggal serumah sebelum menikah secara berpotensi dekat; Nyuwito Partisipatif, yang mempertahankan magang dengan menetapkan batas ruang dan waktu; dan Akad Mendahului Magang, yang akad nikahnya mendahului magang. Analisis ini berargumen bahwa *sadd al-dharīʿah* paling dapat dipertanggungjawabkan sebagai penilaian yang selektif dan proporsional terhadap sarana dan risiko tertentu, bukan sebagai penolakan menyeluruh terhadap praktik *adat*. Pengalaman perempuan menyoroti kekhawatiran tentang batas-batas agama dan penilaian masyarakat, yang menunjukkan bahwa beban reputasi dapat bersifat gender. Bukti kualitatif tidak menetapkan prevalensi setiap konfigurasi dan tidak membuktikan bahwa adaptasi apa pun menghilangkan kerugian berbasis gender. Artikel ini menyumbangkan konsep rekonstruksi prosedural bagi analisis sosio-legal terhadap penalaran hukum Islam dalam lingkungan normatif yang plural.

Kata kunci: *sadd al-dharīʿah; Nyuwito; komunitas Samin; martabat perempuan; pluralisme hukum*

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Introduction

Family life in Indonesia is shaped by overlapping normative orders. State law, Islamic jurisprudence, and customary law may coexist in the same community, sometimes reinforcing one another and sometimes generating uncertainty over status, authority, and acceptable conduct. The Samin community (also known as Sedulur Sikep) in Jepang Hamlet, Margomulyo, Bojonegoro, offers a focused case through which to examine how such legal pluralism is negotiated in everyday family practice. The relevant question is not simply whether *adat* or Islamic law prevails, but how community members interpret and adjust a customary institution when its valued purposes appear to conflict with religious and state norms.

Nyuwito occupies an important place in the customary sequence described in the study: *Nakokke*, an initial inquiry into a prospective partner's status; *Nglamar*, a proposal and exchange of customary tokens; Nyuwito or *Ngawulo*, a period of service and apprenticeship; and *Seksenan*, a customary celebration or concluding stage. Nyuwito is understood by participants as a way for a prospective groom to demonstrate effort, patience, work ethic, and readiness for marriage, while the two families observe compatibility. It is therefore more than a private courtship arrangement: it is embedded in a wider system of family recognition and customary legitimacy.[1]

The difficulty concerns the form Nyuwito takes before a formal marriage contract. In the variant termed Nyuwito Kumpul in the study, the prospective groom stays in the bride's family household, and the arrangement may involve close or shared domestic living before the couple is married. The study describes the customary expression *sego wes diemplok* ("the rice has been eaten") as a symbolic threshold following family approval. However, customary recognition or engagement does not itself make the couple spouses under Islamic family law or state marriage law. Where the practice involves secluded or unrestricted interaction before the contract, it raises concerns about *khalwat* and the potential for other harms. In Islamic law, a proposal (*khiṭbah*) does not change the legal status of the parties: they remain non-*maḥram* until the contract, and the Prophet prohibited a man from being alone with a woman unless a *maḥram* is present.[2] Jurists allowed a suitor to see the woman he intends to marry, but not to be alone with her.[3] The Compilation of Islamic Law (KHI) likewise provides that a proposal has no legal consequences and that the parties remain free to end it (Article 13(1)).[4] These categories should not be conflated: co-residence, *khalwat*, *ikhtilat*, and sexual relations are not interchangeable descriptions, and the available data do not establish that every Nyuwito Kumpul case involved sexual conduct.

Sadd al-dharīʿah offers a way to assess

[1] M. Taufiq and A. T. Kuncoro, "Pasuwitan sebagai Legalitas Perkawinan: Telaah Hukum Islam terhadap Perkawinan Suku Samin di Kabupaten Pati," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 1, no. 2 (2018): 53–70, https://doi.org/10.30659/jua.v1i2.2768; W. T. P. Ariyanto, "Adat 'Nyuwito' dalam Pernikahan Suku Samin Perspektif Fenomenologi (Studi di Dusun Jepang Desa Margomulyo Kecamatan Margomulyo Kabupaten Bojonegoro)," *SAKINA: Journal of Family Studies* 3, no. 4 (2019): 1–11.

[2] Muḥammad ibn Ismāʿīl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī*, ed. Muḥammad Zuhayr ibn Nāṣir al-Nāṣir (Beirut: Dār Ṭawq al-Najāh, 2001).

[3] Muwaffaq al-Dīn ʿAbd Allāh ibn Aḥmad Ibn Qudāmah, *al-Mughnī* (Cairo: Maktabat al-Qāhirah, 1968).

[4] Instruksi Presiden Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam (1991).

Vol. 13, Issue 02, 2026
P-ISSN: 2355-5173 E-ISSN: 2656-9477

conduct that may be permissible in itself but can become problematic because of its likely consequences. Al-Qarāfī distinguished means that are blocked by consensus, means that are permitted by consensus, and means on which jurists differ; [5] Ibn al-Qayyim regarded the blocking of means as a quarter of the obligations of the law and illustrated it with numerous examples; [6] and al-Shāṭibī graded means according to whether they lead to harm certainly, predominantly, frequently or only rarely. In the classical literature, its application is calibrated to the probability and seriousness of harm, the balance between harm and benefit, the actor's circumstances and intentions, and the availability of a less restrictive means of prevention. The doctrine should not be treated as an automatic rule that all customary practices must be prohibited. Rather, it asks whether a particular means creates a sufficiently strong pathway to harm and whether that pathway can be closed without unnecessarily destroying the practice's legitimate benefits.[7]

The gender dimension makes this inquiry particularly important. The study records women's concerns about religious boundaries and "*omongan masyarakat*" (what the community will say), as well as the possibility that a failed relationship after close premarital co-residence may produce reputational costs that are not distributed equally between women and men. "P-01"'s account, reproduced in the study, favours learning a prospective partner's character without "living together freely." "P-02" is also described as supporting changes that reduce the vulnerability associated with unrestricted co-residence. These accounts are analytically important, but they should not be treated as proof that all women in the community share one view or that a redesigned practice guarantees protection.

Existing scholarship has examined Samin marriage from historical, phenomenological, living-law, and legal perspectives. [8] Research also discusses the wider interaction of Islamic law, adat, and state law in Indonesia, including the harmonisation of Samin monogamy with state law,[9] the relationship between adat and state-incorporated living law,[10] legal pluralism in the marriage practices of other Indigenous communities,[11] and negotiated legal pluralism

[5] Shihāb al-Dīn Aḥmad ibn Idrīs al-Qarāfī, *Anwār al-Burūq fī Anwāʾ al-Furūq* (Beirut: ʿĀlam al-Kutub, n.d.).

[6] Shams al-Dīn Muḥammad ibn Abī Bakr Ibn Qayyim al-Jawziyyah, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn*, ed. Mashhūr ibn Ḥasan Āl Salmān (Dammam: Dār Ibn al-Jawzī, 2002).

[7] Abū Isḥāq Ibrāhīm ibn Mūsā al-Shāṭibī, *al-Muwāfaqāt*, ed. Mashhūr ibn Ḥasan Āl Salmān (al-Khobar: Dār Ibn ʿAffān, 1997); Wahbah al-Zuḥaylī, *Uṣūl al-Fiqh al-Islāmī* (Damascus: Dār al-Fikr, 1986).

[8] M. Rosyid, "Perkawinan Masyarakat Samin dalam Pandangan Hukum Negara," *Analisa* 17, no. 1 (2010): 19–30, https://doi.org/10.18784/analisa.v17i1.112; M. Rosyid, "Perempuan dalam Perkawinan Samin: Perlindungan Budaya versus Hukum Positif," *Musãwa: Jurnal Studi Gender dan Islam* 18, no. 2 (2019): 149–59; Ariyanto, "Adat 'Nyuwito' dalam Pernikahan Suku Samin"; Taufiq and Kuncoro, "Pasuwitan sebagai Legalitas Perkawinan"; D. A. Hartanto, "Membangun Hukum Nasional di Bidang Perkawinan Berdasar Nilai Kearifan Lokal: Studi pada Tradisi Perkawinan Masyarakat Samin (Sedulur Sikep) di Kudus," *Jurnal Meta-Yuridis* 4, no. 1 (2021), https://doi.org/10.26877/m-y.v4i1.6747; N. Wakhidah et al., "The Legal Culture of Samin Community of Family Law in Central Java," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 1 (2024): 126–50.

[9] I. Fadhilah, T. Kholiludin, and M. L. Hakim, "Exploring the Monogamy Principle in the Samin Community's Customary Marriages in Kudus: Harmonisation of Tradition and State Law," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023): 281–304, https://doi.org/10.18326/ijtihad.v23i2.281-304.

[10] A. S. Utama, "The Relationship between Adat Law and State-Incorporated Living Law in Indonesia," *Journal of Indonesian Legal Studies* 7, no. 1 (2022): 45–70.

[11] Andi Erni Erna Sari, Abdul Qadir Gassing, and Misbahudin, "Legal Pluralism of the Ammatoa (Ilalang Embaya) Indigenous Community in Marriage Aspects

in adat-based family dispute resolution. [12] Recent studies have also applied *sadd al-dharīʿah* to family-law questions, including the protection of victims of domestic violence under Supreme Court Circular No. 3 of 2023,[13] and to public controversies,[14] while *maqāṣid*-based reasoning has been used to rethink gender rights in marriage law[15] and to address marital conflict through *maṣlaḥah*. [16] The narrower gap addressed here is how a preventive Islamic legal principle is translated into practical changes in the sequence and conditions of a named customary practice, and how women's accounts complicate claims that customary continuity is necessarily protective.

The article addresses three questions: (1) What meanings and functions do participants attribute to Nyuwito, and how do the documented variants differ? (2) How can *sadd al-dharīʿah* be applied proportionately to the specific risks associated with premarital co-residence without treating the whole custom as inherently harmful? (3) What do women's accounts reveal about the distribution of reputational risk and the limits of claims that the reconstructed practice protects women's dignity?

The contribution is threefold. Empirically, the article distinguishes Nyuwito Kumpul, Nyuwito Partisipatif, and Akad Mendahului Magang as different configurations rather than treating Nyuwito as a uniform practice. Conceptually, it frames *sadd al-dharīʿah* as a selective assessment of means and consequences that can inform procedural reconstruction. Normatively, it argues that women's dignity should be assessed through concrete conditions consent, freedom from pressure, clarity of marital status, and distribution of social consequences not presumed from the preservation of custom or the invocation of religious norms alone. The argument is deliberately limited to the evidence available from one locality and does not claim universal applicability.

Method

This article is based on the empirical socio-legal and phenomenological research reported in the study *Tradisi Nyuwito dalam Proses Pernikahan Masyarakat Samin Perspektif Eklektisisme Hukum*, which focuses on the Samin community in Jepang Hamlet, Margomulyo, Bojonegoro Regency, East Java. The site was selected because Nyuwito remains a locally meaningful marriage-related institution and because its practice brings

(Analysis Study of Maqasid al-Shari'ah)," *Transformatif* 6, no. 2 (2022): 131–42, https://doi.org/10.23971/tf.v6i2.3577; Ni Ketut Sari Adnyani, Gede Marhaendra Wija Atmaja, and I. Ketut Sudantra, "Indigenous People between Recognition and Disclaimer of Legal Pluralism Perspective," *International Journal of Multicultural and Multireligious Understanding* 8, no. 9 (2021): 352, https://doi.org/10.18415/ijmmu.v8i9.2762.

[12] Maulana Yusuf et al., "Negotiated Legal Pluralism in Adat-Based Family Dispute Resolution: Islamic Law, Malay Custom, and Family Resilience in Lingga Regency," *Journal of Islamic Law* 7, no. 2 (2026): 275–303, https://doi.org/10.24260/jil.v7i2.5252.

[13] Shofiatul Jannah et al., "Legal Protection of Victims of Domestic Violence in Divorce: Sadd al-Żarī'ah's Analysis of SEMA No. 3/2023," *Asy-Syari'ah: Journal of Islamic Law* 28, no. 1 (2026): 101–32, https://doi.org/10.15575/as.v28i1.46287.

[14] M. I. Tanzilulloh and K. N. A. Agmar, "Virality, Justice and the Principle of Sadd al-Dhari'ah," *Lex Lectio Law Journal* 4, no. 1 (2024): 45–60.

[15] Thoat Stiawan et al., "Reconstructing Maqāṣid al-Nikāḥ: A Comparative Analysis of Gender Rights in Indonesian and Iranian Marriage Law," *Al-Manahij: Jurnal Kajian Hukum Islam* 20, no. 2 (2026): 291–314, https://doi.org/10.24090/mnh.v20i2.15631.

[16] Apriyanti Apriyanti and Uswatun Hasanah, "Nusyuz of Husband and Wife in the Maslahah Perspective," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 25, no. 1 (2025): 18–35, https://doi.org/10.19109/nurani.v25i1.25328.

Vol. 13, Issue 02, 2026
P-ISSN: 2355-5173 E-ISSN: 2656-9477

customary authority, religious interpretation, and state marriage administration into direct contact.

The sample was purposive and qualitative; it was not intended to be statistically representative.

Table 1. Distribution and Analytical Relevance of Key Informants

Informant group	Reported number	Analytical relevance
Customary authorities and community leaders	3	Historical meaning, customary sequence, local expectations, and interpretations of change.
State and religious actors	4	Religious boundaries, marriage registration, and interactions with state and religious institutions.
Practitioners and family members	12	Lived experiences, practical adaptations, gendered concerns, and family negotiation.
Total	19	Purposive qualitative sample; not intended to be statistically representative.

Source: Primary data processed from field research interviews.

Primary data were collected through semi-structured, in-depth interviews. Participants included customary and community representatives, religious and state actors, younger community members, and women with experience of Nyuwito. Before the interviews, participants gave verbal informed consent to take part in the study. To protect confidentiality, participants are identified only by initials or coded identifiers throughout this article; names and potentially identifying details have been omitted.

The study did not involve direct observation of intimate domestic arrangements. Instead, non-participant observation was conducted using a corpus of 24 visual records, comprising community recordings and documentary footage concerning publicly visible Nyuwito and *Seksenan* activities. The visual materials were considered alongside interview accounts. Because the recording dates were not consistently available in the materials reviewed, no date range is reported. These records help contextualize ceremonial sequences and visible spatial arrangements, but cannot independently establish what occurred in private spaces or the frequency of particular practices.

The visual corpus was used to contextualize publicly visible ceremonial sequences and spatial arrangements, not as evidence of private domestic conduct. The study did not rely on official marriage records as an empirical source.

The study is limited by its single-site focus, purposive sample, and restricted access to private domestic settings. It cannot establish the prevalence of each Nyuwito variant across all Samin communities, nor can it demonstrate that a given procedural change eliminates sexual misconduct, stigma, or gender inequality. These limitations are incorporated into the interpretation of the findings.

Result and Discussion

Nyuwito as a Customary Apprenticeship and a Site of Unequal Risk

The findings show that Nyuwito is one stage in a wider customary process, rather than an isolated act of co-residence. *Nakokke* establishes whether the prospective woman is already committed to another person; *Nglamar* communicates the proposal and may involve the exchange of a symbolic token; Nyuwito provides a period of service and observation; and *Seksenan* marks a later customary stage. The sequence gives the families and the community a role in recognizing a prospective marriage, while the apprenticeship allows the

prospective groom's conduct and work ethic to be assessed.

Participants associate the apprenticeship with values such as *trok(al)* (diligence or effort), patience, responsibility, and the avoidance of undesirable dispositions expressed in local phrases such as *ojo jengkri*, *srei*, *dawen*. These meanings help explain why a blanket abolition of Nyuwito may be experienced as a threat to customary continuity. The empirical question is therefore how to preserve these valued functions without assuming that every inherited arrangement is harmless.

The findings distinguish a form called Nyuwito Kumpul, where the prospective groom resides in or closely shares the domestic setting of the prospective bride before the contract, from forms where he comes to help during the day and returns home. The former creates a context in which private interaction and uncertainty about marital status may arise. Yet the analytical categories must remain precise. Co-residence is not itself proof of *khalwat* in every instance, and neither co-residence nor *khalwat* is evidence that sexual relations occurred. The concern is prospective: whether the setting creates a credible pathway to conduct that participants or the applicable religious framework regard as prohibited, and whether that pathway can be reduced through less restrictive arrangements.

Women's accounts make visible a dimension that cannot be inferred from customary ideals alone. One woman participant, identified as P-01, stated in translation that it was preferable to learn a partner's character without living together without clear boundaries. Her account referred to religious boundaries and community opinion, and pointed to anticipated reputational asymmetry if a relationship failed. This testimony does not establish that all women experience the same consequences; rather, it shows that at least one participant assessed Nyuwito in terms of both family compatibility and gendered exposure to social judgment.

This finding requires a critical rather than romanticized account of customary law. Community recognition may offer belonging and a shared framework for decision-making, but it can also generate pressure to comply. Likewise, religious norms may be understood as protective by some women and young people, while also functioning as a source of moral scrutiny. Neither *adat* nor religious law should be presumed uniformly emancipatory or oppressive. The relevant question is how a specific arrangement distributes choice, protection, obligations, and reputational costs.

Applying *Sadd al-Dharīʿah* Proportionately

The analysis of *sadd al-dharīʿah* translates the classical criteria discussed above into a set of analytical checks: identify the underlying act and its purpose; assess the likelihood that the means will lead to harm; compare the harm to be prevented with the benefit that might be lost; consider the actors' circumstances and intentions; and prefer a less restrictive effective measure where one is available. These checks prevent the doctrine from being used as a general slogan for rejecting an entire tradition. They correspond to the classical requirements that the means must lead to harm with at least predominant probability, that the harm to be prevented must outweigh the benefit lost, and that blocking the means must not itself cause a greater harm.[17]

[17] al-Shāṭibī, *al-Muwāfaqāt*; al-Zuḥaylī, *Uṣūl al-Fiqh al-Islāmī*.

Vol. 13, Issue 02, 2026
P-ISSN: 2355-5173 E-ISSN: 2656-9477

Applied to Nyuwito, the underlying purposes service, character assessment, responsibility, and family familiarization are analytically distinct from the specific arrangement of unrestricted premarital co-residence. The first set of purposes may be retained; the second arrangement can be modified where it creates an unacceptable risk of secluded interaction or exposes participants to status ambiguity and unequal reputational consequences. The doctrine's operation is thus selective: it targets a pathway and its conditions, not the customary institution in its entirety. In the vocabulary of *uṣūl al-fiqh*, the service and assessment functions of Nyuwito constitute valid custom (*ʿurf ṣaḥīḥ*), which the maxim *al-ʿādah muḥakkamah* (custom is a source of legal determination) allows to be retained, whereas unrestricted pre-contract co-residence is the element of custom that conflicts with a textual prohibition and is therefore invalid (*ʿurf fāsid*). [18] Selective reconstruction is thus a familiar operation in Islamic legal reasoning rather than a departure from it.

This application should not be described as a conclusive juristic ruling for every case. The study uses *sadd al-dharīʿah* as an interpretive tool within a wider socio-legal analysis. The degree of risk must be argued from the actual conditions of the practice rather than assumed from the label "traditional." Where the risk is uncertain or can be reduced through supervision, separate sleeping arrangements, bounded visiting hours, or a change in sequence, the proportionality of the intervention should be discussed. Where such safeguards are not effective, a stronger restriction may be justified within the normative framework adopted by the study.

The gender-related dimension broadens the harm assessment beyond sexual transgression narrowly conceived. Participants' concern about *wirang* deep shame or reputational damage shows that the consequences of an uncertain premarital arrangement may extend to social standing and future relationships. However, the article does not claim that *ḥifẓ al-ʿirḍ* (protection of honour), which al-Qarāfī added to the five classical necessities,[19] is interpreted identically by all schools or actors. It uses protection of dignity and honour as a *maqāṣid*-oriented concern within this study's analytical framework, while acknowledging that the practical meaning of "protection" must be tested against women's own accounts and not imposed on them. Recent discussions of Islamic family justice similarly recognise psychological and reputational harm alongside legal harm,[20] and the protection of women's rights when a relationship ends has been a recurring concern of Indonesian family law.[21]

[18] Jalāl al-Dīn ʿAbd al-Raḥmān al-Suyūṭī, *al-Ashbāh wa al-Naẓāʾir* (Beirut: Dār al-Kutub al-ʿIlmiyyah, 1990).

[19] Shihāb al-Dīn Aḥmad ibn Idrīs al-Qarāfī, *Sharḥ Tanqīḥ al-Fuṣūl*, ed. Ṭāhā ʿAbd al-Raʾūf Saʿd (Cairo: Sharikat al-Ṭibāʿah al-Fanniyyah al-Muttaḥidah, 1973).

[20] Farida Nurun Nazah et al., "Reforming Islamic Family Justice: Integrating Legal and Psychological Perspectives in Handling Polygamy and Divorce Cases in Indonesia," *Nusantara: Journal of Law Studies* 5, no. 2 (2026): 1226–59, https://doi.org/10.66325/nusantaralaw.v5i2.290.

[21] Fadil Fadil, Zidna Mazidah, and Zaenul Mahmudi, "Fulfillment of Women's Rights After Divorce: Dynamics and Transformation in the Legal Journey," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 1 (2024): 1–20, https://doi.org/10.18860/j-fsh.v16i1.25713; Nurlaila Harun et al., "Beyond Procedural Efficiency: Cumulative Itsbat Nikah, Divorce Litigation, and Women's Post-Divorce Rights in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 2 (2026): 253–64, https://doi.org/10.31958/juris.v25i2.16638.

Nyuwito Partisipatif: Preserving Apprenticeship While Changing Its Conditions

The findings identify Nyuwito Partisipatif as a contemporary adaptation in which the prospective groom continues to help the bride's family and remains subject to observation, but does not necessarily stay overnight. Interaction is bounded spatially and temporally: work or service may take place during the day, sleeping spaces are separated, and the prospective groom returns to his own household. This modification preserves the apprenticeship's visible and relational functions while reducing the conditions associated with unrestricted nighttime interaction.

The value of this model is not that it can be declared risk-free, but that it illustrates a less restrictive intervention than abolishing Nyuwito. In the terms of *sadd al-dharīʿah*, the target is the specific arrangement that can open a pathway to harm, while the service and assessment functions remain. Spatial demarcation concerns where the participants interact and sleep; temporal demarcation concerns when interaction occurs and when the prospective groom returns home. These are concrete social arrangements through which an abstract preventive principle can become operational.

Some younger participants and women expressed support for this adaptation. A younger participant, identified as Y-01, explained that the current generation seeks to respect parental custom while maintaining religious boundaries; some now undertake *ngawulo* without living together as before. These statements provide qualitative evidence of the views of particular participants, not a basis for claiming that all younger people or all women endorse the same model.

Nor should Nyuwito Partisipatif be presented as guaranteeing women's dignity. It may reduce one identified source of risk, but it does not by itself ensure free consent, prevent family pressure, or remove all reputational sanctions if the relationship ends. A stronger claim would require evidence about women's ability to refuse or discontinue the arrangement, how responsibilities and costs are distributed, and whether the modified practice changes community responses to a failed match. The available evidence supports a narrower conclusion: some participants regard spatial and temporal boundaries as a more acceptable way to retain customary learning while reducing exposure to risks associated with unrestricted co-residence.

Contract-First Apprenticeship: Reconstructing the Sequence

A second adaptation identified in the study is Akad Mendahului Magang, literally, "the marriage contract precedes the apprenticeship." In the sequence described by the study, the religious marriage contract and state registration are completed before the period of *ngawulo*. The apprenticeship then occurs after the couple has acquired the status of spouses, while *Seksenan* may still serve as a customary celebration or recognition. Unlike Nyuwito Partisipatif, which changes the spatial and temporal conditions of the customary stage, this model changes the order of the stages.

This model addresses the status ambiguity at the root of the concern about non-*mahram* interaction: after a valid marriage contract, the couple's relationship is no longer premarital. The contract must, of course, meet the pillars and conditions of marriage, since a defective

Vol. 13, Issue 02, 2026
P-ISSN: 2355-5173 E-ISSN: 2656-9477

contract may be voidable or void.[22] Because registration at the Office of Religious Affairs (KUA) gives the marriage legal force under Article 2(2) of the Marriage Law, this model also protects women and children from the vulnerabilities associated with unregistered marriages,[23] including secret (*sirri*) and cross-border marriages,[24] provided that the couple meets the minimum marriage age of 19 under Article 7(1) of the Marriage Law, as amended by Law No. 16 of 2019.[25] The findings frame this as a locally negotiated adjustment rather than simply an imposition by state officials. Religious figures, families, and marriage administration form part of the normative environment in which the sequence is reworked. The model demonstrates how legal change may occur through the reordering of practice, even without the abolition of the custom's service-oriented function.

The model is described as a locally reported adaptation in a subset of cases, not as a widespread or formally codified practice.

The two adaptations therefore sit on a continuum of procedural reconstruction. Nyuwito Partisipatif retains the sequence but alters the conditions of interaction. Akad Mendahului Magang changes the sequence so that the contract precedes the apprenticeship. Both seek to preserve valued elements of the customary practice while responding to concerns about pre-contract interaction. Neither should be treated as a universal solution without attention to local consent, actual practice, and the diversity of community views.

Comparative Synthesis

Table 2. Qualitative Typology of Nyuwito Configurations and the Application of *Sadd al-Dharīʿah*

Dimension	Nyuwito Kumpul (historical/less bounded form)	Nyuwito Partisipatif	Akad Mendahului Magang
Sequence	Nyuwito occurs before the marriage contract.	Nyuwito occurs before the contract, but with boundaries.	Marriage contract and registration precede *ngawulo*.
Spatial/temporal arrangement	Potentially close or shared domestic living; arrangements vary.	Daytime service, separate sleeping arrangements, return home at night, as reported.	Apprenticeship takes place after the couple are married.
Customary function	Character assessment, service, and family familiarization retained.	These functions are retained through work and bounded interaction.	Service and assessment functions are retained after the contract.
Sadd al-dharīʿah analysis	Potentially higher concern where unbounded private interaction creates a credible pathway to harm.	Selective restriction of conditions associated with the identified risk.	Sequence is changed to address premarital status ambiguity at its root.

[22] Fitri Hidayat, "Interpretation of Judges toward Fasid and Batil Marriage," *Trunojoyo Law Review* 1, no. 1 (2019): 61–75, https://doi.org/10.21107/tlr.v1i1.5259.

[23] Ramdani Wahyu Sururie and Dio Ashar Wicaksana, "Legal Protection of Women in Unregistered Inter-Citizen Marriage," *Al-'Adalah: Jurnal Hukum Islam* 16, no. 2 (2020): 355–74, https://doi.org/10.24042/adalah.v16i2.5361; Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahah* 15, no. 1 (2025): 125–48, https://doi.org/10.23971/el-mashlahah.v15i1.9068.

[24] Sri Wahyuni, Ahmad Abdlkareem Sarairah, and Mohamed W. Abouyounes, "Cross-Border Nikah Sirri between Malaysia and Indonesia: Contemporary Legal and Social Dynamics in Borneo," *MILRev: Metro Islamic Law Review* 5, no. 1 (2026): 611–34, https://doi.org/10.32332/milrev.v5i1.11047.

[25] Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, sebagaimana diubah dengan Undang-Undang Nomor 16 Tahun 2019 (2019).

Dimension	Nyuwito Kumpul (historical/less bounded form)	Nyuwito Partisipatif	Akad Mendahului Magang
Gender-related implications	Women may bear disproportionate reputational costs if the relationship fails; the extent varies and needs case-level evidence.	May reduce exposure to a particular risk, but does not guarantee freedom from pressure or stigma.	May clarify marital status before apprenticeship, but does not by itself establish gender equality.
Evidence status	Historical and current accounts; not a measured prevalence estimate.	Qualitative accounts of an adaptive form; frequency not established.	Reported in a subset of cases; prevalence not established.

Source: Qualitative synthesis of field observations, interviews, and doctrinal analysis.
Note: "Higher concern," "may reduce," and "may clarify" are analytical assessments, not quantified risk scores. The categories summarize the qualitative evidence from this study and should not be read as a statistical ranking of all cases.

Legal Pluralism, Procedural Eclecticism, and the Limits of Protection Claims

The case illustrates legal pluralism because customary expectations, Islamic legal reasoning, and state marriage administration remain simultaneously relevant.[26] Interlegality helps describe how these normative orders influence one another in practice:[27] community members do not necessarily choose a single system and discard the others. Instead, they negotiate the meaning of customary service, the limits of premarital interaction, and the timing of legal marriage. The broader framework of legal eclecticism, associated with A. Qodri Azizy, helps interpret this selective integration of normative elements.[28] Comparable interactions between customary and Islamic norms have been documented in historical codes such as the Simbur Cahaya of Bengkulu[29] and in comparative studies of customary jurisdiction,[30] while research on Muslim family law in Indonesia, Malaysia and Kazakhstan shows recurring ambivalence and gaps between state regulation, religious norms and enforcement.[31]

For this article, the more specific concept is procedural reconstruction: the customary objective is retained while the means or sequence is altered. The concept is close to, but narrower than, the classical principle that

[26] John Griffiths, "What Is Legal Pluralism?," *Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (1986): 1–55; P. S. Berman, ed., *The Oxford Handbook of Global Legal Pluralism* (Oxford University Press, 2020).

[27] Boaventura de Sousa Santos, "Law: A Map of Misreading. Toward a Postmodern Conception of Law," *Journal of Law and Society* 14, no. 3 (1987): 279–302, https://doi.org/10.2307/1410186; D. Sumardi, R. Lukito, and M. N. Ichwan, "Legal Pluralism within the Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *SAMARAH: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021): 426–49, https://doi.org/10.22373/sjhk.v5i1.9303.

[28] A. Q. Azizy, *Eklektisisme Hukum Nasional: Kompetisi antara Hukum Islam dan Hukum Umum* (Gama Media, 2002).

[29] A. A. Musofa and A. R. Syam, "Between Repair and Domination: Ta'zīr, Restorative Moderation, and Power in Kitab Simbur Cahaya of Bengkulu, Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 25, no. 2 (2026): 279–90, https://doi.org/10.31958/juris.v25i2.16651.

[30] E. Kurniawan, S. B. M. Samae, and M. A. C. Noh, "From Nagari to Gacaca: A Comparative Analysis of Minangkabau and Rwandan Customary Jurisdictions in Post-Crisis Land Reconciliation," *Customary Law Review* 1, no. 1 (2026): 71–84, https://doi.org/10.64929/clr.v1i1.79.

[31] T. D. Wirastri and S. C. van Huis, "The Second Wife: Ambivalence towards State Regulation of Polygamy in Indonesia," *Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 246–68; Zuliza Mohd Kusrin et al., "Revisiting Polygamous Marriage Laws in Malaysia: Addressing Enforcement Gaps and Contemporary Challenges in Islamic Family Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 12, no. 2 (2025): 570–85, https://doi.org/10.29300/mzn.v12i2.8651; Binur Taitorina et al., "Conflict of Laws Rules in Kazakhstan's International Family Law: Implications for Cross-Border Muslim Marriages," *Al-Istinbath: Jurnal Hukum Islam* 11, no. 2 (2026): 655–83, https://doi.org/10.29240/jhi.v11i2.14068.

Vol. 13, Issue 02, 2026
P-ISSN: 2355-5173 E-ISSN: 2656-9477

rulings may change with time and place[32] and Azizy's legal eclecticism: it denotes a change in the means or the sequence of a practice while its purpose is kept constant. This is not the same as claiming that the different legal orders have become fully harmonious. The study records competing generational orientations and tensions between fear of cultural shame and concern about religious boundaries. These tensions matter because adaptation may be negotiated under unequal power conditions. A procedure can change while the social expectation to comply remains strong. Community-level intermediaries such as village mediators[33] and gender-responsive practices in the religious courts [34] show that such negotiations can also be structured to protect the weaker party.

The article's theoretical contribution is therefore narrower and more defensible than a claim to have produced a universally applicable theory. It proposes that *sadd al-dharīʿah* can be examined as a mechanism of selective procedural reconstruction within a plural legal setting. The doctrine supplies a preventive question what specific means creates a credible pathway to harm? while legal pluralism and interlegality explain how actors negotiate a response, and procedural reconstruction describes the observable form that response takes. Further comparative research would be required to test whether this analytical sequence travels to other communities or legal contexts.

Women's dignity should be treated as an empirical and normative question rather than as an automatic result of legal harmonization. In this article, dignity (*karāmah*) is understood both in the Qur'anic sense that God has honoured the children of Adam (Q. al-Isrāʾ 17:70) and in the human-rights sense of equal worth and freedom from degrading treatment, an understanding increasingly integrated into Indonesian family law.[35] Studies of women's agency in divorce, in digital *khulʿ* proceedings and in household economies show that this dignity has concrete legal and economic dimensions.[36] The women's accounts in the study indicate that some participants prefer bounded interaction and clearer marital status. They do not establish that every woman is empowered, that all women support the adaptations, or that stigma has disappeared. A robust protection claim would require additional evidence on women's consent, their role in choosing the model, the ability to end an arrangement without punishment, and actual outcomes when a relationship is discontinued.

[32] Ibn Qayyim al-Jawziyyah, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-ʿĀlamīn*.

[33] Fadzlurrahman, A. Zaenurrosyid, and Tali Tulab, "The Urgency of Village-Level Mediators in Reducing Divorce Rates on North Central Java," *Istinbath: Jurnal Hukum* 22, no. 1 (2025): 41–60, https://doi.org/10.32332/istinbath.v22i01.10296.

[34] Meisy Fajarani et al., "Judicial Strategies in Addressing Domestic Violence: Gender-Responsive Legal Analysis from the Religious Court of Malang Regency, Indonesia," *Justicia Islamica* 23, no. 2 (2026): 477–504, https://doi.org/10.21154/justicia.v23i2.11804.

[35] I. Nyoman Sujana et al., "The Marriage Law Reform in the Global Era: Integrating Human Rights into Family Law," *Jurnal Hukum* 42, no. 1 (2026): 184–201, https://doi.org/10.26532/jh.v42i1.48618.

[36] Rosdalina Bukido et al., "Divorce Among Female Muslim Civil Servants: Legal Perspectives in Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 25, no. 1 (2025): 85–116, https://doi.org/10.18326/ijtihad.v25i1.85-116; A. Muhtar et al., "Digital Khulʿ and Algorithmic Mediation in Indonesia's e-Court: Redefining Female Agency in Islamic Family Law," *Islamic Law and Social Issues in Society* 2, no. 1 (2026): 109–29, https://doi.org/10.64929/ilsiis.v2i1.28; Yadi Janwari et al., "The Role of Female Migrant Workers and Their Contributions to Household Economic Welfare: Relevance to Islamic Law," *Al-Muamalat: Jurnal Ekonomi Syariah* 11, no. 2 (2024): 269–80, https://doi.org/10.15575/am.v11i2.34007.

The present study supports a finding of perceived risk reduction among some participants, not a definitive demonstration that the adaptations eliminate gendered harm.

Conclusion

This study has examined the reconstruction of Nyuwito in the Samin community of Jepang Hamlet through the preventive logic of *sadd al-dharīʿah*. The findings show that Nyuwito is not a uniform practice: the study distinguishes Nyuwito Kumpul, Nyuwito Partisipatif, and Akad Mendahului Magang. These configurations retain, modify, or reorder the apprenticeship function in different ways.

Empirically, the findings indicate a shift in some cases from close premarital co-residence toward bounded daytime service, and a further model in which the marriage contract precedes apprenticeship. Women's accounts highlight concern about religious boundaries and community judgment, making clear that the consequences of a failed premarital arrangement may be gendered. The evidence is qualitative and locality-specific; it does not establish the prevalence of each model or prove that all women experience or evaluate the practice in the same way.

Theoretically, the case suggests that *sadd al-dharīʿah* can be used not only to justify a blanket prohibition but also to assess and redesign a specific means when the underlying customary objective can be preserved by less risky arrangements. Legal pluralism and interlegality help explain the interaction of *adat*, Islamic norms, and state institutions, while the term procedural reconstruction captures the observed change in spatial, temporal, or sequential arrangements. This reading is consistent with recent applications of *sadd al-dharīʿah* in Indonesian family law that use the doctrine to protect, rather than merely to restrict.[37]

Future research should compare cases across Samin communities, include a wider range of women's experiences, and document how families respond when a Nyuwito arrangement ends without marriage. Beyond this case, the framework of procedural reconstruction may offer a comparative analytical tool for scholars examining legal pluralism in other Indigenous communities and Muslim-minority settings, including other Indigenous communities in Southeast Asia and plural family-law settings in Africa, [38] while remaining attentive to each community's distinct history, institutions, and gender relations. In practice, officials of the KUA, religious counsellors (*penyuluh agama*) and customary leaders could use the distinction between the purposes and the means of Nyuwito to discuss the practice with families without condemning the custom as a whole.

Credit Authorship Contribution

Syahid Akhmad Faisol: Conceptualization, fieldwork and investigation, data curation, formal analysis, and writing – original draft. Roibin: Supervision, methodology, and validation. Fadil: Islamic legal analysis of sadd al-dharī'ah and family law, and writing – review & editing. Abd. Rouf: Socio-legal methodology, validation, and writing – review & editing. Rachmad Arif Ma'ruf: Literature review and resources.

[37] Jannah et al., "Legal Protection of Victims of Domestic Violence in Divorce: Sadd al-Żarī'ah's Analysis of SEMA No. 3/2023."

[38] A. Diala, "Legal Pluralism and the Future of Personal Family Laws in Africa," *International Journal of Law, Policy and the Family* 35, no. 1 (2021): ebab002, https://doi.org/10.1093/lawfam/ebab002.

Ibrahim Maulana Syahid Nur 'Ala: Data curation (transcription and management of the visual records) and visualization.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this article.

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The authors declare that artificial intelligence (AI) tools were used solely to assist with language refinement and grammatical improvement during manuscript preparation. The authors take full responsibility for the accuracy, originality, interpretation, and integrity of the content and confirm that the final manuscript has been reviewed and approved by all authors.

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