SOCIOLOGICAL INTERPRETATION OF HAK IJBAR (RIGHTS TO FORCE) OF WALI (MALE GUARDIANS) IN MARRIAGE PRACTICE OF BIMANESE MUSLIM IN EASTERN INDONESIA

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Abstract

This article aims to shed light on the dialectics of Islamic law and socio-cultural aspects on how the Bimanese Muslim interpreting and applying hak ijbar (rights to force) of male guardians to marry their daughters to a prospective grooms of their choice. This ethnographic study amplifies the narrative of the Indonesian Muslim community from small ethnic groups such as Bima which are still under-studied. Therefore in the framework of the Indonesian Islam (Islam Nusantara) as it is being developed in Indonesia today, the results of this study are far-reaching, that is to provide more nuanced Islamic law and practices in Indonesia. Furthermore, this study rectifies the general view of ijbar rights which is merely connoted with the rights of father and grandfather to marry women off by force. This article argues that ijbar's rights are peculiarly defined and dynamically practiced which are shaped by social development, marriage traditions, and cultural values in particular societies.

KEYWORDS: Ijbar rights, Islamic law, marriage practices, law in text, law in action.

INTRODUCTION.

In the Bimanese Muslim, ijbar's rights are closely related to the tradition of choosing a prospective partners which involves the practice of ngge’ e nuru (prospective grooms living with the families of prospective wives) and londo iha (eloping when there is no agreement between parents and children on their mate to be). The ijbar rights, thus, not only on the hands of male guardians or wali ¹(father and grandfather) (Az Zuhaili, 1989:186; Muchtar, 1993:93) to force their daughters as fiqh (Islamic laws) formulated (Syafi’i, 2011:162-163; al Dimyati, 1998:53)² but also of the mothers and female relatives. Both prospective brides and grooms are similarly possible to be the objects of ijbar practices as well as to resist of being objectified. The following account illustrates one of ways on how ijbar rights are practiced:

Having been cross-cousins, Munira and Ahmad, were actually not bound by romance as young people who are dating. They both grew up to be teenagers in different environments. Munira lives in the village with parents and relatives, while Ahmad was a migrant in Jakarta. Munira and Ahmad are both the eldest children of the two siblings. Munira's father is a

¹Wali in the fiqh means people who have regulatory powers about those under guardianship without the permission of others. Wali also means full mastery given by religion to do something: controlling and protecting people or goods.

²Wali who have authority to force to marry off their daughters/granddaughters is called wali mujbir and those are fathers and grandfathers from male lines.
younger brother of Ahmad's mother. One day Ahmad came home and stayed in the village for a period of time. The family planned to immediately marry him off to Munira. The main actors of this match making process were their aunts, Umi Nitu, the younger sister of Ahmad's mother and older sister of Munira’s father. It is this aunt who is the mediator of both sides, decision maker and main manager of processions and knick knacks of the wedding event. Due to her persistent efforts, starting from persuading her nephew and niece to obtaining the approval of all the family, the marriage eventually took place.

However, not long after the marriage contract declared, a problem occurred. It turned out that the agreement of the bride and groom was only a drama, because after the wedding the relationship and communication between the two was not as appropriate as a husband and wife's. Even unexpected event appeared on the second day of their marriage. The bride - Munira - ran away from home, with her loyal boyfriend. They underwent londo iha (elopement).

The above case provides an interesting and rich illustration related to the process of matchmaking prior to marriage in the Bimanese Muslim. Normatively, classical fiqh (Islamic law) introduces the concept of ijar rights as the rights possessed by fathers and grandfathers (on the father's side) called ‘wali mujbir’ to match daughters/granddaughter with men whom they see fit. The norms of fiqh in its implementation are not always linear because, as in the case above, aunts are the main actors of the matchmaking process which is not identified as wali mujbir in the fiqh views. Culturally, ijar's rights can be attached to aunts and not only are directed to his niece (Munira) but also his nephew (Ahmad). Both are objects that are arranged or even forced to marry. However, in above case ijar rights cannot be strictly carried out because there were resistance from both sides, especially from Munira who then decided to fight the matchmaking system by running and marrying the young man of her own choice. The case therefore illustrates the frequent gaps between law in text and law in action.

Islamic family law, including marriage law, has long been suspected of being a barn of gender injustice. (Subhan 1999; Umar, 1999) The issue of ijar's rights and mujbir guardian's is one of them. This is a 'general diagnosis' of marital law as proposed by Kerber and de Hart (2004:55) that "if we want to understand the gender system in a culture, the rules of marriage are a place to start."

The issue of the right to be a guardian of marriage itself revolves around how this position is only left to the male line (Esposito, 1982: Nasution: 2001; Tahir, 1987; Tahir, 2002) Instead of women, including a mother, can be a guardian, a woman becomes an object that can be forced by male guardians to be married to their choice. This is what is generally understood as the concept of ijar. In fact, there are people who have adopted them into forced marriage practices as in Madura, East Java. (Sa’dan, 2015). However, other Muslim communities have their own interpretations of these rights. For example, Sasak Muslim community of Lombok, West Nusatenggara facilitates women to carry out merariq (elopement) (Zuhdi, 2012).

A richer and more varied understanding of ijar's rights will be obtained through an assessment of its implementation in the community. Therefore, the discussion about ijar's rights is not representative if it disregards the way Muslim societies interpret and embody the concept of ijar's rights according to their cultural background. This is what is meant as a sociological interpretation targeted by this study.

Sociological interpretation was formulated by Bowen (2003: 5) as "socially embedded forms of public reasoning," a form of community argumentation resulting from social processes. This argument can take the form of interpretations, justifications, or resistance to norms and laws, especially in terms of marriage, divorce and inheritance.

The sociological interpretation is certainly influenced by the cultural values that live in a particular society. Laws related to ijar rights are not clearly stated in the Qur'an and Hadith. The most distant reference to ijar is the opinion of the Islamic jurists in various of
Islamic schools, known as *fiqh*. *Fiqh* itself is a dynamic understanding of Islamic law as the results of sociological process and relations and thus, mundane and relative. However it is often considered as sacred and absolute. Consequently, the Muslim community becomes insensitive to the "practices" of Muslim communities in various locus and tempus, even though practices are just another sides of the representation of Islamic law in addition to "resources."

Based on the above points of views, this study raises several questions: how the Bimanese Muslim interpreted and implemented the *ijbar* rights from Islamic texts into their marriage traditions? And what social values and cultural contexts that underlie the interpretations and implementations?

Those questions are addressed to find creative ways of reconciling the universality of religious teachings with the particularity of local dynamics. It is important because while Muslims have done so much discussions and efforts in the indigenization of Islam, means descending the sacred text to be compatible with local situation, they have less in attempting to transcending the local practices up to the sacred level. This effort can be called as the sacralization of locality. In our opinion, it can be done by putting more into account the practices (actions) in the development of Islamic laws and considering those as having parallel significance as resources (texts). The sacralization of locality can be an alternative to ensure the flexibility of Islamic law while maintaining it's noble nature at the same time.

This study uses a paradigm coined by Bowen (2012) as "New Anthropology of Islam" which provides an understanding of Islam by approaching Muslim religious practices. Through this paradigm Bowen advocates presenting two inseparable elements of Islamic heritage, namely "resources" in the form of the text of the Qur'an which have become the basis of Muslim religious practices, and "practices" which are observable implementation of the former. If the text can be reinterpreted and subject to various understandings, then the practice illustrates how Muslims contextualize their religious resources in the dynamics of social life.

In other words, while resources is descended to everyday living, the practices is transcended to normative reasons after wrestling with social conditions. Bowen further pointed out that the way to see Islam above produces two complementary analytical strategies: "focusing inward" and "opening outward" (Bowen, 2012). With the first strategy, the researchers look for Muslim stories and testimonies, which are used to understand personal intentions and emotions in religious practices. With the second strategy, researchers refer to the basis of religious justification and the social conditions of these practices. These two analytical methods leads to more nuanced understanding of both particularity and universality of Islamic laws.

In a theoretical perspective, the views on *ijbar* rights sharpen the polarization of Islamic jurists whether they used the principles of equality and justice (*al musawa and al ‘adalah*) in their studies and opinions or not. For groups that do not integrate these principles, *ijbar*’s rights are considered as the absolute rights of *wali mujbir* and on the basis of consideration of the lack of women's capacity in decision making. Whereas for Islamic jurists who consider the principles seeing the rights of *ijbar* as not intended to seize women's freedom but for the benefit of the woman herself (Hasyim, 2001; Hamidah, 2011).

In modern sociology, the attitude and position of women as having ability to make decision are called agencies. Agencies simply mean "capacity to act." Basically, agencies are understood as unique and inherent in humans, men and women (Eduards, 1994; Errington, 1989; Smith and Syamsiyatun; 2008; O’Shaughnessy, 2009). However, whether women really have the power to exercise rights, because the subordinate status is still the focus of academic attention. Indeed, many studies that raise the issue of women's agency, challenge the assumption of the results of the patriarchal viewpoint that women lack agency (Fauzia, 2008; Srimulyani, 2008; Syamsiyatun, 2008; Parker and Dales, 2014; Platt, 2016). Returning to the premise that agencies are inherent in all humans, women actually have rights, regardless of
their position in the social structure, but the way they exercise their rights, may not be clearly acknowledged. This happens because women are born and raised in certain social and cultural contexts, which have certain obstacles in implementing the agency.

Anthony Giddens, with the working concept of "structural duality" in structuration theory, presupposes agency (personal capacity) and structure (external influence) as working together in a parallel position. While the structure acts as a cause for someone to initiate certain actions, the person actually has individual knowledge to understand the situation. This understanding is influenced by social, cultural and religious life, which shapes personal knowledge. Thus, having personal knowledge, being aware of broader structural influences, and understanding the conditions of how personal and structural aspects go hand in hand, allows one to act by changing or maintaining structures (Giddens, 1984; Giddens and Pierson, 1998; Stones, 2007).

This article seeks to explore the practices of *ijbar* rights among the Bimanese Muslims to show how Islamic laws are inevitably shaped by and shape the complexities of social context, cultural aspect, and individual life of Muslims. In the first section, it presents what and how current literatures discuss about *ijbar* rights. Next section provides brief information about Bimanese Muslims, their culture and wedding practices, before it examines further how these rights are interpreted and implemented in this particular society. There are some emerging topics of the practiced *ijbar* rights discussed in this article, namely the cultural understanding of marriage relates to parental permission and children consent, the changing meaning of *ijbar* rights, and the role played by actors in the juncture of dynamic relations between social conditions an individual preferences. This article is closed by highlighting various aspects of doing agency which covers obedience, resistance, as well as negotiation.

**IJBAR RIGHTS IN THE EXISTING LITERATURES**

The understanding of *ijbar* rights in the literatures as discussed below is still based on the understanding of the "resources" or texts and ideas that tend to be uniform. In the legal sociology language, this part is called law in text. So far, the discussion about *ijbar* rights has not touched much on the "practices", namely the adaptation and implementation of the text in Muslim societies that tend to be different, known as law in action (the practiced law). Observing this second aspect allows the use of an interdisciplinary perspective more open than in the first aspect.

Abubakar (2010) explains that the rights of *ijbar* in Islamic family law is still a debate because Qur'an does not explain them explicitly, while the hadith only emphasizes the importance of the approval of the prospective bride. So he proposed that *fiqh* which deals with these rights should be oriented towards the benefit of the children.

Mahsun's research on Sahal Mahfud’s thought of the *wali mujbir* (male guardians, father and grandfather from patrilineal line who have the right to force) revealed that he emphasizes the *maslahah* (benefit) as the basis to apply *ijbar* rights (Mahsun, 2014). Furthermore, *wali mujbir* must ensure that the prospective husband of his daughter has *kafa'ah* (equality) character (Wardatun, 2016) and also the daughter is entitled to seek the prospective husband with that requirement. If not, she can reject him. Meanwhile, the study of Hidayat (2009) emphasizes this concept in the Qur'an, the hadeeth, and the opinions of both classical and contemporary *fiqh* scholars, that *ijbar* rights should not be understood as a coercion but based on the basis of deliberation.

Study conducted by Husnul Haq (2015) on *ijbar* started using a contemporary perspective of gender and child rights. He used gender analysis by comparing the *fiqh* rules of various schools with contemporary scholars. He reinforced his argument by showing data on
the number of divorce in Central Java and East Java in 2012-2013 due to forced marriage. It reflects the need to imitate the opinion of Imam Hanafi who disagrees the rights of wali mujbir to reduce the high rate of divorce. Meanwhile, Ahmad Rashid's researched Ibn Qayyim al Jauziyah's thought on ijbar rights using the perspective of the children rights. He found a harmony between this scholar of the Hambali madhab’s opinion with the concept of human rights especially the rights of children. According to Ibn Qayyim, the guardian should not marry his daughter off without asking her permission. Wali mujbir only serves to provide insights and inputs, while the child can also dismiss the views and consent of the guardian (Rashid: 2017).

Sociological aspects is generally denied in the study of ijbar's rights, for example regarding the implementation of these rights to Muslim societies which could be diverse, be it in the form of modification, justification or resistance. How the Muslim community understands, accepts and implements the rights of ijbar is still a question. Indeed, the tendency to choose controversial research topics and describe women's weaknesses has been identified by Lamphere, when he stated that "control of women by the dominance of male relatives is an important theme, while the way in which women refuse or approve in these controls is not discussed" (Lamphere, 1973: 98). This study develops the assumption that sociological aspects, such as kinship systems, social structures, and cultural values, are the basis for the emergence of ijbar rights in fiqh. In other words, the implementation of ijbar's rights is influenced by their sociological interpretation of the scope of wali mujbir authority and how aspects of gender can be connected with normative fiqh.

Imam Shafi'i (2011) has explained in detail about the legal rights of wali, which broadly implies the existence of careful consideration so that this right is not used indefinitely and does not pay attention to the interests of women who are forced. As explained by Muhammad al Syarbini (2010) in the book “al Iqna,” the provision of ijbars includes how wali mujbir namely only the father and grandfather (from the father) considers the benefit of the practice focusing on women’s welfare. They should meet the requirement attached to the pillars of marriage: prospective wives, future husbands, and also related to the amount of dowry. In this opinion, Imam Shafi'i (2011) imposes more conditions on prospective husbands than on prospective wives. Prospective husbands must be equal ‘both in the social, educational, economic or hereditary fields with his wife. Able to fulfill financial obligations in the form of mahar (dower) and nafqah (income). A good personality who is able to do the principle of mu'asyarah bil ma'ruf (treating his wife in good and noble manners) towards his wife. While the only requirement for prospective wives is related to their identity, which must be a girl. Ijbar's rights do not apply to underage women and those who have been married (widows). The wali mujbir is required not to have hatred with his daughter/ granddaughter. That is why only the father and grandfather are entitled to become this type of guardian because it is assumed that their love is undoubted for their children and grandchildren.

CULTURAL STRUCTURE OF THE BIMA MUSLIM COMMUNITY

The Bimanese Muslim in West Nusa Tenggara, is anthropologically included in the Mbojo ethnic group, which spreads in the administrative areas of Bima City, Bima Regency, and Dompu District in the eastern part of Sumbawa Island. This ethnic group is small, less than one million, but has a unique religious way and contributes to the "multivocality"or diversity of expressions of Islamic law in the Indonesian Muslim community (Sila, 2017).

Hitchcock (1996) identified Bima as one of the cultural areas with a strong Islamic identity. The strong influence of Islam is one of the markers that distinguishes the other eastern Indonesian people who are predominantly Christian (Brewer, 1979). What is interesting to be explored further is whether Atkinson's (1982) statement that eastern Indonesian society is an
area where sexual discrimination is lacking, or a cultural area "where the treatment of women seems relatively friendly" (Errington, 1990: 5) also applies to the Muslim Bima?

Since becoming the official religion of the Bima community in the 16th century, Islam has become a major marker of Bima's cultural identity (Prager, 2010; Sila, 2014). However, the culture of the Bima community is a representation of Islamic culture, with some local modifications that allow the Bima community to maintain some of their own traditions and identities in order to distinguish themselves from Arab Muslims. According to Sila (2014) the way the Bima community practices Islamic teachings and values, is expressed in a variety of ways, because the Bima Muslim community constantly negotiates their Muslim identity in daily life.

The kinship system is one of the important aspects that influence religious practices, including the implementation of aspects of family law. In Bima there is a system of bilateral kinship and matrifocality. According to Robin Fox (1967), these two systems are different but cannot be separated. The close relationship between these two systems also implies that the structure of kinship in society is a very important determinant of the position of each sex, including women, in marriage. How the kinship system operates in the Bima community, influencing the interpretation of Islamic law relating to women's voting rights and their capacity to be decision makers.

The kinship and gender relations system in Bima seems to be far from what is practiced in Arab countries, the birthplace of Islam. If the kinship system of the patrilineal Arabs is absolute, then the people of Bima, for the most part, are bilateral, which means that the descendants are traced through both the lineage of the father and mother. The patrilineal influence in Islamic inheritance rules, for example, can be seen when they give the rights of both male and female descendants to inherit from both parents, the inheritance of the male portion is twice that of a woman. However, Bima Customary Law divides inheritance evenly between sons and daughters, with the reason that both sons and daughters will contribute equally to their marriage later. Ali's (2010) notes on Arab influences in Islamic law, and reminds us that there are logical consequences that flow from the kinship system and rules regarding gender roles in both Islamic law and customary law as practiced in Bima.

Meanwhile, the matrifocality kinship system is one of the important aspects of many kinship systems in Indonesia, including in Bima. Matrifocality is a form of women's centrality in family and in socio-cultural life. The practice of ijbar rights in the Bimanese community, for example, can be understood in this context as well as in other marital practices, such as guardianship. According to Geertz, two important aspects of matrifocality are dominance and solidarity.

Matrifocality among the Bima community is clearly seen in the dominance of women both in their nuclear families and in the solidarity of women who are connected through their authority and control among relatives. The dominance of women is not only related to their rights to property inheritance, marriage payments, and economic income but also to their authority and influence over children, for example, in deciding marriage arrangements. Meanwhile, solidarity is exemplified in the way a mother can make a network women, which involve marriage mediators (panatiti) and brides make-up (ina bunti) women, in order to achieve successful marriage negotiations. Thus, the two aspects of matrifocality are the basis for understanding why women can also exert influence to determine and give a dominant voice in the choice of a child's partner.
MARRIAGE IN BIMANESE WORLD VIEW: COMPROMISE AND COMUNALISM

For the Bimanese, marriage is seen not merely as the union of two individuals, but also as the alliance of two families or two groups, in which reciprocity and dependency always go hand in hand. The new couple will never be fully independent from parental and familial help or advice, and therefore it is important that they have a say in the choice of partner. Equally, the success of the new union contributes to the good reputation of the families involved. Furthermore, as members of a communal society, the group also has responsibility for making the process of marriage successful. In return, the marriage ceremony is an opportunity for families to display to the public their achievements and the co-operation between them, as well as to share their happiness and serve the community with a big festival and a feast. Marriage is therefore always considered a public activity, or rawi rasa.

Recognized as marking an important turning point in life, a Bimanese marriage receives much attention and requires extensive preparation before it can actually take place (Sila, 2014; Just 1986; Rahman and Nurmukminah, 2011).

There are three initial steps – taho angi (getting to know), ne’e angi (courtship), and sodi angi (engagement) – to be taken by a couple before they can go no to procure the marriage contract (religious), formally register their marriage (state), and have a wedding party (cultural). The way those three steps were taken in the past is somewhat different from how they are taken now. In general, the process used to be very time consuming and strictly adhered to all these three steps, but nowadays there is a common tendency to make it simpler. Ne’e angi (courtship) is the most obvious of the initial processes. Taho angi is, in fact, part of ne’e angi and sodi angi is a consequence. This shortening of the process is partly due to fact that children have “begun to be better educated than their parents” (Just, 1986: 346), and enjoy a higher degree of independence in choosing their partners than was permitted in previous generations.

During the initial period, when the couple are getting to know each other and are developing a good relationship (taho angi), the parents on both sides are usually involved. When the woman and man decide they want to make a future together (ne’e angi) they need the agreement of both families in order to formalize their arrangement (sodi angi). If it is an arranged marriage, taho angi involves the parents and families (especially in the quest to find the right partner), and when the children feel comfortable with each other they can take the next step, which is to show interest in each other (ne’e angi). This ne’e angi stage is sometimes skipped, because as long as the young couple have verbally given their consent the parents and families can proceed to the next stage, sodi angi.

Sodi angi is effected through wi’i nggahi (literally, putting into words). This refers to a promise made by the future groom’s family, who make a formal visit to the family of his prospective bride, entering into an agreement with her parents that they will create a closer relationship by marrying their children. The taho angi and ne’e angi take place in a more casual and informal way and are therefore less binding than the sodi angi, which demands more commitment from both sides, involving not only the parents and the couple, but also their extended families. This process of sodi angi used to allow time to make sure the decision to unite the couple was the right one.

The involvement of parents, who are considered to be wiser, with more life experience, than their children, is very important in making sure that the couple are well matched. “Nika ra neku de rawi mori ro made, parlu di timba ro di tampu‘u kai ma taho” (Marriage is a special moment in life which also affects many things even after someone has passed away, so that it should be undertaken with care and started in a good way) (Ramlah, 48 years old). This local wisdom explicitly states the importance of marriage as being not only about the relationship of the couple and their immediate family, but also about how it will affect
the relationships of the offspring when one or both of the parents are no longer alive – for example, in matters relating to inheritance and kinship status.

The processes of taho angi (getting to know), ne’e angi (courtship), and sodi angi (betrothal), as explained above, illustrate that the whole process of marriage arrangement and negotiation involves both sides: the parents, the couple, and their extended families. Mutual consent is central to ensuring nika taho. ‘Angi’ is a cultural concept which assigns value to all who are involved and cooperate in building a good new relationship, taking each person’s interests into consideration and creating reciprocal rights and obligations. Conceptually, ‘angi’ is reciprocity in equality, in which all parties involved in the marriage negotiation exchange rights and duties equally to meet their respective interests.

Furthermore, Marriage, for the Bimanese, appears to be an institution where reciprocal obligations between the bride and groom and between their families on both sides and also the communality of society are created and reinforced. The wedding celebration is considered a rawi rasa (community concern), in which all married and/or adult members of society should take part to ensure the celebration is a success. For the large number of people who turn up to help, accepting the invitation of the host indicates their commitment. However, they expect that what they have given in pamaco (material contribution) will be paid back one day, when they in turn are in need of help.

HOW IJBAR RIGHTS IS GIVEN MEANING AND PRACTICED?

The meaning of ijabar in “law in text” is extended in the “law in action.” The expansion of meaning can be in the form of modifications or additions as well as contradictions to written rules as can be found in the text fiqh. Using the analysis mentioned by Bowen, the extension has its own ‘argument’ both sociological and personal reasons which he calls “looking inward.” It also has the basis of religion which is reinterpreted based on the world of view, interests, and the needs of the Bimanese Muslims community. For more details the expansion of meaning here recognizes three factors related to the application of ijabar, namely actors (who), objects (whom), and reasons (why). The following account will provide an interesting illustration on those aspects:

Rudi is the last child of four siblings consisting of two men and two women. Since little Rudi had been left to die by his mother. Not long after his mother died, his father was married again. Rudi, then, was invited by his oldest sister who was a mother of two children. Practically his sister was like a mother to Rudi because in addition to caring for and loving him with all her heart, she also paid for Rudi’s education to get a job as a civil servant in a government office. Feeling having invested in Rudi’s life, her sister felt of having the right to find Rudi a mate and ignored that Rudi actually had had a serious relationship with his girlfriend.

Some women both from close family and acquaintances were introduced to Rudi but Rudi did not budge at all. Rudi conveyed to his sister. Rudi thinks hard and is very difficult to make a decision between the desire to marry his lover and also obey his sister. For Rudi, his sister has greatly contributed to his life and future. Without his brother, Rudi could not be as he is today. He tried to confide in his two other siblings (one male and one female) and also his father and brother-in-law and asked them to support Rudi’s wishes. But unfortunately, they did not dare to resist the wishes of their eldest sister because they had considered him like a mother. Similarly, his father and brother-in-law felt little role for Rudi’s success.

In his confusion Rudi sent a letter to his lover and told him about the situation. He also conveyed his “helplessness” by his sister’s “words”. Long story short, they decided to meet up. Rudi’s best friend offered them to meet in a place unknown to his sister.

Rudi felt his lover could accept the situation that maybe they were not matched. Rudi never thought that his girlfriend was actually planning for them to go for elopement. When meeting, Rudi could not even explain anything to see her lover crying and regretting the relationship they had already had in the series would just end. Without many words the lover said “if you want to lie to yourself and see that I
will never get married, follow your sister's will. I have come to invite you to continue our relationship until marriage and whatever the risks we will share them together. " Rudi faced another dilemma. Finally, they agreed on the time to go together and get married without the sister’s consent.

Now they are living happily and when the interview was conducted, they were preparing themselves to leave for Hajj after the three children of their love had succeeded in completing their education and getting a job (two masters and becoming lecturers and one child graduating from high school and just appointed as a policeman). Again and again the two of them told me about the bitterness when they were not received by Rudi’s sister until they gave birth to their second child.

Who factor (including what). In its implementation, the factors that force the occurrence of marriage can be played by diverse actors. Even by conditions and situations where the main perpetrators of coercion cannot be clearly identified. Not only father and grandfather, but also, mother, grandmother, aunt, sister, brother, even between partners themselves. The above case shows that the older sister and girlfriend are the main actors of the *ijbar* toward the groom to be. There is no involvement of males family both from bride’s and groom’s lines.

*Whom* factor. The targeted object of *ijbar* is not only focused on women or prospective wives, it can also be men or prospective husbands. Even, both of them can go against parents’ ideas and options. Rudi was trapped between the will of his sister and girlfriend, whom he considered have the right provisions over his life. Although, the girlfriend finally won the battle, the above case implies the possibility of male to become the victim of *ijbar* even from those who are not identified as *wali mujbir* according to *fiqh*.

*Why Factor*. The reason for applying *ijbar* in the *fiqh* for girls due to a fear that girls do not get a partner who is equal (*kafa’ah*) to her. This is related to the perspective of the community which is still biased towards women’s independence, freedom, and skills as a consequence of the limited mobility of women. The practice of selecting marriage partner in Bima Muslim community shows various interesting reasons. In the above case, for example, it is because the sister felt entitled to direct brother’s personal life as she has invested to economic dependency of her younger brother. Rudi is also asked to obey her as the representative of his mother and this is part of religious obligation to be submissive to an older person in family. Because the actors and targets of *ijbar* varied, various considerations, both theological and sociological, emerged or interrelation of the two.

The sociological interpretation is closely related to the cultural values and wedding traditions of the local community. In this case, there are four themes that need to be explained further along with several case stories to clarify the themes. They are: the type of marriage and the position of guardian or parent in it, the dependencies of actors (both women and men) in the social practice, the changing meaning of *ijbar*, and the actor relations in the fabric of social factors.

1. **Types of Marriage and Position of Parents / Guardians**

Literature generally divides marriage into two types, namely love marriage and arranged marriage (Malhotra, 1991; Malhotra, 1997) Both types of those marriage can overlap in practice, that marriage due to matchmaking (arranged) is not always without love. In oppositions, marriage because of love does not always occur when the couple found each other without the arrangement by other people, be it family or friends.

In Bima Muslim community, the category of cultural marriage does not adhere to this division. Ideally, the decision about whether the marriage will take place lies in consultation between parents and children and all parties must give their consent. They further divided marriages in the categories of *nika taho* (good marriage) and *nika iha* (bad marriages). The main requirement for the former is an agreement between children and parents in determining partners. If the marriage because of love goes without the permission of parents, it includes *londo iha* (broken down or eloping). Likewise, if parents force their children to marry, it is
categorized as *nika paksa* (forced marriage). *Londo iha* and *nika paksa* are two types of marriages that are broken or morally bad.

The difference between the first two categories (love and arranged marriage) and the second two categories (*nika taho* and *ienda*) are very clear. The first one emphasizes who should find a partner for the bride and groom, while the second does not question who but more on whether parents and children approve the candidate pair. Arranged marriage can be *nika iha* or *nika taho* depending on whether or not the bride and the groom agree to the matchmaking and have feelings of mutual affection. Likewise, love marriage can occur through eloping, so it becomes *nika iha*, because parents don't approve it.

In its practice, *nika taho* can occur through a gradual and systematic process. The process includes the principle of mutuality (*angi*) in every level. Initially it was planned through *taho angi* (having a good relationship) between two pairs of parents, and marriage because of love is the result of *ne’e angi* (mutual desire for one another/ courtship) among children. When the children have fallen in love to each other (*ne’e angi*) the relationship can progress to *sodi angi* (engagement). The practice of *ngge’e nuru* can start from the first level of knowing each other, *taho angi*. Thus, in practice, marriage on the basis of matchmaking and in the name of love can still be found even though the category does not become a basis for the division of cultural types of marriage.

Meanwhile, eloping (*londo iha*) is the most common way of breaking the deadlock from the interests of parents and children but forced marriage (*nika paksa*) is less desirable and the marriage usually does not last long. This happened at the marriage of Sulastri (21 years) with a civil servant named Firman (25 years) forced by their parents, especially mothers of both sides and leaving Sulastri’s loyal boyfriend, Wibisono (21 years), a salesman. The festive marriage was wounded because Sulastri did not want to get in touch like normal husband and wife. She always slept with sharp objects to scare her husband into not daring to approach him. A month later she ran away from home with Wibisono, who certainly forced his legitimate husband to divorce her.

2. **The Dependency of Actors in Social Practice**

This study found an interesting meaning of *ijbar* from the Bimanese Muslim. Conceptually, the Bimanese acknowledges the existence of *ijbar* rights. But in its implementation, this arbitrary right is not always in the form of coercion and not only the authority of the father and grandfather. There are negotiations in it that are interpreted creatively, to bridge the basic rights as parents to the child, including the right to marry. The creative way is manifested in the form of giving freedom to the child to determine his own soul mate. At a certain point, when the interests of both parties are different or conflicting, the deadlock gets a channel for resolution, initially with negotiations in which level of diversity varies from case to case. If there is no meeting point, then the parent's right will clash with the child's agency.

So who won? Both parties will find their own ways to win, but they tend to negate each other. For example, verbally, parents say to their children as follows: "*ka neo ade wau dou matua ampo rahii*" (make your parent’s happy before your partner); or "*aipu to’i wa’umu do’a banahu nggomi ndi manika lao sia aka*" (since your childhood we have prayed for you to marry that person). Those statement enchants the child to think hard at reconciling his heart and will. The initial negotiations, then, carried out. Frequently, the negotiations ended in a compromise. As a compensation, the practice of large and lively wedding (*kana’e ro kanggari*) emerged. The negotiation ends in a failure when the child forces his will without considering the wishes and interests of parents and extended family, or vice versa. The second party will
tend to withdraw from involvement in the marriage event, so that the practice of small- scale marriage (*kanari ro kato’i*) becomes an option.

The complexities of parents’ permission, children’s consent, and family intervention in relation to their respective dependent decision making can be seen in the case of Sarah and Ibrahim as follow:

Their marriage can finally occur because of the strict "hemba" mechanism. *Hemba* (Bima language) means to lead and persuade. In the context of marriage, it means encouraging and escorting both candidates to be able to get an agreement to hold a marriage. Ibrahim and Sarah met genealogy with great-grandmother, where Ibrahim’s mother is a cross-cousin of Sarah’s father. They have long wanted to establish blood ties more closely through their children. This motive is not a taboo in Bimanese community although is not as easy as what is said or expected.

Ibrahim and Sarah rarely encounter except during their childhood. After all there is a sociological gap between them. Sarah’s father is considered to have a big name and lives in a big city. Meanwhile, Ibrahim's mother lives in a village with a simple life. However, the social mobility carried out by Ibrahim, his achievements in gaining a master's degree and becoming a lecturer, enables him to have a strong bargaining position towards Sarah’s family. There is a sense of equality (*sekufu*) among them. However, they could not be easily matched. It took a lot of effort from both sides of parents to fulfill their family's communal expectation. The difficulty is in the position of Ibrahim and Sarah, each of whom has their own choice. There must be many parties involved from both big families so they were finally tying a knot.

Another problem that accompanied their marriage plan was the authoritarian attitude of Sarah’s father. This attitude offended Ibrahim because it denied the fact that their family had the same level as Sarah's family, and that their low family image was just a story of the past. At this point the two families again had the role of reconciling Sarah’s father and Ibrahim. Meanwhile, Sarah, who tended to be silent in responding to the twists and turns of these negotiations, at some point firmly showed her position on the marriage process and stated that her marriage only happened with Ibrahim or never. Eventually, the marriage and wedding have always been the point of compromise of many parties.

3. **The Changing Meaning of Ijbar**

The meaning of *ijbar* changes with time and depends on the social status of a family. *Ijbar* in the past was seen more as arranging or matchmaking, not coercion. Matchmaking at that time was not considered coercive because social segregation between sexes was very strict. For children, parental authority also touches the area of their personal lives and is seen as a responsibility to obey. While for parents, pairing the children with the right people is their obligation and a way to ensure the happiness and bright future of their children.

Before the 1980s, matchmaking was very common. However, the informants as perpetrators of that period did not agree that this match was identified with coercion and only the authority of the father. First, because in the Bimanese culture, there is the tradition of *ngge'e nuru* where the prospective groom must stay in the prospective in-laws' house for about three months to help both work in the fields and at home. In this period, the bride also investigate his habits and personality. All family members can see and supervise him and then give an opinion to continue or discontinue the marriage plan. Even though the partner cannot socialize without other parties companions, they can investigate each other's character and habits. Second, *londo iha* is the last alternative for women or men to fight if they do not receive arranged marriages from their parents. These two traditions are the driving force for parents, especially fathers to act as the only determinant or impose will on their children, not theforcer.

Recently, the trend of matchmaking has diminished both naturally and due to the influence of more open socialization between men and women. Arrangements that are considered not coercive in the past are now identified or closer to coercion. Meanwhile the tradition of *ngge'e nuru* as described above is no longer a normal cultural practice. Therefore there is not much time for parents to observe and ensure the compatibility of their daughters with their chosen candidates. Arrangement become more rare. However, the principle that
marriage requires a two-sided agreement, the agreement of both bride and groom, as well as hearing every-one’s voice hearing, children and parents still apply. At this time the *ijbar* concept means "mediating the interests of parents and children" and "agreeing on a match" as an expression of the concept of *kasabua nggahi* (unifying perceptions and opinions) and *kasama weki* (deciding together).

Among families of religious leaders, matchmaking is very common. From the side of the arranged child, they admitted that "let alone us as their children, other people in the village as well as large families followed our father’s commandments," (Nurjannah, 60 years). So for them, following this match is a way of organizing parents and supporting the authority and charisma of their parents who are role models. For parents, matchmaking is not solely applying *ijbar* rights but directing children's choices and giving the best view as an experienced and loving person. "Choosing a child mate should not be arbitrary, it must be considered also from various sides, especially whether the candidate is carrying out obligations as a Muslim and is smart at work" (Ismail Siraj, 79 years)

4. The relation of actors in the fabric of social factors

*Ijbar*, which literally implies a masculine coercion and played by men, is interpreted in a more subtle local meaning and involves many parties. Not only male guardians, but also mothers, sisters, even aunts and uncles. It is interesting to note that children also have something to say, when there is a marriage conducted by their parents, about the choice and the marriage process. In Bima's community, a second marriage can happen either because of divorce or a spouse died, it is more common for a father than a mother. This second marriage usually involves the voice of children also in the name of "mediating interests" as explained above. Some of the cases that will be told below will clarify the meaning of this type of *ijbar*.

Case I: The children gave the father a message

Mr. Hasan (55 years old) left behind by his late wife for more than four years when the interview was conducted recently. They had been in a relationship since Mr. Hasan went to college and his late wife was at the school at the Teacher Education School (SPG). When they were married, each of them did not have a permanent job yet. Their household was built from scratch and lasted thirty-two years when his wife died. This is assumed by his two children to be a reason for his father to find it difficult to get another life partner. Moreover, the character of his father who is indeed inactive and difficult to approach women, will also contribute. It turned out that this character was used by his sisters to introduce Mr. Hasan with a divorced widow and did not have children. At first the two children (male and female) did not refuse frontally and wanted the process of introducing their father to the prospective 'mother' to take place naturally. They also heard that the character of her was motherly and skilled at managing household matters so that it was thought very suitable to fill her old age with their father. But gradually they caught up somethings inappropriate. The woman often made promises to meet her father outside and without children. They also considered women too aggressive, for example, sending almost a large amount of food every day, which they feared would make it unpleasant for their father to refuse if it turned out that his father did not feel like she was suitable. Until one day, Pak Hasan's eldest son caught a short message on his cellphone about the woman's question about his father's assets. Once he also saw his father and the woman came to a new house that was built along with his late mother. The two children (all married) also investigated what exactly the motives of this woman wanted to approach her father. And why their aunts are very active in arranging his father with the woman. Suspicion leads to property. There are indications that the woman is interested in the property owned by her father. As a civil servant and hard worker, his father does have many assets. Unfortunately, the father seems to have already been interested in the woman. Several times they heard from neighbors that his father had secretly met the woman in his office, even though the two children had expressed their disapproval of their relationship. According to the children, the woman did not try to conquer the hearts of her children first, especially with three grandchildren.
Not wanting this process to continue, his children asked his father to talk seriously. They knew that his father had difficulty opening communication about heart problems with them so they had to start. They delivered a strong statement to their father to choose them or the woman. His father fell silent not answering. After a few days, his father conveyed his decision to his second child who was still at one roof that he might not be remarried and was happy with his current condition, joining in with his cute grandchildren.

At the time this interview was held, his eldest daughter was still worried especially because next year, her father would retire and of course at such a time the loneliness would be more severe and his father would look for a wife again. While his youngest son had prepared a glassware shop that might be a place to fill his father's retirement days. But for them, whatever the decision of his father, the most important thing is not to ignore their wishes as children. Even if looking for a wife, the wife must be ensured that she can be a good surrogate mother for her children.

Case II: *Ijbar solidarity through female actors*

Ziyad, a young man who had just finished his undergraduate studies, languished. Instead of getting the best prize from his efforts to reach the graduation stage, he was left to be married by his girlfriend. In Ziyad's story, too many people were involved in his love drama which made his move to foster a household with the girl he had dated six years ago failed. The girl was helpless to face them alone so that she gave up the fate of her soul mate in the hands of the family. During the six years of courtship there were actually no significant obstacles. Even Ziyad claimed to have been able to seize a good position in the heart of (prospective) mother-in-law. Except (prospective) father-in-law and aunts of the girl who have not been able to conquer.

There were doubts about the figure of Ziyad because his college problems were halting. But Ziyad did not give up. He faced his (prospective) father-in-law and asked for eight months to improve and finish college. Less than the time requested, he could finish his promise. He also graduated. But without Ziyad's knowledge, it turns out that the his girlfriend’s family launched the engagement process secretly for his daughter.

When catching this unfortunate signal, Ziyad began his approach again. But the answer of the girl's parents hit her so much, that her daughter had to get a prospective husband who had the certainty of the future. The father of the girl did not give Ziyad an opportunity to discuss all that, let alone prove his ability for the second time. The girl's mother who was originally nice to Ziyad became difficult to communicate with.

Ziyad accused the girl's aunts of being the most incentive for giving input and tilted information about Ziyad which influenced the attitudes and decisions of the girl's parents. To get out of the communication deadlock, Ziyad and his girlfriend tried another method, elopement. They hope that the girl's family, especially her father, melted and accepted Ziyad as is. But their plans were not as smooth as expected. The plan was known by the family, and soon the father issued an ultimatum to his daughter that if it was done he would go home to meet the dead body of his father. This bitter threat melted the girl's heart, and she accepted the father's decision to marry her off to someone else, not his own relatives. Ziyad was left behind with all his suffers.

Again the above two cases provide more evidences of the fluid nature of applying *ijbar* in every day marriage practice of Bimanese Muslims. Children can have authority to lead their father in the case of Pak Hassan above. While in the case of Ziyad, father and his sisters played important roles in applying the *ijbar* to Ziyad’s girlfriend, marginalizing her own mother. It should also be explained here that the *ijbar* application can be both succeeded and failed or mediated the wishes of both parties by a win-win solution.

**DOING AGENCY: OBEDIENCE, RESISTANCE, AND NEGOTIATION**

The cases presented in the previous sections always show the element of "coercion" in marriage, and that applies universally in all societies or cultures with their respective levels and variants. In Bima's society, the practice of marriage, situations and processes that surround it, illustrates the broader and more complex social and cultural aspects and how they relate to the practice of Islamic laws.
In masculine or paternalistic societies, girls (or children in general) are dependent groups who still relate their needs to parents and show the principle of obedience. In many ways, the Bima community adheres to this character, which also gives birth to subaltern groups who cannot speak. In addressing *ijbar* rights applied by parents / guardians, children who are going to get married will take peaceful steps to reconcile with their parents or extended family. Under normal circumstances they will wait for words or orders from the parents. If it is in accordance with his will, the marriage process will run smoothly. But in circumstances where there are differences in choice between the two parties, they will give their parents the opportunity to give consideration first. If the views are contradictory and do not end up as an agreement, then the method of fighting the hegemony quietly or openly occurs.

The practice of *londo iha* is the best example of using "weapons" to fight. If this weapon has been turned on, then there is no other choice for parents, extended families, or other people except to surrender and as soon as possible complete the marriage declaration. In addition, the practice of *londo iha* eventually formed an alternative character of wedding parties, which are usually luxurious and costly, with simple and inexpensive images.

The parties involved in marital relations, especially children and parents, basically both experience a hegemonic situation that forces them to give consent and undergo a series of big wedding customs that have been provided by cultural institutions. The bond of kinship and communalism systems often shackles the emergence of agency in the subject, let alone subordinate subjects such as women.. The case of mock acceptance that resulted in an overnight marriage as experienced by Munira and Ahmad in the previous section, is proof of the children’s agency shackled by togetherness and "to make the family happy". The girl, in particular, is the party whose has the strongest bond to tradition and family because of high demands toward them as guardians of family’s good names. Simply put, this practice gave birth to the formula “woman has the power to make and break a tradition” (Carrol, 2009)

On the other hand, parents also often face hegemonic situations that compel them to approve the views and choices of the child in the marriage process. For parents with a democratic character, accepting the will of the child is not a burdensome. It is the opposite for parents with authoritarian characters. For the latter, their concerns more on good name and family status. Therefore they tend to avoid conflict situations due to the child's rejection. For example by withdrawing from the marriage process, or initiating (pseudo) negotiation. Pseudo negotiation is a process that gives the child the opportunity to think, but his thinking situation has been conditioned as has been illustrated in the story of Ibrahim and Sarah's marriage previously. Both sides of family had their own interests which lead them to exercise *ijbar* rights to their children, that is to reconnecting their past blood ties. This paralyzes the agency owned by the two brides to walk on their own choices

Interestingly, forms of resistance (rejection) vary from one case to another. There are those who express them by returning everything that has been given when they started communicating, or allowing the bride or groom to sit alone in the stage for wedding parties. The most dramatic one found in this research is agreeing to the marriage but in the middle or after the event running away with their chosen partners.

Negotiation and accommodation of interests of the parties in order to meet an agreement has always been a complex process within a communal society such as the Bimanese community. Negotiations vary in weight and it can be seen from how they celebrate a wedding. If the party looks big and lively, that means the approval of all members of family has been acquired and vice versa.

In the application of agency that is full of twists and turns as illustrated above the *ijbar's* right should be positioned. Thus *ijbar* rights are not seen linearly without interrelations with various factors. Additionally, above cases show that obedience, resistance, and negotiations form a distinctive understanding of agency that is not just an individual capacity
to act. Rather, agency shapes and is shaped by external influences. Due to communal nature of Bimanese community, the forms of agency are also based on the principle of social (familial) solidarity. This is where the agency in terms of structural duality as proposed by Anthony Giddens can be more clearly understood.

**Conclusion**

*Ijbar* rights, inherent in patrilineal lineages (father and grandfather), are contextualized in such a way by the Bimanese Muslim, positioning it into existing socio-cultural networks and becoming a typical local practice. The tradition of choosing a life partner for the Bimanese Muslim community, for example, is not primarily based on one's own agency. There is collective solidarity which is mainly formed from matrifocal solidarity (solidarity formed from the path of women). Of course in different portions. This can be seen from the marriage category adopted by the Bimanese community, namely *nika iha* and *nika taho*. The first type requires a process that involves all parties, both parents and children. The process begins with *taho angi* (introduction), then *ne’e angi* (courtship) and *sodi angi* (engagement). After all is passed, the marriage is considered as *nika taho*. Conversely, if not, it is categorized as *nika iha*. *Angi* itself is a cultural concept that means mutual or reciprocity.

*Wali* (father and grandfather) formally is the party that puts the child in the process of marriage declaration. But as a guardian who is given an arbitrary right by *fiqh*, they do not have an independent decision without intervention from other parties in determining the matchmaking of their children. Even they can be targeted by other people. In some cases, their rights in terms of *ijbar* are actually very peripheral, dominated by their wives (mother and grandmother) or by other parties such as aunts, There are two cultural traditions that allow this to happen: First, *ngge’e nuru* (prospective grooms stay in the house of the bride before marriage to investigate their personality and religious practice). Second, *londo iha* (elopement carried out by children when parental consent is not obtained or as a resistance from parents’ choice mate). The first tradition is rarely done nowadays, but cultural values that place choices as an agreement of the parties involved (*kasama nggahi*) are still maintained. When it fails to achieve this, *londo iha* is the choice taken. In other words, *londo iha* is an effort of resistance to coercion (*ijbar*) by parents.

Sociologically, the values and cultural context that underlie the marriage tradition as a project of mutual agreement and listening to the opinions of various parties is the view that marriage is not merely an individual event but also familial and public one. This view is based on the communal values of the Bimanese as well as the reciprocity of children towards parents and individuals towards the people in the community.
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