

THE MEANING OF OFFSPRING AND THE SPOUSE SELECTION OF JAVANESE MUSLIMS IN SURABAYA BASED ON MAQASID SHARIAH

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Abstract

This article aims to examine the significance of offspring ancestry and the spouse selection for Javanese Muslims in Surabaya in particular how social and religious norms influence individual decisions regarding marriage. Javanese Muslim society has binding social norms for its adherents in marriage. This study uses an experimental ethnographic approach with interactive dialogue methods and participant observation for seven months. The findings of the study show that Javanese Muslims in Surabaya still emphasize that offspring in marriage with children is considered a valuable asset of the family and the existence of a household. The absence of children can be considered a disgrace that causes social stigma for spouses. In addition, Javanese Muslims consider it important to the spouse selection with the guidance of the norm of 'bibit-bebet-bobot' which involves consideration of offspring, social status, and character of the partner. Although individuals have the freedom to spouses' selection, they are bound by social norms to adhere to them to avoid social conflicts and negative stigmas. Social norms that are practiced excessively or negligently cause harm to individuals in spouse selection, this is considered contrary to the principle of middle position in maqasid shariah. The implications of these findings suggest that social norms and constructions in Javanese Muslims are still strong and influence individual decisions in marriage. This study contributes to an understanding of how religious and social norms can shape cultural practices at the local level as well as their relevance in the context of Islamic and social norms.

Keywords: Individual Norms; Marriage; Social Norms; Maqashid Shariah.

INTRODUCTION

Marriage is the earliest form of human behavior categorized as a legal act consisting of a contract between a man and a woman to live as husband and wife based on law and cultural practices.¹ Marriage is considered a sacred act derived from God's command to

¹ Gerard V Bradley, 'Law and the Culture of Marriage', *Notre Dame JL Ethics & Pub. Pol'y* 18 (2004): 189.

perform legal acts of procreation to continue generations. In contrast, adultery is considered a sinful act that violates God's prohibition and is considered an illegal act of procreation.²

All cultures in the world share the concept of marriage, although the norms, institutions, structures, forms, and types vary and change from generation to generation.³ The institution of marriage is considered to be the foundation of family life to continue generations, making the family an important aspect of cultural identity.⁴ Whatever the legal system, legal structure, social structure, or culture of a particular culture, marriage will be organized to encourage one activity over another and restrict one activity over another. It is an important aspect of social regulation for every legal subject in society to follow, accept, or reject it by calculating profits and losses, costs and benefits.⁵ Legal subjects have legal choices that coexist and clash with members of their society.⁶

Differences in norms, culture, and time led to differences in the meaning and terms of marriage, for example, in the time of the lamp, women married by men were almost like property, and were often used as part of political, social, and business arrangements.⁷ This is in contrast to today, where marriage is an equal institution that unites men and women.⁸ Marriage practices in the past where women did not have practical equality

² Abdulaziz Sachedina, 'Muslim Reproductive Ethics: Sources and Methodology', in *The Oxford Handbook of Religious Perspectives on Reproductive Ethics*, ed. Dena S. Davis (New York, NY: Oxford University Press, 2023).

³ Kathleen Gerson and Stacy Torres, 'Changing Family Patterns', in *Emerging Trends in the Social and Behavioral Sciences*, ed. Robert A. Scott and Stephan M. Kosslyn, 1st ed. (Wiley, 2015), 1-15, <https://doi.org/10.1002/9781118900772.etrds0037>.

⁴ Adrian Holliday, 'Complexity in Cultural Identity', *Language and Intercultural Communication* 10, no. 2 (May 2010): 165-77, <https://doi.org/10.1080/14708470903267384>.

⁵ Sally Engle Merry, 'Legal Pluralism and Legal Culture: Mapping the Terrain', in *Legal Pluralism and Development*, ed. Brian Z. Tamanaha, Caroline Sage, and Michael Woolcock, 1st ed. (Cambridge University Press, 2012), 66-82, <https://doi.org/10.1017/CBO9781139094597.007>.

⁶ Keebet Von Benda-Beckmann and Bertram Turner, 'Legal Pluralism, Social Theory, and the State', *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2 September 2018): 255-74, <https://doi.org/10.1080/07329113.2018.1532674>.

⁷ Scott Coltrane, Randall Collins, and Randall Collins, *Sociology of Marriage & the Family: Gender, Love, and Property*, 5th ed (Belmont, CA: Wadsworth/Thomson Learning, 2001), 68.

⁸ Billy Gage Raley, 'The More Perfect Union: Monogamy and the Right to Marriage', *Geo. J. Gender & L.* 19 (2017): 455.

with men, but spouses did not easily divorce, in contrast to today where marriages can be temporary because divorce occurs more easily.⁹

In Islam, marriage is interpreted as a sacred covenant '*mitsaqan ghalidan*', marriage is a basic principle of human civilization that involves not only men, women, and their families, but most importantly God, as in the Qur'an surat al-nisa' verse 21. Before entering into marriage, Islamic law indicates that offspring and the selection of a partner are important and inseparable parts. Several verses describe marriage as aimed at producing offspring, for example, in surah ar-rum (30:21), al-Furqon (25:54), al-Sajdah (32:8). Hadiths also indicate the importance of offspring, for example, the Hadith of Anas bin Malik who said: The Messenger of Allah (SAW) commanded us to start families and strongly discouraged celibacy. He said: Marry women who are fertile and loving because with your large number, I will be proud in the presence of the Prophets on the Day of Judgement.¹⁰ Islam also regulates the procedure for choosing a spouse in marriage, as found in the Qur'an surat al-Baqarah (2: 221) and Hadith from Abu Hurairah: From Abu Hurairah ra. The Prophet Muhammad SAW. has said that women are generally married for 4 (four) things: wealth, lineage, beauty, and religion. Therefore, choose the one who has a religion, and you will be lucky.¹¹

Several studies have shown that people have the option to decide whether offspring and choosing a spouse in marriage is an important decision. Spouses who choose to have children and become parents on the grounds of economic equality, fiscal sustainability, health care needs, and demographic development.¹² In deciding the importance of having a child or not, there are at least three different groups in childfree, namely supporting, rejecting childfree, or abstaining (not supporting and not rejecting).¹³ The social construction that requires offspring marriage gives the group that supports childfree get

⁹ Paul R. Amato, ed., *Alone Together: How Marriage in America Is Changing* (Cambridge, Mass: Harvard University Press, 2007), 4.

¹⁰ Ahmad Ibn Hanbal, *Musnad Ahmad Ibn Hanbal* (Muassasah Risalah, 2001), Juz. 20, 63.

¹¹ Muslim Ibn al-Hajjaj Abu al-Husayn, *Shahih Muslim* (Beirut: Dar Ihya' al-Turats, 1955), Juz. 4, 175.

¹² Martin Kolk and Vegard Skirbekk, 'Fading Family Lines- Women and Men without Children, Grandchildren and Great-Grandchildren in 19th, 20th and 21st Century Northern Sweden', *Advances in Life Course Research* 53 (September 2022): 100481, <https://doi.org/10.1016/j.alcr.2022.100481>.

¹³ Siti Nurjanah and Iffatin Nur, 'Childfree: Between the Sacredness of Religion, Law and the Reality of Society', *Al-'Adalah* 19, no. 1 (2022): 1-28.

a negative stigma because it is considered to violate social norms,¹⁴ especially, if women support childfree.¹⁵ Meanwhile, in choosing a spouse, several studies show that people want to maintain the norm of 'bibit, bebet, bobot' even though the criteria are considered abstract and not yet well understood.¹⁶ Parents play an important role in deciding on potential spouses for their children, so children are forced to believe and comply with the norms of customs that live in society.¹⁷ Javanese Muslims consider well in choosing spouses for their children, they try to comply with social norms and avoid rejecting or ignoring them.¹⁸

METHOD

This article uses an experimental ethnographic approach¹⁹ that focuses on primary source information. The use of this method facilitates the collection of narratives and lived experiences related to the importance of the meaning of offspring and spouse selection in Surabaya society. This article seeks to describe the choice of social and individual norms on the importance of offspring and spouse selection in marriage from the perspective of the people who participated, to create a better understanding of their experiences. Data collection was conducted using interactive dialogue and participant observation. These various data collection techniques were used to strengthen the research findings and conclusions. Therefore, the ethnographic approach allows the researcher to build a holistic picture of the issues under study; by analyzing the words,

¹⁴ Wahyu Abdul Jafar et al., 'The Childfree Phenomenon Based on Islamic Law and Its Respond on Muslim Society', *Al-Istinbath: Jurnal Hukum Islam* 8, no. 2 November (9 November 2023): 389, <https://doi.org/10.29240/jhi.v8i2.7865>.

¹⁵ Filipa Salgado and Sara Isabel Magalhães, "'I Am My Own Future'" Representations and Experiences of Childfree Women', *Women's Studies International Forum* 102 (January 2024): 102849, <https://doi.org/10.1016/j.wsif.2023.102849>.

¹⁶ M.A. Subandi and Byron J. Good, 'Shame as a Cultural Index of Illness and Recovery from Psychotic Illness in Java', *Asian Journal of Psychiatry* 34 (April 2018): 33–37, <https://doi.org/10.1016/j.ajp.2018.04.005>.

¹⁷ Elizabeth Agey, Daniel Conroy-Beam, and Steven J.C. Gaulin, 'Offspring and Parent Preferences for a Spouse or In-Law in an Arranged Marriage Context', *Evolution and Human Behavior* 45, no. 5 (September 2024): 106612, <https://doi.org/10.1016/j.evolhumbehav.2024.106612>.

¹⁸ Sri Suhandjati Sukri, *Orang Jawa Mencari Jodoh: Dari Kitab Fiqih Hingga Serat Centhini* (Bandung: Nuansa Cendekia, 2024).

¹⁹ Lawrence W. Sherman and Heather Strang, 'Experimental Ethnography: The Marriage of Qualitative and Quantitative Research', *The ANNALS of the American Academy of Political and Social Science* 595, no. 1 (September 2004): 204–22, <https://doi.org/10.1177/0002716204267481>.

and detailed views of informants in a natural setting and in the context of Surabaya society, where Jambangan Sub-district, Surabaya City was chosen as the research location to observe the importance of offspring and spouse selection. Interactive dialogue and observation techniques were conducted for 7 (seven) months from September 2023 to March 2024. Data were collected from the results of interactive dialogue and observation of 9 (nine) parents who have married off their children, male and female, aged 51 (fifty-one) to 73 (seventy-three) years, namely GSB; JKS; SBD; TRM; TMJ; SJN; MDR; RML; and KSB, and 6 (six) female and male, aged 20 (twenty) to 31 (thirty-one) years, namely AWP; DWK; KQB; RNA; YAN; and ROF. The respondents' real names were not mentioned and capital letters were used instead of the respondents' real names to show ethics in maintaining the confidentiality of the respondents' identities.²⁰

RESULT AND DISCUSSION

1. The Importance of Offspring in Marriage for Javanese in Surabaya

Javanese communities generally practice monogamous marriage and rarely polygamous marriage.²¹ Marriage in most cultures and traditions in various countries, including in Javanese society is a sacred, lifelong, socio-cultural, and religious contract.²² They consider that marriage is not only about sexual pleasure but also includes true love built for the perpetuation of marriage, marriage is used as a place to unite two families from the prospective husband and prospective wife.²³

Respondents in this study know the concept of marriage passed down from their ancestors. During the interactive dialogue, all respondents who were parents expressed the same concept of marriage, namely: "Marriage is an agreement between a man and a woman to love each other, live together, and intend to worship. Marriage involves and

²⁰ Julia Vorhölter, 'Anthropology Anonymous? Pseudonyms and Confidentiality as Challenges for Ethnography in the Twenty-First Century', *Ethnoscripts* 23, no. 1 (2021): 15-33.

²¹ Hildred Geertz, *The Javanese Family: A Study of Kinship and Socialization*, Reissued (Prospect Heights, Illinois: Waveland Press, 1989).

²² Qoni'ah Al Munasiroh et al., 'Javanese Marriage from the Perspective of Islam in Asemrudung Village, Grobogan', in *Proceedings of the International Conference on Islamic and Muhammadiyah Studies (ICIMS 2023)*, ed. Triono Ali Mustofa et al., vol. 773, *Advances in Social Science, Education and Humanities Research* (Paris: Atlantis Press SARL, 2024), 52-63, https://doi.org/10.2991/978-2-38476-102-9_6.

²³ Safrudin Aziz, 'Tradisi Pernikahan Adat Jawa Keraton Membentuk Keluarga Sakinah', *IBDA` : Jurnal Kajian Islam Dan Budaya* 15, no. 1 (2 May 2017): 22-41, <https://doi.org/10.24090/ibda.v15i1.724>.

unites both families from both the groom's and bride's extended families. For us, the bride and groom are from any ethnicity and community". This definition of marriage shows that the concept of marriage for the Javanese community is not only related to the two prospective brides who will enter into a marriage contract but also an important concern for the parents of the bride and groom and their relatives. Javanese Muslims living in Surabaya do not consider it important with whom they will marry and marry their children. They are open to any ethnicity and consider that the most important thing is that there are good intentions to love and care for each other from the two prospective brides and grooms.

All respondents who were parents stated that marriage is a social obligation for all men and women living in their community and that if anyone has not married by the age of 30 or above, there will be social sanctions. The community expects marriage to happen because it is seen as the only way to procreate as a form of existence, with the younger generation replacing the older generation, for example in the interactive dialogue with 73-year-old Mrs TMJ who said:

"As long as one is not insane, it is compulsory for every member of the community who has reached the age of marriage to marry, whether they are employed or unemployed. Those who do not marry by the age of 30 or fail to do so are subject to ridicule, insinuations, and gossip. This is because the community continues to expect offspring to keep the community alive".²⁴

Unless there is a reason for insanity or illness, then they view marriage as a mandatory institution for young men and women who are not married. Meanwhile, those who have not or failed to find a mate or choose to be single are stigmatized by their families and communities as *jejaka* or spinsters²⁵ and deviate from the norms prevailing in society.²⁶

²⁴ TMJ, Dialogue with male parents who have married their children, 12 October 2023.

²⁵ Ema Septiana and Muhammad Syafiq, 'IDENTITAS "LAJANG" (SINGLE IDENTITY) DAN STIGMA: STUDI FENOMENOLOGI PEREMPUAN LAJANG DI SURABAYA', *Jurnal Psikologi Teori Dan Terapan* 4, no. 1 (26 August 2013): 71, <https://doi.org/10.26740/jppt.v4n1.p71-86>.

²⁶ Gracetia Ratna Honesty Maryanto, Karel Karsten Himawan, and Hanif Akhtar, 'Self-Compassion Increases Life Satisfaction in Singles Who Want to Get Married: [Welas Asih Diri Meningkatkan Kepuasan Hidup Pada Lajang Ingin Menikah]', *ANIMA Indonesian Psychological Journal* 39, no. 1 (31 January 2024): e06, <https://doi.org/10.24123/aipj.v39i1.5493>.

For the Javanese Muslim, parents want one of their daughters to stay with their parents, parents want their daughter and son-in-law to accompany them for life until they die. We had a dialogue with KSB and SBD who were opinionated:

“Marriage aims to keep women living in their parents' house by following certain procedures to accompany parents, parents living with their daughters and procreation”.²⁷

This desire of the parents can be through discussion and consent from their daughters and sons-in-law or not, in this situation there is a possibility that parents intervene for their daughters to live with them in one house,²⁸ especially if the parents have an only daughter. In our observations, we found a picture of parents' desire to keep their daughter and her husband in their parent's house for the rest of their lives. Such a practice does not mean that the daughter and her husband are free from interference from the parents and they understand the consequences.

In a patriarchal system, daughters are expected by their fathers to live with their parents after marriage. For the Javanese who adhere to the matrilineal system, the parents have prepared a place for the daughter to live with her husband, since then a man who lives with his wife becomes an individual husband, family member, and community member.²⁹ This study observed women who were chosen to accompany their parents after marriage, and there did not appear to be any special rituals or ceremonies when the new husband and wife had to live in the bride's house. This ritual, commonly referred to as '*mantu*', is where guests will attend a reception with a series of programs such as reading the Qur'an, '*pasrah temanten kakung*' speeches from the groom's family, '*tampi pasrah temanten kakung*' speeches from the bride's family, religious lectures and prayers. The extended family of the bride is at home to accompany her for a day after the reception. Then, each member of the community carefully observes whether the newly married woman is pregnant.

²⁷ KSB, Dialogue with male parents who have married their children, 3 October 2023; SBD, Dialogue with male parents who have married their children, 17 October 2023.

²⁸ Wahdatur Rike Uyunul Mukarromah, 'Pengaruh Dan Dampak Intervensi Orang Tua Terhadap Rumah Tangga Anak Perspektif Hukum Islam Di Desa Mayang Jember', *Rechtenstudent* 1, no. 1 (3 April 2020): 44-54, <https://doi.org/10.35719/rch.v1i1.13>.

²⁹ G. William Skinner and George Peter Murdock, 'Social Structure in Southeast Asia', *Journal of the American Oriental Society* 82, no. 2 (April 1962): 276, <https://doi.org/10.2307/597953>.

All respondents stated that the purpose of marriage is to continue the generation; the community expects children to be born to the couple. Children are considered an important asset to the family, so childlessness is considered a disgrace and a deviation from the family and community. A woman is considered to have the nature of a mother and can conceive and give birth.³⁰ This internalized society³¹ demands that women have children even though it is considered burdensome when they do not have children. Of course, negative stigmas arise for these women, such as barrenness and imperfection. This social construction has been in effect for generations without regard to scientific knowledge to state women's ability to have children.³² However, some cultures show social acceptance of spouses who cannot have children.³³ This acceptance is considered an effort to remove the myth of the concept that having children is mandatory in a marriage.³⁴

Some questions are addressed to spouses, such as 'Are you pregnant or not', this question is felt to be psychologically burdensome for women in living their daily lives in their social environment. A marriage that produces offspring is considered an asset and property for the family. The dialogue results show:

"Marriage must produce offspring, if there are no offspring why is there marriage? Should still try and pray. Try to see a doctor, Kyai, or shaman so that they can have children soon. If there are no results, they should divorce and find a new spouse. Experiences in the neighborhood show that after divorcing and having a new spouse, they have children. My grandparents also had such experiences".³⁵

³⁰ Gladys Ekone Wang, 'The Childless Woman and Her Neighbours: Exploring Neighbourliness within a Rural Community in Cameroon', in *The Ambiguous Figure of the Neighbor in Jewish, Christian, and Islamic Texts and Receptions*, ed. Marianne Bjelland Kartzow (Park Square, Milton Park, Abingdon, Oxon: Routledge, 2021), 172.

³¹ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Repr. in Penguin Books, Penguin Social Sciences (London: Penguin Books, 1991).

³² Erika Irmawati Putri, Nanik Rahmawati, and Rahma Syafitri, 'Dampak Stigma Masyarakat Bagi Keluarga Yang Belum Memiliki Anak Di Desa Sungai Besar Kabupaten Lingga', *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 2, no. 2 (12 August 2023): 233–48, <https://doi.org/10.55606/jurrish.v2i2.1732>.

³³ Stoyanka Cherkezova, 'Voluntary Childlessness Is Increasingly Culturally Acceptable in Developed Europe', *Население* 41, no. 2 (2023): 60–82.

³⁴ Holly Hummer, 'Motherhood Myths and Mystiques: How Childless Women Navigate Cultural Beliefs about Motherhood', *Journal of Marriage and Family* 86, no. 4 (August 2024): 1098–1118, <https://doi.org/10.1111/jomf.12996>.

³⁵ MDR, Dialogue with male parents who have married their children, 15 November 2023; RML, Dialogue with male parents who have married their children, 18 October 2023.

In general, marriage functions for procreation, no marriage is said to have taken place until at least one child has been born from it. Procreation is used as a way to measure the ability of a married couple to maintain social regeneration.³⁶ In Javanese wedding ceremonies, one ritual is called '*kacar-kucur*' (yellow rice and coins) which are placed on the bride's lap, and eventually accepted, this is intended to ask God for fertility and prosperity.³⁷ The groom handing over the '*kacar-kucur*' is intended as a display of the procreation process. '*Ngidak tigan*' is intended for the smooth process of procreation that may have been successful for several generations. The egg is considered a symbol of the 'seed of life'.³⁸

It is assumed that when a married couple in a marriage dies without children, there will be no one to represent them. Their lineage will be lost and cut off as they have no offspring to continue the generation. This suggests that any marriage that has been blessed with children has a special place in the Javanese Muslim. As told by the following respondent:

"Children are expected by every couple, their parents, and extended family. We as the parents of the bride and groom want grandchildren from the bride and groom. We feel happy to be called 'grandparents' by family, friends, and neighbors. We feel that life is perfect with the presence of grandchildren and we are ready to '*momong putu*' (take care of grandchildren).³⁹ Another respondent mentioned that childless marriage among Javanese Muslims is a very painful and embarrassing situation in life.⁴⁰

In Javanese myth, marriage is not fully recognized or consummated until the wife gives birth, so those who do not have children will '*mupu anak*' or child adoption from others⁴¹ to induce them to have children soon,⁴² at which stage they can apply to the Court

³⁶ Albert Doja, 'Dreaming of Fecundity in Rural Society', *Rural History* 16, no. 2 (October 2005): 209-33, <https://doi.org/10.1017/S0956793305001482>.

³⁷ Tri Ardy Pramesti and Muhammad Mukhlis, 'Semiotic Analysis at Javanese Traditional Events in West Maredan, Tualang District, Siak Regency', *Asian Journal of Social and Humanities* 1, no. 10 (25 July 2023): 618-31, <https://doi.org/10.59888/ajosh.v1i10.65>.

³⁸ John Pemberton, *On the Subject of 'Java'*, 2. print (Ithaca: Cornell University Press, 1995).

³⁹ TRM, Dialogue with male parents who have married their children, 2 November 2023.

⁴⁰ JKS, Dialogue with male parents who have married their children, 9 October 2023.

⁴¹ B. Bastian Tafal, *Pengangkatan anak menurut hukum adat: serta akibat-akibat hukumnya dikemudian hari*, Ed. 1. cet. 2 (Jakarta: Rajawali, 1989); Sri Jaya Lesmana, *Sosiologi Hukum Indonesia* (Tangerang: Berkah Aksara Cipta Karya, 2024).

⁴² Iman Budhi Santosa, *Spiritualisme Jawa*, Cetakan pertama (Banguntapan, Yogyakarta: Diva Press, 2021).

for the adoption of their adopted children.⁴³ The first pregnancy is a sign of a woman's complete integration into the family and kinship circle. The community still considers that children are the most valuable treasure in the household, and if there are no children, there will be a lost generation to continue the struggle of the parents. It is common to adopt a child so that they can be considered to continue their offspring.⁴⁴ In Javanese society, childless couples are particularly vulnerable to stigma and labeling, and will eventually gain access to children through adoption or marriage to someone who already has children. This shortcut is supposed to reduce the stigma of the community and be able to establish a good relationship with the adopted child or stepchild. Their success in doing this is to gain support when the couple is in their later years.⁴⁵

Islam pays more attention to the continuity of offspring resulting from the sacred and legal process of procreation in Islamic law through the institution of marriage. When they have offspring, they must be able to commit to being fully responsible for raising children,⁴⁶ so that it is following the maqasid shariah principle of maintaining the continuity of human offspring through marriage and rejecting adultery.⁴⁷ The continuity of regeneration will be able to have a positive impact on ensuring human development in the future. To get good offspring, Islam provides guidance to find a partner that is expected by the Hadith Anas Bin Malik said The Messenger of Allah (SAW) commanded us to start families and strongly discouraged celibacy. He said: Marry women who are fertile and loving.⁴⁸ In contrast, maqasid shariah guides society to minimize and eliminate the stigma against married couples who experience infertility. Islam provides navigation that the protection of human dignity must be prioritized for every individual who

⁴³ Diana Lubis, 'ANALISIS YURIDIS PENGANGKATAN ANAK DAN AKIBAT HUKUMNYA BERDASARKAN PENETAPAN PENGADILAN NEGERI MEDAN', *Jurnal Ilmiah METADATA* 5, no. 3 (4 September 2023): 110–25, <https://doi.org/10.47652/metadata.v5i3.397>.

⁴⁴ GSB, Dialogue with male parents who have married their children, 27 November 2023.

⁴⁵ Elisabeth Schröder-Butterfill and Philip Kreager, 'Actual and de Facto Childlessness in East Java: A Preliminary Analysis' (Working Paper 203, Oxford Institute of Ageing, Oxford University, Oxford ..., 2003).

⁴⁶ Muḥammad Munir, *Rights of the Child in Islam: Theory, Mechanisms, Practices and Convention on the Rights of the Child*, 1st edition (Islamabad: Iqbal International Institute for Research and Dialogue, International Islamic University, 2017).

⁴⁷ Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Inst. of Islamic Thought, 2008), 140.

⁴⁸ Ahmad Ibn Hanbal, *Musnad Ahmad Ibn Hanbal* (Muassasah Risalah, 2001), Juz. 20, 63.

experiences infertility, because having children or not, this is God's destiny. However, for individuals who experience infertility, the presence of a child is an important part of their life.⁴⁹ Thus, societal acceptance of individuals who experience infertility is important to create a more inclusive social environment in the protection of human dignity.

2. Javanese Muslim In Surabaya's Spouse Selection

In marriage, the selection of a spouse receives special treatment and tends to be careful to ensure that the spouse is the right one to choose. The respondents -who are parents- agreed that before choosing a spouse, children should seek advice, consideration, and counsel from both parents and their families. For example, Respondent GSB said:

“In Javanese tradition, we do not allow our sons to be careless in choosing their future spouses, the factors of ‘*bibit, bebet, bobot*’ remain an important priority, so that the son gets the right wife to accompany him for the rest of his life”.⁵⁰

This respondent recounted certain criteria in choosing a potential spouse, showing how she was trying to maintain the tradition of Javanese society which recognizes the norms of ‘*bibit, bebet, bobot*’ in determining a potential spouse.⁵¹ Prospective brides and parents consider ‘*bibit*’ based on heredity by taking into account the individual's physique, social status, religion, and ethnicity. This condition allows the realization of equality between prospective husbands and wives so that there is no social psychological burden in the household. Candidates and parents consider ‘*bebet*’ based on traits, character, personality, disposition, and temperament. This condition allows the bride-to-be to be measured by the extent of her personality, values, and beliefs in personal and spiritual development. The bride-to-be and her parents consider ‘*bobot*’ based on individual qualities in her work ethic, economic, cultural, political, and social capabilities. This allows the quality of domestic happiness to be measured.⁵²

⁴⁹ Oluwakemi S. Iwelumor et al., “‘A Child Is as Important as Life’: Reflections on the Value of Children from Infertile Couples’, *Open Access Macedonian Journal of Medical Sciences* 8, no. E (20 April 2020): 302–7, <https://doi.org/10.3889/oamjms.2020.3752>.

⁵⁰ GSB, Dialogue with male parents who have married their children.

⁵¹ Umi Masfiah, ‘*Bobot, Bibit, and Bebet* in Choosing a Mate: (A Study of *Serat Warayagnya* Manuscript by Mangkunegara IV)’ (International Symposium on Religious Literature and Heritage (ISLAGE 2021), Malang, Indonesia, 2022), <https://doi.org/10.2991/assehr.k.220206.045>.

⁵² Tracy Wright Webster, ‘Understanding the Ties That Bind: Early Marriage in Yogyakarta’, *Indonesian Feminist Journal* 3, no. 1 (2015): 76–84.

The statements of the respondents during the dialogue indicate that marriage in urban Javanese Muslims is currently still governed by customary rules of mate selection. Everyone in the community abides by these rules. Disobeying the rules can have negative consequences in the community, they will receive social sanctions, social surveillance, and threats in the expression *'titenono mbesuk'* which indicates the existence of serious surveillance and monitoring efforts, these people are called *'wong peniten'* which requires being ready and alert to events that will occur in the future.⁵³ Other traditions describe social conditions for individuals who refuse to abide by the rules can lead to sanctions from the community who refuse to exchange economically, cooperate, and provide support in times of crisis,⁵⁴ ultimately these individuals must comply with these rules and fear stigma, discrimination, and exclusion.⁵⁵ There were several respondents -women- who shared their stories:

“In choosing a spouse, although my parents allowed me to look for a spouse on my own, there were some conditions that had to be considered; I was worried about getting the wrong mate and eventually disappointing my parents and family. In addition, I was worried about being stigmatized by society for choosing the wrong spouse”.⁵⁶ “I have to obey the decision of my parents and family in choosing a spouse, I am afraid to choose the wrong one. My parents still adhere to the norm of *'bibit, bebet, bobot'*. I respect that norm and try to abide by it”.⁵⁷

In addition, there are other considerations in choosing a spouse, namely the role of parents and family in choosing a prospective spouse, namely following the criteria for prospective spouses following the criteria desired by parents and family. The following respondents felt worried they refused their parents' wishes:

“I want to follow my parents' criteria because it concerns my future and my spouse so that I can be accepted by my parents and extended family”.⁵⁸ “I feel that my parents should find the right spouse, and my obligation at the moment is only to pray that I will not choose the wrong spouse, even though my parents' decision depends

⁵³ Tri Chandra Aprianto, 'Perampasan Tanah Dan Konflik: Kisah Perlawanan Sedulur Sikep', *BHUMI: Jurnal Agraria Dan Pertanahan*, no. 37 (2013): 157-68.

⁵⁴ Daryl J Levinson, 'Collective Sanctions', *Stanford Law Review*, 2003, 345-428.

⁵⁵ Loïc Wacquant, 'Three Steps to a Historical Anthropology of Actually Existing Neoliberalism: A HISTORICAL ANTHROPOLOGY OF ACTUALLY EXISTING NEOLIBERALISM', *Social Anthropology* 20, no. 1 (February 2012): 66-79, <https://doi.org/10.1111/j.1469-8676.2011.00189.x>.

⁵⁶ RNA, Dialogue with Unmarried women, 27 January 2024.

⁵⁷ ROF, Dialogue with Unmarried men, 12 February 2024.

⁵⁸ AWP, Dialogue with Unmarried women, 11 February 2024.

on my choice. But I also have to consider the criteria of my parents and family, I am worried about disappointing them".⁵⁹

There are stories told by two respondents that reveal that rigid categorization rules of *'bibit, bebet, bobot'* are strictly used in choosing a spouse. The community would censure individuals who ignored this norm. As this respondent put it:

"If my parents and extended family have serious objections to someone I like as a spouse, then I will consider the reasons why my parents and family do not like the potential spouse. If that is the best choice for me, then I am willing to let go of the person I love. The blessing of my parents is also the blessing of Allah, so I am sure that Allah will replace them with the best. I am afraid of disappointing them and do not want to regret it in the future".⁶⁰ "I do not want to make my parents disappointed with my choice, I must obey whatever their decision is".⁶¹

The stories of these two young women show that there are concerns about social censure and sanctions if they do not comply with prevailing social norms. They will carefully weigh the costs and benefits of their acceptance of this social norm.⁶² They do not want to accept ostracisation that refers to the rejection of this norm, they do not want to be stigmatized as rejecters of the norm and considered to pollute the family as rule breakers. Under certain conditions, individuals will experience stress, and confusion about following, negotiating, or rejecting this norm.⁶³ Social control is produced through this social order of norms and rules to be able to regulate individuals and collectives,⁶⁴ when this social norm confronts the individual norm that comes from the subject's consciousness and decision, then the individual will consider well and must struggle with his social environment.⁶⁵

This social norm has become a tool of social control that requires them to comply with it to maintain the honor of their family and themselves. On the other hand, such social norms have caused excessive pressure that can cause stress, trauma, and confusion, so

⁵⁹ DWK, Dialogue with Unmarried women, 13 January 2024.

⁶⁰ YAN, Dialogue with Unmarried women, 7 January 2024.

⁶¹ KQB, Dialogue with Unmarried women, 23 February 2024.

⁶² Engle Merry, 'Legal Pluralism and Legal Culture'.

⁶³ Sally Falk Moore, 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study', *Law & Society Review* 7, no. 4 (1973): 719, <https://doi.org/10.2307/3052967>.

⁶⁴ A. Javier Treviño, *Social Control Through Law: Roscoe Pound*, 1st ed. (Routledge, 2017), <https://doi.org/10.4324/9781315129495>.

⁶⁵ Christian Fuchs, 'The Role of the Individual in the Social Information Process', *Entropy* 5, no. 1 (5 February 2003): 34–60, <https://doi.org/10.3390/e5010034>.

this right can conflict with the principle of *hifz al-nafs*, which is one of the essence of maqasid shariah in protecting the soul and psychological well-being of individuals as part of the material, moral and spiritual aspects.⁶⁶ One of the principles in shariah is the middlemost position/*wasathan* by not behaving excessively/*ifrath* or negligence/*tafrith* is expected to be able to provide an offer to the community to be able to behave in a balanced manner between complying with social norms and maintaining personal welfare.⁶⁷ Individuals are not disadvantaged when dealing with social norms, and the protection of human dignity should be prioritized by reducing social behaviors that lead to social exclusion and stigma. When this social norm is perceived to be detrimental to women's dignity, then this can violate the principle of *hifz al-'irdh* which prohibits the practice of assault, deprivation, and oppression of human life, property, and human dignity, this prohibition aims to promote anti-violence that can cause harm to oneself or others.⁶⁸ Shariah seeks to provide a sense of justice, benefit, and dignity; find ways to eliminate hardship; and respond to emergencies of need and custom.⁶⁹

CONCLUSION

This traditional view of the importance of having offspring in Javanese Muslims in Surabaya is supported by strong social constructs, where cultural norms and social expectations emphasize the importance of having children as family successors. The inability or decision not to have children often carries a social stigma, especially for women. The choice of a spouse controlled through social norms makes it difficult for individuals to ignore and reject them, as they want harmony and avoid confrontation with their parents and family. This shows that social constructions and cultural values continue to evolve and people are comfortable with these conditions and situations.

⁶⁶ Mohammad Hashim Kamali, Mohammed Eriouiche, and Mawloud Mohadi, 'مقاصد الشريعة والاجتهاد: أداتان للتجديد الحضاري', *Journal of Contemporary Maqasid Studies* 3, no. 1 (27 January 2024): 145-74, <https://doi.org/10.52100/jcms.v3i1.134>.

⁶⁷ Muhammad Al-Tahir Ibn Ashur, *Ibn Ashur: Treatise on Maqasid al-Shari'ah*, trans. Mohamed El-Tahir El-Mesawi (International Institute of Islamic Thought, 2006), 87.

⁶⁸ Ashur, 57.

⁶⁹ Adis Duderija, 'Islamic Law Reform and Maqāṣid Al-Sharī'a in the Thought of Mohammad Hashim Kamali', in *Maqāṣid Al-Sharī'a and Contemporary Reformist Muslim Thought: An Examination*, ed. Adis Duderija (New York: Palgrave Macmillan US, 2014), 13-37, https://doi.org/10.1057/9781137319418_2.

Individuals are considered to have freedom in spouse selection without any pressure, but strict social norms have forced them to follow in order to avoid social stigma. While the relationship between social norms and Islamic law integrated and identified by Javanese Muslims is still a temporary dynamic, this description represents the reality that Javanese society is in a social process. Furthermore, Surabaya as a research location is not fully representative of other Javanese communities in other locations spread across Java, which it describes as Mataraman Kulon, Mataraman Wetan, Pandalungan, or Osing in East Java, these locations may have different cultural backgrounds. Thus, the description in this article does not yet imply social changes that characterise the future efforts of thinking about both norms.

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