

# Exploring the monogamy principle in the Samin community's customary marriages in Kudus: Harmonisation of tradition and state law

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This article explores the practise of monogamy in customary marriage within the Samin community in Larikrejo, Kudus, rooted in the principle of *bojo siji kangge saklawase*. The uniqueness of this customary marriage practise is evident in the reflection of the values of Samin society, passed down through generations by their ancestors. Its significance becomes more pronounced considering the prevalence of polygamous practises in customary marriages across various regions of Indonesia. Despite the allowance of polygamy within certain limits by state law, the Samin community chooses to uphold their customary marriage traditions. This article presents the findings of field research involving four key informants and direct observations of customary marriage practises as the primary source. The research reveals that the practise of monogamy within Samin community marriages reflects the embodiment of the *bojo siji kangge saklawase* principle, manifested through a solemn pledge to one wife made by prospective grooms during the *paseksen* stage, the final step in the customary marriage ceremony following *nyumuk* (betrothal) and *pasuwitan* (marriage contract). The obligation to make this pledge aims to prevent potential conflicts within Samin families. This monogamous practice aligns with the principles of monogamy and the objectives of marriage in state law, creating harmony and stability within the family institution. This study provides in-depth insights into the unique relationship between local values and state regulations amidst the challenges of modernisation and ongoing social changes.

Artikel ini mengeksplorasi praktik monogami dalam perkawinan adat di komunitas Samin, Desa Larikrejo, Kudus, yang berakar pada prinsip *bojo siji kangge saklawase*. Praktik perkawinan adat ini unik, karena merefleksikan nilai-nilai kehidupan masyarakat Samin yang diwariskan secara turun temurun oleh nenek moyang mereka. Signifikansinya semakin penting mengingat maraknya praktik poligami dalam perkawinan adat di berbagai daerah Indonesia. Meskipun hukum negara mengizinkan poligami dalam batas tertentu, komunitas Samin memilih mempertahankan tradisi perkawinan adat mereka. Artikel ini merupakan hasil penelitian lapangan dengan melibatkan empat informan kunci dan observasi langsung terhadap praktik perkawinan adat sebagai sumber primer. Temuan penelitian menunjukkan bahwa praktik monogami dalam perkawinan di komunitas Samin mencerminkan pengamalan prinsip *bojo siji kangge saklawase*, termanifestasi dalam janji setia pada satu istri yang diikrarkan oleh calon mempelai laki-laki pada tahap *paseksen*, langkah terakhir dalam prosesi perkawinan adat setelah *nyumuk* (lamaran) dan *pasuwitan* (akad nikah). Kewajiban mengucapkan janji tersebut bertujuan untuk mencegah terjadinya konflik dalam keluarga di kalangan komunitas Samin. Praktik monogami ini sejalan dengan asas monogami dan tujuan perkawinan dalam hukum negara, menciptakan harmoni dan stabilitas dalam institusi keluarga. Studi ini memberikan wawasan mendalam mengenai relasi yang unik antara nilai-nilai lokal dan regulasi nasional di tengah tantangan modernisasi dan perubahan sosial yang terus berkembang.

**Keywords:** *Customary Law; Customary Marriage; Monogamy; Samin Community; State Law*

## Introduction

Polygamy stands as a contentious issue, subject to varying degrees of regulation in Muslim nations (Kamaruddin and Abdullah, 2008; Marzuki, 2019). Legislative frameworks in countries such as Pakistan, Afghanistan, and Morocco permit polygamous unions (Marzuki, 2019, pp. 147–151; Azam et al., 2021) whereas Indonesia, Malaysia, Iran, and Egypt impose stringent conditions to restrict this practise (Noviana, Wigati and Sakdiyah, 2023). Conversely, Tunisia and Turkey outright prohibit polygamy (Yelwa, 2014). The established regulations and religious doctrines endorsing polygamy are implicated in adverse repercussions for women (Abdullah, Abdullah and Ferdousi, 2015), rendering them incompatible with the universal standards of women's rights and gender equality (Mashhour, 2005; Fakhria, Afyuddin and Alias, 2023). Consequently, several Muslim nations are actively reconsidering these provisions, scrutinising the contemporary relevance of polygamy, particularly in the context of women's protection (Sadiqi, 2008). These diverse regulatory approaches underscore the spectrum of perspectives within Muslim societies and illuminate the intricate social, cultural, and religious dimensions inherent in navigating this delicate and contentious matter (Moghadam, 2002; Abu-Nimer, 2001).

While Indonesia officially permits polygamy under certain conditions, the unauthorised and unregistered prevalence of polygamous unions remains widespread, particularly within pesantren communities and specific customary groups (Nurmila, 2016; Smith, 2009; Pongkorung and Sudantra, 2020). In contrast, the Samin community in Larikrejo distinctly refrains from engaging in polygamous practises. Instead, they adhere to the enduring tradition of monogamy in marriage, a principle steadfastly upheld by their forebears and encapsulated by the adage *bojo siji kangge saklawase* (one wife forever). During the customary Samin marriage procession known as *paseksen*, the prospective groom is obligated to solemnly declare the principle of *bojo siji kangge saklawase* to the prospective bride, an act witnessed by all guests. This solemn vow is referred to as "*sadat wong sikep*". The distinctive commitment to monogamy by the Samin community sets it apart from the prevailing customary marriage practises observed in most regions of Indonesia.

Based in literature studies of the Samin community traditionally emphasised millenarianism and movements (Benda and Castles, 1969; King, 1973; Korver, 1976). Recent research,

however, shifts towards scrutinising governmental policies in education, parenting, and cognitive development influenced by Samin's teachings (Raharjo and Kameo, 2016; Kholiq, Mutohar and Sumintono, 2022; Yuniar, Fitroh and Susianti, 2023). Noteworthy inquiries explore digital literacy and political engagement within the Samin community (Rahardjo, Sulistyani and Suprihatini, 2018; Hasyim, 2020), as well as the role of Samin's teachings in environmental and cultural preservation (Wardojo, Devi and Kasim, 2016; Mojo, Hadi and Purnaweni, 2017). Despite the community's cultural resistance, an open faction shows higher responsiveness to governmental programmes (Riyadi et al., 2021). Despite conflicts with state and Islamic laws, certain Samin traditions align with Islamic cultural values (Hartanto, 2017; Karangrowo Village, Undaan Sub district, Kudus Regency. This research aims to (1 Huda, Septiasih and Nastangin, 2022), it is pertinent to acknowledge that some of these traditions align with Islamic cultural values (Oktafia and Maward, 2017). This article contributes by analysing the concordance between customary and state law, focusing on the enduring principle of *bojo siji kangge saklawase* in Samin marriage practises in Larikrejo.

## **Method**

This article constitutes field research employing a case study approach, focusing on the Samin community in Larikrejo, Kudus, Central Java, Indonesia. The research spanned four months, from May to August 2022. Data conducted through interviews with four key informants, encompassing a Samin traditional leader (Budi Santosa), an adherent of Samin (Suwito), and a spouse (Gumani and Indah) exemplifying the *bojo siji kangge saklawase* principle, which underscores monogamy in marriage. The interview methodology served as the primary means of gathering insights into the Samin community's rituals, beliefs concerning marriage, and their comprehension of the *bojo siji kangge saklawase* principle. In tandem with interviews, direct observations were conducted to witness the three stages of the marriage procession practiced by the Samin community. The data underwent qualitative analysis following the framework outlined by Miles and Huberman (1994).

## **The Samin community and its traditional marriage practises**

*Wong Samin*, a Javanese term, designates a faction within Javanese society adhering to the Samin teachings, commonly employed by observers, whereas the community self-identifies as *sedulur sikep* (Suhandano, 2020, p. 283). The genesis of the Samin community lies in a

farmers' movement instigated by Ki Samin Surosentiko in the early 19th century (Sobirin, 2015). Samin, distinguished by his atypical status as the grandson of a prince and possessing a puritanical disposition, represents a lineage known as *Samin Anom*, sustaining his father's movement, recognised as *Samin Sepuh*. During his leadership, Saminism's teachings fragmented into two sects: the *Samin Sepuh* and the *Samin Anom* (Tuhusetya, 2009).

Karl Jasper's report, commissioned by the Assistant Resident of Rembang, highlighted Samin's nonconformist stance, particularly in resisting tax payments, characterising him as an eccentric individual (Sobirin, 2015). Despite intentions to disseminate his teachings, the Dutch authorities banned and exiled Samin to Tanah Lunto in 1914, confiscating numerous community books, including *Serat Jamus Kalimasada*. During the New Order era, the Samin community was classified as a traditionally backwards group (Lukito, 2008, p. 37), prompting state-led initiatives to align it with developmental objectives and modernisation, albeit employing coercive and repressive measures (Adzkiya and Rohman, 2019).

The Samin is recognised as a cultured and religious society (Wignjosoebroto, 2008). Historically, the Samin teachings are rooted from the religious doctrines of Hindu-Dharma, initially established in the Bengawan Solo valley, encompassing Boyolali and Surakarta. The Samin teachings related to Shiva-Budhism's teaching as a syncretism between Hindu and Buddhism. The evolution of Samin teachings witnessed the influence of Islam, introduced by Ki Ageng Pengging, a disciple of Syeh Siti Jenar. Selected portions of Samin teachings have been documented in the New Javanese language, presented in the form of traditional poetry (*tembang macapat*) and prose (*gancaran*). The dissemination of Samin teachings spans various Javanese regions, including Tapelan (Bojonegara), Nginggil, and Klopoduwur (Blora), Gunungsegara (Brebes), Kandangan (Pati), Tlaga Anyar (Lamongan), and Kutuk (Kudus) (Tuhusetya, 2009). In Kudus, aside from Kutuk, the Samin community extends to neighbouring villages such as Karangrowo, Larekrejo, Bulungcangkring, and Pasuruhan Lor (Rosyid, 2009, p. 69). The Samin teachings in these areas encompass a meditative movement, emphasising the mobilisation of inner strength to govern lusts.

Following the 1998 reformation, the Samin community was officially recognised by the state, affording them the liberty to adhere to their customs, culture, and beliefs, notably in the observance of traditional marriages as outlined in Population Administration Law

number 23 of 2006. Contrary to the stipulations in Law number 1 of 1974 on Marriage, which designates the prospective bridegroom and bride as parties to the marriage contract, the Samin teachings prescribe the parents of the prospective couple as the contracting parties, with specific roles designated for the mother and father (Ain, 2022). The mother assumes the responsibility of preparing all necessary arrangements, while the father, acting as the guardian, grants approval for the marriage. In the event of the father's demise, representation may be undertaken by the father's older brother (*pak de*) or younger brother (*pak lek*) (Suwito, 2022). In cases of divorce initiated by the husband, a symbolic handover of the wife to her parent is required. The ensuing rights, including the division of joint property (*gono-gini*) and inherited assets, necessitate a mutual decision between the former spouses (Rosyid, 2009). Diverging from practises in Larikrejo, the Samin community in Karangrowo does not recognise divorce in their marriage practises (Hartanto, 2017, p. 134).

In the Samin teachings of Larikrejo, marriage practises generally undergo a structured three-stage process: *nyumuk* (proposal), also referred to as *ngendek*, *pasuwitan* (marriage contract), and *paseksen* (Santosa, 2022). In the initial stage, the prospective groom, accompanied by his parents, meets the prospective bride and her parents to enquire about her marital status, whether she is still unmarried (*legan*) or already proposed by someone else (Rosyid, 2009, p. 97). Following affirmative confirmation, the father of the prospective groom formally expresses his intent to marry his son. The *nyumuk* stage establishes a familial connection between the two families, engendering mutual responsibilities for doing good and assistance (Gumami 2022, Indah, 2022).

Subsequent to the *nyumuk* stage, both families collaboratively determine a date for the *pasuwitan*. In this second phase, the prospective groom, accompanied by his parents, family, and neighbours, visits the prospective bride's residence bearing; comprising clothing, gold, necklaces, and rings (*tali gumem*) symbolising the binding of the bride, alongside various snacks and fruits for her. To receive the groom's entourage and serve as witnesses to the *pasuwitan*, the bride's family extends invitations to relatives, siblings, neighbours, and elders within the Samin community. The prospective groom occupies a prominent position, flanked by his parents and Samin traditional leaders, while the bride positions herself in a face-to-face arrangement with him, accompanied by her parents and local Samin elders.

Following the face-to-face interaction between the two families, the *pasuwitan* ceremony commences promptly (Gumani, 2022).

The second phase of the ceremonial process commences with the father of the prospective groom elucidating the purpose of his visit to fulfil his commitment regarding his son's request for approval. Following the receipt of approval, the father of the prospective groom extends the opportunity for direct enquiries to the prospective in-laws. The prospective in-laws, in concordance with the proposal, graciously embrace the noble intentions of their visitors. Upon reaching a consensus, the parties bid farewell and reciprocate expressions of gratitude (Indah, 2022). The *pasuwitan* event is deemed comprehensive, concluding with the *brokoban* ritual as an expression of gratitude to God, thereby affirming the legitimacy of the union between the two individuals as husband and wife (Santosa, 2022).

The culminating stage, known as *paseksen*, entails the wedding reception, or *walimah al-'uryy* (Rosyid, 2009, p. 97). This ceremony transpires after the consummation of the marriage between the bride and groom. During this event, the groom expresses *sadat wong sikep*, a commitment to managing the household and fulfilling all matrimonial obligations, coupled with a pledge of unwavering loyalty to his singular wife (*bojo siji kangge saklawase*). This pledge transpires in the presence of the in-laws, the bride, her family, and guests, spanning both Samin and non-Samin communities. The event concludes with the *brokoban* ritual, symbolising gratitude, and prayers for the happiness of the newly formed household. An illustrative example of the *Sadat wong sikep* expression is as follows:

“Njib amit nuwun sewu poro sepub, mbah, bapak, ibu, kakang, mbakyu, sumrambahing adik sedoyo, kulo ajeng ngandhakke sadat, jenengku lanang damel kulo rabi, noto wong jeneng wedok penganan Indah. Kulo sampun kukuh jawab demen janji, janji sepisan kangge sak lawase. Njib niku sadat kulo, ndiko sekseni piyambak-piyambak” (Gumani, 2022).

[Excuse me, sir, madam, brothers, sisters, and everyone present. I would like to announce the marriage pledge. I, as the groom, have married a woman named Indah. I am confident that I will fulfil the marriage pledge, which is a commitment to marry once in a lifetime. That is my marriage pledge; please, all witnesses, observe it for yourselves].

The *sadat wong sikep* pledge encompasses two primary obligations for the groom. Firstly, he is mandated to fulfil all responsibilities as a husband, encompassing the provision of dowry,

financial support, engaging in conjugal relations, and treating his wife with kindness and equity. This obligation aligns with stipulations within Islamic law. As elucidated by al-Zuḥailī (1985, p. 327), a husband is obligated to fulfill both material (*māliyyah*) and non-material (*ghairu māliyyah*) duties to his wife, manifesting as the provision of dowry, financial support, proper engagement in conjugal relations, and equitable treatment. The obligation to provide a dowry is not explicitly articulated during the *pasumitan* procession, consistent with *fiqh* provisions, although presenting the direct dowry is highly recommended (Al-Zuḥailī, 1985, p. 125).

Secondly, during the *paseksen* procession, there is a commitment to marry only one wife, rooted in the Samin teaching based on the *bojo siji kangge sakelawase* principle, which prohibits the practise of polygamous marriages. This principle is designed to uphold tranquilly and harmony within the household. Within the Samin community, polygamy is viewed as the origin of domestic issues that can lead to conflicts (Suwito, 2022). Furthermore, this principle underscores the importance of the husband-wife relationship in maintaining modesty and nobility of character within the framework of Saminism teachings (Santosa, 2022). The proscription of polygamy constitutes one of the three teachings prohibiting certain marriages, along with the prohibition of same-sex marriages and unions between siblings (Rosyid, 2009, p. 116). In *fiqh*, the restriction on a husband's participation in polygamous marriages within the marriage contract is termed a marriage covenant (*siḡhab ta'liq*). Among the classical interpretations of the Sunni schools, only the Hanbali school permits the inclusion of the husband's prohibition in the marriage contract (Rehman, 2007, p. 116; Faiz, Ali and Taufiq, 2023). Consequently, the adopted principle of marriage within the Samin community is unequivocally monogamous.

The Samin community in Kudus extends wedding invitations through an oral tradition, eschewing written formats, which is an integral facet of Samin culture. Within the Samin community, marriage ceremonies are typically conducted without the use of loudspeakers, abstaining from musical accompaniment, refraining from embellishing the bridal aisle (where the bride and groom sit alongside the *besan* in one line and the host in another), and omitting tents. The evident simplicity signifies that the essence of marriage transcends the ceremonious aspects, emphasising the subsequent married life. Samin leaders underscore the significance of maintaining simplicity in wedding ceremonies, emphasising that the true



essence of marriage lies in the life that unfolds thereafter, particularly in raising a family (Santosa, 2022). As articulated by Suwito (2022), prior to marriage, a man is required to take pledge, committing to assume responsibility for his wife and children.

### **The principle of *bojo siji kangge saklawase* as a measure to mitigate family conflicts**

For the Samin community, marriage represents a belief instilled by forebears across generations, a belief deemed crucial for preservation (Santosa, 2022). During the *paseksen* procession, the groom is obligated to solemnly pledge allegiance to a singular wife, encapsulated in the principle of *bojo siji kangge saklawase*. This commitment is made and attested to in the presence of all attendees at the third stage of the marriage procession. The *bojo siji kangge saklawase* principle underscores the Samin community's endorsement of monogamy, expressly forbidding polygamous unions. This proscription is intended to foster harmony and stability within Samin families, serving as a preventive measure against conflicts. Furthermore, adherence to this principal manifests as a gesture of respect toward women, as their status within Samin society is characterised by equal or even superior authority to men (Mukodi and Burhanuddin, 2015).

Within the Samin community, the principle of *bojo siji kangge saklawase* constitutes a religious teaching with enduring implications across life cycles -spanning from life through death and into subsequent lives- wherein one's partner remains singular and constant. The Samin community condemns the practise of polygamy, considering it a reprehensible act unsuitable for emulation by future generations. This conviction is rooted in the Samin teaching that the correctness of one's speech and actions will be inherited by their offspring and descendants, a principle encapsulated in the phrase "*jen bener pengucape, becik kelakuane bakal tumurun neng anak putu*", and conversely, vice versa (Santosa, 2022). Furthermore, the community implements a premarital school (*nyuwito*) for prospective grooms, designed to equip them with the skills necessary to lead and responsibly assume the role of the household head (Rokhim, 2022). These teachings collectively aim to proactively address and mitigate potential family conflicts within the Samin community (Suwito, 2022).

The proscription of polygamy and the promotion of an egalitarian position between spouses within the family structure are posited to mitigate the likelihood of marital

dissolution by underscoring fidelity in the marital relationship (Suwito, 2022). Despite the *bojo siji kangge saklawase* principle having attained the status of a de facto legal norm within the Samin community, there are no associated sanctions or penalties for transgressions. The absence of customary repercussions for Samin individuals who contravene these teachings raises concerns among local traditional leaders. They harbour apprehensions that the integrity of the *bojo siji kangge saklawase* principle within their traditional teachings may diminish due to the encroachment of evolving cultural values, a consequence of the challenges posed by modernity in the era of disruption (Mahmudin, 2021; Santosa, 2022; Widiyanto, 2022).

Beyond its emphasis on fidelity in marital relationships, the *bojo siji kangge saklawase* principle serves as the foundation of the social structure and values within the Samin community (Santosa, 2022). The community tends to reside in more intimate, smaller social units, adhering to egalitarian principles that ensure respect and equitable attention for all members of society (Rohman, 2012). Furthermore, the *bojo siji kangge saklawase* principle encapsulates values of simplicity, togetherness, and justice. This study shows that the *bojo siji kangge saklawase* principle has evolved into a pivotal tenet in the daily life of the Samin community. Not only does it impact individual relationships, but it also exerts influence on the broader social and cultural dynamics within their community (Suhandano, 2020).

In principle, Islamic law adheres to the concept of monogamy in marriage (Al-Zuhailī, 1985, pp. 14). This principle is rooted in scholars' interpretations of Surah al-Nisā' verse three, which permits a man to take multiple wives only if he can maintain fairness among them. If equity cannot be assured, the directive advocates for monogamous unions (Danial, 2023). This viewpoint is widely upheld by the majority of *fiqh* scholars, except within the Shafi'i school. According to the Shafi'i perspective, the specified justice pertains to equalising the rights of wives in various aspects, including sexual relations, financial support, clothing, and housing (Al-Zuhailī, 1985, pp. 100–101). Recognising the challenges associated with maintaining absolute fairness, certain Muslim scholars consider polygamy a form of leniency (*rukhsah*) or a 'limited emergency solution' enabling husbands to address the diverse needs and interests within Muslim society (Ali, 1993; Shihab, 1996, pp. 199–200). Consequently, the legal framework for polygamous marriage in Islam reflects an open

stance towards monogamy (Harahap, 2019).

The principle of *bojo siji kangge saklawase* in the Samin traditional marriage customs and the open monogamy principle in Islamic law demonstrate a congruence in emphasising values such as loyalty, family harmony, and respect for women. Both Samin customary law and Islamic law underscore the significance of practising monogamy as a foundational commitment to mitigate familial conflicts and bolster the role of women within domestic relationships. Despite their distinct origins and contexts, both perspectives advocate for the maintenance of monogamous unions as a fundamental pillar for fostering stable and harmonious families. This concordance between these principles reflects the Samin community's endeavour to internalise customary values through an Islamic lens, aiming to establish a marital framework in alignment with both customary and Islamic law (Nurdin and Yusuf, 2022). Marriage practises within local traditions that align with the tenets of Islamic teachings are designated as *'urf shahib* in Islamic law (Mutawali, 2021; Mursalin et al., 2023).

The principle of monogamy in marriage is embraced by several Muslim countries, Indonesia included (Noviana, Wigati and Sakdiyah, 2023). Despite state regulations imposing strict conditions on this practise, certain Muslim communities within pesantren and customary settings persist in practising polygamy (Smith, 2009; Pongkorung and Sudantra, 2020). The interpretations provided by religious judges regarding state legal provisions and *fiqh* rules have further contributed to the legalisation of polygamous marriages (Hadi, Islamiyah and Kurniawan, 2023). Abdullah, Abdullah and Ferdousi (2015) contend that state laws and religious perspectives permitting polygamy adversely affect women, contravening established norms of women's rights and gender equality (Mashhour, 2005; Pradikta, Muhammad and Asmara, 2020). The diverse regulatory landscape and perspectives across Muslim societies regarding polygamy underscore the intricate social, cultural, and religious dimensions involved in addressing this contentious and sensitive issue (Moghadam, 2002; Abu-Nimer, 2001). Although Indonesia is not an Islamic state, Sharia remains influential among Muslims in establishing norms related to obligations, recommendations, and matters deemed neutral, disapproved, or prohibited in their lives (Alfitri, 2007).

### Concordance between customary law and state law

Customary law fundamentally mirrors an individual's or community's convictions regarding the correct way of life, aligned with their understanding of justice and propriety. In its conventional manifestation, customary law is distinguished by its unwritten application model within community life (Lukito, 2008). The *bojo siji kangge saklawase* principle presents an intriguing aspect since, normatively, it appears to conflict with religious norms allowing men to engage in polygamy. However, fundamentally, the teaching aligns with Islamic principles that prioritise domestic harmony. This study reveals that the *bojo siji kangge saklawase* principle within the Samin community is founded on the concept of monogamy. Despite the absence of governmental involvement in the practise of monogamous marriage, the preservation and adherence to harmonious family life after the marriage contract's implementation are upheld (Rosyid, 2009).

As citizens of Indonesia, the Samin community is obligated to adhere to state laws governing marriage. The legal framework for marriage in Indonesia is stipulated in Kitab Undang-Undang Hukum Perdata (the Civil Code) and Law number 1 of 1974, known as the Marriage Law, with subsequent amendments through Law number 16 of 2019. Specifically for Muslims, marital provisions are outlined in Presidential Instruction number 1 of 1991 on Kompilasi Hukum Islam (Islamic Law Compilation). Several articles in these regulations are derived from the essence of Islamic teachings (Goldziher et al., 1988, p. 141). Regrettably, certain customary marriage practises within the Samin community diverge from these regulations, particularly in the context of marriage registration, thereby negatively impacting the state's recognition of their marital practises. Despite customary law being acknowledged as a legal source in Indonesia (Setya, Nasihuddin and Wook, 2023), tensions arise due to the disparities between customary practises and state regulations, especially concerning marriage registration (Hartanto, 2017).

In Saminism, the legitimacy of marriage hinges on a formal contract executed by the parents of the involved parties, signifying their role as marriage guardians. The *pasumitan* ceremony, officiated by both sets of parents, formalises this union through a specified contractual agreement witnessed by family and guests. This aligns with the perspective of *fiqh* scholars, emphasising key components like *sighat* (*ijāb* and *qabūl*), wife, husband,

and guardian (Al-Zuḥailī, 1985, p. 36). The practice diverges in the roles of *ijāb* and *qabūl* expression. *Fiqh* designates the marriage guardian of the bride for *ijāb* and the groom for *qabūl*. In Saminism, it's the marriage guardian of the bride for *ijāb* and the groom's guardian for *qabūl* (Santosa, 2022), rooted in Adam's religious doctrines rejecting conventional marriage registration (Hartanto, 2017, p. 134). While compliant with Islamic law, this monogamous practice encounters a legal hurdle with the state. State laws necessitate formal marriage registration (Marriage Law number 1 of 1974, article 2 paragraph 2), making state recognition contingent on compliance with registration requirements.

Generally, several regulations pertaining to marriage in Indonesia adhere to the principle of monogamy. This is evident in article 27 of Kitab Undang-Undang Hukum Perdata (the Civil Code) and articles 1 and 3, paragraph 1 of the Marriage Law, which explicitly permit a man to enter matrimony with only one woman. The principle of monogamy is reiterated in the elucidation of article 3 of the Marriage Law, explicitly declaring, "this law adopts the principle of monogamy". However, it is imperative to note that the application of the principle of monogamy within the legal framework is not absolute. It accommodates exceptions, allowing adherents of specific religions and beliefs to contract marriages with more than one wife, contingent upon a determination issued by a religious court (Marriage Law number 1 of 1974, article 3 paragraph 2).

The Marriage Law permits a husband to enter polygamy, allowing a maximum of four wives, contingent upon specific conditions. These conditions encompass situations where the existing wife is unable to fulfil her obligations due to a physical disability, incurable disease, or infertility. The law, articulated in Marriage Law number 1 of 1974, articles 4 and 5, outlines administrative prerequisites for obtaining such permission. These include the consent of the current wife or wives, assurance of the husband's capacity to provide for the essential needs of all wives and their children, and a guarantee of equitable treatment towards each wife and their offspring. Notably, civil servants seeking polygamous unions must satisfy additional requisites, including approval from their leaders and ensuring that subsequent wives are not civil servants (Ma'u, 2023; Government Regulation number 45 of 1990 on Amendments to Government Regulation number 10 of 1983 regarding Marriage and Divorce Permits for Civil Servants, article 4). Failure to meet these stringent conditions

may result in job termination for non-compliant civil servants. Thus, the ostensibly monogamous principle endorsed by state law is nuanced, permitting limited polygamy, as underscored by Nurmila (2009). This regulatory framework carefully considers the specific circumstances and conditions under which individuals may seek to engage in polygamous marriages (Harahap, 2019).

The principle of limited monogamy is designed to establish a harmonious and enduring household in accordance with religious and belief teachings. To attain this objective, the reciprocal support and complementarity of husband and wife are expected, fostering the development of their respective personalities and the joint pursuit of spiritual and material prosperity. The prerequisite for maturation, both physically and emotionally, is emphasised for prospective spouses, necessitating their participation in pre-marital courses (Hakim, 2016; Hakim et al., 2020). Furthermore, the state has elevated the minimum age for marriage to 19 for men and women, up from 16 for women (Nugraha, Izzaty and Putri, 2019; Muhammadi, Wulandari and Susanto, 2021; Rohman et al., 2023). State law concurrently upholds equal rights and status for both spouses while instituting stringent measures for divorce (Marriage Law number 1 of 1974, General Explanation). Thus, those seeking marital dissolution must adhere to specific grounds and file applications in court. These provisions and requirements collectively represent the state's concerted effort to actualise the intended purpose of marriage (Alfiander, 2022; Nofardi and Samiran, 2023).

A parallel commitment is evident in the longstanding practices of Saminism, faithfully observed by the Samin community across generations. Rooted in the principle of *bojo siji kangge saklamase*, their customary law unequivocally proscribes polygamous unions, mandating that prospective grooms solemnly pledge fidelity to a single wife in the *paseksen* procession. While their customary law does not impose divorce restrictions akin to state law, Samin teachings uphold marital equity by underscoring faithfulness, thus mitigating the likelihood of marital dissolution within the family (Suwito, 2022). Moreover, the Samin community underscores the equal standing of spouses by instituting a premarital school (*nyuwito*) for prospective grooms, aiming to equip them with the necessary skills to lead and responsibly helm the household (Rokhim, 2022). This underscores that Saminism's principles extend beyond mere conceptual adherence and are concretely operationalised

through customary law protocols and premarital educational initiatives. Such initiatives affirm the Samin community's unwavering dedication to preserving family stability and instilling traditional values into their daily lives.

The alignment between customary and state law is evident in the shared emphasis on monogamous marriage for creating contented families. State law's stress on monogamy resonates with Saminism's *bojo siji kangge saklawase* principle, aiming to prevent familial conflicts. Despite differing philosophies, both legal systems highlight unity, completeness, and marital harmony as foundational for shared goals. Concrete measures like state-endorsed pre-marital courses and age stipulations in marriage reflect this alignment, striking a balance between local traditions and national regulations. Thus, the collaborative effort between customary and state law is apparent in promoting resilient and contented families, in line with Samin community values and state law.

This study reveals the intricate interplay between state law and customary law. Within the framework of legal pluralism, this relationship is commonly characterised through a conflict-oriented lens, emphasising the predominance of state law over customary law (Nasir, 2016; Utama, 2021; Rahmat, Warassih and Syamsudin, 2023). Furthermore, customary law is mandated to align with the ideological framework of national law (Lukito, 2012). However, there is tension between national law, traditional (adat Maulana et al., 2021). To reconcile the dichotomy between these legal frameworks, stakeholders actively seek alternative and adaptable legal mechanisms as a strategy to harmonise existing norms (Toomey, 2010; Kamaruddin, 2023; Alfarisi, Hayat and Hakimi, 2023). The findings underscore the intricate and distinctive nature of the relationship between customary law and state law, emphasising the efforts of stakeholders in negotiating these legal realms to achieve the common goals of fostering harmonious relationships and stability within the family institution.

## Conclusion

The study elucidates the adherence to monogamy in the traditional marriages of the Samin community in Larikrejo, Kudus, anchored in the *bojo siji kangge saklawase* principle. Despite the permissibility of polygamy within certain condition under state law, the Samin

community deliberately upholds their monogamous tradition. Evident in the *paseksen* procession, where the prospective groom pledges fidelity to one wife before parent in-laws and guests, this practice not only signifies marital faithfulness but also constitutes a fundamental tenet within the Samin community's social value system and solidarity. The community's commitment to monogamous marriage aligns with Islamic law, which advocates for open monogamy. In the face of challenges posed by modernisation and societal shifts, the *bojo siji kangge saklawase* principle continues to serve as the primary foundation for fostering familial harmony and stability while preserving local values in harmony with religious and state laws.

This study delves comprehensively into the distinctive way the Samin community integrates its local values, religious teachings, and state legal regulations, thereby establishing a harmonious synthesis between customary and state law. The ingrained principle of monogamy within the Samin community not only signifies the integrity of marital unions but also serves as the cornerstone of their social and cultural dynamics. The congruence between customary principles, Islamic law, and state regulations elucidates the capacity of traditional values to endure in a society undergoing modernisation challenges, showcasing a community's adeptness at preserving its cultural identity amidst contemporary dynamics.

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