

The Property Rights Regulation, *Semenda* Marriage, and Exploring the Determinants in ASEAN Countries

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ABSTRACT

This study discusses the rights and position of the husband against his wife in the practice of *semenda*-marriage which is still in going today. This issue is discussed under the marriage law. Because this research is classified as qualitative research, the method used is normative juridical with descriptive analytical research. The analysis used in this research is critical discourse analysis. From the results of the study conducted, it was found that based on the theory of the rights and obligations of husband and wife in the family, that *semenda*-marriage are not in accordance with Indonesian marriage laws, because they position the wife as more powerful and superior to the husband. The rights and obligations of husband and wife have been explained in the marriage law, that what is the husband's obligation is the wife's right and what is the wife's obligation is the husband's right, and this is a concept of equality and complementarity. Apart from that, in the household life of indigenous peoples, regulations related to property rights are regulated. The husband's property rights in a *semenda*-marriages in ASEAN countries are that the husband has ownership rights to the assets of the wife. After the marriage takes place, there is a special event in handing over assets from the wife's family to the husband and wife, so that the assets from the wife's family become the property and responsibility of the husband and wife to manage and take care of the assets that existed at that time.



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1. Introduction

According to customary law in general in Indonesia, marriage does not only have consequences for civil relations, such as the rights and obligations of husband and wife, joint property, the position of children and the rights and obligations of parents, but also concerning relations with customs, kinship, and neighborhood as well as concerning traditional and religious ceremonies. In

indigenous peoples, marriage is not only a civil engagement but also a customary engagement and at the same time an engagement of kinship and neighborhood.¹

According to customary law in Indonesia, customary marriages can take the form and systemize into 3 forms, *first*, *jujur*-marriages, where the application is made by the man to the woman and after the marriage, the wife follows the husband's domicile and residence. This can be found in Bantul, Lampung, and Bali. *Second*, *semenda*-marriage, where the applicant is made by the woman to the man and after the marriage, the husband follows the domicile and residence of the wife. This can be found in the Minangkabau and South Sumatra areas. *Third*, *bebas*-marriage, where the application is made by the man and after marriage the two partners (husband and wife) are free to determine their domicile and residence, and according to their will. This can be found in a large part in Java, the last customary marriage system is widely applicable among advanced (modern) family communities.²

As for this research, it is focused on the system of *semenda*-marriage. There are many previous studies that discuss the issue of *semenda*-marriage, such as the research conducted by Dian Anisa Fitri about the fading of *semenda*-marriage in the Lampung community in Negeri Ratu Village, North Lampung Regency. The high self-esteem of Lampung ethnic men who do not want and do not agree with the implementation of *semenda*-marriage is a supporter of the fading of *semenda*-marriage in Lampung society in Negeri Ratu Village. All husbands of women who do not have *semenda*-marriage express shame and feel proud of the existence of *semenda*-marriage because it will bring down the dignity of Lampung men.³

In addition, there is also research conducted by Khundrakpam and Sarmah which is also related to *semenda*-marriage. The research analyzes the patriarchal customs in the Meitei society of Manipur; thereby challenging conventional wisdom which would have us believe that is replete with empowered women. Researcher briefly comment on certain aspects of these customs including their relationship with the Sanskritization of the Meiteis and how they are affected by socio-economic indicators. Researcher also identify two central mechanisms that legitimize such customs: the idea of *touheidaba*, which is the selective mystical prohibition/commandment of certain acts that cannot be committed/should be

¹ Gamze Fiskin and Esra Sari, 'Evaluation of The Relationship Between Youth Attitudes Towards Marriage and Motivation for Childbearing', *Children and Youth Services Review*, 121.105856 (2021) <https://doi.org/10.1016/j.childyouth.2020.105856>

² Jamilah Nasution, 'Ethnozoology in Traditional Marriage Ceremony of Mandailing Tribe in North Sumatra', *Journal of Tropical Ethnobiology*, 5.1 (2022), 30–35 <https://doi.org/10.46359/jte.v5i1.105>

³ Luthfi Auni, Abdul Manan, and Al Yasa' Abubakar, 'Factors Changing the Gayo Ethnic's Traditional Marriage Procession in Lut Tawar Sub-District of Takengon, Central Aceh, Indonesia', *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6.2 (2022), 703–33 <https://doi.org/10.22373/sjhk.v6i2.14888>

committed; and the eulogization of an “ideal Meitei woman”. Lastly, researcher locate such legitimizing mechanisms and the Meitei woman's response in extant literature on power, resistance, agency and consciousness; thereby seeking to construct a grounded emancipatory theory for the Meitei women.⁴

Research on intermarriage was also carried out by Chen and Zhao, researcher study the consequences of later marriage on subsequent life outcomes. China's family planning policies in the early 1970s – before the One-Child Policy – regulated not only childbirth but also marriage. The recommended minimum marriage age of 25 years for men and 23 years for women was effectively relaxed when the government formally introduced the One-Child Policy and put greater emphasis on directly controlling fertility rather than marriage. Subsequently, researcher find that the marriage age, which had been increasing steadily since 1970, suddenly started to decline in the early 1980s. This policy shift provides us with an opportunity to apply a regression probability jump and kink design for the purpose of identification.⁵

Almost the same as the research conducted by McKenzie and Xiong. This study examines perspectives of transnational marriage among adolescents and parents in northern Thailand, where such intimate intercultural relationships are increasingly common. Eighty Thai participants, evenly divided by ecological context (rural, urban) and generational cohort (adolescent, parent), participated in semi-structured interviews in which perspectives of Thai-foreigner marriages were discussed. Participants' moral evaluations were examined quantitatively and moral reasoning was examined qualitatively. Rural adolescent and parent evaluations of transnational marriage were largely informed by local Thai values, urban adolescent evaluations were informed by autonomous Western values, and urban parent evaluations were driven by local and Western values. The distinct values endorsed across contexts and across generations in the urban setting point to how ecological realities—particularly exposure to and embeddedness in individualistic globalization discourses—shape perspectives of intimate intercultural relationships.⁶

The *semanda*-marriage in indigenous peoples in the region of ASEAN countries places the husband's position low in his relatives, but along with the times, that

⁴ Prakash Khundrakpam and Jayanta Krishna Sarmah, 'Patriarchy and Patriarchal Customs in the Meitei Society of Manipur', *Women's Studies International Forum*, 96.102674 (2023) <https://doi.org/10.1016/j.wsif.2023.102674>

⁵ Yi Chen and Yi Zhao, 'The Timing of First Marriage and Subsequent Life Outcomes: Evidence from a Natural Experiment', *Journal of Comparative Economics*, 50.3 (2022), 713–31 <https://doi.org/10.1016/j.jce.2022.04.005>

⁶ Jessica McKenzie and Kajai C. Xiong, 'Fated for Foreigners: Ecological Realities Shape Perspectives of Transnational Marriage in Northern Thailand', *International Journal of Intercultural Relations*, 82 (2021), 121–34 <https://doi.org/10.1016/j.ijintrel.2021.03.010>

the husband's position in the wife's relatives becomes balanced in his relatives. Changes in position occur due to educational factors, the higher the education, the more you look at the development of the times, in which the marriage law equalizes the position of husband and wife to be balanced. Likewise, the position of the husband in a traditional event has a very important role. The husband acts as a representative of the wife's family, the husband is entrusted with making decisions. However, all decisions taken by the husband must first be consulted with the wife.⁷

Apart from that, in the household life of indigenous peoples, regulations related to property rights are regulated. The property rights referred to in a *semenda*-marriage are all rights that are controlled or owned by husband and wife due to marriage. All assets in the household are shared property between husband and wife. There is no distinction between the position in property rights that are already owned in the household, as well as assets that are acquired after marriage. The husband's property rights in a *semenda*-marriage are that the husband has ownership rights to the assets of the wife. That's how customary law in ASEAN countries regulates related to property rights, and it is also necessary to know the factors that affect household life in *semenda*-marriages,⁸ especially in ASEAN countries.

Thematically, the previous research is almost the same as the research that will be conducted, only the research that will be conducted is more focused on the rights and position of the husband towards his wife and the study is focused on the marriage law. Therefore, this research is important to do so that it can be used as a reference on how to enforce intermarriage marriages that are still in going today.

2. Research Method

This research is in the form of qualitative research with the method used is normative juridical. A juridical is an approach based on the main legal material, examining theoretical matters concerning legal principles, legal conceptions, views and doctrines, regulations and legal systems.⁹ From its nature, this research is

⁷ Samreen S Khan and others, "My Husband Is My Family." The Culture of Pregnancy Disclosure and Its Implications on Early Pregnancy Registration in A Child Nutrition Intervention in Rural Maharashtra, India', *Midwifery*, 103.103141 (2021) <https://doi.org/10.1016/j.midw.2021.103141>

⁸ Fei Feng, Xia Wang and Tianxiang Chen, 'Analysis of The Attributes of Rights to Inferred Information and China's Choice of Legal Regulation', *Computer Law & Security Review*, 41 (2021) <https://doi.org/10.1016/j.clsr.2021.105565>

⁹ Iwoeng Geovani and others, 'Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects', *International Journal of Educational Review, Law And Social Sciences*, 1.1 (2021), 45-52 <https://doi.org/10.54443/ijerlas.v1i1.10>

included in analytical descriptive research.¹⁰ With the nature of the research, it intends to explain a theme and then analyze it, so that later this research can provide legal certainty that can provide benefits for writers in particular and for readers in general.¹¹ The analysis used in this study is critical discourse analysis, where the data is processed from the researcher's point of view by looking at the weaknesses of the theoretical data findings. Furthermore, the main content of the data is taken so as to produce answers to the existing problems.¹²

3. Results and Discussion

Marriage According to The Law of Indonesia

Marriage in Indonesia is basically regulated in Law Number 1 of 1974 which is contained in the State Gazette Number 309 and its implementation is regulated in Government Regulation Number 9 of 1975. This law is universal. After this law was enacted, there was a legal unification of marriage in Indonesia. So that it applies to all people in Indonesia as a guide in the implementation of marriage. With the enactment of the Marriage Law, the bond between a man and a woman can be seen as legal husband and wife, if their bond is carried out based on the rules and regulations that have been set. This law accommodates the principles and provides the legal basis for marriage which has been the guide and has been applied to various groups citizens.¹³

The definition of marriage according to Law Number 1 of 1974 concerning Marriage, in article 1, namely: *"The inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Godhead"*. While the definition of marriage according to the Compilation of Islamic Law (KHI) in Article 1, namely marriage is marriage, which is a very strong contract or to obey Allah's commands and carry it out is worship. From these two sources of law, it can be understood that marriage is a social bond or legal agreement between individuals that forms a kinship

¹⁰ Belinda Barnett, Bec Jenkinson and Nigel Lee, 'The Impact of A Perineal Care Bundle on Women's Birth Experiences in Queensland, Australia: A Qualitative Thematic Analysis', *Women and Birth*, 2022 <https://doi.org/10.1016/j.wombi.2022.09.002>

¹¹ Agus Budianto, 'Legal Research Methodology Reposition in Research on Social Science', *International Journal of Criminology and Sociology*, 9 (2022), 1339–46 <https://doi.org/10.6000/1929-4409.2020.09.154>

¹² Wen Lou and others, 'A Temporally Dynamic Examination of Research Method Usage in The Chinese Library and Information Science Community', *Information Processing & Management*, 58.5 (2021) <https://doi.org/10.1016/j.ipm.2021.102686>

¹³ Qiuxia Zheng, Niels Noorderhaven and Jian Du, 'Making The Unlikely Marriage Work: The Integration Process of Chinese Strategic Asset-Seeking Acquisitions', *Journal of World Business*, 57.3 (2022) <https://doi.org/10.1016/j.jwb.2021.101305>

relationship and which is an institution in the local culture that formalizes interpersonal relationships which are usually intimate and sexual.¹⁴

Marriage is considered valid if it has met the requirements specified in the Act both internally and externally. That is, if men and women who intend to carry out marriages are ready physically and mentally, and are also ready in terms of material to support the necessities of life after the marriage is carried out, and carried out in accordance with the legal requirements of the religion adopted and the applicable law. The purpose of marriage according to Law Number 1 of 1974 has been formulated ideally because it is not only seen from the outward aspect but at the same time there is an inner connection between husband and wife which is intended to foster a family or household that is eternal and happy for both and in accordance with the wishes of the Allah SWT.¹⁵

After the enactment of Law Number 1 of 1974 concerning Marriage, in Article 2 of Law Number 1 of 1974 it is determined that marriage is legal if it is carried out according to the laws of each religion and belief. This provision states that the marriage must be legal according to the religion and beliefs held by the party carrying out the marriage. According to Article 2 paragraph (2) of Law Number 1 of 1974, it is stated that every marriage is recorded according to the applicable and regulations.¹⁶

In connection with the principles of marriage adopted by Law Number 1 of 1974 concerning Marriage, the principles of marriage according to customary law are as follows: *first*, marriage aims to form a family, household and kinship relations that are harmonious and peaceful, happy and eternal. *Second*, marriage must not only legally be carried out according to religious law and or belief, but also must receive recognition from family members. *Third*, marriage can be carried out by a man with several women as wives whose respective positions are determined according to local customary law. *Fourth*, marriage must be based on the consent of parents and family members. Indigenous peoples can reject the position of husband or wife that is not recognized by indigenous peoples. *Fifth*, marriage may be carried out by men and women who are not old enough or are still children. Likewise, even though they are old enough to marry, they must be based on the permission of their parents/family and relatives. *Sixth*, some divorces

¹⁴ J. E. Yulianto and others, 'Navigating Tensions in Inter-Ethnic Marriages in Indonesia: Cultural, Relational, Spatial and Material Considerations', *International Journal of Intercultural Relations*, 86 (2021), 227–39 <https://doi.org/10.1016/j.ijintrel.2021.12.008>

¹⁵ Maila D.H. Rahiem, 'COVID-19 And The Surge of Child Marriages: A Phenomenon in Nusa Tenggara Barat, Indonesia', *Child Abuse & Neglect*, 118 (2021) <https://doi.org/10.1016/j.chiabu.2021.105168>

¹⁶ Matthew Collin and Theodore Talbot, 'Are Age-of-Marriage Laws Enforced? Evidence from Developing Countries', *Journal of Development Economics*, 160 (2023) <https://doi.org/10.1016/j.jdeveco.2022.102950>

are allowed and some are not. Divorce between husband and wife can result in the breakdown of kinship between the two parties. *Seventh*, the balance of position between husband and wife based on the provisions of applicable customary law, there are wives who are housewives and there are wives who are not housewives.¹⁷

Marriage generally begins and is formalized with a wedding ceremony. Generally, marriage is carried out with the intention of forming a family. Depending on the local culture forming a marriage can be different and the purpose can be different too. But generally, marriage is exclusive and recognizes the concept of a bond. The bond in question is a legal relationship between a man and a woman to live together as husband and wife. The inner and outer bond is an important thing in marriage, this shows that according to the law the purpose of marriage is not merely to fulfill lust. Therefore, it is necessary to have regulations that determine what conditions must be met for the marriage place in addition to regulations regarding the continuation and termination of a marriage.¹⁸

The rules in Indonesia are not only in the form of written rules such as laws but also unwritten rules such as customary law and religious law which are closely attached to every indigenous people in regions in Indonesia. Customary law will apply and be recognized by all Indonesian people. The customary law that applies in regions in Indonesia is customary law that is inherited or obeyed from generation to generation by the community. The Indonesian state guarantees the unity of the customary law community and their traditional rights as long as the customary law is still in effect. As long as the law does not eliminate the principle of the Unitary State of the Republic of Indonesia.¹⁹

Marriage procedures in Indonesia are also quite diverse from one another because Indonesia recognizes the existence of various religions and beliefs, which have different procedures. This is possible in the Republic of Indonesia, which is based on Pancasila, which firmly recognizes the principle of freedom of religion. Husband-wife couples who have married, generally want to have children from the marriage they have done, but there are also husband-wife couples who live together without the desire to have children.²⁰

¹⁷ Rafif Zarea, 'Law and Culture: Reconceptualization and Case Studies Law and Visual Jurisprudence', *International Journal for the Semiotics of Law*, 5.35 (2022), 2527–2531 <https://doi.org/10.1007/s11196-022-09938-x>

¹⁸ Hanzhe Zhang and Ben Zou, 'A Marriage-Market Perspective on Risk-Taking and Career Choices', *European Economic Review*, 152 (2023) <https://doi.org/10.1016/j.euroecorev.2023.104379>

¹⁹ Zarea.

²⁰ Elisabeth Pudyastiwi and Agoes Djatmiko, 'The Legality of Marriage According to Law No. 1 of 1974 Concerning Marriage Is Reviewed from The Law of The Agreement', *Jurnal Pendidikan Kewarganegaraan Undiksha*, 9.3 (2021), 937–44 <https://doi.org/10.23887/jpku.v9i3.40170>

The Traditional Marriage System

Marriage according to customary law is a sexual relationship between a man and a woman, which brings a wider relationship, namely between groups of male and female relatives and even between one community and another.²¹ Marriage in customary law has 3 marriage systems, namely: a) *endogamy system*, b) *exogamy system*, and c) *eleutherogamy system*. In the *endogamy system*, people are only allowed to marry someone from their own family tribe. This marriage system is rare in Indonesia. There is only one area that is practically familiar with this endogamy system, namely the Toraja area. But, now in this area to the system will disappear by itself if the blood relations with other areas will become easier, tighter and wider. Because the system in this area only exists in a practical way, after all, endogamy is actually not in accordance with the nature of the family structure that exists in the area, namely parental.²²

While in the *exogamy system*, people are required to marry other tribes. Marrying one's own tribe is prohibited. However, over time, and the passage of time gradually underwent a process of softening in such a way that the prohibition of marriage was treated only in a very small family environment. This system can be found in Gayo, Alas, Tapanuli, Minangkabau, South Sumatra, Buru and Bali areas.²³

As for the *eleutherogamy system*, it is different from the *endogamy* and *exogamy* systems, in which both systems have prohibitions and requirements. The *eleutherogamy system* does not recognize these prohibitions and requirements. The prohibitions contained in this system are the prohibitions contained in this system are prohibitions related to family ties concerning *nasab* (descendants) such as marriage with mother, grandmother, biological children, grandchildren, as well as siblings, father or mother. The prohibition of marrying with *musyaharah* (in-laws) such as marrying a stepmother, in-laws, stepchildren. This system can be found in almost all Indonesian people.²⁴

From the customary marriage system, three forms of customary marriage were formed, namely: *first*, the form of *jujur*-marriage, namely a form of marriage in

²¹ Sardjana Orba Manullang, 'Understanding The Sociology of Customary Law in The Reformation Era: Complexity and Diversity of Society in Indonesia', *Linguistics and Culture Review*, 5.S3 (2021), 16–26 <https://doi.org/10.21744/lingcure.v5nS3.1352>

²² Elim Wilsen Taruk, 'Intercaste Marriage in The Context Of Toraja: Towards Contextual Theology of Intercaste Marriage in Toraja', *Quaerens: Journal of Theology and Christianity Studies*, 3.2 (2021), 155–71 <https://doi.org/10.46362/quaerens.v3i2.76>

²³ I Made Pasek Subawa, 'The Meaning of Social Construction Hindu Community Exogamy Marriage in Bali', *Vidyottama Sanatana: International Journal of Hindu Science and Religious Studies*, 6.1 (2022), 118–23 <https://doi.org/10.25078/vidyottama.v6i1.658>

²⁴ Zheng Mu, 'Marrying Young in Indonesia: Voices, Laws and Practices', Mies Grijns, Hoko Horii, Sulistyowati Irianto, and Pinky Saptandari (Eds.), 2019, Singapore: ISEAS – Yusof Ishak Institute', *Asian Journal of Social Science*, 50.1 (2022), 76–77 <https://doi.org/10.1016/j.ajss.2022.01.005>

which the man gave *jujur* to the woman. Objects that can be used as *jujur* are usually objects that have magic. The *jujur* gift required is to restore the magical balance that was originally shaky, because of the emptiness in the family of the woman who had left because of marriage. *Jujur*-marriage is found in Patrilineal. The characteristics of *jujur*-marriage are patrilocal, meaning that the wife resides in the husband's residence or the husband's family.²⁵ In addition, this type of marriage is exogamous, that is, it is forbidden to marry people of the same ethnicity or clan.²⁶

Second, the form of *semenda*-marriage, which is essentially matrilineal and exogamous. Matrilineal means that the wife is not obliged to reside in the husband's residence. In marriage, this is usually found in emergency situations, where women find it difficult to find a mate or because men are unable to give the *jujur*.²⁷ *Third*, the form of *free*-marriage, in this *free*-marriage does not explicitly determine where the husband or wife will live, this depends on the wishes of each party. This form of *free*-marriage is endogamous, meaning a suggestion to marry members of one's own relative group.²⁸

In the customary marriage system, there is also the purpose of marriage. The purpose of marriage for indigenous peoples that are kinship in nature is to maintain and pass on offspring according to the paternal or maternal or paternal line, for the happiness of the family/relative household, to obtain cultural values and peace, and to maintain sanity. Because the heredity and kinship systems between Indonesian ethnic groups differ from one another, the purpose of customary marriage for the community also differs between one ethnic group and another, as well as the legal consequences and the marriage ceremony.²⁹

The Rights and Obligations of Husband Wife in The Family

Marriage is an agreement between a man and a woman to lead a household life. Since entering into an agreement through a contract, both parties have been bound and since then they have rights and obligations, which they did not have before. As for what is meant by rights here are what one person receives from others,

²⁵ Manullang.

²⁶ Elizabeth Stites and others, 'Cattle to Cash: Changing Marriage Practices Among Displaced People in Bentiu, South Sudan', *Women's Studies International Forum*, 94 (2022) <https://doi.org/10.1016/j.wsif.2022.102632>

²⁷ Manullang.

²⁸ Dan Anderberg and Alexander Vickery, 'The Role of Own-Group Density and Local Social Norms for Ethnic Marital Sorting: Evidence from The UK', *European Economic Review*, 138 (2021) <https://doi.org/10.1016/j.euroecorev.2021.103774>

²⁹ Yessy Octavianna and others, 'The Impact of Marpaniaran "Traditional Dance of Women" of Toba Batak Wedding Ceremony for Women's Physical and Mental Health', *Namsyah Hot Hasibuan*, 35.2 (2021), S537-39 <https://doi.org/10.1016/j.gaceta.2021.07.030>

while obligations are what one must do to others.³⁰ Obligations arise because of the rights inherent in legal subjects. After the marriage takes place, both husband and wife must understand their respective rights and obligations. The rights of the wife become the obligations of the husband. Likewise, the husband's obligation becomes the wives. A right does not deserve to be received before the obligation is carried out. With the regulation of the rights and obligations of husband and wife, the dreams of husband and wife in the ark of their household will be realized, because it is based on a sense of love and affection.³¹

The roles and functions between husband and wife are constructed in the form of rights and obligations inherent in both parties. Rights are something that is inherent and must be accepted or owned by someone, while obligations are something that must be given and fulfilled by someone to others. The formulation of these rights and obligations will then be used as a barometer to assess whether the husband and wife have carried out their functions and roles correctly. Regarding the rights and obligations of husband and wife, there are two rights, namely obligations that are material and obligations that are immaterial.³² Material nature means visible obligations or which are property, including dowry and maintenance. While the immaterial obligations are the inner obligations of a husband towards his wife, such as leading his wife and children and getting along with his wife well.³³

The existence of rights and obligations in this family aims so that each member is aware of his obligations to the other, so that with the implementation of these obligations the rights of other family members can be fulfilled properly. Thus, the existence of these rights and obligations is basically to maintain harmonious relations between family members, because each family member has obligations that must be carried out in order to respect and give love to other family members. Islam, through the al-Qur'an and Sunnah, states that in the family, namely between husband and wife, each has its own rights and obligations.³⁴

Talking about the family, the family can be interpreted as a place where individuals grow, develop and learn about the values that can shape their

³⁰ Ryan M. McManus, Jordyn E. Mason and Liane Young, 'Re-Examining The Role of Family Relationships in Structuring Perceived Helping Obligations, and Their Impact on Moral Evaluation', *Journal of Experimental Social Psychology*, 96 (2021) <https://doi.org/10.1016/j.jesp.2021.104182>

³¹ Octavianna and others.

³² Hulya Dagdeviren and Lianne Oosterbaan, 'Gender Differences in Effective Use of Land Rights in South India', *Land Use Policy*, 119 (2022) <https://doi.org/10.1016/j.landusepol.2022.106212>.

³³ Octavianna and others

³⁴ Nihaya A. Al-Sheyab and others, 'Midwives and Women's Perspectives on Family Planning in Jordan: Human Rights, Gender Equity, Decision-Making and Power Dynamics', *Heliyon*, 7.8 (2021) <https://doi.org/10.1016/j.heliyon.2021.e07810>

personality in the future. The learning process continues as long as the individual lives. There are also those who argue that, the family is a very important forum between individuals and groups, and is the first social group where children are members, the family is of course the first place to socialize children's lives.³⁵

According to Duvall, as quoted by Baxter, the family is a group of people who are connected by marriage, adoption, birth ties that aim to create and maintain a common culture, increasing the physical, mental, emotional, and social development of each member. The family is the most important aspect in the smallest unit in society, the recipient of care, the health of family members and the quality of family life are interconnected, and occupy a position between the individual and society. Family function is a measure of how a family operates as a unit and how family members interact with one another. This reflects parenting style, family conflict, and the quality of family relationships. Family function affects the capacity for health and well-being of all family members. So, it can be concluded that the function of the family has a very large influence on family members, namely husband, wife and children.³⁶

With the marriage contract, there will also be consequences regarding the rights and obligations related to husband and wife. The rights and obligations of the husband are also explained in Article 79 of the KHI, namely: a) the husband is the head of the family, and the wife is a housewife, b) the rights and position of the wife are balanced with the rights and position of the husband in married life and social life together in society, c) each party has the right to take legal action.³⁷ Articles 80 and 81 of the KHI regulate the husband's obligations to his wife and family, namely: a) the husband is a mentor to his wife and household, but regarding matters of household affairs that are important to be decided by husband and wife together, b) the husband is obliged to protect his wife and provide all the necessities of household life according to his ability, c) the husband is obliged to provide religious education to his wife and provide opportunities to learn useful and beneficial knowledge for religion, the homeland and the nation, d) the husband provides a place to live for his wife and children, his son.³⁸ Meanwhile, Article 83 of the KHI regulates the wife's obligations to her husband, namely: a) the wife's main obligation is mentally to her husband within the limits

³⁵ Nayeli Y. Chavez-Dueñas and Hector Y. Adames, 'Parenting While Undocumented: An Intersectional Socialization Approach', *Current Opinion in Psychology*, 47 (2022) <https://doi.org/10.1016/j.copsyc.2022.101441>

³⁶ Zhang and Zou.

³⁷ Neng Eri Sofiana and Muhammad Ismail Sunni, 'The Application of Article 53 of KHI (Islamic Law Compilation) Regarding Pregnant Marriage in Lottery Marriage', *Jurnal Ilmiah Al-Syir'ah*, 19.1 (2021), 122–35 <https://doi.org/10.30984/jis.v19i1.1453>

³⁸ Abdullah, Hijrah and Hery Zarkasih, 'Criticizing The Muslim Divorce Tradition in Lombok: An Effort to Control The Women's Rights', *JUSTICIA ISLAMICA*, 19.1 (2022), 57–73 <https://doi.org/10.21154/justicia.v19i1.3168>

justified by Islamic law, b) the wife organizes and regulates daily household needs as well as possible.³⁹

Thus, the rights and obligations in the family, must be understood as a means to realize the purpose of marriage. The implementation of obligations can be interpreted as giving affection from one family member to another family member. On the other hand, the acceptance of rights is the acceptance of affection by one family member from another family member. The family is the smallest unit in society consisting of husband and wife, or husband and wife and their children, or mother and father. As for family life, it is life with two people of the opposite sex who are not their *mahram* who have bound themselves by marriage and their offspring as a result of this. In family life, husband-wife must both carry responsibilities in order to realize peace and tranquility so that the happiness of married life is perfect.⁴⁰

Husband in Semenda-Marriage According to Marriage Law

In principle, every individual has the ability to be the recipient of rights and carry out obligations. Besides that, from a legal point of view, every individual is seen as capable of acting legally (legally competent). However, if you are not legally capable to act and be responsible, then there needs to be a guarantee from the guardian.⁴¹ As it is known that, Indonesian indigenous peoples vary, there are patrilineal, matrilineal, parental and mixed, therefore the form of marriage that applies in Indonesia is also different. One form of marriage is called the *Semenda-Marriage*. *Semenda*-marriage generally takes place in matrilineal indigenous communities, with the aim of maintaining the maternal (female) lineage. In *semenda*-marriage, the prospective groom and his relatives do not give *jujur money* to the woman, as in Minangkabau, the customary application applies from the woman to the man.⁴²

According to Hilman, an intermarriage marriage is a marriage in which the overall cost of the wedding from the beginning of the traditional procession to the reception is carried out by the woman. In general, in an intermarriage, after the marriage occurs, the power lies with the wife, and her legal position depends on the form of the prevailing intermarriage. The husband in this case does not really have a role and lacks responsibility for his household. One of the reasons for this is

³⁹ Muhammad Sabir, Aris, and Iin Mutmainnah, 'The Problems of The KHI on Article 7 About The Marriage Isbat in A Religious Court', *Syariah: Jurnal Hukum Dan Pemikiran*, 21.1 (2021), 68–87 <https://doi.org/10.18592/sjhp.v21i1.3994>

⁴⁰ Al-Sheyab and others.

⁴¹ Changjian Pan and others, 'Interplay Between Corporate Social Responsibility and Organizational Green Culture and Their Role in Employees' Responsible Behavior Towards The Environment and Society', *Journal of Cleaner Production*, 366 (2022) <https://doi.org/10.1016/j.jclepro.2022.132878>

⁴² McKenzie and Xiong.

because in carrying out the marriage, the prospective groom and his relatives do not give *honest/honest* as a form of exchange or a substitute sign for the release of the bride from the customary citizenship of her father's legal alliance.⁴³

Based on the theory of rights and obligations in the family, the husband's position is as the head of the family and as the executor of household needs, this is because the husband has advantages by nature. In addition, the husband is a guide to his wife and children and the husband decides on household matters. This is as explained in Law no. 1 of 1974 and in the Compilation of Islamic Law (KHI). In article 77, it is explained that husband and wife bear a noble obligation to uphold *sakinah, mawaddah, warahmah* household, must love each other, respect each other, be loyal and provide physical and spiritual support. If they have children, both of them are also obliged to take care of their children, and are obliged to maintain their honor.⁴⁴

In *semenda*-marriage, the man lives in his own family, but can get along with his wife. *Semenda*-marriage in the true sense is a marriage in which husband after marriage settles and is domiciled on the wife and relinquishes his rights and position from his own relatives. This form of *semenda*-marriage is adopted by the *matrilineal* which aims to consequently continue the maternal lineage. Article 105 of the KUHPer that the husband is the head of the family union. Every husband must take charge of his family's affairs, including financial matters. Even in article 106 it is explained that every wife must obey her husband. Therefore, the power and power of family affairs is in the husband, and not in the wife. For that, a husband must serve his wife in any case, and the most important thing is the matter of providing a living for his wife.⁴⁵

Although in principle the husband is obliged to make a living for his wife, there is no prohibition if the wife works to earn a living together with her husband. If the wife earns a living together with her husband in order to meet household needs, then the wife does not have the same obligations as the husband. This is because the wife plays a role only for the benefit and happiness of the household. If the needs of the family are increasing every day, then the participation wife in supporting the family is based on her willingness, and does not affect the provisions on the obligation to earn a living for the husband, because in principle it is the husband who is obliged to earn a living.⁴⁶

If we look closely, marriage in its form is divided into two, namely; a) *semenda*-marriage as a necessity, and b) *semenda*-marriage as an aberration. *Semenda*-

⁴³ Dani Setiawan, 'Inter-Religious Marriage: A Controversial Issue in Indonesia', Contemporary Issues on Interfaith Law and Society, 1.1 (2022), 23–38 <https://doi.org/10.15294/ciils.v1i1.56711>

⁴⁴ Sabir, Aris and Mutmainnah.

⁴⁵ McKenzie and Xiong.

⁴⁶ Chen and Zhao.

marriage as a necessity is carried out in matrilineal societies, for example in Minangkabau. Meanwhile, as a deviation, *semenda*-marriage is found in a patrilineal society where the marriage should be carried out in a *jujur* way, namely as a form of marriage to continue the offspring of the male party (father). This happens when in a household there is no male offspring.⁴⁷

In its development, various forms of marriage law grew varied according to the interests of the kinship concerned. As for what distinguishes it from a sociological perspective, there is a reciprocal relationship between social change in the form of marriage and the placement of customary law in Indonesia. Meanwhile, from the anthropological point of view, it only looks at the historical side and its physical diversity, society, and culture. Therefore, every society has its own style and nature, so the law for each community in customary law is one of the incarnations of the geester-structures of the community concerned, and it is an embodiment of the culture of the community itself.⁴⁸

Based on the prevailing laws and regulations in Indonesia, as stated in the Compilation of Islamic Law Article 79 paragraphs 1 and 2, which states that the husband is the head of the family and the wife is the housewife. So, the rights and position of the wife are balanced with the rights and position of the husband in domestic life and the association of living together in the household. Thus, it can be clearly understood that husband and wife are partners and equal partners, therefore they must work together, complement each other, and respect each other.⁴⁹

The Property Rights Regulation, Semenda-Marriage, and Exploring the Determinants in ASEAN Countries

Living together bound by marriage has very important consequences in a society in ASEAN countries that have civilization. In connection with the very important consequences of marriage, people in ASEAN countries need a norm or rule that regulates the requirements for the formalization, implementation, continuation and termination of the marriage. ASEAN countries guarantee the unity of their customary law communities and their traditional rights as long as the customary law is still valid. As long as the law does not eliminate the principle of the state itself. Indigenous peoples as law-abiding people fully respect the rules made by the state as well as the customary rules that govern their communities.⁵⁰

⁴⁷ Chen and Zhao.

⁴⁸ Al-Sheyab and others.

⁴⁹ Sabir, Aris and Mutmainnah.

⁵⁰ Kazuhiro Harada and others, 'The Role of NGOs in Recognition and Sustainable Maintenance of Customary Forests Within Indigenous Communities: The Case of Kerinci, Indonesia', *Land Use Policy*, 113 (2022) <https://doi.org/10.1016/j.landusepol.2021.105865>

Marriage procedures in ASEAN countries also vary from one to another because ASEAN countries recognize the existence of various religions and beliefs, which have different procedures, such as in Indonesia, Malaysia, Singapore and the Philippines. One example is in Indonesia, as a unitary state of the Republic of Indonesia based on Pancasila, which firmly recognizes the principle of freedom of religion. Husband and wife couples who have been married generally want to have children from the marriage they have done, but there are also married couples who live together without the desire to have children.⁵¹

Due to the different kinship systems adopted by indigenous peoples in ASEAN countries, there are different forms of marriage. One of them is *semenda*-marriage. A *semenda*-marriage in its true sense is a marriage in which the husband after marriage settles down and is domiciled on the wife's side and relinquishes his rights and position on the part of his own relatives. As for the cost of carrying out a *semenda*-marriage, the overall cost of the wedding, starting from the beginning of the traditional procession to the reception, is carried out together in accordance with the deliberations of the women and men.⁵²

After the marriage takes place, the husband is under the authority of the wife and his legal position depends on the prevailing form of *semenda*-marriage. In *semenda*-marriage, the wife plays a more important role in all matters. In indigenous peoples in ASEAN countries, after the husband is in the circle of the wife's relatives, the husband in all his legal actions must be based on the approval of the wife's relatives. However, this does not mean that the legal relationship between the husband and his family is lost, but that his duties and roles are different, he must prioritize the interests of the wife's relatives rather than the interests of his original relatives. Talking about kinship in a *semenda*-marriage, the husband after carrying out a *semenda*-marriage must obey the rules of the wife's relatives. In a *semenda*-marriage, the husband must leave his family and settle in the wife's environment, so that the *semenda*-marriage has legal consequences for the family, kinship and assets.⁵³

As is known, in domestic life in indigenous peoples in ASEAN countries, the position of husband and wife is clearly patterned. As for the husband's position in the household, he is considered the head of the household who is entrusted with

⁵¹ Niguss Cherie and others, 'Modeling on Number of Children Ever Born and Its Determinants Among Married Women of Reproductive Age in Ethiopia: A Poisson Regression Analysis', *Heliyon*, 2023 <https://doi.org/10.1016/j.heliyon.2023.e13948>

⁵² Nimrod Luz, 'ReligioCity in Acre: Religious Processions, Parades, and Festivities in a Multi-Religious City', *Cities*, 127 (2022) <https://doi.org/10.1016/j.cities.2022.103765>

⁵³ Qingmei Tan, Zixuan Liu and Peixuan Geng, 'Family Involvement, Family Member Composition and Firm Innovation', *China Journal of Accounting Research*, 14.1 (2021), 43–61 <https://doi.org/10.1016/j.cjar.2020.12.003>

taking care of the responsibilities of meeting the necessities of life and taking care of all problems that occur in the family, while the wife is fully entrusted with taking care of all household affairs and those related to them.⁵⁴ As for *semenda*-marriage, in general the power of the wife plays a more important role in the household, while the husband is only a helper and complement in the household, and his role and responsibilities are not too important in the family.⁵⁵ Related to the position of the husband in kinship will arise after the occurrence of a *semenda*-marriage, in which in this marriage, the husband enters the kinship of the wife's family, with the husband's entry into the wife's kinship, the husband considers the wife's family as his new relative and the husband is obliged to continue descendants of the wife's relatives.⁵⁶

Traditional activities state that the husband must participate as a party representing the wife's relatives. The husband has the right to issue an opinion as a contribution of thought in customary meetings, and also in relations between relatives that there is no difference between the husband's relatives and the wife's relatives. Apart from his own relatives, the husband must pay more attention to his wife's relatives and vice versa. The *semenda*-marriage in indigenous peoples in the ASEAN countries place the husband's position low in his relatives, but along with the times, that the husband's position in the wife's relatives becomes balanced in his relatives. Changes in position occur because of educational factors, the higher the education, the more you look at the times. In Indonesia, which in the *Indonesian Marriage Law* equalizes the position of husband and wife to be balanced. Likewise, the position of the husband in a traditional event has a very important role. The husband acts as a representative of the wife's family, the husband is entrusted with making decisions. However, all decisions taken by the husband must first be consulted with the wife.⁵⁷

Apart from that, in the household life of indigenous peoples in ASEAN countries, regulations related to property rights are regulated.⁵⁸ The property

⁵⁴ Yonas Alem, Sied Hassen and Gunnar Köhlin, 'Decision-Making Within The Household: The Role of Division of Labor and Differences in Preferences', *Journal of Economic Behavior & Organization*, 207 (2023), 511–28 <https://doi.org/10.1016/j.jebo.2023.01.022>

⁵⁵ Yucong Zhao, Bing Ye and Jinchuan Shi, 'Gender Identity, Preference, and Relative Income Within Households', *China Economic Review*, 71 (2022) <https://doi.org/10.1016/j.chieco.2021.101741>

⁵⁶ Luigi Guiso and Luana Zaccaria, 'From Patriarchy to Partnership: Gender Equality and Household Finance', *Journal of Financial Economics*, 147 (2023), 573–95 <https://doi.org/10.1016/j.jfineco.2023.01.002>

⁵⁷ Yanuar Farida Wismayanti and others, 'The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example', *Child Abuse & Neglect*, 118 (2021) <https://doi.org/10.1016/j.chiabu.2021.105157>

⁵⁸ Yixin Liu, Yu Liu and Zuobao Wei, 'Property Rights Protection, Financial Constraint, and Capital Structure Choices: Evidence from a Chinese Natural Experiment', *Journal of Corporate Finance*, 73 (2022) <https://doi.org/10.1016/j.jcorpfin.2022.102167>

rights referred to in a *semenda*-marriage are all rights that are controlled or owned by the husband and wife as a result of the marriage, including assets earned by the husband and wife as well as gifts after the marriage. All assets in the household are shared property between husband and wife. There is no distinction between the position in property rights that are already owned in the household, as well as assets that are acquired after marriage. The husband's property rights in a *semenda*-marriage are that the husband has ownership rights to the assets of the wife. After the marriage takes place, there is a special event in handing over assets from the wife's family to the husband and wife, so that the assets from the wife's family become the property and responsibility of the husband and wife to manage and take care of the assets that existed at that time.⁵⁹

The clarification regarding property rights of assets can be explained as follows,⁶⁰ first, the property rights *Pusaka*. *Pusaka* in a *semenda*-marriage comes from the wife's family which will be given to the husband and wife after the marriage takes place. Inheritance in the form of rice fields, gardens/fields that will be managed and harvested by the husband and wife. As for the management, husband and wife together have the right to take care of the inheritance for the needs of daily life in fulfilling life.⁶¹ Second, property rights *Inheritance*. *Inheritance* property is property acquired or controlled by the husband and wife before the marriage took place. Inherited property can be distinguished between husband and wife's inherited property, this husband and wife's inherited property can be in the form of inheritance, grants/wills, and gifts. The position of the husband in the *semenda*-marriage " that the husband has no innate property, the husband enters the wife's kinship without bringing assets. After marriage, the husband automatically stays in the kinship of the wife and carries out his responsibilities as the eldest son in the wife's family.⁶²

Third, property rights *Jointly/Search Property*. Joint property is different from innate property, what is meant by joint property is property acquired or produced by a husband and wife while in a marriage bond, but the general term is often referred to as *gono-gini* assets. *Gono-gini* assets are assets that have been collected

⁵⁹ Matthew Hunt and Eric K. Acton, "'How's The Wife?": Pragmatic Reasoning in Spousal Reference', *Journal of Pragmatics*, 188 (2022), 152–70 <https://doi.org/10.1016/j.pragma.2021.11.005>

⁶⁰ Ana Fauzia and Fathul Hamdani, 'Analysis Of The Implementation Of The Non-Conviction-Based Concept In The Practice Of Asset Recovery Of Money Laundering Criminal Act In Indonesia From The Perspective Of Presumption Of Innocence', *Jurnal Jurisprudence*, 11.1 (2022), 57–67 <https://doi.org/10.23917/jurisprudence.v11i1.13961>

⁶¹ Duman Bahrami-Rad, 'Keeping It in The Family: Female Inheritance, Inmarriage, and The Status of Women', *Journal of Development Economics*, 153 (2021) <https://doi.org/10.1016/j.jdeveco.2021.102714>

⁶² Amelie Alterauge and others, 'Beyond Simple Kinship and Identification: ADNA Analyses From a 17th-19th Century Crypt in Germany', *Forensic Science International: Genetics*, 53 (2021) <https://doi.org/10.1016/j.fsigen.2021.102498>

during the household so that they become joint rights that will be used and utilized jointly by husband and wife. As in the household life of indigenous peoples, if a husband or wife wants to use these assets, they must first consult with their partner. However, if there is a divorce, the joint property will be divided in half according to the provisions of the applicable law.⁶³ Fourth, the property rights *Gifted*. In a marriage, there are usually a number of gifts from both parents, relatives on the husband's side and relatives on the wife's side. The gift assets can be in the form of gift assets or gifts. After the marriage takes place in a *semenda*-marriage, the wife's parents and relatives give the property a gift which is handed over to the wife and husband to take care of and collect the proceeds and in terms of property rights, the property can be owned by the husband and wife.⁶⁴

That's how customary law in ASEAN countries regulates related to property rights, and it is also necessary to know the factors that affect household life in *semenda*-marriage, especially in ASEAN countries, namely;⁶⁵ mental well-being factor, mutual love and need as well as mutual assistance among family members, satisfaction in each other's work and studies, are indicators of a happy, prosperous and healthy soul in a *semenda*-marriage, physical health factors. This factor is no less important than the first factor because if family members are often sick it will result in a lot of expenses for doctors, medicines and hospitals, this will certainly reduce and hinder the achievement of family welfare in *semenda*-marriage and the balancing factor between spending money and family income, the reason is that not all lucky families can earn sufficient income. The problem is none other than the inability of the families concerned to plan their lives, so that expenses become unplanned.

The very dominant influence in the married life in the *semenda*-marriage are; *First*, interpersonal communication. The one type of interpersonal communication used in interacting with married couples is that which is *diadik*, namely through communication in more intimate, deeper and personal situations. Interpersonal communication that exists between husband and wife plays an important role in maintaining the continuity of the household.⁶⁶ If a husband and wife show each

⁶³ Samia Zouaoui and Khaled Rezeg, 'Islamic Inheritance Calculation System Based on Arabic Ontology (AraFamOnto)', *Journal of King Saud University - Computer and Information Sciences*, 33.1 (2021), 68–76 <https://doi.org/10.1016/j.jksuci.2018.11.015>

⁶⁴ Nancy Ann Watanabe, 'Chapter 8 - Man-and-Wife Coupling and Need for Artificially Intelligent Heavy Vehicle Technology in The Long, Long Trailer', *Autonomous and Connected Heavy Vehicle Technology*, 2022, 161–82 <https://doi.org/10.1016/B978-0-323-90592-3.00009-4>

⁶⁵ Giacomo Benati, Carmine Guerriero and Federico Zaina, 'The Origins of Political Institutions and Property Rights', *Journal of Comparative Economics*, 50.4 (2022), 946–68 <https://doi.org/10.1016/j.jce.2022.07.002>

⁶⁶ Xinwei Dong, 'Intrahousehold Property Ownership, Women's Bargaining Power, and Family Structure', *Labour Economics*, 78 (2022) <https://doi.org/10.1016/j.labeco.2022.102239>

other a positive attitude towards their partner, interpersonal communication can run effectively. The creation of effective communication which is characterized by an open attitude, empathy, mutual support, positive attitude, and equality, between husband and wife makes good interpersonal relations so that harmony can be realized in marriage which is characterized by mutual understanding, mutual acceptance, mutual respect, mutual trust, and love for each other.⁶⁷

Second, spiritual intelligence, by having spiritual intelligence, married couples are able to be flexible in dealing with household conflicts and are able to place their behaviour more meaningfully. To create a harmonious family, it is necessary to have the existence and role of each family member as well as responsibility for the functions in the family. To foster awareness of roles and responsibilities in the family, spiritual understanding and intelligence is needed.⁶⁸ *Third*, values in marriage, this can be explained that couples who view marriage as something that must be maintained, something meaningful will try to maintain household unity by viewing partners as partners so that there is no gap in the roles between husband and wife so that an egalitarian, autonomous marriage is realized, and compatible. The description of values in an autonomous, egalitarian and harmonious marriage will create a harmonious marriage and will have an impact on harmonious family conditions.⁶⁹

Fourth, for forgiveness, married couples who have a forgiving attitude are likely to maintain the integrity of their family. They realize that humans easily make mistakes. If it is known that one of the partners made a mistake, then the other party with a very strong effort will forgive the wrong party. Forgiveness is a very complex journey, including the ability to change affective, cognitive and behavioural systems.⁷⁰ *Fifth*, marital adjustments, marital adjustments are changes that occur during the marriage period between husband and wife to be able to meet the needs, desires and expectations of each party, as well as to resolve existing problems, so that both parties feel satisfied. Marriage adjustment means there is mutual understanding between husband and wife in expressing differences between husband and wife by doing things that can increase

⁶⁷ Shiyong Zhang and others, 'Internet Exposure During Adolescence and Age at First Marriage', *Journal of Asian Economics*, 84 (2023) <https://doi.org/10.1016/j.asieco.2022.101569>

⁶⁸ Wing Yee Cheng, Rebecca Y.M. Cheung and Kevin Kien Hoa Chung, 'Understanding Adolescents' Perceived Social Responsibility: The Role of Family Cohesion, Interdependent Self-Construct, and Social Trust', *Journal of Adolescence*, 89 (2021), 55–62 <https://doi.org/10.1016/j.adolescence.2021.04.001>

⁶⁹ Guowen Huang and Ruihua Zhao, 'Harmonious Discourse Analysis: Approaching Peoples' Problems in A Chinese Context', *Language Sciences*, 85 (2021) <https://doi.org/10.1016/j.langsci.2021.101365>

⁷⁰ María Bernedo Del Carpio, Francisco Alpizar and Paul J. Ferraro, 'Time and Risk Preferences of Individuals, Married Couples and Unrelated Pairs', *Journal of Behavioral and Experimental Economics*, 97 (2022) <https://doi.org/10.1016/j.socec.2021.101794>

satisfaction in order to achieve harmonious family relations. The concept of marital adjustment indirectly indicates the existence of two individuals who learn from each other to accommodate their needs, desires and expectations with the needs, desires and expectations of their partners.⁷¹

4. Conclusion

Semenda-marriage is a marriage in which the overall cost of the wedding from the beginning of the traditional procession to the reception is carried out by the woman. In general, in a *semenda*-marriage, after the marriage occurs, the power lies with the wife, and her legal position depends on the form of the prevailing *semenda*-marriage. The husband in this case does not really have a role and lacks responsibility for his household. The form of *semenda*-marriage if examined based on the Marriage Law, namely Law no. 1 of 1974 and the Compilation of Islamic Law (KHI), there were several problems that were not in accordance with the applicable regulations. This is because in intermarriage, the husband is lower than the wife. The husband in this case does not really have a role and lacks responsibility for his household. Theoretically, the rights and obligations in the family, the husband's position is as the head of the family and as the executor of household needs, this is because the husband has advantages by nature. In addition, the husband is a guide to his wife and children and the husband decides on household matters. Based on the prevailing laws and regulations in Indonesia, as stated in the Compilation of Islamic Law Article 79 paragraphs 1 and 2, it is stated that the husband is the head of the family and the wife is the housewife. So, the rights and position of the wife are balanced with the rights and position of the husband in domestic life and the association of living together in the household. Thus, it can be clearly understood that husband and wife are partners and equal partners, therefore they must work together, complement each other, and respect each other.

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⁷¹ Xu Shan and Bin Wu, 'Social Relationship Adjustments Within the Same Sex Promote Marital Bliss', *Journal of Theoretical Biology*, 550 (2022) <https://doi.org/10.1016/j.jtbi.2022.111225>

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