

CULTURAL RESILIENCE AND MARITAL DISPUTE RESOLUTION THROUGH *SAUDARA KAWIN* IN MALUKU

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Abstract

This study aims to evaluate the urgency, prospects, and Islamic legal perspectives on the tradition of *Saudara Kawin* as fictitious relatives in Central Maluku. The high divorce rate in Indonesia has exacerbated the vulnerability of modern family institutions. The study employed a descriptive qualitative approach with a field case study in the Salahutu and Leihitu areas of Central Maluku. All data were collected directly through observation, in-depth interviews, and document studies of primary and secondary data. The study results clearly demonstrate that the *Saudara Kawin* tradition, known locally as *le-uma*, *leku wali*, *reuma*, or *sau*, effectively revitalizes nearly forgotten distant kinship relationships. This fictitious customary actor functions as an embedded mediator with the moral authority to resolve domestic conflicts outside the courts. The customary rights and obligations binding the parties are lifelong, transgenerational, and involve reciprocal material assistance through the masohi instrument. From an Islamic legal perspective, this customary practice is considered authentic because it is proven to bring domestic benefits and does not conflict with sharia, even exceeding the concept of hakamain. In conclusion, this tradition possesses strong cultural resilience in maintaining family peace and stability against the impacts of modernization. It is recommended that family resilience counseling institutions incorporate local fictitious kinship structures into their contemporary marital conflict resolution mediation programs.

Page: 93-101

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Introduction

Culture is not merely a static heritage passed down from generation to generation, but rather a dynamic construction that constantly evolves in response to social, political, and

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economic changes, being continuously reproduced and reconstructed within society to survive across time (Abdullah, 2006). Within this framework, culture operates as both a product and a process, which Clifford Geertz highlights can be interpreted as a “system of symbols” providing meaning to human life, enabling individuals and communities to communicate, negotiate, and reaffirm their social identity through rituals, traditions, and customary practices (Geertz, 1973). In the Indonesian context, rapid changes in economic systems, education, and technology driven by modernization and social transformation significantly challenge the continuity of local wisdom (Hastuti et al., 2022). Yet, traditional practices persist as vital elements of identity, cohesion, and collective memory, exemplified by the people of Central Maluku who maintain a unique custom known as *Saudara Kawin* during marriage ceremonies. In this tradition, the bride’s family appoints a man to serve as a symbolic “marriage brother” whose socio-cultural role represents an extension of kinship ties and mutual support between families. As Koentjaraningrat notes, anthropological inquiry into such marriage traditions clarifies the underlying structures of kinship, reciprocity, and social organization, demonstrating how *Saudara Kawin* embodies both symbolic values and practical functions that strengthen community ties (Koentjaraningrat, 2009). Furthermore, this practice reflects the critical role of local wisdom, which is essential for maintaining harmony, cooperation, and resilience, acting as a vital social mechanism for ensuring solidarity and enduring inter-family relationships in Maluku society (Umarella, 2024). Despite these cohesive traditional frameworks, contemporary family institutions face severe vulnerabilities, as reflected in prevailing empirical data regarding domestic instability. Badan Pusat Statistik shows that the number of divorce cases in Maluku is 623 in 2024, and the national divorce rate has reached 394,608 cases in 2024 (Indonesia, 2025).

In addressing these escalating domestic conflicts, previous legal and anthropological studies have attempted to explore the dispute-resolution capacity of local traditions, yet they present critical analytical limitations. For instance, in an article examining the customary appointment of *Saudara Kawin* in Negeri Tulehu, Salahutu District, Central Maluku Regency, in resolving domestic conflicts, Gazali Rahman argues that this tradition is identical to the Islamic concept of hakam. However, a major limitation of prior research lies in equating these two roles, whereas *Saudara Kawin* is fundamentally distinct from hakam because the tradition dictates that only one “marriage brother” is appointed exclusively from the prospective wife’s side, and this appointment is prepared well before the wedding day (Rahman, 2016). To address this limitation, this paper seeks to offer a clear alternative perspective on conflict resolution for married couples. Showcasing the unique structural positioning of *Saudara Kawin* as a preventative and restorative mechanism constitutes the core scientific merit and novelty of this study, rendering a deeper, systematic academic inquiry highly necessary.

Some previous research on *Saudara Kawin* has shown that cultural terms in Ambon are traditionally intended as a place to solve family problems, and are one of the social institutions that are institutionalized to prevent and solve problems in marriage (Segara, 2016). The main function of *Saudara Kawin* is to resolve domestic problems or conflicts on behalf of the woman through deliberation before the problem spreads. *Saudara Kawin* are taken from the brother or sister of the mother-to-be’s mother’s line, and they have a greater bond of responsibility than other relatives (Solissa, 2022; Sri Wahyuni, 2022). *Saudara Kawin* is interpreted as an adviser to the wife, representing the wife to seek peace with her husband, and taking disputes to the village court or religious court if the peace effort fails. Outline the steps that the *Saudara Kawin* take when resolving domestic conflicts, including calling the husband and wife, helping them reach a good deal of behavior, and analyzing the factors that cause the conflict (Tuankotta et al., 2023).

Based on the structural background and the identified gaps in existing literature, the overarching objective of this research is to evaluate the significance and systemic value of this custom in modern social and legal contexts. To guide this identification of issues, the problem formulations in this paper are systematically organized around three core questions: first, what is the underlying urgency of the tradition of *Saudara Kawin* within the community; second, what

are the prospects of this tradition for the Central Maluku community in enduring social transformations; and third, what is the precise view of Islamic law regarding the implementation of *Saudara Kawin*? By answering these questions, this study aims to provide a robust academic framework for understanding how fictive kinship customs can effectively function as an alternative path to maintaining family harmony and preventing marital breakdown.

Research Method

The research approach in this paper uses a qualitative approach in the field research method, which is a conceptual and procedural design in research, including various attitudes from general assumptions to data collection methods, analysis, and interpretation of detailed files. The research that the author wants to do, is closely related to the decline in productivity in the distribution of infaq and alms funds at the mosque in a foundation institution, then using the knowledge of the case study approach, which focuses attention on one particular object that is raised as a case to be studied in depth to be able to uncover the reality behind the tradition (Koentjaraningrat, 1991).

Results and discussions

Rights and Obligations of *Saudara Kawin*

Local wisdom refers to a community's time-tested values, knowledge, and life strategies emerging from the collective interaction between people and their socio-ecological environment, serving as a living repertoire of norms, a moral compass for regulating behavior, a social glue for cohesion, and an indigenous mechanism for addressing disputes and uncertainty. In Indonesia, this diversity is expressed through rituals, customs, oral traditions, and community institutions that continuously adapt to demographic, economic, and technological changes, constituting a stabilizing "social mechanism" that balances expectations, role relations, and social order across generations (Koentjaraningrat, 2009). This structural stabilization is prominently visible within marriage, which functions as a deeply socio-cultural institution uniting not only two individuals but also two extended families and their wider networks; beyond its legal or religious dimensions, marriage reproduces shared norms, hierarchy, prestige, and solidarity through wedding rites that mobilize *gotong royong* (mutual aid), distribute obligations, and publicly affirm reciprocal ties as platforms for community integration and social learning (Geertz, 1973).

Within this matrix of Indonesian socio-cultural institutions, the *Saudara Kawin* tradition in Central Maluku operationalizes solidarity and conflict management as a unique form of local wisdom that is widely recognized and applied across various customary lands around Ambon Island. Depending on distinct local language backgrounds, the designation of this custom varies across regions: it is known as *le-uma* or *te-elima* in Negeri Morella Leihitu and its surroundings, *leku wali* (literally meaning brother guardian) in Negeri Asilulu, *reuma* or *ta-erima* in Negeri Tulehu, and *sau* in Negeri Liang, all fundamentally signifying an institutionalized bond of brotherhood established through marriage (Latupono et al., 2023). These marriage brothers are custom-authorized representatives specifically chosen from individuals whose kinship relations are almost forgotten—from both the paternal and maternal lineages—so that the genealogical bonds can be actively revitalized and strengthened. Far from being ornamental, this role carries explicit mandate and responsibility from the bride's family to act as a recognized third party endowed with moral authority, helping the woman face severe difficulties, managing daily social needs, and fulfilling three salient functions: strengthening kinship ties, facilitating mutual aid, and mediating domestic conflicts that may arise in the couple's married life (Lonthor & Jamaa, 2020).

The rights of the *Saudara Kawin* are always related to social events that happen to him and his family, and are equally related to giving advice to the married sister. Because the former is material in nature, the *Saudara Kawin* may not ask for anything from the married sister; rather, he is obliged to give to her (Jamaa & Lateni, 2018). The *Saudara Kawin*, therefore, holds the right to advise the married sister—whether asked or not—and such advice may be given anytime and anywhere if necessary, particularly when the married sister violates the husband's rights. In this sense, the rights of the *Saudara Kawin* are greater than those of the married sister, as they are integral to the full burden of life faced in the household, whether related to domestic conflict or other types of conflict in daily life (Sri Wahyuni, 2022). The rights of the married sister in the context of domestic conflict are: (1) to ask for protection from the *Saudara Kawin*, (2) to ask for advice, and (3) to ask for the willingness of the *Saudara Kawin* to claim her rights against the husband, both to achieve peace and vice versa (Rahman, 2016). As for rights related to the needs of social life, apart from dealing with issues that require assistance, such as death, marriage, and so on, the married sister also has the right to always receive help from the *Saudara Kawin* in dealing with the needs of daily life (Segara, 2016).

The obligations of the *Saudara Kawin* are directly tied to the function he carries out as a mandate from the families of both parties—from both the female and male sides. He is obliged to protect the married sister during domestic and other conflicts, to find solutions by giving advice, input, and counsel to achieve common ground as an effort to reconcile the two parties, and to provide assistance to the married sister in the event of a death in her family (Solissa, 2022). Correspondingly, the married sister bears obligations toward the *Saudara Kawin* in complying with all forms of advice he provides, since whatever form of advice given is solely intended for the benefit of the family and the integrity of the married sister's household (Sitania et al., 2023). These reciprocal rights and obligations last for life and are continued by their children and grandchildren; they only come to an end after the marriage relationship between the married sister and her husband is terminated by divorce, and the married sister has no offspring (Sukur et al., 2024).

The *Saudara Kawin* tradition in Central Maluku constitutes an institutionalized expression of local wisdom, a living repertoire of norms and problem-solving strategies that guide everyday conduct, conflict management, and collective organization. Such traditions constitute a social mechanism that stabilizes expectations and role relations, thereby contributing to social order (Koentjaraningrat, 2009); structural-functionalism further posits that institutions persist because they fulfill necessary functions for social stability (Malinowski, 2013; Radcliffe-Brown, 1965), and the public recognition of a *Saudara Kawin* ritualizes obligations and affirms collective conscience, thereby reducing anomie and uncertainty in inter-family relations. The appointment procession itself is carried out after the proposal has been approved by the female family based on the results of deliberations. According to customary rules, the *Saudara Kawin* must be taken from a man (though, as Mrs. Faizah Manilet notes, a woman may sometimes assume this role) who is not related to or a cousin of the girl; must come from the same clan but without a cousin relationship; and is specifically intended to form new relatives outside the clan, his primary function being to accept and direct the married sister appropriately should a dispute with the husband arise (Faizah Manilet, personal communication, December 21, 2024). Any problem faced by the woman with her husband is therefore not conveyed to her parents but to the *Saudara Kawin*, since the right to seek protection and advice formally transfers from the parents to the *Saudara Kawin* after the marriage contract is concluded, making him a substitute for both parents and brothers. As further explained by Mr. Hasan, the *Saudara Kawin* is deliberately chosen from a distant lineage, particularly from the woman's side, precisely to reestablish kinship relationships; accordingly, the parents of the prospective bride formally approach the parents of the prospective *Saudara Kawin*, requesting that the latter pay close attention to and assist the bride in key life events, whether in building a house, organizing a marriage celebration, or handling bereavement (Hasan, personal communication, November 27, 2024).

Wedding rites such as the *Saudara Kawin* procession mobilize mutual aid, distribute obligations, and publicly affirm reciprocal ties, thereby serving as a platform for community integration and social learning (Puyu et al., 2023). Analytically, the institution grows bonding capital (dense, trust-laden ties within related families) and bridging capital (linkages between otherwise separate kin groups); the ritualized appointment reduces transaction costs for assistance and mediation, as people know whom to call, what to expect, and how obligations will be reciprocated, enhancing generalized trust and collective efficacy over time. According to Mrs. Faizah Manilet, the *Saudara Kawin* also receives a share of the property given by the prospective husband to his wife before the marriage contract is carried out. Furthermore, when a death occurs in either family bound by the *Saudara Kawin* relationship, a delivery is made with the symbolic code of bringing mats and pillows, accompanied by a monetary contribution ranging from 100,000 to 300,000 rupiah, reinforcing the mutual assistance that the *Saudara Kawin* relationship demands. After the marriage contract is concluded, a handover is also required: the husband must bring food accompanied by a monetary sum (formerly, in the absence of money, this took the form of clove trees, nutmeg, coconut, or sago trees) demonstrating how the tradition has operationalized solidarity and reciprocal exchange in material terms across generations (Faizah Manilet, personal communication, December 21, 2024).

Interpretive anthropology views culture as webs of significance; from this perspective, the designation of a *Saudara Kawin* is a meaning-making act that frames rights, duties, and expectations, communicating authoritative narratives about kinship ethics and mutual care that guide behavior long after the wedding ceremony has ended, with the role continually reaffirmed through visits, aid exchanges, and conflict interventions that keep the symbol alive in practice. The cultural resilience literature further demonstrates that local systems innovate to remain meaningful by adjusting role expectations and procedures without abandoning foundational values; the evolution from clove trees, nutmeg, and sago trees to monetary contributions as the handover form to the *Saudara Kawin* exemplifies this adaptive capacity while preserving the tradition's core relational logic.

The Role of *Saudara Kawin* in Resolving Married Sisters' Household Conflicts

The purpose of *Saudara Kawin* is closely related to community kinship. Kinship ties in Central Maluku are strengthened by the traditional instrument *masohi* (mutual aid). This custom is not only to help each other in solving community problems. But it is also intended to strengthen family kinship ties (Alfons et al., 2024). The relationship between family kinship in social interactions will lead to family harmony and integrity in the community. To realize these harmonious kinship ties, one of the efforts taken is through the custom of *Saudara Kawin* (Tuanany, 2020). Thus, the role of *Saudara Kawin* is, on the one hand, to familiarize family relationships that have been almost forgotten by each party, so that their origins are increasingly forgotten, which will ultimately lead to estrangement in the life of the family. For this reason, it is necessary to make efforts to connect kinship through the custom of *Saudara Kawin* (Tuankotta et al., 2023). So that each party involved in the *Saudara Kawin* bond realizes that, in principle, their origins come from one ancestor. On the other hand, *Saudara Kawin* aims to create balance in families experiencing conflict. In this regard, the *Saudara Kawin*, who becomes a companion and liaison between a husband and wife in order to achieve peace from their household conflict, will also provide a breath of fresh air that can accompany the atmosphere of tension between the two parties (Sitania et al., 2023).

According to Mr. Hasan, the role of the *Saudara Kawin* is that everything leads to positive things (Hasan, personal communication, November 27, 2024). Because they help each other. Secondly, when a conflict occurs, the wife does not go to her siblings (Ulath, 2024). Because if the siblings enter the area, the husband will think that this problem is being interfered with by the family. However, if the married sibling does not have the capacity, then automatically it

cannot carry out its main task in resolving conflicts or disputes experienced by husband and wife (Jamaa & Malawat, 2019).

According to Mr. Hasan, the function of the *Saudara Kawin* is to act as a peacemaker. But in the community, it turns out that the kinship relationship is not only through the *Saudara Kawin*, but the *Saudara Kawin* has a relationship with the man too, sometimes. So that's what causes yes there is a name, there is shame, whatever for him to then do his job of reconciling the two parties, because if he can't, then he has to take it to the Penghulu or Imam, if the Imam can't, he pushes his *Saudara Kawin* to the court, so he can't, because sometimes he is appointed as his marriage brother, not someone who already has the Skill to reconcile, this is because of the kinship relationship factor alone, so the second function is in the context of binding kinship, kinship relations (Hasan, personal communication, November 27, 2024). In addition, the law of *Saudara Kawin* is Mubah, based on the results of Mr. Hasan's interview: if we look at the verse related to Hakamain, then the law is only Mubah, not obligatory (Hasan, personal communication, November 27, 2024). Secondly, related to the social issues of the community, in two mediators, it is not the same as married siblings (Matakena et al., 2022). The obligation to help each other is not the same. If hakamain is limited to mediation, but if siblings marry, it is more than mediation because there is mutual assistance there. In the life of society, now the main function of mediation is not working as it should. Meanwhile, according to Mrs. Aisya Umarela, *Saudara Kawin* is mandatory until now.

According to the results of the interview with Mr. Hasan, it is clearly different who marries a married brother or not. According to him, usually those who do not have a marriage brother, if people from outside sometimes do not have a marriage brother. But sometimes they are also told to have a marriage brother. For example, if a woman from Java marries there, because there is no *Saudara Kawin*, then if there is a conflict, there is no need to go to court. It is enough to have a marriage brother, because the *Saudara Kawin* also functions as a peacemaker, in addition to a high sense of shame for the spouse, family, siblings, etc., so that existing conflicts can be resolved without bothering to go to court. Because, according to Mr. Hasan, with the existence of married siblings, there is a high sense of tolerance. Therefore, when a conflict occurs, it is very rarely taken to court. Usually, it is resolved in a family manner. Conflict resolution by married siblings is much more effective than resolution by the religious court. The reason is that there is a sense of shame with the in-laws. According to him, even though he did not give much advice, but simply met and greeted each other, it could actually reduce emotions and at the same time be able to mediate between husband and wife. Usually, married siblings are called in-laws. So never call names, but call designations (Hasan, personal communication, November 27, 2024).

According to Mr. Hasan, the condition of the married couple in the past was that the married couple were people who had the capacity, helped each other, and were chosen people, and could really fight for the rights of their sister. From the beginning, it was like that. Helping to solve problems. Therefore, there must be mutual respect between the husband and the married couple (Hasan, personal communication, November 27, 2024). The married couple should not come. What do you want? But still from afar they are greeted by their brother-in-law, and they are also replied with brother-in-law, what's the news, brother-in-law? So, continuing to maintain ties of kinship, they should not disrespect each other. If the latest situation in society is that the main function of the *Saudara Kawin* as a mediator is not really the main factor, what is seen is related to the social obligations mentioned above. That's why if there is a family whose children are from their mother, their parents are not so good, meaning people have a celebration, they don't go there, they are not taken as *Saudara Kawin* (Putri et al., 2024). Because they don't have a sense of concern for their future, *Saudara Kawin*. Moreover, this must be mutual assistance. This means that the role of the *Saudara Kawin* also has social responsibility. Therefore, the prospect of siblings marrying in the future will continue to exist and be preserved

as local wisdom for the Central Maluku community, because it has a high value of kinship bonding and a sense of social concern (Segara, 2016).

Conclusion

This research demonstrates that the *Saudara Kawin* tradition in Central Maluku serves as a vital, institutionalized mechanism of local wisdom that preserves marital stability and strengthens kinship ties. Functioning as an embedded mediator, this fictive kin position effectively resolves domestic conflicts out of court by utilizing moral authority and transgenerational obligations. Socially, these findings prompt family support agencies to incorporate localized fictive kinship structures into contemporary conflict handling programs. However, this study exhibits clear limitations, notably regarding its restricted spatial scope and focus on limited empirical evidence across Central Maluku. Therefore, subsequent research should expand existing empirical datasets by examining diverse religious groups and testing distinct comparative frameworks in adjacent villages. Concluding strongly, preserving this dynamic local wisdom advances our understanding of indigenous social mechanisms, demonstrating how traditional networks remain highly relevant for reinforcing domestic stability and mitigating complex marital breakdowns within modern Indonesian family life.

Declaration of AI and AI-Assisted Technologies in the Writing Process

During the preparation of this manuscript, the author employed Artificial Intelligence (AI)-assisted technology, specifically ChatGPT (OpenAI).

CRedit Authorship Contribution Statement

Farid Naya: Conceptualization, Data Curation, Formal Analysis, Investigation, Methodology, Writing – Original Draft, Writing – Review & Editing, and Visualization.

Declaration of Competing Interest

The author declares that no financial, professional, or personal conflict of interest could affect the research process, interpretation of findings, or publication of this article.

Data Availability Statement

Data supporting the findings of this study are available from the relevant authors upon reasonable request via email at faridnaya12345@gmail.com. All materials and sources used in this study were obtained from relevant academic literature and library-based scientific resources.

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The author emphasized that this research was conducted in accordance with established academic and research ethics standards. As a library-based study, this study did not involve human participants, personal data, or identifiable respondent information. Therefore, formal

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