

Endogamous Marriage in the Habaib Community a Social Engineering Perspective by Roscoe Pound

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ABSTRACT

Ideally, Indonesian marriage law promotes an open marital system that does not restrict partner selection based on lineage. In social reality, however, the Habaib community in Lumajang Regency continues to practice endogamous marriage grounded in patrilineal lineage preservation. This study addresses the gap between the ideal inclusiveness of marriage law and the persistence of exclusive endogamous practices. The research novelty lies in examining Habaib endogamous marriage through the perspective of Law as a Tool of Social Engineering proposed by Roscoe Pound, which remains underexplored in previous studies. This research employs a qualitative phenomenological field approach. Data were collected through in-depth interviews and documentation, and analyzed using source triangulation and Roscoe Pound's social engineering legal theory. The findings reveal that: (1) endogamous marriage practices among the Habaib community follow two patterns arranged marriages from childhood and marriages within kinship without formal arrangement; (2) four main factors drive these practices, namely lineage preservation, matchmaking traditions, familial doctrination, and the principle of marital compatibility (kufu'); and (3) from a social engineering perspective, law functions to sustain endogamy through the interplay of public, social, and private interest.

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1. INTRODUCTION

Endogamous marriage practices among religious-genealogical communities remain a persistent social phenomenon in many plural societies, including Indonesia. One such community is the Habaib, a group claiming descent from the Prophet Muhammad through patrilineal lineage (nasab). In Kabupaten Lumajang, East Java, the Habaib community largely originates from diasporic movements from Madura particularly Bangkalan and continues to

maintain strong primordial ties to ancestry, kinship, and inherited religious authority. Ideally, Indonesian marriage law promotes equality, individual consent, and social integration across groups. However, in practice, the Habaib community tends to preserve endogamous marriage patterns that prioritize lineage purity and internal solidarity over broader social assimilation. This gap between legal-normative ideals and socio-cultural realities constitutes the central problem of this study.

Previous studies on endogamy in Indonesia often focus on aristocratic Javanese families, pesantren elites, or caste-like structures in certain ethnic groups, while the Habaib community remains underexplored, particularly in rural contexts such as Lumajang [1], [2]. Existing research also tends to describe endogamy as a static tradition without sufficiently examining its interaction with legal norms and social change. This study offers novelty by analyzing endogamous marriage among the Habaib through the theoretical lens of Law as a Tool of Social Engineering proposed by Roscoe Pound, thereby positioning marriage not merely as a cultural practice but as a site of legal and social negotiation.

The purpose of this study is threefold: first, to examine how endogamous marriage is practiced within the Habaib community in Kabupaten Lumajang; second, to analyze the socio-religious factors that encourage the persistence of this practice; and third, to evaluate the practice from the perspective of Law as a Tool of Social Engineering. This research is motivated by the need to understand how informal social norms can coexist with, adapt to, or resist formal legal frameworks, particularly in plural legal settings such as Indonesia [3].

Methodologically, this research employs a qualitative phenomenological approach with field research as its primary design. Data were collected through in-depth interviews with community elders, religious figures, married couples, and family members, complemented by documentation studies. Data validity was ensured through source triangulation, while analysis was conducted using Roscoe Pound's social engineering framework, focusing on public interest, social interest, and private interest. By providing detailed contextual and methodological descriptions, this study enables future researchers to replicate or extend the analysis in comparable communities.

2. LITERATURE REVIEW

2.1 *Endogamous Marriage and Kinship Systems*

Endogamous marriage has long been examined within anthropological and sociological studies as a mechanism for maintaining social boundaries, identity, and power within particular groups. In kinship-based communities, marriage is not merely a personal union but a strategic social institution that regulates lineage continuity, inheritance, and group cohesion [4]. Patrilineal societies, in particular, tend to emphasize endogamy to preserve genealogical purity and symbolic capital attached to ancestry. Such practices are commonly found in aristocratic, religious, or caste-like communities where lineage functions as a marker of legitimacy and authority.

In the Indonesian context, studies on endogamy often highlight its presence among pesantren elites, royal families, and certain ethnic groups. These studies reveal that endogamy is sustained through informal norms, moral obligations, and collective expectations rather than formal legal enforcement [2]. However, most existing literature treats endogamy as a cultural residue, paying limited attention to its dynamic interaction with modern legal systems and social change.

2.2 *The Habaib Community and the Concept of Nasab*

The Habaib community occupies a unique social position due to its claimed descent from the Prophet Muhammad. Nasab functions not only as a genealogical marker but also as a source of religious authority and social prestige. Previous research indicates that the preservation of nasab significantly influences marital preferences, social interaction, and leadership structures within the Habaib community [1]. Marriage within the same lineage is perceived as a moral responsibility to protect the sanctity of descent and maintain communal honor.

Despite this importance, empirical studies focusing on everyday marital practices of Habaib communities at the local level remain limited. Most research concentrates on historical narratives or theological debates, leaving a gap in understanding how nasab-based values are operationalized in daily social life, particularly in rural settings such as Kabupaten Lumajang.

2.3 *Islamic Jurisprudence and the Principle of Kafa'ah*

In Islamic legal discourse, *kafa'ah* refers to compatibility or equality between prospective spouses. Classical jurists differ in defining the criteria of *kafa'ah*, ranging from religion and moral character to social status and lineage. While many contemporary scholars emphasize ethical and religious compatibility over genealogy, some communities continue to interpret *kafa'ah* in a genealogical sense, thereby reinforcing endogamous marriage patterns [5].

Research on *kafa'ah* in Indonesia shows that its interpretation is highly contextual and shaped by local traditions. In communities where lineage carries symbolic and religious significance, *kafa'ah* becomes a legitimizing framework for endogamy rather than an inclusive principle [3]. However, few studies explicitly connect *kafa'ah* with socio-legal theories that explain how such interpretations persist alongside national marriage laws.

2.4 *Law as a Tool of Social Engineering*

Roscoe Pound's theory of Law as a Tool of Social Engineering views law as an instrument to balance competing interests within society, namely public interest, social interest, and private interest [6]. Rather than perceiving law as a rigid set of rules, this perspective emphasizes its adaptive function in responding to social realities. Socio-legal scholars argue that when formal law fails to resonate with deeply embedded social norms, communities often rely on

informal mechanisms to regulate behavior [7].

In plural legal societies such as Indonesia, this interaction between state law and customary or religious norms becomes particularly evident. Previous studies applying Pound's framework have primarily focused on statutory law and judicial reform, with limited application to marriage practices within religious communities. This gap highlights the need for empirical research that examines how informal norms, such as endogamous marriage, function as effective tools of social engineering beyond formal legal institutions.

2.5 *Research Gap and Positioning of the Study*

Based on the reviewed literature, it is evident that research on endogamous marriage, Habaib communities, Islamic jurisprudence, and socio-legal theory has largely developed in parallel trajectories. There is a lack of integrative studies that examine endogamous marriage within the Habaib community using a socio-legal framework that accounts for both cultural and legal dimensions. This study positions itself at the intersection of anthropology, Islamic law, and sociology of law by employing Roscoe Pound's theory to analyze how endogamous marriage is maintained and legitimized.

By focusing on the Habaib community in Kabupaten Lumajang, this research fills an empirical gap and offers contextual insights into how law operates as a social engineering tool within a religious-genealogical community. The findings are expected to contribute to broader discussions on legal pluralism, marriage regulation, and the negotiation between tradition and modern legal ideals.

3. METHODS

This study is a qualitative field research employing a phenomenological approach to capture the lived experiences and subjective meanings attached to endogamous

marriage within the Habaib community of Kabupaten Lumajang. Informants were selected purposively based on their genealogical status, marital experience, and social roles within the community. Data collection techniques included semi-structured interviews and document analysis. The analytical process involved data reduction, data display, and conclusion drawing, guided by Roscoe Pound's theory of Law as a Tool of Social Engineering [6]. Triangulation of sources was applied to enhance the credibility and trustworthiness of findings.

4. RESULTS AND DISCUSSION

4.1 *Patterns of Endogamous Marriage Practices*

The findings indicate that endogamous marriage among the Habaib community in Lumajang manifests in two dominant patterns: arranged marriages initiated from early childhood and voluntary marriages that nevertheless remain within close kinship circles. Arranged marriages are often justified as a preventive strategy to safeguard nasab and avoid future marital choices deemed incompatible with genealogical expectations. This practice reflects a deeply internalized collective consciousness regarding lineage preservation [8].

In cases where marriages are not formally arranged, social control mechanisms still operate effectively. Family expectations, moral persuasion, and religious narratives subtly guide individual preferences toward intra-community partners. Although framed as personal choice, these decisions are embedded within a dense network of symbolic obligations and communal norms, limiting genuine autonomy.

From a sociological perspective, these patterns demonstrate how kinship systems function as regulatory institutions parallel to formal law. The persistence of such practices indicates that customary norms often possess stronger binding power than state

regulations, especially when reinforced by religious legitimacy.

4.2 *Factors Encouraging Endogamous Marriage*

Four main factors drive the continuation of endogamous marriage in the Habaib community: protection of nasab, arranged matchmaking traditions, doctrinal internalization, and the concept of kafa'ah (social and genealogical equality). The preservation of nasab is perceived not only as a familial obligation but also as a religious duty, granting the practice moral authority that is difficult to contest.

Doctrinal socialization plays a crucial role, as teachings about lineage and marriage compatibility are transmitted through family narratives, religious gatherings, and informal education. Over time, these teachings become normalized, shaping perceptions of ideal marriage without overt coercion [9].

The concept of kafa'ah further legitimizes endogamy by framing it as a requirement for marital harmony. While Islamic jurisprudence allows flexibility in interpreting kafa'ah, the Habaib community emphasizes genealogical equivalence, thereby narrowing acceptable marital options and reinforcing internal cohesion.

4.3 *Factors Contributing to Endogamous Marriage among the Habaib Community*

The findings of this study indicate that endogamous marriage within the Habaib community in Lumajang Regency is shaped by multiple interrelated factors. Although each family may articulate different immediate motivations, the overarching objective remains the same: preserving genealogical continuity and maintaining socio-religious identity. Field data reveal four dominant factors influencing the persistence of endogamous marriage practices, namely the preservation of nasab (lineage), arranged marriage, doctrinal socialization, and the principle of kafa'ah (compatibility).

4.4 Preservation of Nasab (Genealogical Lineage)

The preservation of nasab constitutes the most fundamental factor underlying endogamous marriage among the Habaib community. Marriage within kinship networks is perceived as ensuring genealogical clarity and protecting the purity of prophetic descent (durriyyah Rasulullah). Informants consistently emphasized that exogamous marriage risks genealogical dilution and weakens the symbolic and religious authority attached to lineage. This finding aligns with previous studies arguing that endogamy functions as a mechanism to safeguard ancestry and social legitimacy in lineage-based communities [4], [10].

From a sociological perspective, this orientation reflects primordial identity formation, in which ancestry operates as a core reference for social belonging. The emphasis on lineage preservation explains why endogamy is viewed not merely as a marital preference but as a moral obligation transmitted across generations.

1. Arranged Marriage Practices

Another significant factor identified is the prevalence of arranged marriages. The results show that many endogamous unions are initiated through family arrangements, sometimes planned from early childhood or even before birth. This practice is rooted in the belief that marital compatibility is best ensured through familial familiarity and shared cultural values. Such arrangements reduce uncertainty and reinforce inter-family solidarity [2].

Empirical evidence from informants demonstrates that arranged marriage functions as an informal regulatory mechanism governing marital choices. Rather than coercion, the process is often framed as familial guidance, reflecting collective rather than individual decision-making. This

finding corroborates earlier research highlighting arranged endogamy as a form of social control embedded in kinship-based societies [1].

2. Doctrinal Socialization

Doctrinal socialization plays a crucial role in shaping marital orientations among Habaib descendants. Children are gradually socialized into the belief that marrying within the lineage is ideal, morally superior, and religiously appropriate. This process occurs through parental instruction, religious narratives, and everyday discourse within the household.

The internalization of these norms results in a psychological disposition that discourages exogamous marriage. Informants reported feelings of incompatibility and discomfort when considering partners outside the lineage. This finding supports [9] theory of social construction, which explains how repeated socialization transforms cultural norms into subjective realities.

3. The Principle of Kafa'ah (Compatibility)

The principle of kafa'ah constitutes the primary religious justification for endogamous marriage. In Islamic jurisprudence, kafa'ah refers to compatibility between prospective spouses in terms of religion, morality, social status, and lineage [5]. Although contemporary Islamic thought increasingly emphasizes piety over genealogy, the Habaib community continues to interpret kafa'ah genealogically.

This interpretation is often reinforced through prophetic traditions emphasizing lineage, religion, wealth, and character as marital considerations [11]. Informants argued that marital harmony (sakinah) is more easily achieved when spouses share equal

genealogical status. Consequently, kafa'ah operates as both a theological and socio-cultural framework legitimizing endogamy [3].

4. Impacts of Endogamous Marriage

The study reveals both positive and negative impacts of endogamous marriage. Positively, endogamy strengthens kinship ties, enhances family cohesion, clarifies lineage, and facilitates the establishment of harmonious households. Shared values and cultural homogeneity contribute to marital stability and reduce intra-family conflict.

Conversely, negative consequences include excessive parental intervention, familial tensions in cases of divorce, and potential genetic risks associated with consanguineous marriage. Medical perspectives warn that repeated close-kin marriages may increase the likelihood of hereditary disorders [12]. Nevertheless, community members generally perceive these risks as secondary to the cultural and religious imperatives of lineage preservation.

5. Discussion: Endogamy between Normative Islam and Social Practice

Importantly, Islamic law does not mandate endogamous marriage. Individuals are free to choose marital partners regardless of kinship, ethnicity, or locality, as affirmed by Qur'anic principles emphasizing human diversity (Qur'an 36:36). This creates a normative gap between Islamic legal ideals and social practice within the Habaib community.

The persistence of endogamous marriage therefore reflects a socio-cultural construction rather than a strict religious obligation. Endogamy operates as a living tradition sustained through collective belief, social pressure, and symbolic capital attached to lineage.

This finding underscores the importance of distinguishing between religious doctrine and culturally embedded interpretations in analyzing marriage practices.

4.5 Analysis of Endogamous Marriage among the Habaib Community from the Perspective of Law as a Tool of Social Engineering by Roscoe Pound

Endogamous marriage among the Habaib descendants in Lumajang Regency cannot be understood merely as a unique or atypical marital practice compared to the general patterns of marriage in Indonesian society. Rather, it constitutes a deeply rooted social tradition that has been transmitted across generations and preserved as part of collective identity, value systems, and mechanisms for protecting genealogical lineage (nasab). In this regard, Roscoe Pound's theory of law as a tool of social engineering provides a relevant analytical framework for understanding how social norms although not always formalized as positive law function as instruments to maintain and reproduce a particular social order.

Roscoe Pound conceptualizes law as an instrument for regulating, balancing, and engineering competing interests within society to achieve social order and harmony [13]. In its conservative function, law also serves to preserve customs and traditions that are considered socially valuable and functional. Within the Habaib community, endogamous marriage operates as a strategic social mechanism to ensure genealogical continuity, maintain family cohesion, and preserve symbolic legitimacy attached to prophetic descent.

Pound classifies interests protected by law into three main categories: public interests (public interest), social interests (social interest), and private interests (private interest) [14]. In the context of endogamous marriage among the Habaib, these interests intersect; however, the

dominance of private interest, particularly family interest, is most evident.

Family interest in this context refers to efforts to protect lineage purity, uphold family honor, and ensure the continuity of genealogical identity. Endogamous marriage is perceived as an effective instrument for guaranteeing that descendants remain within a legitimate and respected lineage. Consequently, endogamy functions as an informal legal norm that directs individual marital choices toward the collective interests of the extended family.

Nevertheless, empirical findings reveal internal variations within the Habaib community. While some descendants consistently adhere to endogamous marriage and actively transmit this norm to subsequent generations, others increasingly deviate from it. Factors contributing to this shift include exposure to external cultural influences, weakened parental control, and declining doctrinal socialization. This indicates that the effectiveness of endogamous norms as tools of social engineering is contingent upon sustained socialization and collective acceptance.

From the perspective of law as a tool of social engineering, the effectiveness of law whether formal or informal depends on its conformity with the living law within society. As long as endogamy is internalized as an ideal value, it continues to function effectively. However, as social change and value transformation occur, the normative force of endogamy becomes increasingly contested [6].

This analysis can be further deepened through Private Interest Theory, particularly the concept of Regulatory Capture. In this context, religious and customary norms concerning lineage (*nasab*) and marital compatibility (*kafa'ah*) may be "captured" by elite groups within the Habaib community to preserve symbolic, social, and structural power.

Endogamous marriage thus operates not only as a cultural tradition but also as a mechanism of social closure that restricts external access and reinforces group exclusivity.

Although endogamous practices are frequently justified using religious arguments, Islamic normative teachings do not mandate endogamous marriage. The principle of *hifz al-nasl* (protection of lineage) does not require marriage within a specific kinship group, but rather emphasizes legitimacy, responsibility, and moral accountability in marital relations. Therefore, positioning *hifz al-nasl* as the sole justification for endogamous marriage reflects a shift in the function of Islamic law—from a universal moral framework toward an instrument of social control.

In Pound's theoretical framework, a good legal system is one that balances competing interests fairly. While private interests, including family interests, are legitimate and deserve protection, they must not negate individual autonomy and social justice. When endogamous marriage norms are enforced rigidly or coercively, tensions arise between family interests and individual rights to freely choose a marital partner.

In this regard, the persistence of endogamous marriage among the Habaib in Lumajang Regency reflects a form of social engineering rooted in informal legal norms derived from religious and customary values. However, through the critical lenses of Private Interest Theory and Regulatory Capture, this practice also warrants evaluation to prevent the instrumentalization of religion and tradition for the preservation of social inequality. Normative reinterpretation becomes necessary to ensure that marital practices align with principles of justice, individual freedom, and the universal ethical objectives of Islamic law.

5. CONCLUSION

Based on the findings of this study on endogamous marriage among Habaib descendants in Bago Village, Pasirian District, and Pandanwangi Village, Tempeh District, Lumajang Regency, several conclusions can be drawn.

First, the practice of endogamous marriage within the Habaib community in Lumajang Regency manifests in two main patterns. The first pattern involves arranged marriages initiated during the early stage of mate selection, in which parents designate prospective spouses for their children at a very young age, often marked symbolically by gifts such as cloth or rings. The marriage is then formalized once the children reach adulthood. The second pattern occurs without formal matchmaking; however, individuals are still encouraged by their parents to marry within the same lineage. In such cases, marriage is based on personal choice but remains confined to close kin who share the same nasab. Second, the factors contributing to endogamous marriage among Habaib descendants can be categorized into four main elements. The first is the preservation of nasab, which involves restricting female descendants from marrying non-Habaib men, while male descendants are encouraged though not strictly obligated to marry within the same lineage. The second factor is arranged marriage, rooted in the belief that selecting a spouse from within the same community or kinship circle ensures compatibility and continuity of values. The third factor is parental doctrinal socialization, whereby children are taught from an early age that marrying within the same lineage is the ideal and most appropriate choice, shaping their marital preferences and limiting openness to exogamous relationships. The fourth factor is the principle of kafa'ah

(compatibility), which emphasizes equality between prospective spouses in terms of lineage, religion, and social status as a means to achieve marital harmony, as reflected in prophetic traditions. Third, from the perspective of Roscoe Pound's theory of law as a tool of social engineering, endogamous marriage among Habaib descendants functions as a conservative form of social regulation aimed at preserving long-standing traditions and social stability. Among the three categories of interests identified by Pound public interest, social interest, and private interest the practice of endogamous marriage primarily reflects private interest, particularly family interest. This practice has been maintained as a hereditary tradition passed down from ancestors and is perceived by the community as producing greater social benefit (masalah) than harm (mafsadah). Consequently, endogamous marriage continues to be preserved as a meaningful social institution within the Habaib community in Lumajang Regency.

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