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## Women's Agency in the Practice of Ampa Sabae: An Analysis of Islamic Law and Social Reality in Bima

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### Abstract

**Objective:** This study aims to analyze the practice of *ampa sabae* in the Mbojo Bima community from the perspectives of Islamic law and social reality, with a particular emphasis on women's agency as the primary actors in responding to social issues such as premarital pregnancy and male irresponsibility. **Theoretical framework:** This study is grounded in socio-legal theory, Islamic legal theory, and agency theory, emphasizing the interaction between custom, sharia, and social realities, as well as the framework of *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-nasl* (protection of lineage). **Literature review:** This study reviews key discussions on Islamic marriage law, women's agency in socio-religious contexts, the relationship between *urf* (custom) and Islamic law, the concept of *fiqh al-darūrah*, and the role of local practices in shaping Islamic legal implementation. **Method:** This study employs a qualitative approach with a case study design. Data were collected through in-depth interviews, observation, and documentation involving perpetrators, community leaders, and religious leaders in Bima Regency. Data analysis was conducted through data reduction, data presentation, and inductive conclusion drawing. **Results:** The findings reveal that the practice of *ampa sabae* is a multidimensional phenomenon reflecting the dialectic between custom, sharia, and social reality. From an agency perspective, women are positioned as active actors who initiate marriage, determine partners, and demand responsibility from men. From an Islamic legal perspective, this practice is ambivalent: normatively inconsistent with ideal marriage procedures, yet it can be understood within the framework of *fiqh al-darūrah* and public interest (*maṣlahah*) as an effort to preserve lineage (*ḥifẓ al-nasl*). **Implications:** This study highlights the need for a contextual and responsive approach to Islamic law and emphasizes the importance of the role of ulama and policymakers in ensuring that local practices align with principles of justice, consent, and public interest. **Novelty:** This study offers a comprehensive analysis through the integration of women's agency perspectives with a socio-legal and *maqāṣid al-sharī'ah* approach, positioning women as active subjects in local religious practices.

**Keywords:** women's agency, ampa sabae, islamic law, marriage, local wisdom.

### INTRODUCTION

Marriage in Islam is an institution that holds a very important place in human life. Marriage is not only seen as a biological relationship between a man and a woman, but also as a sacred form of worship. Through marriage, Islam aims to maintain individual honor, form harmonious families, and guarantee the legitimate continuation of offspring (*nasab*) [1].

In line with that, in Islamic teachings, marriage is also a means to create a household life that is peaceful, loving, and compassionate. These values emphasize the importance of tranquility, affection, and a relationship based on responsibility between husband and wife. Therefore, the implementation of marriage is regulated in detail in Islamic law to ensure its compliance with Sharia principles. However, in social reality, marriage practices do not always follow the normative provisions established in Islam. The implementation of marriage is often influenced by social conditions, culture, and local traditions that develop within a society. This demonstrates the interaction between religious teachings and cultural practices that exist within a society [2].

Based on this, Indonesia, a country with cultural diversity, is a prime example of the variety of wedding practices. Each region has its own customs that influence the wedding process, including the Mbojo tribe in Bima Regency, West Nusa Tenggara. These local traditions are an important part of shaping the community's social system. The Mbojo people are known for being religious and upholding Islamic values [3]. However, in practice, several traditions have developed that do not fully align with the ideal norms of Islamic law. One practice that is still encountered is the tradition of *ampa sabae* in marriage.

The phenomenon of marriage practices influenced by local social and cultural pressures, as seen in the *ampa sabae* tradition in the Mbojo community of Bima, is not an isolated case but rather bears similarities to practices in various other regions of the Muslim world. For example, in some communities in Pakistan and Afghanistan, the practice of forced or coerced marriage is known as a response to out-of-wedlock pregnancies or violations of social norms [4, 5], while in parts of Africa, such as Nigeria and Sudan, there are practices of early or emergency marriages aimed at maintaining family honor and the legitimacy of offspring [6, 7]. In Indonesia itself, a similar phenomenon can also be found in the practice of accidental marriage in various regions, which emerged as a social solution to out-of-wedlock pregnancies. The similarities between these various practices lie in the community's efforts to balance religious norms, social pressures, and the realities faced, although often not fully in line with normative procedures in Islamic law. This comparison suggests that the practice of *ampa sabae* needs to be understood not only as a local phenomenon but also as part of a global dynamic in Muslim societies facing tensions between sharia ideals and social realities.

In line with this context, *ampa sabae* itself is a marriage practice carried out unilaterally by women. In this practice, women approach community leaders or village officials to request their marriage to a particular man. This practice differs from the typical marriage procedure, which begins with a proposal or engagement ceremony from the man. The *ampa sabae* phenomenon usually arises in response to specific social issues. In many cases, this practice occurs due to pregnancy outside of marriage, harassment, or irresponsible male behavior towards women. These conditions encourage women to take swift action to resolve the problems they face. In this context, the practice of *ampa sabae* can be understood as a social mechanism that has developed in society to address pressing issues. Society views this practice as a solution to maintain women's honor and avoid further social disgrace.

Interestingly, in the practice of *ampa sabae*, women are no longer held in a passive position as in traditional social constructions. Instead, women emerge as key actors with an active role in determining the direction of problem-solving. This demonstrates a shift in gender relations within society. Women's active role in this practice reflects the concept of female agency. Female agency refers to an individual woman's ability to act independently, make decisions, and influence the social conditions she faces. In this context, women are not merely victims but also subjects with the power to determine their own life choices. However, the practice of *ampa sabae* has not been without criticism and debate. From a traditional perspective, this practice is considered inconsistent with ideal marriage procedures because it does not include the customary proposal process. Furthermore, this practice is also considered to reflect poorly on the values of propriety within the local culture.

From an Islamic legal perspective, the practice of *ampa sabae* also raises its own issues. Normatively, marriage in Islam should begin with a marriage proposal (*khitbah*) as a sign of seriousness and agreement between the two parties [8]. The practice of *ampa sabae*, carried out unilaterally by a woman, is considered inconsistent with these procedures. However, Islamic law does offer a more flexible perspective regarding certain circumstances. In cases of premarital pregnancy, Islam allows for marriage to maintain family lineage and prevent further social damage. This demonstrates that Islamic law also considers the welfare of the family.

In the Bima community, the practice of *ampa sabae* is often viewed as an emergency solution. The community accepts this practice because it is believed to resolve problems quickly and maintain family honor [9]. Thus, this practice has a significant social function in community life. However, it also has significant social impacts. Women who practice *ampa sabae* often face negative stigma from society. This practice is considered a disgrace that reflects moral failure, both for the individual and the family. This situation demonstrates the tension between religious norms, customs, and social reality. On the one hand, society wants to uphold moral and religious values, but on the other, they are also faced with complex social realities that require pragmatic solutions.

Several previous studies have examined the practice of *ampa sabae* and the phenomenon of marriage resulting from out-of-wedlock pregnancies from an Islamic legal and social perspective. Research by Elpipit and Safitri shows that marriage practices such as *ampa sabae* emerged in response to specific social conditions and were viewed as a form of problem-solving that deviated from customary procedures and religious norms, yet were still practiced due to pressing societal needs [10]. In addition, research by Amrin examined marriage resulting from premarital pregnancy from an Islamic legal perspective and found that the practice tends to be legitimized through a welfare approach, particularly in maintaining family honor and lineage [11]. In his study, marriage was considered a solution to avoid broader social impacts.

Research by Yono) highlights the relationship between custom and Islamic law in marriage practices in local communities. Their findings indicate that communities often accommodate customary practices that are not entirely in accordance with Islamic law, as long as they are still considered beneficial and do not cause greater harm. In research by Nahdhiyah, it is emphasized that the practice of marriage due to social pressure, including pregnancy outside of marriage, often places women at a disadvantage [12]. However, these studies have not yet fully explored the role of women as active actors in determining marriage decisions. Rather, they tend to focus solely on the normative legal aspects and social functions, without deeply examining women's roles as the primary actors in the practice. In reality, however, women play a dominant role in initiating and determining the direction of *ampa sabae* practices.

Based on this, there is a research gap indicating that studies on *ampa sabae* have not yet integrated the perspective of women's agency with Islamic legal analysis. Therefore, this study aims to fill this gap by positioning women as active subjects in the analysis. The novelty of this research lies in its approach that combines an Islamic legal perspective with the concept of women's agency within a socio-legal framework. This research not only examines the practice of *ampa sabae* from a normative legal perspective but also as a form of women's social strategy in facing pressure and injustice. Based on this description, this study aims to analyze the form of women's agency in the practice of *ampa sabae*, examine the practice from an Islamic legal perspective, and understand the influence of social reality on its sustainability in Bima society.

## LITERATURE REVIEW

### The Concept of Women's Agency in Social and Gender Studies

The concept of female agency has become a key framework for understanding women's position in social practices, including in the context of *ampa sabae*. In contemporary gender studies, agency is not only interpreted as absolute freedom, but also as an individual's ability to act within the constraints of existing social structures. Saba Mahmood critiques liberal approaches that view agency solely as resistance to structures, and asserts that agency can also emerge in the form of strategic adherence to norms [13]. In this context, women in the practice of *ampa sabae* do not simply oppose patriarchal structures but utilize social norms to achieve specific goals, such as demanding responsibility from men and maintaining social honor. In line with this, Anthony Giddens, through his structuration theory, explains that social action is the result of interactions between agents and structures [14]. Structures do not completely constrain individuals, but also provide space for action. In the practice of *ampa sabae*, women act as agents, using customary structures and social norms as instruments to resolve the problems they face. This demonstrates that women's agency is contextual and relational.

### Marriage Practices from an Islamic Legal Perspective

Marriage in Islamic law is basically an institution that is regulated normatively with clear procedures, including the stages of *khitbah* (proposal), marriage contract, and the principle of consent (*al-ridha*) from both parties [15]. This provision emphasizes that marriage is not only understood as a social contract, but also as a sacred bond that must fulfill legal, ethical, and spiritual aspects. However, in certain emergencies, Islamic law provides flexibility through the concept of *fiqh al-dharurah* and the *maqashid sharia* approach. Al-Syatibi emphasized that the primary objective of sharia is to realize the benefit and prevent harm, including in preserving offspring (*hifz al-nasl*), so that in certain situations, deviations from ideal procedures can be tolerated as long as they aim to protect the greater good [16].

In the Indonesian context, this flexibility is reflected in Article 53 of the Compilation of Islamic Law (KHI), which legitimizes the marriage of pregnant women, with the provision that the marriage can be conducted without waiting for the birth of the child [17]. This provision demonstrates that Islamic law in Indonesia is not merely rigid or textual, but rather adaptive to evolving social realities. Thus, Islamic law serves not only as an ideal norm but also as a social instrument capable of responding to concrete issues, such as maintaining family honor and ensuring the clarity of the lineage of future children. However, this legal flexibility cannot be understood as unlimited legitimacy for practices that deviate from basic Sharia norms. Yusuf al-Qaradawi emphasized that a welfare approach must remain within the corridor of fundamental Islamic principles, such as justice (*al-'adl*) and consent in marriage. Therefore, any form of legal adaptation, including in marriage practices due to emergencies, must continue to be critically examined to avoid sacrificing these fundamental values.

### Interaction between Islamic Law and Local Culture

The practice of *ampa sabae* cannot be separated from the local cultural context of the Bima people, which shapes their perspectives and responses to social issues. From an anthropological perspective, Clifford Geertz stated that religion in practice does not exist in a vacuum but always interacts with the systems of meaning that exist within the culture of the community [18], [19]. This interaction gives rise to distinctive and contextual forms of religiosity, where religious teachings are not always practiced textually, but through a process of interpretation adapted to social realities. In this context, *ampa sabae* can be understood as the result of a dialectic between Islamic values and local cultural norms, which serves as a social mechanism for maintaining honor and social balance in crises.

From a sociological perspective, Eugen Ehrlich, through the concept of living law, explains that the law that actually lives in society often differs from the formal, written law. Law is not only produced by official institutions but also grows out of social practices that are recognized and implemented collectively [20], [21]. In this context, *ampa sabae* is a manifestation of living law in Bima society, possessing social legitimacy even though it does not fully align with the formal norms of Islamic law. Nevertheless, the existence of this living law still requires critical evaluation to prevent prolonged tension between social legitimacy and normative legitimacy, and to ensure that emerging practices remain within the boundaries of justice and the fundamental principles of sharia.

## METHODOLOGY

This research uses a qualitative approach with a case study research type that aims to understand the phenomenon of the practice of *ampa sabae* in depth within the social and legal context in society. The qualitative approach was chosen because this research focuses on understanding the meaning, process, and social dynamics behind the practice, particularly regarding the role and agency of women. The approaches used in this research include a socio-legal approach, namely, examining legal practices in the social reality of society. The normative approach, which examines the practice of *ampa sabae* based on the provisions of Islamic law, and a phenomenological approach, which seeks to understand the experiences and perspectives of the research subjects directly [22]. This research was conducted in Bima Regency, West Nusa Tenggara, as a location that still maintains the practice of *ampa sabae* in the lives of its people.

Data collection techniques in this study were conducted through several methods, namely interviews, observation, and documentation. In-depth interviews were conducted with various informants, including practitioners of *ampa sabae*, religious leaders, community leaders, and local government officials such as neighborhood heads (RT) and hamlet heads. Observations were conducted to obtain a direct picture of the social conditions of the community and the practices occurring in the field. Meanwhile, documentation was used to supplement the data in the form of notes, archives, and written sources relevant to the research. Through this combination of techniques, the data obtained is expected to provide a comprehensive picture of the practice of *ampa sabae* and the factors underlying it [23]. Data analysis in this study was conducted in stages using a qualitative analysis model, namely through the processes of data reduction, data presentation, and drawing conclusions. Data reduction was carried out by sorting and simplifying data obtained from the field to align with the research focus. Next, the reduced data were presented in descriptive narrative form to facilitate interpretation. The final stage was drawing conclusions systematically based on the analyzed research findings [24]. By using these approaches and methods, this research is expected to provide a deeper understanding of the practice of *ampa sabae*, particularly in examining the role of women as the main actors and their relevance from the perspective of Islamic law and the social reality of Bima society.

**Table 1. Research Method Used in This Study**

Aspect	Description
Type of Research	Qualitative research with a case study design focusing on the practice of <i>ampa sabae</i> in Bima Regency, West Nusa Tenggara.
Approach	Socio-legal approach, normative Islamic legal approach, and phenomenological approach to understand legal practice, normative rules, and lived experiences of the actors.
Research Objective	To deeply understand the phenomenon of <i>ampa sabae</i> in its social and legal context, particularly the role and agency of women as central actors.

<b>Rationale for Approach</b>	A qualitative approach is used because the study focuses on meaning, social processes, and dynamics behind the practice, which cannot be measured quantitatively but must be interpreted contextually.
<b>Key Figures Analyzed</b>	Women practitioners of <i>ampa sabae</i> , religious leaders, community leaders, neighborhood heads (RT), and local government officials.
<b>Main Data Sources</b>	Primary data from interviews, observations, and documentation; secondary data from written sources, archives, and relevant literature.
<b>Method of Analysis</b>	Qualitative data analysis using data reduction, data display, and conclusion drawing to interpret field findings systematically.
<b>Theoretical Framework</b>	Socio-legal theory, Islamic legal theory, agency theory, and phenomenological perspective.
<b>Focus of Analysis</b>	Social meaning, legal interpretation of <i>ampa sabae</i> , women's agency, and the interaction between Islamic law and social reality.
<b>Expected Outcome</b>	A comprehensive understanding of <i>ampa sabae</i> as a socio-legal phenomenon and clarification of women's active role within Islamic legal and social contexts in Bima society.

## RESULTS AND DISCUSSION

### Conceptualization of *Ampa Sabae* Practices in the Mbojo Bima Community

The practice of *ampa sabae* in the Mbojo Bima community is a social phenomenon deeply rooted in local traditions and the cultural fabric of the community. Conceptually, this practice cannot be understood simply as an individual act, but rather as part of a social system formed through a long historical and cultural process. In this context, *ampa sabae* reflects the interaction between customary norms, religious values, and the social realities that develop within the community. Etymologically, the term *ampa sabae* originates from the Bima language, where *ampa* means "to lift" or "to make an effort," while *sabae* means "alone" or "unilateral." The combination of these two terms indicates that this practice refers to unilateral actions undertaken by women in an effort to resolve the problems they face, particularly in the context of their relationships with men.

In practice, *ampa sabae* is interpreted as a woman's attempt to hold men accountable for actions that harm her, such as pregnancy outside of marriage or relationships that do not end in marriage. This demonstrates that this practice is not only culturally relevant but also has strong moral and social dimensions within the community. As part of the customary system, *ampa sabae* has been passed down through generations and has become a social mechanism used to resolve sensitive issues. This tradition emerged in response to the community's need to maintain social balance and avoid greater conflict.

Based on an interview with a religious figure, IB (45 years old), this practice is understood as a form of compromise between religious norms and social reality. He stated that "*ampa sabae* is not actually an ideal method in Islam, but under certain circumstances it can be a way out to save women's honor." This statement indicates that the legitimacy of this practice is contextual. SF (50 years old), as the hamlet head, explained that the practice of *ampa sabae* often occurs due to male irresponsibility. He stated that "women come to us because men don't want to marry, so we help mediate so that the problem doesn't drag on." This indicates that this practice functions as a community-based conflict resolution mechanism.

From the perspective of the perpetrator, this practice has a more personal and emotional meaning. RA (23 years old) stated that "I did *ampa sabae* because I was pregnant and had no other choice, otherwise I would have to bear the shame alone." This statement reflects the strong social pressure on women in society. NI (21 years old) expressed a similar sentiment, stating that "I was afraid of being abandoned and having no certainty, so I went to a religious

figure to ask him to marry me.” This statement indicates that the practice of *ampa sabae* is also related to the need for certainty in interpersonal relationships. Meanwhile, from the family's perspective, this practice is often seen as a less-than-ideal but necessary solution. Mrs. SD (48 years old) stated that “we didn't agree at first, but because it happened, we accepted it to protect the family's good name.” This indicates a compromise in family values.

The practice of *ampa sabae* also demonstrates the role of local institutions, such as religious leaders and village officials, in the resolution process. They serve as mediators, bridging the interests of both parties to reach an agreement. *Ampa sabae* is not merely an individual act, but also involves broader social structures. This suggests that the practice enjoys considerable social legitimacy within the community. However, this practice is not free from negative stigma. In the community's view, women who engage in *ampa sabae* are often perceived as violating moral norms. This creates social pressure that further strengthens women's desire to resolve the issue through marriage. On the other hand, this practice can also be seen as a form of social protection for women. Through marriage, women are believed to avoid further stigma and maintain their own and their families' honor.

From this perspective, *ampa sabae* functions as a social control mechanism aimed at maintaining the moral stability of society. Although not ideal, this practice is considered capable of minimizing broader negative impacts. This phenomenon demonstrates that communities have their own ways of resolving issues that cannot be fully addressed by formal law. Custom, in this case, serves as an alternative system for resolving social conflict. Thus, *ampa sabae* can be understood as a form of social adaptation to emergencies. When ideal norms cannot be implemented, communities create new mechanisms deemed most feasible in the given situation.

The flexibility of customs in responding to social issues demonstrates that culture is not static, but rather dynamic and continually evolving according to societal needs. However, this flexibility also creates dilemmas, particularly when practices conflict with religious norms or more universal moral values. This creates space for debate within society.

### **Women's Agency in *Ampa Sabae* Practice**

Women's agency in the practice of *ampa sabae* is a key finding and novelty in this study. In contrast to traditional social constructs that position women as passive participants in marital relations, this practice demonstrates that women have the capacity to actively determine the direction of their lives. From a sociological perspective, the concept of agency refers to an individual's ability to act consciously and influence the social structures around them. Anthony Giddens explains that individuals are not only shaped by structures but also can reproduce and transform those structures through their actions. Women in the practice of *ampa sabae* demonstrate this ability.

Women are no longer merely objects within the patriarchal system, but emerge as subjects with bargaining power. They actively initiate marriage, even in less-than-ideal circumstances. This demonstrates a shift in power relations within the Mbojo social structure. Women's agency is evident in their courage in choosing their own life partners. In the practice of *ampa sabae*, women do not wait for a proposal from the man but instead take the initiative to ensure the continuation of the relationship through marriage. This action reflects what Amartya Sen calls capability, the individual's ability to choose and pursue a life deemed valuable. In this practice, women use their capacity to avoid greater social harm. In many cases, the practice of *ampa sabae* emerges as a response to male irresponsibility. Women use their agency to demand justice. This demonstrates that agency does not always emerge under ideal conditions, but rather thrives under stressful circumstances.

According to Pierre Bourdieu, individual actions are influenced by the habitus and social structures that shape them [25]–[27]. The practice of *ampa sabae* can be understood as a

result of a societal habitus that places honor as a primary value, thus encouraging women to act to maintain that honor. However, unlike Bourdieu's deterministic view, this practice demonstrates that women are not entirely bound by structures. They are able to use spaces within those structures to negotiate and resist adverse conditions.

From a feminist perspective, this practice can be seen as a form of agency within constraint, namely, women's ability to act within structural boundaries. Jirattikorn emphasizes that agency is not always resistive but can also emerge in the form of adaptation to existing norms [28]. Women engaged in the practice of *ampa sabae* do not directly challenge social norms but instead use them to their advantage. By marrying, they fulfill social demands while protecting themselves from greater stigma. This demonstrates that women's agency is contextual and cannot be understood in a straightforward manner as a form of liberation or oppression. Rather, it exists in a space of negotiation between structures and individual actions. Furthermore, this practice demonstrates that women possess a reflective awareness of the social conditions they face. They do not simply react spontaneously but consider the social consequences of each action.

In the context of gender relations, the practice of *ampa sabae* demonstrates persistent inequality, with women often bearing the brunt of extramarital relationships. However, through this practice, women attempt to transform this position into a more advantageous one. Women's agency in this practice is also closely linked to the social pressures they face. The stigma against women who become pregnant outside of marriage is a major factor driving them to act quickly. In this case, agency emerges as a response to this pressure.

From an Islamic legal perspective, women's actions in the practice of *ampa sabae* can be understood within the framework of public interest. Women strive to maintain lineage and honor, which are part of the objectives of sharia (*maqasid sharia*) [29]. In this context, women's actions cannot be viewed solely as deviant but as an effort to address a social emergency that threatens their health. Therefore, women's agency in this practice can be viewed as an effort to protect themselves and their offspring, even though the mechanism employed is not entirely ideal according to the normative procedures of marriage in Islam.

However, normatively, this practice cannot result solely in legitimizing public interest, as in Islamic jurisprudence literature, there is disagreement among scholars regarding the limits of public interest (*maslahah*) and the application of *fiqh al-darūrah*. Most scholars tend to be strict in their pressure to fulfill the requirements of the pillars and formal requirements of marriage, so this practice, initiated by a woman's unilateral initiative, is considered procedurally problematic. On the other hand, there is a more contextual perspective that allows for consideration of social conditions as part of the *maṣlaḥah mursalah*, as long as they do not conflict with basic sharia principles. Thus, an analysis of *ampa sabae* is not sufficient merely to provide normative justification; it needs to demonstrate the complexity of Islamic legal interpretation, which demonstrates the dialectic between text, context, and social reality, and institutions, so that women in this practice remain in an ambivalent space between empowerment and protection.

The findings of this study make an important contribution to enriching the study of women's agency, particularly in the context of local Muslim communities, which have previously been analyzed primarily through a normative approach. This normative approach tends to position women as passive and victims of patriarchal social structures [30],[31],[32]. However, the results of this study actually show that women in the practice of *ampa sabae* have the capacity to act actively and reflectively in responding to the social situations they face. Women not only accept the situation but also take the initiative to determine the direction of problem-solving, thus demonstrating a shift in their role from object to subject in social dynamics.

The practice of *ampa sabae* demonstrates that women possess bargaining power within social structures, although this bargaining power is not entirely free from limitations. In a

society still strongly imbued with collective values and moral norms, women are able to utilize existing structures as a negotiating space to achieve specific goals, such as maintaining personal and family honor. This demonstrates that social norms are not always restrictive but can also be utilized as strategic instruments by women to strengthen their position in social relations. Thus, women's agency in this practice is not merely reactive, but also strategic and adaptive to the conditions faced. Therefore, women's agency in the practice of *ampa sabae* cannot be understood solely as a simple social phenomenon, but rather as a reflection of the complex dynamics of power, gender relations, and cultural constructions within Mbojo Bima society. This practice demonstrates a continuous process of negotiation between individuals and structures, between religious norms and social realities, and between social pressures and efforts to maintain dignity. Within this framework, *Ampa Sabae* represents how women articulate their interests within a limited social space, while also demonstrating that social change can emerge from small actions undertaken by individuals in everyday life.

### **Social Factors Driving the Practice of *Ampa Sabae***

The practice of *ampa sabae* in the Mbojo Bima community cannot be understood as a single, stand-alone phenomenon, but rather as the result of a complex interaction of various interrelated social factors. Based on field data, several key factors contribute to the emergence of this practice, including premarital pregnancy, promiscuity, male irresponsibility, parental rejection, and love and emotional relationships. These factors indicate that *ampa sabae* is a response to problematic and pressing social situations.

Pregnancies outside of marriage are a dominant factor behind the practice of *ampa sabae*. In a society that still upholds moral values and family honor, premarital pregnancy is seen as a serious violation of social norms. From Emile Durkheim's perspective, this condition can be understood as a form of deviance that threatens social order, so society creates certain mechanisms to restore balance, one of which is through the practice of *ampa sabae*. In addition, the factor of promiscuity also contributes to the increase in cases that lead to *ampa sabae* [33],[34]. Social changes marked by modernization and globalization have brought about a shift in values within society, particularly in patterns of interaction between men and women. From Anthony Giddens' perspective, modernity opens up greater individual freedom, but also carries the risk of increased behavior that deviates from traditional norms.

Male irresponsibility is a structural factor that reinforces the practice of *ampa sabae*. In many cases, men tend to avoid responsibility after an extramarital relationship occurs. This reflects the persistent gender inequality in society. Walby explains that patriarchy, as a social system, allows men to hold a dominant position, often leaving women at a disadvantage [35]. Parental disapproval of relationships is also a significant factor driving this practice. In Mbojo society, parental approval plays a significant role in determining the longevity of a relationship. When a relationship is not approved, couples often seek alternative ways to continue, one of which is through *ampa sabae*. This demonstrates a conflict between family authority and individual desires. On the other hand, the factors of love and emotional connection cannot be ignored. Relationships based on feelings of love often drive individuals to make impulsive decisions. From Zygmunt Bauman's perspective, modern relationships tend to be fluid, where commitments become more fragile and uncertain, giving rise to various forms of unstable relationships [36].

These factors indicate that the practice of *ampa sabae* is the result of the interaction between social structures, cultural values, and societal morality. Patriarchal social structures, cultural values emphasizing honor, and strong collective morality create pressure for individuals to act in accordance with social expectations. *Ampa sabae* becomes one mechanism for adapting to this pressure. This practice can be understood as a structural response to social crises. When ideal norms cannot be implemented, society creates

alternative mechanisms to address the existing problems. This aligns with Robert K. Merton's view that individuals will seek adaptive ways to achieve social goals when faced with limitations within existing structures [37].

*Ampa sabae* can be categorized as an innovative form of social adaptation, where individuals use methods that do not fully conform to norms but are still considered legitimate in certain contexts. This practice demonstrates the flexibility of society in responding to social change and the pressures it faces. Thus, the practice of *ampa sabae* reflects the complexity of social dynamics within the Mbojo Bima community. This phenomenon is influenced not only by individual factors but also by interacting social structures, cultural values, and morality. Therefore, understanding this practice must be comprehensive, taking into account the various dimensions surrounding it.

### **Islamic Legal Analysis of the Practice of *Ampa Sabae***

From an Islamic legal perspective, the practice of *ampa sabae* is a complex phenomenon that requires analysis that is not only normative but also contextual. This is because the practice lies at the intersection of ideal sharia norms and often less-than-ideal social realities. Therefore, the approach used to analyze this practice must accommodate both dimensions in a balanced manner.

In general, Islamic law has basic principles for the implementation of marriage that emphasize procedural order, clarity of the contract, and agreement between both parties. In this regard, the engagement or proposal process is an important initial step, demonstrating seriousness and willingness to build a household. However, in the practice of *ampa sabae*, the engagement stage is often not formally followed. Instead, women take the initiative to directly request marriage through a third party, such as a religious leader or village official. From a normative perspective, this can be considered inconsistent with the ideal procedures in Islamic law. Furthermore, the practice of *ampa sabae* is also considered not to reflect the marriage procedures recommended in Islam, which should be carried out in a planned manner and involve the full consent of both parties. In some cases, there is an element of pressure on the man to marry, raising questions regarding the validity of the consent (*ridha*) in the marriage contract.

Wahbah az-Zuhaili emphasized that one of the conditions for the validity of a contract is the willingness of both parties without coercion. Thus, the element of compulsion in the practice of *ampa sabae* is an aspect that requires criticism from an Islamic legal perspective. However, Islamic legal analysis does not stop at the normative dimension alone. Under certain circumstances, Islamic law also provides flexibility through the concept of *rukhsah* (legal leniency) in emergencies or pressing needs. From an Islamic legal perspective, the practice of *ampa sabae* is within the framework of *fiqh al-dharurah*, a legal approach that tolerates deviations from ideal norms when emergencies threaten the greater good. This principle stems from the fiqh principle of *al-dharurat tubih al-mahzurat* (emergencies can permit prohibited things), demonstrating the flexibility of Islamic law in responding to social realities [38]. In this context, conditions such as premarital pregnancy, which have the potential to cause social stigma, unclear lineage, and vulnerability for women, can be categorized as emergencies requiring immediate solutions, even if such solutions do not fully align with the ideal normative procedures of Islamic marriage.

In line with this, Al-Syatibi in his theory of *maqashid sharia* emphasized that the main objective of Islamic law is to realize welfare (*jalb al-masalih*) and prevent harm (*dar' al-mafasid*). One of these fundamental goals is *hifz al-nasl* (protecting descendants), which is closely related to the clarity of lineage and protection of the child's social status [39]. This principle is also in line with the word of Allah in QS. Al-Isra' verse 32: “*And do not come near to adultery; indeed, it is an abomination and an evil way.*” This verse emphasizes the strict prohibition against adultery and, at the same time, indicates the importance of preserving offspring through a legitimate mechanism, namely marriage [40]. Within this

framework, the practice of *ampa sabae*, although procedurally less than ideal, can be understood as a societal effort to minimize the impact of such violations and return them to a more consistent path consistent with the goals of sharia.

However, the practice of *ampa sabae* cannot be separated from the dialectic between custom and sharia that develops in society. In many cases, custom serves as an adaptive mechanism that bridges ideal religious norms and complex social realities. The practice of *ampa sabae* reflects how the Mbojo community negotiates the normative demands of sharia with pressing social needs. On the one hand, sharia emphasizes the importance of ideal marriage procedures, including the engagement and mutual consent of both parties; on the other hand, custom presents pragmatic solutions to maintain honor and social stability. This dialectic demonstrates that Islamic law in practice does not always exist in a rigid form, but rather interacts with the dynamic local context. However, the use of the *fiqh al-dharurah* approach to legitimize the practice of *ampa sabae* cannot be done without limits. The concept of emergency in Islamic law has strict requirements: it must be truly urgent, temporary, and not cause greater harm [41], [42]. Therefore, the practice of *ampa sabae* needs to be positioned proportionally as a contextual solution, not as an alternative norm that replaces the ideal Islamic marriage procedures.

Premarital pregnancy, as one of the main reasons for the practice of *ampa sabae*, places women in a highly vulnerable position, both socially and morally. In a society that upholds the value of honor (*al-'ird*), this condition often results in stigma, marginalization, and even social exclusion of women. In such situations, marriage is seen as a saving mechanism to maintain honor while ensuring the clarity of the lineage of the unborn child. This is in line with the basic principles of Islam that emphasize the importance of preserving offspring (*hifz al-nasl*), as implied in the word of Allah in Surah Al-Furqan verse 54: “*And He (also) Who created man from water, then made him (have) offspring and musaharah (family ties through marriage)...*” This verse emphasizes that the descent system in Islam must be maintained through the institution of legal marriage.

In the context of positive Islamic law in Indonesia, the legitimacy of the marriage of pregnant women is also emphasized in the Compilation of Islamic Law (KHI) Article 53, which states that a woman who is pregnant outside of marriage can be married to the man who impregnated her without having to wait for the birth of the child. This provision demonstrates that Islamic law in Indonesia has accommodated emergencies with a more pragmatic and contextual approach. Within this framework, the practice of *ampa sabae* can be understood as a form of implementing the value of public welfare (*maslahah*) in a local context, where communities seek to minimize the negative impacts of norm violations through solutions deemed most feasible. However, the public welfare approach cannot be applied freely without normative constraints. Yusuf al-Qaradawi emphasized that public welfare must remain within the corridor of sharia and must not conflict with basic Islamic principles, such as justice (*al-'adl*) and consent (*al-ridha*) in marriage contracts [43]. Thus, although the practice of *ampa sabae* aims to maintain lineage, it still needs to be criticized if it contains elements of coercion or ignores the rights of certain parties, particularly women.

From this perspective, the practice of *ampa sabae* reflects the dynamic dialectic between custom and sharia. Custom serves as an adaptive mechanism that quickly responds to social realities, while Sharia provides an ideal and universal normative framework. The interaction between the two is not always harmonious, but often in tension that requires negotiation. In the case of *ampa sabae*, custom tends to prioritize pragmatic solutions to maintain social stability, while sharia demands the fulfillment of procedural and ethical principles in marriage. Therefore, the practice of *ampa sabae* requires critical examination so that it is not merely understood as an emergency solution but also evaluated within the framework of justice and conformity with sharia values. An approach that overemphasizes the public interest without considering normative boundaries has the potential to give rise to

justifications for repeated deviant practices. Therefore, a balance between custom and sharia is key in assessing this practice, so that the goal of maintaining honor and lineage can be achieved without sacrificing the fundamental principles of Islamic law.

The practice of *ampa sabae* with the *maqashid sharia* approach, which places protection on five fundamental aspects, namely religion (*hifz al-din*), life (*hifz al-nafs*), reason (*hifz al-'aql*), descendants (*hifz al-nasl*), and property (*hifz al-mal*). The most prominent dimension is the protection of descendants (*hifz al-nasl*), especially in situations of pregnancy outside of marriage that have the potential to cause unclear lineage. Al-Syatibi emphasized that the main objective of sharia is to maintain human welfare through the protection of these five elements, so that every social practice needs to be evaluated based on the extent to which it supports or undermines this objective. In this case, marriage in the practice of *ampa sabae* is seen as an attempt to restore deviant conditions to a framework that is more in line with the goals of sharia.

Efforts to maintain clarity of lineage have a strong normative basis in Islamic teachings. This is in line with the word of Allah in QS. Al-Ahzab verse 5: “*Call them (the adopted children) by (the names of) their fathers; that is what is fairer in the sight of Allah...*”, which emphasizes the importance of clear lineage in Islam. By marrying pregnant women, communities seek to ensure that the child born has a clear lineage, which in turn has implications for various legal aspects such as inheritance, guardianship, and social identity. Within this framework, the practice of *ampa sabae* can be understood as a social mechanism for maintaining legal and moral order in society. However, within the *maqashid* of sharia, it cannot stop at a single dimension. On the other hand, the practice of *ampa sabae* also has the potential to neglect the protection of the soul (*hifz al-nafs*), especially when the marriage is entered into under duress or without adequate psychological and social preparation. Jasser Auda, in his *maqashid* system approach, emphasizes that the objectives of sharia must be understood integratively and not partially, so that the fulfillment of one objective must not sacrifice others. Marriages entered into under duress have the potential to create new injustices, especially for women as the more vulnerable party.

The practice of *ampa sabae* reflects a normative dilemma between various objectives of sharia that cannot always be fulfilled simultaneously. Under certain circumstances, society is faced with a difficult choice between preserving lineage and protecting individual well-being [44]. Cadres emphasize the importance of a priority approach (*tartib al-maqashid*), in which the objectives of sharia must be considered based on their level of urgency. In the case of *ampa sabae*, protecting lineage is often placed as the top priority, although this has the potential to diminish attention to the protection of women themselves.

From a socio-legal perspective, this practice also reflects the dynamic dialectic between custom and sharia. Custom in Mbojo society serves as a practical mechanism oriented toward the quick resolution of problems and maintaining social stability, while sharia offers an ideal normative framework based on the principle of justice. The tension between the two is evident in the practice of *ampa sabae*, where custom tends to accommodate emergencies through pragmatic solutions, while sharia demands the fulfillment of principles such as consent (*al-ridha*) and justice (*al-'adl*) in marriage. Thus, this practice becomes an arena for negotiation between local values and religious norms. Therefore, the practice of *ampa sabae* must be critically understood as a phenomenon that lies between the demands of public welfare and the normative constraints of sharia. It cannot be simply legitimized or rejected, but rather needs to be analyzed by considering the balance between the various objectives of sharia and the underlying social context. Within this framework, the *maqashid sharia* approach provides space to understand this complexity, while also emphasizing that every form of social adaptation must remain within the corridor of basic Islamic values that uphold justice, welfare, and human dignity.

The practice of *ampa sabae* empirically reflects the dynamic interaction between Islamic law and local culture, where the two are not always in a position of mutual negation, but

often negotiate and adapt to the social practices of society [45]. Clifford Geertz stated that religion in social reality does not exist as a completely pure system, but rather always interacts with local culture, thus giving rise to distinctive and contextual forms of religiosity. Within this framework, the practice of *ampa sabae* in Bima society can be understood as the result of a dialectical process between normative Islamic values and developing local traditions, resulting in a hybrid practice that is neither entirely textual nor entirely free from the framework of sharia.

In this context, Islamic law is not always applied rigidly and textually, but rather through a process of contextual interpretation that takes into account the social realities of society. This aligns with the view of Abdullahi Ahmed An-Na'im, who emphasized the importance of contextualizing Islamic law to ensure its relevance to ever-changing social conditions [46]. The practice of *ampa sabae* demonstrates that society is making adaptive efforts to bridge the gap between ideal Islamic norms and practical needs, particularly in dealing with sensitive issues such as premarital pregnancy. However, this adaptation process cannot be separated from normative criticism. From an Islamic legal perspective, any adaptation to local culture must remain within the basic principles of Islamic law. Yusuf al-Qaradawi emphasized that the flexibility of Islamic law does not mean limitless relativism, but rather must remain grounded in the values of justice (*al-'adl*), welfare (*al-maslahah*), and consent (*al-ridha*) [47]. Therefore, the practice of *ampa sabae* needs to be criticized if its implementation contains elements of coercion or ignores individual rights, especially women's.

In this regard, the role of ulama and religious figures is highly strategic as mediators between text and context. They serve not only as guardians of normative authority but also as interpretive agents capable of translating sharia principles into the social realities of society. Without this role, there is a risk that local practices such as *ampa sabae* will develop without adequate normative oversight, potentially deviating from the primary objectives of sharia.

The practice of *ampa sabae* also demonstrates that Islamic law has a strong social dimension. Law functions not only as a set of normative rules but also as an instrument for maintaining social order and resolving conflicts within society. From this perspective, Islamic law can be seen as a tool of social engineering, as argued by Roscoe Pound, who viewed law as a means to direct societal behavior toward order and justice. The practice of *ampa sabae*, although not procedurally ideal, can be understood as a form of social engineering based on Islamic values that aims to minimize the negative impact of moral deviation. However, the use of an emergency approach (*fiqh al-dharurah*) to justify this practice should not be used as a permanent justification. The principle of Islamic jurisprudence emphasizes that *al-dharurah tuqaddar bi qadariha* (emergency must be limited to the extent of necessity), which means that tolerance for deviation only applies under certain conditions and is temporary. If the practice of *ampa sabae* continues and becomes a recurring social habit, then the status of "emergency" attached to it becomes problematic and questionable. Using the *fiqh al-dharurah* and *maqashid sharia* approaches, this practice can be understood as an effort to preserve lineage and honor, although it still requires critical evaluation to ensure it does not deviate from basic Islamic principles [48], [49].

### **Dialectics between Custom, Sharia, and Social Reality**

The practice of *ampa sabae* in the Mbojo Bima community represents a complex dialectic between religious norms, local customs, and social realities. The three do not exist separately, but interact with each other to shape the social practices that exist within the community. *Ampa sabae* serves as both a meeting point and a point of tension between normative ideals and the pragmatic needs of society. Religious norms in Islam ideally regulate marriage through systematic procedures, such as a *khitbah* (marriage engagement), mutual consent, and the implementation of a valid and dignified contract. However, in the

practice of *ampa sabae*, these norms are not always fully implemented. This indicates a gap between *das sollen* (what should be) and *das sein* (what happens).

From Max Weber's perspective, this phenomenon can be understood as a form of practical rationality, in which social action is determined by more concrete situational considerations than abstract norms. Society chooses solutions that are considered most effective under certain conditions, even if they do not fully conform to ideal norms [50]. Custom in Bima society serves as a living value system and serves as a guideline for resolving various social issues. In the context of *ampa sabae*, custom provides space for flexible and adaptive solutions to emergencies. This demonstrates that custom has the capacity to respond to social change more quickly than formal norms. Meanwhile, the social realities faced by the community are often complex and less than ideal. Cases of premarital pregnancies, family conflicts, and male irresponsibility create social pressures that require immediate solutions. In these situations, the community has little choice but to seek the most feasible solution.

Under these conditions, the practice of *ampa sabae* emerged as a compromise between religious norms and social needs. Society did not completely reject this practice, but neither did it fully consider it ideal. This demonstrates the ambivalence within society. Clifford Geertz explains that in traditional societies, religion often functions as a system of symbols interpreted through local culture. Thus, religious practices do not always reflect literal texts, but rather through a process of contextual interpretation. In this context, *ampa sabae* can be understood as the result of this interpretive process. Communities strive to adapt Islamic values to the social conditions they face, resulting in practices that are local and contextual. However, this dialectic does not always operate harmoniously. There is tension between idealistic religious norms and pragmatic customary practices. This tension creates a space for ongoing negotiation within society.

Pierre Bourdieu explains that social practices are the result of the interaction between *habitus* and structure. In this case, *ampa sabae* can be seen as a result of a societal *habitus* that places honor as a primary value, as well as a response to the existing social structure. Bima society tends to prioritize public welfare over legal formalities. This indicates that practical values are more dominant than compliance with formal procedures. In this context, law is understood as a tool, not an end. This approach aligns with the concept of *maqashid sharia*, which places public welfare as the primary objective of Islamic law. However, the implementation of this concept in the practice of *ampa sabae* shows a reduction, where public welfare is understood narrowly as a short-term problem-solving.

Jasser Auda criticized the partial approach to *maqashid* and emphasized the importance of a systems approach that considers various dimensions holistically [51]. In the practice of *ampa sabae*, it is necessary to evaluate whether it truly fulfills the overall welfare. In addition, this practice also shows the negotiation of power in society. The decision to carry out *ampa sabae* involves not only individuals, but also families, religious leaders, and village officials. This shows that this practice is within a complex network of power. In Michel Foucault's perspective, power is not only repressive, but also productive, in the sense that it produces certain social practices. *Ampa sabae* can be understood as a product of power relations that shape how society resolves problems [52]. However, this practice also demonstrates the limitations of the social system. When ideal norms cannot be implemented, society creates temporary alternatives. This demonstrates the imperfection in the implementation of religious norms.

The dialectic between custom and sharia in this practice also reflects the dynamics of Islamic law as a living system. Eugen Ehrlich stated that the law that lives in society often differs from the written law. In this context, *ampa sabae* is part of the living law that has developed in Bima society. This practice has social legitimacy even though it does not fully comply with formal law. However, social legitimacy does not always mean normative legitimacy. Therefore, it is important to critically evaluate this practice to prevent ongoing deviations. If this practice continues unchecked, it can normalize emergency conditions. This

has the potential to weaken religious norms in the long term. Therefore, a balance is needed between the flexibility of custom and the firmness of sharia. Both should be placed in a complementary position, not in conflict. The dialectic between custom, sharia, and social reality in the practice of *ampa sabae* also demonstrates a process of normative compromise that is not always linear. This compromise often arises from the urgent need to maintain social stability, so that people prefer practical solutions rather than upholding normative ideals that are difficult to realize under certain conditions.

From the perspective of social change theory, this phenomenon can be understood as a form of structural adaptation, in which society adjusts to existing norms to cope with growing social pressures. Thus, the practice of *ampa sabae* is not merely an individual response but also a reflection of broader social change within Bima society. Furthermore, this practice demonstrates that religious norms in society are not always understood textually, but rather through a process of internalization influenced by collective social experiences. This leads to a reinterpretation of religious teachings adapted to the local context, resulting in contextualized religious practices. However, such reinterpretation has the potential to cause problems when the line between flexibility and deviation becomes blurred. It is important to ensure that the adaptation process remains within the corridor of fundamental Islamic values, so that there is no distortion of religious teachings.

Within this dialectical framework, the role of religious authority is crucial. Ulama and religious figures serve not only as guardians of norms but also as interpretive agents who determine how Islamic teachings are understood and applied in society. Therefore, the quality of their interpretations significantly influences the direction of developing social practices. Furthermore, the practice of *ampa sabae* also demonstrates the existence of collective rationality within society. The decision to accept this practice is not solely due to ignorance of religious norms, but rather to rational considerations to avoid greater social impacts, such as family conflict or social stigma.

This phenomenon demonstrates that society is not entirely subject to normative structures, but rather possesses the capacity to negotiate and even resist these norms. Islamic law is positioned not only as a rule to be obeyed, but also as a source of values that can be interpreted flexibly. However, this flexibility must be balanced with critical awareness to prevent legal relativism. If every practice can be justified in the name of public welfare, the line between right and wrong becomes increasingly blurred, ultimately weakening the authority of the law itself.

The practice of *ampa sabae* also reflects structural inequalities in society, particularly in gender relations. Women are often the ones who bear the social consequences of norm violations, prompting them to take strategic steps to protect themselves. The dialectic between custom and sharia concerns not only normative aspects but also power. The practice of *ampa sabae* provides a space where various interests, including those of individuals, families, and communities, interact and negotiate.

**Table 2. Dialectics between Custom, Sharia, and Social Reality in the Practice of Ampa Sabae**

Aspect	Explanation in <i>Ampa Sabae</i>	Theoretical Perspective	Main Impact
Sharia	Islamic marriage norms are not fully implemented	Das sollen vs. das sein	Normative tension
Custom (Adat)	Custom provides flexible emergency solutions	Eugen Ehrlich – Living Law	Social legitimacy
Social Reality	Premarital pregnancy, conflict, and stigma require	Max Weber – Practical Rationality	Pragmatic decisions

	quick solutions		
<b>Religious Interpretation</b>	Islamic values are adapted to the local context	Clifford Geertz	Contextual religious practice
<b>Power Relations</b>	Families, ulama, and village leaders negotiate decisions	Michel Foucault	Collective social control
<b>Habitus &amp; Honor</b>	Society prioritizes dignity and harmony	Pierre Bourdieu	Practical values dominate
<b>Maqashid Sharia</b>	Welfare becomes the main justification	Jasser Auda	Risk of narrow pragmatism
<b>Gender Dimension</b>	Women bear greater social consequences	Gender Analysis	Structural inequality

In Islamic normative terms, flexibility in responding to social realities such as the practice of *ampa sabae* also has a strong foundation in general sharia principles. The Islamic jurisprudence principle “*yuridu Allahu bikumu al-yusr wa la yuridu bikumu al-'usr*” (QS. Al-Baqarah: 185) emphasizes that Allah desires ease for humans and does not desire hardship. This verse is often used as a basis for understanding that Islamic law has a humanitarian dimension that is responsive to emergencies. However, this ease should not be interpreted as justification for persistent deviant practices, but rather as a form of limited tolerance under certain circumstances.

Within a theoretical framework, Noel J. Coulson states that Islamic law in practice is always in tension between normative ideals and social reality, giving rise to various forms of local adaptation. Coulson emphasizes that this dynamic is an inherent characteristic of Islamic law as a living legal system, but it still requires normative control to prevent it from losing its basic substance [53]. In line with this, Fazlur Rahman stated that a contextual approach to understanding Islamic law must be carried out through a double movement process, namely connecting the text with the historical context while simultaneously drawing its universal values into the current context [54]. In the context of the practice of *ampa sabae*, this approach demands a balance between understanding the social conditions of the Bima people and upholding the universal principles of sharia.

In the perspective of contemporary Islamic law, practices such as *ampa sabae* in the *masalah murrasa* approach, namely, benefits that are not explicitly mentioned in the text, but are in line with the objectives of the sharia. However, as emphasized by Abu Ishaq al-Shatibi, benefit can only be used as a legal basis if it does not conflict with *qath'i* (certain) arguments and does not open up space for greater damage [55]. In the context of the dialectic between custom and sharia, the principle of *al-'adah muhakkamah* (custom can be used as a legal consideration) is also relevant to explaining the existence of the practice of *ampa sabae*. This principle demonstrates that custom holds an important place in Islamic law as long as it does not conflict with the basic principles of sharia. However, if custom perpetuates practices that conflict with the values of justice and consent, then it must be reconstructed.

## CONCLUSION

This research confirms that the practice of *ampa sabae* in the Mbojo Bima community is a complex social phenomenon and cannot be reduced solely to a deviation from religious norms. Rather, this practice reflects the dynamic interaction between custom, sharia, and evolving social realities. In this context, *ampa sabae* functions as a social mechanism culturally shaped to address moral issues, particularly premarital pregnancy and male irresponsibility. From an agency perspective, this research demonstrates that women are no longer subordinate but emerge as key actors with the capacity to actively determine solutions to the problems they face. Women can utilize space within the social structure to negotiate their interests, both in demanding responsibility from men and maintaining their own and

their families' honor. This finding represents an important novelty that enriches the study of Islamic law and gender by positioning local practices as arenas for the articulation of women's agency in situations full of limitations. From an Islamic legal perspective, the practice of *ampa sabae* has an ambivalent dimension between norms and public interest. Normatively, this practice does not fully align with the ideal Islamic marriage procedure, particularly in terms of engagement and the principle of consent. However, from a public interest perspective, this practice can be understood as a form of emergency solution (*fiqh al-dharurah*) aimed at preserving offspring (*hifz al-nasl*) and preventing broader social impacts. Furthermore, this practice reflects the dialectic between custom, sharia, and social reality, where society tends to prioritize public interest over legal formalities through an ongoing process of negotiation. Nevertheless, the practice of *ampa sabae* still poses a normative dilemma, particularly regarding the potential for neglecting the principles of justice and consent in marriage. Therefore, this practice cannot be legitimized permanently but must be understood as a temporary solution that requires critical evaluation. Thus, this study emphasizes the importance of an integrative approach between Islamic law, a gender perspective, and social analysis in understanding the practice of *ampa sabae* comprehensively, contextually, and proportionally.

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### Author Contribution

All authors contribute equally to the publication of this paper, all authors read and agree to this paper, and all authors declare no conflict of interest.

### Conflicts of Interest

All authors declare no conflict of interest.

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