

## The Tradition of Redeeming Twin Children of Newlyweds

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### ABSTRACT

This study examines the Tebus Anak Kembar Pengantin tradition practiced in Kertosari Village, Jumo District, Temanggung Regency, from the perspectives of Islamic law and local custom ('urf). Employing a qualitative approach with a socio-legal method, the research is based on field data collected through interviews, observation, and documentation involving community leaders, religious figures, and local residents. The findings reveal that the tradition is a form of living local wisdom rooted in Javanese culture, carried out through symbolic rituals such as family deliberation, collective prayers, the symbolic transfer of redemption money, and child caregiving by an adoptive family. Sociologically, the practice aims to strengthen kinship ties, maintain social harmony, and promote collective responsibility in child upbringing. From an Islamic legal perspective, the tradition is acceptable insofar as it is understood as kafālah (child guardianship) rather than a transaction involving the sale of a child, as it does not alter lineage (nasab) and emphasizes intentions oriented toward public benefit (maṣlahah). Within the framework of 'urf, the tradition may be classified as 'urf sahīḥ, provided that it does not contradict shari'ah principles. However, the study also identifies challenges related to Indonesian positive law, particularly the absence of formal adoption procedures, which may result in legal uncertainty regarding the child's status. Therefore, the study underscores the need for legal awareness and guidance to harmonize the preservation of local tradition with the principles of Islamic law and child protection.

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## Introduction

In the Islamic perspective, children are understood as a divine trust (amānah ilāhiyyah) entrusted to parents or guardians. They bear the responsibility to nurture, educate, and guide

children toward maturity with full accountability and compassion (Ulfa & Muh Baehaqi, 2024; Nur Rofiq et al., 2023). The Qur'an emphasizes that human growth occurs gradually until adulthood, as stated in Q.S. al-Hajj (22): 5. This verse implies that childcare and upbringing must be conducted consistently and in accordance with each stage of a child's development. Furthermore, the Qur'anic term *al-rahām*, which is etymologically derived from *rahmah* (mercy), signifies that from the very beginning of their existence, children are enveloped in divine compassion and protection. This responsibility is further reinforced by the Prophetic hadith: "Each of you is a shepherd, and each of you will be held accountable for what is under your care" (al-Bukhārī, 1997), which underscores parental accountability in ensuring children's well-being in line with Islamic values.

Historically, child adoption has long been recognized within Indonesian society and has become an integral part of its cultural structure. Adoption is often perceived as a symbolic effort to preserve lineage continuity, strengthen social bonds, and fulfill emotional needs, particularly for families who have not been blessed with biological offspring (Alvianita, 2020). From a legal standpoint, Indonesian Law No. 35 of 2014 defines a child as an individual under the age of eighteen, including an unborn fetus. Although lawful adoption procedures must be conducted through judicial processes, in practice, informal adoption without court authorization remains common, potentially giving rise to legal and social complications.

Within the Javanese cultural context, child-rearing practices are frequently intertwined with customary symbolism. Javanese traditions are rich in rituals that accompany various life stages, including marriage and childbirth (Miftahul Huda, 2017). One such practice that continues to exist is the Tebus Anak Kembar Pengantin tradition in Kertosari Village, Jumo District, Temanggung Regency. This tradition is performed when a married couple gives birth to twins of different genders. One of the children—typically the male—is "redeemed" by another couple through a customary ritual involving the symbolic transfer of money, signifying an agreement whereby caregiving responsibility is transferred to the new family. Despite its deep-rooted presence as a form of local wisdom, this tradition has sparked debate regarding its conformity with Islamic law. Some community members view the practice as compatible with Islamic teachings, while others question its legal and religious legitimacy. In Islamic jurisprudence, 'urf (customary practice) may serve as a legal consideration provided that it does not contradict the textual sources of Islamic law (*naṣṣ*), does not cause harm, and is consistently practiced within society (M. M. Zein, 2008). Accordingly, the Tebus Anak Kembar Pengantin tradition presents a compelling case for scholarly examination through the lens of 'urf in Islamic legal theory.

Based on this background, this study focuses on examining the procedural implementation

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of the Tebus Anak Kembar Pengantin tradition in Kertosari Village, Jumo District, Temanggung Regency, as well as analyzing Islamic legal perspectives on the practice from the standpoint of 'urf within Islamic jurisprudence.

## Method

This study employs a qualitative research design with a socio-legal approach to examine the Tebus Anak Kembar Pengantin tradition in Kertosari Village, Jumo District, Temanggung Regency. Data were collected through in-depth interviews with community elders, religious leaders, parents involved in the tradition, and local residents, complemented by direct observation of customary practices and documentation review. Primary data were obtained from field findings, while secondary data consisted of classical and contemporary Islamic legal literature, academic journals, and relevant statutory regulations. Data analysis was conducted descriptively and analytically by interpreting empirical findings in light of Islamic legal theory, particularly the concept of 'urf, to assess the conformity of the tradition with Islamic legal principles.

## Results

### Clarification of Terms

The *Tebus Anak Kembar Pengantin* tradition, which in some local literature is also referred to as tebus kembar mayang, is a Javanese customary practice that continues to exist within rural communities, particularly in the Temanggung region. This tradition is carried out when a married couple gives birth to twins of different sexes, whereby one of the children is symbolically entrusted to another family through a customary procession. The ritual involves family deliberation, collective prayers, the symbolic handing over of redemption money and customary offerings, and blessings from community elders or religious figures. In local understanding, this practice is not intended as a form of child sale, but rather as a symbol of social solidarity, spiritual balance, and the strengthening of kinship ties between families. The term "tebus" (redemption) is thus understood as a symbol of moral agreement and social responsibility, rather than a material transaction.

Within the procession, the presence of kembar mayang and other customary offerings carries important symbolic meanings. In Javanese tradition, kembar mayang symbolizes blessing, fertility, and prayers for safety for the families involved. The use of

these customary symbols underscores that the Tebus Anak Kembar Pengantin tradition cannot be separated from the Javanese cosmological framework and cultural values, in which ritual practices function to maintain social and spiritual harmony within the community. Accordingly, the primary meaning of this tradition lies in its symbolism and values of togetherness, rather than in its outward material aspects. Culture, as a form of human action and creative expression in social life, possesses an abstract character because it shapes human ways of thinking. In a broader sense, culture may be manifested in various forms, including customary rituals, traditional clothing, regional dances, music, language, and other expressions (Widiatmoko et al., 2022).

From the perspective of Islamic law, this practice must be clearly distinguished from adoption that alters a child's identity. Islam introduces the concept of *kafālah*, namely the care and upbringing of a child without changing lineage (*nasab*), biological identity, or the child's original rights. *Kafālah* emphasizes responsibility for maintenance, education, and protection, while preserving the child's blood relationship with the biological parents. If the Tebus Anak Kembar Pengantin tradition is understood and implemented within the framework of *kafālah*, it may, in principle, be acceptable in Islamic law, provided that there is no obscuring of lineage, no automatic transfer of inheritance rights, and no violation of the child's rights (Rahmat Fadillah et al., 2025). To assess the normative status of this tradition, the approach of 'urf in *uṣūl al-fiqh* becomes relevant. 'Urf is understood as a living custom that is accepted and consistently practiced by a community (Sumarjoko, 2017). Muslim jurists distinguish between 'urf *sahīh*, customs that do not contradict the textual sources of Islamic law and bring about benefit, and 'urf *fāsid*, customs that conflict with Islamic principles. In the context of Tebus Anak Kembar Pengantin, as long as the practice does not contain elements of child sale, does not violate the principle of lineage protection, and aims to preserve social welfare, it may be positioned as 'urf *sahīh* worthy of consideration in legal determination. Nevertheless, issues of lineage and children's rights remain crucial aspects of this tradition. In Islam, lineage constitutes an identity that must not be altered, and every child has the right to legal clarity regarding status, guardianship, and civil rights. If the Tebus Anak Kembar Pengantin tradition is carried out without adequate understanding, there is a risk of misinterpretation, particularly when redemption

money is perceived as the price of a child or when customary care is not accompanied by sufficient legal protection. Therefore, terminological clarification and conceptual understanding are essential to ensure that this tradition remains aligned with customary values, Islamic law, and state law in a harmonious manner.

### **The Practice of the Tebus Anak Kembar Pengantin Tradition in Kertosari Village**

Based on field research conducted in Kertosari Village, Jumo District, Temanggung Regency, it was found that the Tebus Anak Kembar Pengantin tradition is still actively practiced and is regarded as an integral part of local Javanese wisdom. This tradition is performed when a married couple gives birth to male–female twins, whereby one of the children—generally the male—is “redeemed” according to customary procedures by an adoptive family with the consent of the biological parents. The community does not perceive this practice as the sale of a child, but rather as a symbolic ritual imbued with spiritual, social, and kinship values aimed at maintaining balance, blessings, and social harmony (Moh Nur Hakim, 2008).

In practice, the Tebus Anak Kembar Pengantin ritual follows a relatively established sequence of customary stages, including an initial deliberation between the biological parents and the prospective adoptive family, the determination of the time and auspicious day based on the Javanese calendar, the presentation of redemption money and traditional offerings (such as *kembar mayang*, traditional foods, and baby supplies), collective prayers witnessed by extended family members, community figures, and religious leaders, the symbolic transfer of the child, and the closing of the ceremony with a communal feast as an expression of gratitude and social solidarity.

Another significant finding indicates that the adoption process in this tradition is conducted purely on the basis of customary agreement and local belief, without involving formal state legal mechanisms. There is no court decree or official administrative registration as required by Indonesian positive law. Consequently, the legal status of the redeemed child lacks juridical certainty, particularly with regard to inheritance rights, guardianship in marriage, and formal legal recognition in the future (Muhamimin, 2001).

Nevertheless, the people of Kertosari Village maintain emotional and social ties between the child and the biological family. The redeemed child’s lineage remains known

and acknowledged, and the relationship with the biological parents is not entirely severed. Sociologically, this indicates that the Tebus Anak Kembar Pengantin tradition emphasizes moral responsibility and social solidarity rather than material interests.

## Discussion

### **The *Tebus Anak Kembar Pengantin* Tradition from the Perspectives of Islamic Law**

From the perspective of Islamic law, child adoption is permissible in principle as long as it does not violate *sharī'ah* principles, particularly those related to the preservation of lineage (nasab) and the protection of children's rights. The views of local religious figures, such as K.H. Solikhin, emphasize that the Tebus Anak Kembar Pengantin tradition must be approached with caution. Child care and guardianship are allowed provided that they do not alter lineage, create confusion of identity, or treat the child as an object of transaction. If the redemption money is understood as a "price" for the child, the practice may be deemed unlawful (*ḥarām*), as it resembles the sale of human beings, which is strictly prohibited in Islam.

However, when the tradition is interpreted as a form of *kafālah* (foster care) and social solidarity—rather than adoption that eliminates lineage—it may still be tolerated within Islamic legal norms. In this context, the money or customary offerings are understood as symbolic representations of moral commitment and respect, not as compensation for ownership of the child. This interpretation aligns with the Islamic legal principle that places significant emphasis on intention (*niyyah*) in determining the legal status of an action.

When examined through the concept of 'urf in Islamic law, the Tebus Anak Kembar Pengantin tradition may be classified as '*urf ṣaḥīḥ* (valid custom), namely a social practice that does not contradict explicit scriptural texts, does not abolish the rights of the child, and brings about social benefit (*maṣlahah*) (Syarifuddin, 2008). The tradition does not alter the child's lineage, continues to acknowledge biological parentage, and functions to broaden collective responsibility for child upbringing within the family and community.

Furthermore, this practice may be understood as being in harmony with the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly in terms of *ḥifẓ al-nasl*

(protection of lineage) and *hifz al-‘ird* (preservation of family dignity). The involvement of two families in the upbringing of the child reflects a collective social mechanism aimed at safeguarding future generations and maintaining social stability. Nevertheless, the potential for deviation remains if the tradition is misunderstood or misused, especially when material aspects overshadow its moral and spiritual values.

Therefore, this discussion highlights the importance of guidance and supervision by religious leaders, village authorities, and legal institutions to ensure that the Tebus Anak Kembar Pengantin tradition can continue to be preserved without conflicting with principles of justice, child protection, and the provisions of Islamic law as well as national law (Pasha, 2006). When properly contextualized, this tradition may serve as an example of the harmonious integration of local custom and Islamic values within Indonesian Muslim society.

### **Social Implications and a Model of Harmonization between Customary Law, Islamic Law, and State Law**

The social implications of the Tebus Anak Kembar Pengantin tradition in Kertosari Village demonstrate that custom does not merely function as a cultural symbol, but also as a social mechanism for maintaining harmony and solidarity among families. This tradition strengthens emotional ties between the biological family and the adoptive family and fosters collective responsibility in child-rearing. In the context of Javanese rural society, such customs play an important role in preserving social stability and ensuring the continuity of communal values transmitted across generations (Miftahul Huda, 2017).

Nevertheless, in the absence of adequate legal understanding, this tradition has the potential to give rise to social and legal problems, particularly concerning the legal status of the child and the symbolic interpretation of the redemption payment. From the perspective of positive law, adoption practices that do not follow judicial procedures may lead to legal uncertainty, especially in matters of civil registration, guardianship, and inheritance rights of the child (Muhaimin, 2001). Therefore, efforts are required to bridge

customary values with the applicable legal framework in order to prevent normative conflicts in the future.

Within the framework of harmonization, Islamic law provides an accommodative space through the concept of *kafalah*, namely child care or guardianship without altering lineage (*nasab*) or biological identity. This concept allows customary practices to be preserved insofar as they do not contradict the principles of Islamic law, particularly the protection of lineage and children's rights (Pasha, 2020). In line with this, the theory of '*urf* in *uṣūl al-fiqh* affirms that social customs may serve as a legal basis as long as they do not conflict with authoritative religious texts (*nash*) and bring about public benefit (*maṣlahah*) (Sumarjoko, 2017). Through this approach, the Tebus Anak Kembar Pengantin tradition can be positioned as '*urf saḥīḥ*, a valid custom that is consistent with Islamic values.

A model of harmonization between customary law, Islamic law, and state law requires the active involvement of customary leaders, religious figures, and village authorities in providing legal education to the community. Such guidance is essential to ensure that the tradition is preserved as local wisdom while simultaneously upholding the principles of justice, child protection, and legal certainty. This synergy indicates that customary practices need not be eliminated by modern law, but rather can be normatively reconstructed to remain relevant to contemporary social and legal developments (Lasijo and Mudjijana, 2006).

## Conclusion

Based on the results of the research and discussion, it can be concluded that the Tebus Anak Kembar Pengantin tradition in Kertosari Village, Jumo District, Temanggung Regency constitutes a form of local wisdom that remains alive and is preserved by the community as part of Javanese cultural identity. This tradition is carried out through customary rituals rich in symbolic values, such as family deliberation, collective prayers, the symbolic handover of redemption money, and the upbringing of the child by the adoptive family. Fundamentally, these practices aim to maintain social balance, strengthen kinship ties, and foster collective responsibility in child care. From the perspective of Islamic law, this tradition is, in principle, acceptable insofar as it is understood as a form of *kafalah* (child guardianship) rather than a practice of child sale. The tradition does not alter the child's lineage (*nasab*), continues to acknowledge biological ties with the birth parents, and prioritizes intentions oriented toward

public benefit (*maṣlahah*). Therefore, within the framework of the concept of 'urf, the Tebus Anak Kembar Pengantin tradition may be categorized as 'urf *ṣaḥīḥ*, namely a social custom that does not contradict the normative texts of Islamic law and brings social benefit. Nevertheless, the tradition may become religiously invalid if the redemption money is perceived as the price of a child or if its implementation leads to violations of children's rights. Furthermore, this study reveals challenges from the perspective of Indonesian positive law, as the practice of Tebus Anak Kembar Pengantin is conducted without formal adoption procedures as stipulated by statutory regulations. This condition results in legal uncertainty regarding the child's status, particularly in relation to inheritance rights, guardianship, and civil administration. Accordingly, legal guidance and education from religious leaders, village authorities, and relevant institutions are necessary to ensure that this tradition can continue to be preserved without undermining principles of child protection and legal certainty.

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