

WARIA AND MARRIAGE IN MALAY MUSLIM SOCIETY IN INDONESIA

Novidayanti

Islam and Malay customs and traditions (*Adat Melayu*) are significant components of Malay society in Indonesia, as "Malayness has widely been equated with Islam" (Long 2013, 143). The intertwining discourses of Islam and *Adat Melayu* are expressed through the society's philosophy of life, i.e., customs are based on shari'a, and shari'a is based on the Holy Quran. Although there is a premise that the local society is ideally committed to living in harmony with minority groups and maintaining good mutual relationships with male-to-female transgender individuals, or "waria," the discourse of transgenderism and sexuality in Jambi remains at the bottom of public discussions, especially in the context of Islam and *Adat*. "Incommensurability between religion and desire" (Boellstorff 2005, 575) exaggerates the position of waria in society when their sexual orientation is brought into public discussion. This chapter examines the legal institution of heterosexual marriage from the perspective of waria in Malay Muslim society in Jambi. It is based on field observations and in-depth interviews with waria interlocutors. The aim is to explore how waria articulate this form of relationship with the opposite sex while engaging in same-sex relationships.

Keywords: Islam, *Adat Melayu*, Indonesia, waria, homosexuality

1. Introduction

Jambi City is a multicultural community with a diverse population, including Malay, Javanese,¹ Bajau,² Minangkabau,³ Batak, and Chinese ethnic groups (Anderbeck 2008, 4). Most of the population is Malay. Islam and *Adat Melayu*⁴ are significant components of Jambi society, both culturally and politically, and are inseparable, as “Malayness has been widely equated with Islam” (Long 2013, 143). Societal customs are based on shari’a⁵ and shari’a is based on the Holy Quran (*Adat bersendikan Syara’, Syara’ bersendikan Kitabullah*; see Lindayanti and Witrianto 2014, 9; Mahmud 1978, 2). Jambi people commonly behave according to custom and religious values, which involve maintaining good manners, morals, and social relationships, and being courteous. There are those, however, who do not adhere to the philosophy and the societal values, and engage in social deviation, such as promiscuity, prostitution, immodest clothing, etc. Consequently, these individuals are viewed as immoral by society (Sagala 2012, 445). Moreover, it is an individual’s obligation to follow shari’a and Malay traditions and contribute in this way to the preservation of Malay-Islamic culture. This includes legal marriage when a man has reached maturity and is responsible for a woman’s financial and sexual aspects (physical and mental sustenance). Those who fulfill this obligation are commended, and those who do not are condemned.

Marriage is considered a sacred obligation in Islam, as stated in the Prophet’s hadith “one who marries has already guarded half of his religion, therefore he should fear Allah for the other half.” For most Muslims, heterosexual marriage is a means of ensuring one’s physical and financial security, establishing social connections, securing wealth or prestige, continuing the family lineage through procreation, and preserving family honor (Kugle 2010, 202). However, Kugle criticizes the formal nature of marriage in Islam, viewing it as a transaction between two individuals, their families, and their communities. According to Kugle (2010, 202), marriage is viewed as a contractual agreement in which the wife surrenders ownership or access to her sexual organs for a term considered permanent for

¹ The transmigration program of the New Order (*Orde Baru*) spread Javanese to other islands, such as Sumatra, Kalimantan, Sulawesi, and Papua. Javanese transmigrated to Jambi from 1975 in Bungo Tebo Regency and from 1980 to 1985 in Sarolangun Bangko Regency (Lestari 2009, 15).

² The Bajau people are an Indonesian Sea nomad group (Ariando and Arunotai 2022, 261).

³ The Minangkabau are an Austronesian ethnic group native to West Sumatra-Indonesia. Minangkabau gold seekers migrated to the upstream areas of Jambi from the sixteenth century (Andaya 1993, 14) and by the eighteenth century, Jambi had received large numbers of such migrants (Znoj 2001, 69).

⁴ *Adat Melayu* are Malay customs and traditions. “Adat” refers to the traditional rules of conduct.

⁵ Shari’a refers to Islamic law (see, e.g., Murata 1992, 2).

as long as the contract holds. As a progressive Islamic scholar, Kugle (2010, 207) offers space for non-conforming gender and non-heterosexual individuals within the institution of marriage as legalized by Islam, to ensure in this way equality between men and women, regardless of their gender identity and sexual orientation. It is important to note that Islam considers heterosexual marriage as "the central concept organizing sexuality" (Boellstorff 2005, 578).

Historically, Jambi was a powerful Malay kingdom in the seventh century (Anderbeck 2010, 2). Taking advantage of its geographical position in the middle of Sumatra Island, in Indonesia, Jambi people developed their civilization and connections to global communities through various ways, such as pilgrimages to Mecca (Anderbeck 2010, 2), intermarriage with Yemeni Arabs (Kerlogue 2002, 93) and Malay royalty in Malaysia (Anderbeck 2010, 2–7),⁶ and by engaging in international trade with Europeans in the seventeenth century (Andaya 1993, 80). Jambi Malays have, however, relatively little exposure and are "largely excluded from power centers" (Anderbeck 2010, 2) in contemporary Indonesia. Given the historical global connections of Jambi and the way the state and Islamic discourse shape gender subjectivities, one must recognize "particular genders and sexualities" within the local context which is shaped by a number of "processes implicated in globalization," such as "diasporic movement, capitalism, political economy of the state" (Blackwood 2005, 221).

Gender and sexuality in the context of Jambi society have received little attention from scholars. Local scholars and academics also still consider transgenderism and homosexuality taboo, and avoid discussing such topics within the public domain. Hence, research-based information on the social phenomena and issues of transgenderism and sexuality in Jambi is limited. Researching non-conforming gender and sexual orientation in the Jambi context is challenging, and it is difficult to source sex-related local literature and find scholars who are willing to be interviewed on the topic.

The ethnographic fieldwork for the research presented in this chapter focused on Malay society in Jambi, central Sumatra Island, from 2014 to 2016, as part of my research project on transgenderism in Malay Muslim Society in Indonesia. During this period, I conducted in-depth interviews with fifteen waria, two local government officials, and two religious and traditional leaders. I approached the main interlocutor of this research project, a waria, who was working for PKBI Daerah Jambi.⁷ During

⁶ According to Anderbeck (2010, 7), this is based on personal communication between Anderbeck and Fiona Kerlogue in 2002.

⁷ The PKBI Daerah Jambi, the Jambi regional chapter of the International Planned Parenthood Association, was established in the 1970s. This non-governmental organization actively provides sexual and reproductive health and rights (SRHR) services, including for key populations of HIV/AIDS sufferers and for minority groups, such as LGBT, indigenous people,

my conversations with waria, I play two central roles as a participant-observer, as I can learn “the experiential world” where waria live “from within” and analyze it “from without” (Rock 2001, 32). As a Jambi local, I make a clear demarcation line between personal and academic perspectives towards waria in this research. When entering the waria world, I aim to feel, hear, and see socio-cultural dynamics and interactions of waria in their daily life. At the same time, as an observer, I am an outsider or stranger who might not quite understand waria. Hence, I spend “a very considerable time in the field” (Rock 2001, 32) engaging with my waria interlocutors.

I used the snowball sampling method to acquire new waria interlocutors for my next interviews. By leveraging my status as a local, I conducted in-depth conversations with waria interlocutors.⁸ They shared their personal stories, including details about their sexual relationships and family lives. I was surprised by their openness and honesty. Additionally, I organized two events for the screening of a waria film entitled *Mother from Jambi (Emak Dari Jambi)* at the Institute of Government Studies (Sekolah Tinggi Ilmu Pemerintahan) Nurdin Hamzah, in Jambi, and for a Jambi NGO consortium working on HIV/AIDS prevention and elimination programs. One week later, and over the course of two weeks, I conducted a series of exclusive interviews with eight waria activists from the organizations Sanggar Swara and Yayasan Srikandi Sejati in Jakarta to gather more information regarding transnational flows of queer discourses and the impact of queer knowledge on waria social movements in contemporary Indonesia.

Narrative analysis is used to analyze all collected data during my ethnographic fieldwork to give access to “the textual interpretative world of the teller, which presumably [...] mediates or manages reality” (Cortazzi 2001, 385). The analysis relies on the experience and oral narrations of waria, as well as Malay scholar perspectives toward waria’s lives. The Islamic discourse on marriage and Malay culture and traditions that are tied to the waria’s lives are also analyzed to gain a fuller understanding of the construction of gender identity of waria in the Malay Muslim community in Jambi.

Gender and sexuality studies require sensitivity. In the Indonesian context, discussions about one’s private life are not always easy, especially if violating religious and social norms is involved. In line with Murphy and Digwall’s (2001, 341) recommendation to protect the anonymity of the interlocutors, my study adheres to ethical guidelines that aim to prevent any harm to waria interlocutors. Throughout this chapter, the waria interlocutors have been pseudonymized by themselves to protect their personal identities.

prostitutes, and so forth, and empowers rural women, waria, and homeless (“street”) children. The NGO joined the One Vision Alliance (Aliansi Satu Visi) and is actively engaged in campaigning for the mainstreaming of gender diversity and sexuality since 2012.

⁸ All conversations were conducted in Indonesian language (Bahasa Indonesia).

2. *Seloko Adat*: the quintessence of the intertwining discourses of Islam and *Adat*

Why Malay people? During an online discussion in 2020, Sharyn Graham Davies questioned the reason for choosing Malay people over those who just consider themselves Indonesians, especially in light of Milner's argument about "being Malay" in Indonesia:

[T]he vast majority of people in Indonesia would not consider being "Malay" to be a primary focus of identity and association. [...] At the local level [...] certain people claim 'Malay' identity in one situation and Javanese, Indian or Arab identity in another. (Milner 2008, 2)

One key issue in this research is the intertwining discourse of Islam and Malay customs, or *Adat*. It is therefore important to focus on Malay people. Two Muslim scholars, Tariq Ramadan and Al-Attas, offer opposing arguments to orientalist⁹ views on the Islamization process in Malay society in Indonesia. Orientalist scholars argue, in contrast, that Islamization in the Malay world has merely "scratched the surface" (Mansor and Al-Fijawi 2021, 44). However, these two Islamic scholars strongly contend that the universal values of Islam are deeply embedded in Malay culture as the moral foundation of the society. Unlike Hindu and Buddhist cultures, the influence of Islamic culture in everyday Malay life extends to "the very core of Malay religious beliefs" (Mansor and Al-Fijawi 2021, 48). As a result, Islam and Malay culture are strongly intertwined in terms of the philosophy of life and practical experience of Malay people. This research focuses on waria among the Malay people and aims to investigate how the intertwining relationship between Islam and *Adat* affects daily life for waria, particularly their marital experience. This research is a small part of my study on the construction of gender identity of Muslim waria in the Malay world of Indonesia. This study takes into account various relevant factors, such as the state ideology, Islamic discourse, culture, the salon industry, transnational flows of gender discourse and activism (Bennett 2005, 21; Blackwood 1999, 183; 2005, 227–233; Boellstorff 2007, 577; Davies 2001, 1; Davies 2010, 2–3), and social media (Webb and Temple 2015, 642).

The discourses of Islam and *Adat* are intertwined in various practices throughout the archipelago. For example, Islamic law is intertwined with *Adat* in the context of marriage in Jambi Malay society. Another example can be found in the context of *Seloko*¹⁰ *Adat*, or Malay traditional proverbs. Nurhasanah's article

⁹ In this context, Said (1979, 2) argues that an Orientalist is "anyone who teaches, writes, or researches the Orient (Eastern Asia) – and this applies whether the person is an anthropologist, sociologist, historian, or philologist – either in its specific or its general aspect."

¹⁰ *Seloko* refers to the oral wisdom of traditions.

entitled “Symbolic Expression of Jambi’s *Seloko Adat*” (*Ekspresi Simbolik Seloko Adat Jambi*) discusses the personal experience of marriage in Malay Jambi society that was articulated in the forms of *Seloko Adat*. Nurhasanah argues that marriage is a crucial life cycle of human beings that involves human sexual behaviors, wherein sexual intercourse between men and women is legalized. *Seloko Adat* incorporates religious symbols based on symbolic activities in the traditional marriage ceremony in Jambi. These symbolic activities are derived from local traditions and customs that reflect the everyday life of Jambi people (Nurhasanah 2013, 49–50). Additionally, she asserts that the primary ideological message of marriage to Jambi people is that humans are social creatures. Legal marriage is considered a social contract that should be announced to society. This message is articulated and expressed by *Seloko Adat*.

Seloko Adat is perceived as a means of enforcing social norms. For example, the top four rules of customary laws (*Empat nan di atas of seloko pucuk undang delapan*) regulate and control sexual behavior in society.¹¹ Based on these four main rules, incest or engaging in sexual intercourse with a family member is prohibited.

1. *Menikam bumi* refers to engaging in sexual intercourse with one’s biological mother.
2. *Mencakar telur* refers to engaging in sexual activity with one’s biological child.
3. *Bersunting bungo setangkai* refers to engaging in sexual intercourse with one’s sister or brother-in-law.
4. *Mandi di pancuran gading* refers to engaging in sexual intercourse with the wife of a leader or king.

Jambi people believe that those who violate shari’a and customary laws¹² are not only cursed by society, but also, most crucially, by God (*Kutuk Kawi*, or “God’s Condemnation”) (Nurhasanah 2013, 66). In other words, marrying or having sexual intercourse with siblings or parents (i.e., incest) is banned by *Adat* as it violates Islamic law (Bujang et al. 1984, 32).

The development of information technology and globalization poses a challenge to the intertwining discourses of Islam and *Adat* as these developments have resulted in changes within the social life and character of the Malay people in contemporary Jambi. For instance, the selection of a marital partner is made by

¹¹ They are stated in “Oendang-Oendang Djambi,” or the Jambi Constitution (Mursalin 2012, 311).

¹² Since Malay custom is based on and tied by Islamic shari’a, all Islamic religious practices must not “contradict with Shari’a evidence” (Ibrahim et al. 2018, 385) and “avoid the main benefit for people and bring harm to the community” (Zaidan 1976, quoted in Ibrahim et al. 2018, 386). In other words, customs must not deviate from God’s law as stated in the Quran and the Prophetic Tradition, or *Sunah* (Muwangir 2021, 2999).

the parents and the respective elderly family member, or "*two tengganai*." Marriage is considered a critical point in the human life cycle, involving the parents and siblings of both parties, as well as their respective families (Rivaldo et al. 2021, 172). The selection of a partner is an important aspect of this stage of life. In a common marriage (*perkawinan normal*), there are two ways to select a mate: through parental or familial arrangement, or through self-selection. In many cases, families do not select brides or bridegrooms, but they instead choose their own partners. This self-selection process often involves young people building romantic, long-term relationships before getting married. While this process may take more time, it allows individuals to choose their partners freely. It is important, however, to note that some of these relationships may lead to "abnormal marriages."¹³ Freedom of choice of marital partners among young people in Jambi is still limited by religious and social norms and values. Although the family's control over the social relations of youth has loosened in recent years, future brides and grooms are still prohibited from going out without a companion from relatives before the marriage ceremony to avoid "adultery and other filthy actions" (Ibrahim et. al. 2018, 392). Addressing women's need for knowledge and building self-confidence and self-esteem in formal or informal educational institutions may lead to improved social relations with the opposite sex.

Factors such as information technology and the education level of young people, including the increased presence of women in public spaces, have contributed to these changes. Nowadays, the customary laws in place do not align with the social interactions between men and women in contemporary Seberang Kota.¹⁴ Although there are strict traditional rules governing the arrangement of men and women relations in the public sphere in Seberang Kota, young people are freer to interact and socialize with the opposite sex at schools or workplaces. (Interview: Jambi, Rizal)¹⁵

In this sense, young people have more opportunities to select their own partners without any assistance from parents and *two tengganai*. When selecting a partner

¹³ In the context of Jambi society, "abnormal" marriage means those who have had sexual intercourse out of marital institution (adultery) which causes the unwanted pregnancy of women. The two parties, man and woman, are consequently forced by family and/or society to marry although they have no plans to have such a marriage. In this case, there is not a strict selection process of bride or bridegroom by parents and *two tengganai*. The "abnormal" marriage is also called married by accident (*embea*); "accident" is a contemptuous term for pregnancy as a result of adultery.

¹⁴ The district stretches out along the north bank of the Batanghari River opposite the capital city of Jambi (Kerlogue 2003, 178).

¹⁵ Rizal, an official at the Jambi Malay Museum-Gentala Arasy' is a descendant of Seberang Kota. I interviewed him to collect empirical data of the history of Islam in Malay society in Jambi.

for marriage, young people consider not only social status, family background, age, and other external factors, but also how to build an intimate relationship based on love and mutual respect. It is important to pay attention to religious and social norms, especially with regard to interactions with the opposite sex during the process of selection. It is worth noting that the self-selection process is independently conducted by young people.

3. Who is waria?

The term “waria” was coined by the Indonesian government in 1978 (Boellstorff 2007, 83). It is a combination of the Indonesian words for woman (*wanita*) and man (*pria*). In some regions and within certain ethnic groups, there are local terms used to refer to male-to-female transgender individuals, such as the *calabai* in the Bugis society of South Sulawesi (Davies 2010). Hegarty (2022, 6) uses the term waria for those who have transitioned from male to female in Indonesia because of their “dynamic arrangement with the historical and cultural position in networks of global change.” Waria, also known as *bencong* or *banci*, is a term used to describe individuals with feminine characteristics and body language. It is important to note, however, that not all individuals who identify as *banci* are homosexual. The use of the terms *bencong* and *banci* to label gay men is considered contemptuous and should be avoided. During an interview with two gay men in Jambi on August 1, 2015, they strongly rejected these terms as they describe them in a less than respectful way.

In relation to gender performance, waria is defined as “Indonesian male-bodied and feminine identified subjects who usually claim to have the heart and soul of a woman” (Toomistu 2022, 73) and “dress and act in a manner similar to normatively gendered women and take men as lovers” (Blackwood 2011, 211). During one of Toomistu’s fieldwork sessions at Pondok Pesantren Al Fatah Waria in Yogyakarta, a religious teacher responded to a student’s question about *waria*-ness (i.e., gender representation of waria) by stating that waria individuals simply pretend to be women. The teacher claimed that waria individuals cannot spend their entire lives wearing women’s clothing and makeup. Moreover, being waria is not solely determined by biological or sexual characteristics, but rather by the need to express their gender identity (Putri et al. 2021).

As a minority group in Indonesian society, waria, like other LGBT groups such as gays and lesbians, deserve to live more openly and be better integrated into society. Unfortunately, they still face stigmatization and discrimination. It is important to recognize and accept waria as a part of society, rather than discriminating against them. In 2016, there was a massive wave of rejection from various elements of society, including government officials, which has exacerbated the

situation for the LGBT community. For instance, the Muhammadiyah Student Association (Ikatan Pemuda Muhammadiyah) rejected waria's participation in the HIV/AIDS elimination program of Bone Regency in South Sulawesi.

The presence of waria in the community, under the guise of HIV/AIDS Ambassador, may negatively impact young students. The content displayed on social media suggests that the waria community is being encouraged to flourish [with regard to their number and roles within society]. Their appearance in public as representative of the local government of Bone in combating HIV/AIDS program draws moral degradation in society. Hence, people reject their participation in such programs. (Hidayat 2023)

Since January 2016, the topic of anti-LGBT sentiment has been widely covered by the Indonesian media at both local and national levels. The issue has sparked discussions on social media regarding the intolerance and oppression faced by individuals based on their sexual orientation and gender identity (Davies 2016). It is important, however, to avoid reinforcing stereotypes of LGBT individuals. The oppression of the LGBT community in Indonesia is led by government officials, politicians, religious and civil society leaders, and social organizations. The LGBT movement and members of the LGBT community are supposedly incompatible with Indonesia's cultural tradition and religious norms. Therefore, negative statements were widely circulated in the Indonesian media in January-February 2016. For example, Muhammad Nasir, Minister of Research, Technology and Higher Education, declared that "a university is a moral safeguard" where "standard values and morals" must be upheld. In this sense, the presence of LGBT individuals in educational institutions poses a threat to the nation's morality (The Jakarta Post 2016).

Stigmatization and discrimination against waria are also perpetuated by the local government through regulatory measures. For instance, Jambi Municipal Ordinance Number 2/2014 on Prostitution and Immoral Practices Elimination¹⁶ and Bogor Municipal Ordinance Number 10/2021 on Prevention and Combating Sexual Deviation Behaviors¹⁷ classify waria as a form of sexual deviation. Although such regulations aim to provide protection and guarantee human rights for all, they fail to protect waria individuals, and these individuals remain marginalized. The Mayor of Bogor Municipality guarantees that the regulation will not intervene in the private lives of people. However, waria activists reject the mayor's guarantee, stating that the regulation lacks a clear definition of sexual orientation, which is a form of privacy right. Therefore, the state has no right to intervene in these

¹⁶ Source of the ordinance: <https://daerah.peraturanpedia.id/peraturan-daerah-kota-jambi-nomor-2-tahun-2014/>.

¹⁷ Source of the ordinance: <https://kolegal.id/perda-kota-bogor-no-10-tahun-2021>.

personal or private rights.¹⁸ In the digital era, the boundaries between private and public domains are becoming increasingly blurred. In most cases, when human activity in a private room is uploaded to social media, it may become public. To mitigate the issues that arise from this, it is arguably important to note that the state does not have the right to intervene in private matters. The state regulations should clearly define and distinguish between private and public spaces, avoiding any violation of human rights that may lead to stigmatization and discrimination against certain groups in society. It is also worth noting that Indonesia is not the only country that is “unfriendly” towards transgender groups. Intimidation, physical attacks, detention, and murder, as well as laws that eliminate transgender rights occur not only in Indonesia but also in other parts of the world, such as the US, Pakistan, South Korea, Turkey, and elsewhere (OHCHR, n.d.).

The stigmatization of waria can be financial, due to their involvement in low-paying job such as street prostitution (Boellstorff 2007, 229), but can also be social, as most waria are often forced to experience social exile in their home villages or towns from a young age. I argue that this social exclusion often leads waria to engage in heterosexual marriage, not as a personal decision, but as a way for their families to “heal” their perceived sexual deviation. In Indonesian societies, such as Jambi’s Malay community, waria are often viewed as “abnormal” and may be forced to undergo “treatment” by being pressured into marrying women. Additionally, in the context of Islam in Indonesia, marriage is not only a contract between two individuals, but also between families. As same-sex relationships practiced by waria are considered “abnormal,” this concept challenges waria’s gender identity and sexual orientation and relations, both in premarital and marital lives.

4. Do “real” waria marry women?

“What is your opinion on marriage?” is the question I asked waria interlocutors in order to find out their views on marriage. Some found this question challenging, however, due to its potential impact on their gender identity and sexual orientation. The term “marriage” is associated with legal and religious customs, making it a sensitive issue for some individuals.

Joya, a forty-four-year-old waria, has been married twice to women since identifying as waria.¹⁹ Hir²⁰ first marriage occurred when s/he was sixteen years

¹⁸ Meidina Rahmawati, Researcher of the Institute for Criminal Justice Reform (ICJR), responds to the Bogor Municipal Ordinance Number 10/2021.

¹⁹ The former spouse of Joya was aware of Joya’s gender identity as a waria and accepted it.

²⁰ Following Blackwood (2011, 27), I use “s/he” and “hir” for the “gender-neutral third person” to avoid “the insertion of gendered individuals into binary genders.”

old. Joya describes this marriage as an “accident,” as hir mother caught hir and hir girlfriend engaging in premarital sexual intercourse at home. Such behavior is prohibited in society and is considered a violation of religious and social norms, bringing shame to other members of the family and damaging the family’s reputation. In Jambi, this act is worthy of condemnation and the couple had to move out of the village. Eventually, Joya had to marry the girl and move to Palembang, the capital city of South Sumatra, hir family’s hometown. Joya entered into a second marriage at the age of thirty-four and has been a waria *dendong*,²¹ i.e., those who wear makeup and women’s clothes for almost twenty-four hours every day.

At that time, my mother was unwell. Her final wish was for all her children to marry and start a family. As the only unmarried child, I felt compelled to fulfill her request and agreed to an arranged marriage with a girl chosen by my family. Despite the arrangement, I developed genuine affection for both of my wives. (Interview: Jambi, Joya)

After being recognized as a waria *dendong* by hir neighbors, Joya and hir wife moved from hir village to a rural area, Kemingking-Muaro Jambi,²² which is located three hours away from Jambi City. Joya divorced from hir second wife after the wife gave birth to their daughter and returned to hir village for the second time. Having a daughter from hir second marriage had changed hir perspective on hir life as a waria. S/he stated that it is not fair for children in hir family to have a waria around. Although s/he does not live with hir daughter, s/he has a nephew at home who interacts with hir every day.

I live with my nephew, and I do not want my past experiences as a waria to negatively impact his life. It is important to me that he does not follow in my footsteps. (Interview: Jambi, Joya)

A similar dilemma related to marriage was also experienced by Jenny.²³ Although s/he was not yet married, the concept of heterosexual marriage had affected hir perspective on married life. For Jenny, the most challenging aspect of married life would not be hir gender identity or sexual orientation, but rather how to maintain fairness and respect within marriage.

Although a waria may marry a woman s/he loves, their gender identity and sexual desire may not change a hundred percent. For me, it is not

²¹ The term *dendong* is a *banci* slang language, which means *dandan* (“makeup”).

²² Muaro Jambi is a regency of Jambi Province.

²³ Jenny is the female waria name of my research interlocutor. S/he initially refused to share hir original name, or to be included it in my research report, but on my third visit s/he did mention hir original name. In line with research ethics and Jenny’s rights, I use hir pseudonym “Jenny” in this chapter.

easy to shift my sexual desire for a woman and focus on loving a wife. Indeed, it cannot be avoided that even though we are married, we still have sexual desire towards males. However, we should respect our wives by reducing the frequency and intensity of same-sex intercourse and makeup. When my wife is with me, I refrain from using social media or my phone, where I have saved male contacts. (Interview: Jambi, Jenny)

The experiences of the two waria mentioned here cannot be generalized with regard to their perspectives on heterosexual marriages. However, their story may lead us to think about how waria individuals can experience married life and how their identities can be acknowledged without becoming forgotten. Given the “the negative stigma associated with divorce and homosexuality” (Daly et al. 2018, 7), I argue that for some waria, marrying heterosexually is the sanctuary of their gender and sexual orientation in Indonesia, where the notion of non-conforming gender and sexual orientation is publicly invisible and incommensurate with state ideology, religion, and local culture.

Sitting on a chair in a three-by-four-meter salon room, Jenny confidently shared hir life story as a waria. S/he moved from Kerinci, in the western part of Jambi Province, to Jambi City at the age of nineteen, shortly after graduating from senior high school. Jenny started hir salon business after being forced to leave hir family home by hir father, who no longer considered hir a son. As a young waria living in Jambi City without any support from hir family, s/he works hard every day to make and save money in order to build hir own salon business. Upon achieving the goal of running hir own salon, s/he intends to offer help and support to other abandoned young waria who have had a similar experience.

On my second visit to Jenny’s salon, I met Devi,²⁴ a thirty-year-old waria who has been working as a hairstylist for Jenny in the salon for two years. Devi shared an experience similar to Jenny’s, having been evicted by hir family due to hir gender and sexual orientation. Jenny, Devi, and I sat in the salon room where Jenny and Devi provide their clients with make-up and haircuts. While Devi was preparing for the interview, three children were observing our activities in the room. Suddenly, the youngest among the children shouted, “*Kak Jenny ga dandan [juga]?*,” which means “Sister Jenny, are you not making up [too]?” I was surprised to learn that waria *dandan*—i.e., men who dress up and wear make-up as “women”—was a common sight for Jenny’s neighbors, even for the children. Jenny responded,

I will do it (*dandan*) [later]. My husband says that it is not good [for me] to *dandan* [while he is not here/at home]. When a husband returns from

²⁴ Similar to Jenny, Devi is the name of my second waria research interlocutor. Although s/he mentions hir original name, s/he prefers hir pseudonym, Devi, used in this chapter.

work, the wife must do 'good things.' If the wife does not [do good things while the husband is working], the wife can be a *lonte*²⁵ ("prostitute")... so, [to me] making up is only for my husband.

Jenny's response to the question obviously presents a gender binary and reinforces traditional gender roles within the household. This perspective suggests that husband and wife have distinct domains and roles that must be adhered to, particularly by the wife. Social judgment may follow if one of them breaks the rules. Indeed, Jenny's perspective on gender roles in the household is influenced by religious and socio-cultural factors in Jambi Malay society even though, in this case, Jenny describes her household as non-normative or same-sex. According to Jenny, both genders can perform traditionally feminine and masculine gender roles in both heterosexual and same-sex marriages. Jenny's conjugal relationship with her husband represents a connection between the waria subject position and the public, or "the normal world," without any subjective evaluations (Boellstorff 2004, 176).

The Malay community in Jambi strictly adheres to a gender binary system, recognizing only male and female genders. Although waria are acknowledged by the public, they are not recognized as a separate gender. As a result, waria can only enter heteronormative marriages. This suggests the gender binary system is deeply embedded in Jambi's society, including in its Malay cultures and traditions. The institutionalization of the gender binary system in Jambi's Malay cultures is exemplified by the motifs of Jambi's traditional Batik, including the *Angso Duo motif* (depicting two swans, male and female) and the *Merak Ngeram motif* (depicting a hatching peacock). These motifs describe the relationship between a man and woman in the harmony of a marriage (Sumardjo 2013, 115) and their roles both in the household and in public.

Junaidi T. Noor, a Jambi Malay scholar, argues that the *Adat* hierarchy in Jambi Malay society shows the influence of Islam on Malay *Adat*. These include the actual customs based on the Qur'an and the Hadith or "*Adat yang sebenarnya adat*," a set of customary values or "*Adat yang diadatkan*," general customs, or "*Adat yang teradatkan*," and customs and traditions or "*Adat istiadat*" (Noor n.d, 6–7). This *Adat* hierarchy was elaborated by another Jambi Malay scholar, Muchtar Agus Cholif²⁶ (*Adipati*

²⁵ The term *lonte* is considered offensive and should be avoided. In formal contexts, such as those involving the government, NGOs, or the media, the term *Pekerja Seks Komersil* or PSK ("Commercial Sex Worker") can be used instead. In the Indonesian language, *lonte* has several synonyms including *perempuan jalang* (which translates to "bitch"), *wanita tunasusila* (which translates to "slut" or "prostitute"), *pelacur* (which translates to "slut," "prostitute," or "bitch"), and *sundal* (which translates to "bitch") (KBBI, n.d.).

²⁶ Deputy Head of the Malay Cultural Board of Jambi Province (Lembaga Adat Melayu Provinsi Jambi).

Anggo Ganto Rajo)²⁷ in a seminar of the Association of Jambi's Malay Women (Himpunan Perempuan Melayu Jambi) on September 24, 2014. His seminar paper is entitled "The Implementation of Customary Law" (*Implementasi Hukum Adat*) and highlights the implementation of the Old-Malay customary law (the Constitution of the Kingdom of Jambi's Malay) since 1502 in Jambi (Cholif 2014, 3). He argues the second point of the constitution—*Adat yang Teradat*²⁸—implies that customary law has existed since humankind began and cannot be changed by anyone. Thus, the law must be followed by individuals in Jambi's Malay society. Muchtar presents the following as an example of the second point of the constitution: "Women marry men..., the performance of same-sex marriage is strongly forbidden [in this society]. This act is condemned – it is unlawful in Islam" ("*Betino kawin dengan jantan...*",²⁹ *maka terlarang kawin betino samo betino, jantan samo jantan. Perbuatan itu teruk-tuk, [dan] haram hukumnya*") (Cholif 2014, 10).

The claims presented by these two Jambi Malay scholars demonstrate the discourse of the intertwined connection between Islam and *Adat* in the social life of Jambi people. However, the discourse of gender non-conformity and non-heterosexual orientations within society is absent. It is argued that an emphasis on upholding norms in contemporary Jambi discourages open discussion of these sensitive social issues. Additionally, customary laws or *Hukum Adat* do not address the notion of non-conforming gender and non-heterosexuality as seen in *Adat* norms and *Adat* sanctions or, *Seloko Anak Undang nan-Duo Belas*. Although this *Seloko* regulates the social behavior of young people and the *Adat* sanctions of adultery among them, it does not address non-normative gender discourses and public sexual practices, such as sexual promiscuity among individuals in same-sex relationships.

During an interview with Junaedi T. Noor in Jambi, I asked for the perspective of the Malay Customs Board of Jambi Province (Lembaga Adat Melayu Propinsi Jambi) on the social phenomena of waria and homosexual practices in Jambi. The response was as follows:

Waria in contemporary Jambi are markedly different from their past counterparts. Nowadays, they are more visible in public, including at their designated meeting point [known as *pangkalan waria*] where they engage in sex work. However, it is worth noting that they are often

²⁷ A traditional title given by the Malay Cultural Board of Jambi Province to individuals concerned with the preservation of Jambi's Malay cultures and traditions.

²⁸ In the context of the second point of the constitution, the Malay custom only recognizes heterosexual marriage. Any other type of marriage is considered a deviation and an unlawful act. Although Jambi society strictly adheres to this *Adat*, there is no formal punishment for those who perform same-sex marriages.

²⁹ *Betino* and *jantan* are Malay terms in Jambi; *betino* refers to women and *jantan* refers to men.

stigmatized and viewed as social disruptors. As a result, many of them face eviction from their homes or families due to the embarrassment caused by their same-sex preferences and practices. Despite this, it is important to note that waria [also known as *bencong*] can be very helpful, particularly in the context of wedding customs. *Lembaga Adat Melayu* does not have, however, the authority to impose penalties on waria and other homosexuals, despite their deviation from social norms. Ultimately, waria individuals are punished by society through physical abuse and stigmatization. (Interview: Jambi, Junaedi T. Noor)

Regarding the issues and the perspective of Jambi Malay scholars towards waria and their existence in Jambi society, it can be argued that the hegemony of heteronormativity is perpetuated in various ways. This includes the institutionalization of the intertwining discourses between Islam and *Adat*, as well as the established and politicized *Lembaga Adat Melayu*. Although waria are more visible in contemporary Jambi, they are often perceived as “challenging the decencies of society” (Dayanti 2013, 2). This is particularly true in relation to how they themselves see their gender identity and sexual orientation, and how they view heterosexual marriage or legal marriage—known in Jambi as *nikah*. If Kugle (2010, 202) sees formal marriage (i.e., heterosexual marriage) as based on a “contract of sale,”³⁰ how do waria articulate *nikah* in their own language? Jenny offers hir thoughts on this question:

Although I am a waria, I have a female fiancé. She will graduate from high school next year. [I think] I will not be a waria forever... I have to get married. [As money does not guarantee my future] I want someone who will take care of me in the future, so I have to marry and have a wife and children... If there is a man who loves me, I am sure that my parents will not bless our relationship and, indeed, it is just temporary [sexual] pleasure. Moreover, there are many examples from my waria friends who live in Kerinci. They do not get married, they become poor and neglected, and no one takes care of them in their old age (they live alone in their old age). So, I have learned from their experience. (Interview: Jambi, Jenny)

Jenny believes that marrying a woman will provide hir a secure life in the future; s/he will be taken care of and protected by hir children. Learning from hir waria friends in Kerinci, hir home regency, where most waria spend their old age alone and abandoned by family and society, Jenny plans to adopt the institution of heterosexual marriage. I would argue that their eviction from home and their abandonment by society when they were young have affected their perspective on

³⁰ Kugle (2010, 202) asserts that formal marriage or *nikah* in Islam is built on the basis of “a contract of sale (buy),” which means that a husband has long-term legal access to his wife’s “sexual organs” and reproductive system.

marriage and family, viewed as quite distinct from practicing same-sex relations, which are seen as being violating religious and social norms. Such waria live far from their relatives and are further abandoned when they fail to negotiate their gender identity and sexual behaviors with social norms in their early age, such as when they consider entering heterosexual marriage.

In an informal meeting, thirteen gays, in addition to Anthony and I, were sitting in a circle around a long table in a small café in the center of Jambi city. It was the third week of Ramadhan and the *Macam Warna Gaya Jambi (MGWJ)*, a local gay and transgender NGO, assisted me in conducting a focus-group discussion (FGD) with gay individuals following a fast-breaking session. The main topic of the FGD was marriage, and specifically, how homosexuals view legal marriage (*nikah*) and same-sex marriage. From this FGD I gathered various perspectives on legal marriage and homosexual experiences towards such *nikah*.

Anthony, a thirty-seven-year-old waria, married a woman in 2015 and his wife delivered a son fifteen months after their marriage. S/he works as an outreach worker in a local NGO³¹ in the afternoon, and runs a small business, a Javanese depot of traditional medicine (*Depot Jamu*), at night. Anthony has experienced being waria for years. Before getting married and running his *Depot Jamu*, s/he worked as a traditional masseur for men and as a male-sex worker. Anthony has interesting thoughts on heterosexual marriage, as shown by the following quote:

Getting married is a choice. For example, if I choose to marry, I will have to live with my wife and have descendants. Consequently, I have to be responsible for this choice. Conversely, if my gay friends do not want to marry and still have same-sex relationships, they will be responsible for that choice. I decided to marry a woman as I think it is my time to have a family. For me, every single decision gives me responsibilities towards family and society. When I choose to marry (heterosexual marriage) and have a wife and children, it means that I will have more responsibility towards them: to take care of and protect them. (Interview: Jambi, Anthony)

Many scholars have conducted research on waria and their sexuality in Indonesia. One of them is American anthropologist Tom Boellstorff. In his important work, entitled *Playing Back the Nation: Waria, Indonesian Transvestite* (2004), Boellstorff focuses on two questions. Firstly, "how do waria emphasize a sense of belonging to (and exclusion from) national society and popular culture?" Secondly, he asks, "how does the concept of 'waria' operate within the orbit of male gendering?"

³¹ S/he works for MGWJ, a GWL (Gay, Waria, and *Lelaki suka Lelaki*, which translates to "men sex with men") organization in Jambi city. S/he also works for Kanti Sehati, a local NGO specializing in combating the HIV/AIDS epidemic in Jambi Province.

(Boellstorf 2004, 161). He argues that waria are typically not expected to marry with women. Instead of heterosexual marriage, most waria seek romance in the form of a long-term boyfriend (*pacar*), or a non-formalised “husband” (*suami*). However, most waria in contemporary Jambi avoid such long-term relationships. Instead, they engage in marital lives with women or purchase sex services from male sex workers when they desire sexual activity. In this context, it should be kept in mind that there is a paradoxical situation in waria relationships. On the one hand, a number of my waria interlocutors engage in heterosexual marriage following religious and social norms. On the other hand, their sexual activities run against the traditional norms and values upheld by contemporary Jambi society.

There is a risk (in having a long-term relationship with a man); they play with the heart! (*main hati!*) To protect their relationships (and hir romantic love), waria have to support hir partners (husband) financially, such as in the fashion or transportation business, and so forth. Thus, there are two choices: playing with the heart (having a long-term relationship with a man) or paying with money/*main duit* (purchasing sex from male-sex workers). (Interview: Jambi, Bunda Awe)

Bunda Awe, a senior waria, does not participate in a heterosexual marriage. Instead, hir sexual desires are fulfilled through purchasing young male sex workers. In contemporary Jambi, it is common for senior waria, particularly wealthy ones, to engage in transactional sex with young male sex workers. Heterosexual marriage remains a significant aspect of the human life cycle for many waria. However, some waria, such as Bunda Awe, prefer temporary sexual relationships.

There are alternative ways for waria to gain acceptance within society besides entering heterosexual marriages. As Toomistu (2022, 85) explains in her ethnographic fieldwork article on Waria Pesantren Al Fatah in Yogyakarta, waria negotiate their gender and religious identity through daily participation in Islamic practices. This visibility as “a social subject” allows them to be seen as “ordinary Indonesians,” rather than simply as gender non-conforming individuals.

5. Conclusion

Marriage plays a quintessential role in understanding the discourses of the intertwined connection between Islam and *Adat*. Through this institution, the hegemony of religious and social control over individuals is perpetuated. Although gender non-conformity and sexuality are not openly discussed in public, waria still play a significant role in the intertwined connection between Islam and *Adat*, including traditional ceremonies. As a marginalized social group, waria are strongly challenged by this intertwined connection. Waria pursue their sexual desires and gender expression by engaging in homosexual relationships with men, which is

viewed by Jambi Malay society as a violation of religious and social norms. Social acceptance, including access to public spaces and social inclusion, remains a critical issue for waria in contemporary Indonesia.

Even though legal marriage may be a strategy for a male individual to gain acceptance in the community, few waria take the risk of marrying women for various reasons, such as responsibility toward one's family. Although many waria desire a physically and romantically intimate relationship with men, the experience of the waria I have interviewed suggests they would prefer to engage in non-legal long-term romantic relationships with men. Instead, they opt for temporary sexual encounters or legal marriage. In most cases, however, waria are forced to compromise their gender identity and sexual orientation due to the threat of social exclusion and the need for financial security in their old age, leading them to engage in heterosexual marriages.

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