





# Protecting the rights of Muslim women in Indonesian diaspora marriages in Russia: An Islamic Law Perspective

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This research focuses on the issue of human rights violations, particularly those affecting Muslim women in Indonesian diaspora marriages in Russia. Despite the regulations set by the Family Code of the Russian Federation, there have been reports of abuse, expulsion, withholding of documents and unilateral divorce. The purpose of this qualitative research using Smith's phenomenological approach is to analyse the root causes of these violations and provide solutions. Data were collected through in-depth interviews, observation and documentation analysis. The results showed that domestic violence was caused by a lack of self-concern and lack of cultural, legal and legal administration literacy. This lack of literacy contributes to the violation of the rights of married diaspora women in Russia. Self-protection can be enhanced by increasing faith-based marriage literacy and cultural and legal literacy.

**Contribution:** This research provides insight into the factors contributing to human rights violations in Indonesian diaspora marriages in Russia and proposes solutions to prevent such violations. The findings of this study can also serve as a basis for future research in the field of human rights and diaspora.

**Keywords:** women's rights; Indonesian diaspora; diaspora marriage; gender; Islamic law.

## Introduction

According to Indriani and Mulyana (2021), a diaspora is a person living abroad. The same was said by Yaldız (2019) that the term diaspora is understood by people living abroad, just like Turks living abroad. There are several reasons for them to move abroad, including immigration, the exile process (Meel 2017), school, work, marriage and escape seeking asylum (Ammari, Allawzi & Al-Shara 2019).

As a citizen of the Indonesian diaspora abroad, there are both several challenges and opportunities. Among the challenges and problems is the problem of adaptation to culture, environment, law and longing. Nevertheless, the motives of family ties, friendships, socio-cultural and spiritual-religious factors overpower economic motives as an attraction to move to their home countries (Meel 2017). Good diaspora management in a country will open up opportunities for cultural-based networking and solidarity as well as a sense of harmony for other diasporas (Turco & Svetlicinai 2019). Moreover, if the diaspora is tied to the spirit of religion and ideology, then it is likely that the glue will double (Pătru 2021).

Likewise, the married diaspora is either married to a citizen in their country of residence or married to a fellow foreign national. The challenges of the married diaspora are more severe because they not only live with their spouses but must also adapt to their extended family, culture and/or traditions, laws, climate, their spouse's ideology and their families. The inability to adapt causes conflicts in diaspora couples (Sadari & Mesraini 2020). Domestic conflicts often lead to physical and non-physical violence. Married diasporas often have to fight hard to remove the negative stigma associated with their spouses and families associated with birth country stereotypes and family characteristics of the diaspora (See Mudunna et al. 2022).

Domestic violence is a tacit case. The victims of this type of violence are women and children (Fonseka et al. 2022; Puri, Tamang & Shah 2011). According to Mannell et al. (2021), among the causes of domestic violence is the lack of patriarchal support and economic factors. Meanwhile, according to Oyewuwo (2020), domestic violence was triggered because of a lack of spirituality (Viftrup et al. 2021). In addition, violence is caused by communication gaps and lack of literacy about culture (Tahir 2021). Domestic violence is understood as any form of violence against family

members in the form of beating, tying, injuring, harassing, restricting personal freedom and sexual harassment (Zheng et al. 2020). Referring to data from the Russian Statistical Center, in 2019, there were 67340 cases of domestic violence registered in Russia. However, this data included only reported cases. This situation encourages the government to provide anticipation and protection by providing severe punishment for perpetrators of domestic violence in Russia. According to the Anna Foundation (2020), 20% of cases registered for violence involved children as victims, and about 90% of all domestic violence cases in Russia reportedly involved female victims.

There are 3 out of 16 (18%) violations of rights, especially women in Indonesian female diaspora marriages in Russia every year. Among its forms are the abuse and/or expulsion of the wife from the home, the detention of the wife's passport by the husband, treating the wife as a 'free babu', domestic violence, the husband not providing a living, the wife not having a clear status of her right of residence and other abusive treatment.

Generally, the Indonesian diaspora, including that in Russia, is still closely attached to the Indonesian culture. The culture includes a lot of pleasantries (Aminah Hasibuan 2020) to help behave politely but sometimes less assertively (Santoso et al. 2020). This makes them weak in negotiation (Mokoginta & Arafah 022), gentle (Najib 2020; Praningrum 2021) and also moderate in religion (Zuhdi 2018). The Javanese women still uphold the concept of *suwargo nunut, neroko katut* [invited to heaven, brought to hell] (Ismawati 2018; Musrichah & Baskoro 2021; Utomo 2022). Moreover, according to Ftju, Ftsa and Ftme, most (85%) of the Indonesian female diaspora in Russia cares less about themselves, especially regarding the legal literacy and legal administration of the Russian state, and also lacks cultural literacy.

This article would like to answer a few questions:

- What are the root causes of violations of the rights of Indonesian diaspora Muslim women in Russia?
- What are the legal protection measures and the rights of Indonesian diaspora Muslim women in Russia?

The purpose of this study is to find and analyse the root causes of violations of the rights of Indonesian diaspora women in Russia. In addition, this article also offers solutions to mitigate violations of the rights of diaspora Muslim women in Russia. The contribution of this study is useful for improving cultural and legal literacy for diasporas who are going to marry couples of Russian origin. This article is also useful for academics related to cultural dialogue between nations, especially Indonesian and Russian cultures.

## Literature review

### Islam, marriage and cultural dialogue

Islam as a religion contains a set of rules (*shari'a*). One of the purposes of Islamic law is to protect human safety, including

protection of live (*al-nafs*), religion (*al-din*), intellect (*al-aql*), generation (*al-nasl*) and wealth (*al-mal*) (Muhsin, Ma'Mun & Nuroniyah 2021; Kamali 2022; Rahman et al. 2021; Rasool, Yusof & Ali 2020; Yahaya, Samsuddin & Kashim 2020). In Islam, marriage is a feature of protecting human safety. Couples in life are fitrah as QS. an-Nahl: 72. Islam commands marriage as QS. An-Nur verse 32, QS. An-Nisa' verse 3, also the Prophet's hadith on Sahih Bukhari (903, 1049).

Besides, preserving the soul and religion, the purpose of marriage in Islam is also to preserve the generation (*nasl*) (Abubakar, Juliana & Hasan 2021; Firdaus 2021; Rosidin, Andriani & Fitriani 2021) and marriage involves safe sex legality (both *sharia* and health). With marriage, the soul calms down. Islam provides safety features so that the marriage is in accordance with its purpose and function.

In Islamic law, the distribution of desires must be legal and in accordance with *shari'a*. Therefore, *fiqh* scholars draw up the terms of marriage in accordance with Islam. There are criteria for potential spouses who can and cannot marry. There is a concept of mahram (the party who should not marry) in Islam (Ahmad, Muniroh & Nurani 2021; Masruhan 2019; Mannell et al. 2021).

In Islam, marriage is also a dialogue of civilisations. In the process of promoting Islam (*da'wah*) in the archipelago (Nusantara), one of the processes of developing *da'wah* is through marriage. Marriage is not just a dialogue between two people a dialogue between culture and civilisation. Therefore, in Islamic law, there are other methods for the implementation of marriage, including the concept of *khitbah* [knowing, seeing], *kafaah* [suitability], *wali*, *mahar* [obligatory to give from husband to wife], *walimah* [reception] and others (Siswanto & Ubaidillah 2020).

These concepts in Islamic law seem to specifically regulate domestic aspects of the household. However, the concepts in marriage mentioned above have a very complex and very deep contextualisation regarding social, cultural and civilisational relations. In Islamic law, women (especially girls) must be licensed and married by a *guardian*. In *fiqh*, a *guardian* is a man who has the authority to marry a woman under his guardianship. In article 20 paragraph 1 of the Compilation of Islamic Law (KHI), it is stated that:

[... T]he guardian of marriage is a man who meets the requirements of Islamic law i.e., Muslim, *aqil*, and *baligh* (adult). have blood ties in a straight line upwards as long as they are alive and in a state of declaring their... (Mahkamah Agung RI, 2011).

### **Nadhar and khitbah: Protection, harmony and cultural adaptation**

*Nadhar* is the process of finding a potential partner before marriage. In Islam, *nadhar* is a recommended step in the marriage process. In *Shafi'i* and *Shafi'iyah fiqhs*, the future husband or wife is strongly encouraged by Islam to perform *nadhar* in the presence of *khitbah* (Al-Dimyathi n.d.). *Nadhar* is a process of knowing (*ta'aruf*) the premarital status according

to Islam (Aulia 2020) and includes both aspects of heredity, personality, disposition, background and social status [*bibit, bebet, bobot*] (Masfiah 2022). This concept confirms the protection of Islamic law (Muhsin et al. 2021; Tabrani 2018). After *nadhar* [seeing, observing] and the candidate being deemed suitable, the marriage process can be moved further to the step of requesting [*khitbah*].

*Nadhar and khitbah* are important processes in marriage in Islam. As per the Quran, *khitbah* references can be found in Surah Al-Baqarah: 235. In this case, the Apostle advocated for *nadhar* [seeing] of potential spouses to avoid shocking revelations after marriage (Al-Lahim 2010). According to Az-Zuhaily, *nadhar* serves as a preventory step to help avoid internal conflicts, protection of these bonds from disputes and mitigation and management of conflicts (Az-Zuhaily 2000).

After the request is received, both candidates are bound to each other. *Khitbah* is also a protection from Islam. The message of this law is to protect its adherents based on cultural literacy understanding.

However, unfortunately, *nadhar* and *khitbah* are practiced in the wrong way. *Khitbah* instead became a courtship event and had negative effects (Rabiu, Ibrahim & Sa'ad 2019). Often people fail to understand, if they practice *khitbah*, they assume that they are married. It is in this phase that the purpose of marriage is defeated. During the *khitbah* [seeing, observing], the bride and groom are usually accompanied by their families (Huda & Septiasih 2022; Siswanto & Ubaidillah 2020). This means that there is a dialogue between the two families. Marriage is the process of forming a bond between two large families, two communities and two nations. Every family, community and nation has a culture that is different from others. Understanding and respect for other cultures will bring harmony in life.

### **Kafaah concept: Understanding and cultural dialogue in marriage**

In addition to *khitbah* [seeing and observing], in Islam, there is the concept of *kafaah*. This concept complements the advanced security features of Islam, especially those related to marriage. *Kafaah* or *kufu* means equal [*musawah*] (Al-Malibary 1999). According to *Jumhur Ulama*, the fields that should be included in *kafaah* are; religion, nasab, status and profession (Az-Zuhaily 2000). The objectives of the concept of *kafaah* include harmony, balance and conformity (Al-Maqdum 2007). *Kafaah* [equality] between husband-and-wife candidates is fundamental. The concept of *kafaah* is discussed at length by *fiqh* scholars because it is important in marriage in Islam (As-Sudais 1428).

*Kafaah* [equality] is an important capital in communication. If the level of the couple is unbalanced, then the communication that is built is also unbalanced. This is where violence begins as both verbal and non-verbal, physical and non-physical. There begins to appear domination and discrimination

among the couple. At an equal level, their communication becomes more connected, and most importantly domination and discrimination are eliminated. In other words, the concept of *kafaah* is a way for Islam to protect and mitigate the existence of violence that has the potential to arise as a result of difference in status.

The concept of *kafaah* became one of the objects that attracted the imams of *madzab*. *Kafaah* as understood by *fiqh* scholars such as Hanafiyah, Malikiyah and Shafi'iyah is associated with equality (both religious and socio-cultural aspects) (Rasidin, Natardi & Witro 2020). *Kafaah* for all *madzhab* clerics serves as a deterrent to bullying and discrimination because of social strata. According to Hanabilah scholars, there are five aspects that must be equal, namely religion, heredity, freedom, work and wealth.

*Kafaah* also eliminates cultural gaps and pretentious cultures. The dominance and hegemony of groups over other groups are a phenomenon that has always existed in society. Islam advocated equality. In Islam, one's glory is based only on piety. The concept of *kafaah* in Islam encourages humans to have cultural literacy, especially regarding the culture of their partners.

One needs to have the capacity and ability to understand and read the fabric of social relativity through various representations of symbolic and material forms for use in everyday life (Crawshaw 2018).

Indeed, in this case, Amiruddin (2022) is worried about wrong practices related to *kafaah*. If the practice is wrong and deviant, *kafaah* can give rise to a new social class. Research by Iskandar, Herningrum and Susanti (2022) (equality) in Kerinci, Indonesia is conducted across ethnicities and the concept of *kafaah* is implemented more openly, including educational equality (Nurdin, Yusuf & Natasya 2021).

## **Method**

This type of research is qualitative, dealing with the Indonesian diaspora of getting married in Russia (Creswell 2009). A phenomenological approach was used in this study. Phenomenological studies are used to describe the meaning of the experience for several individuals regarding a phenomenon (Creswell, Michael & Nataliya 2004). There were 16 key informants of the Indonesian diaspora in Russia who were the subject of this study, namely those domiciled in Moscow and Saint Petersburg. Data were collected by using the techniques of:

- in-depth interviews
- observations
- documentation.

The interview was conducted in a hybrid mode, namely using online media and face-to-face interviews with subjects from 05 November 2022 until 15 December 2022. The data that have been collected are analysed by Smith's phenomenological with the following steps:

- reading and rereading
- initial noting
- developing emergent themes
- searching for connections across emergent themes
- moving the next cases
- looking for patterns across cases.

## Result and discussion

### Indonesian diaspora married and implications of women's rights

#### *Kafaah* in women's diaspora citizenship rights options

Almost all (93.3%), diaspora women who marry in Russia are still given the right to vote for Indonesian citizens by their husbands. There are only 6.6% of people who renounce their Indonesian citizenship on the grounds of facilitating administration while in Russia. For example, Ftra explains, that, 'There are more benefits from outside countries, than from the country itself. Think more about the child later'.

Ftra's choice was not based on coercion from her husband but was rather her own choice. Apha, who has been in Russia for 5 years, still remains an Indonesian citizen, because he, 'Wants to live in two countries'. Thus Ahta, married for 8 years and living in Russia still retains an Indonesian citizen on the grounds, 'I love Indonesia'. The same is said by Ftno (7 years old), Ftju (15 years old) and Ftan (7 years old) who say, 'I love Indonesia'.

From the above data and the informant's narrative, there is no violation of women's rights regarding diaspora choice of citizenship. Their husbands are free to choose citizenship of their wives, instead of the Indonesian diaspora in Russia.

All informants in the study were granted the right to choose their citizenship status by their spouses. *Kafaah fi al-hurriyah* [equality in freedom] especially in citizenship granted by her spouse, although there is one female diaspora person who chooses to become a Russian citizen. In the case of *kafaah fi al-din*, for the Muslim diaspora (Islamic women), all informants perform marriages according to Muslim customs in the presence of clerics or in the KUA in Indonesia or in the presence of a *mufti* in Russia.

#### Women's rights in the perspective of Islamic family law

From the study data in the field, the informant of this study explained that the marriage of the Indonesian female diaspora in Russia has implications for 40% (6 out of 15) of the wives not given rights as the head of the household and 46.6% (7 out of 15) of the husbands giving rights to their wives as the head of the family. Among the reasons for not granting rights as head of the family is, as Ahri explains, 'The manager is one, that is, the husband. The wife only needs to carry out the duties that have been mutually agreed upon'. Ftno also said so, 'The head of the household is held by the husband, the wife runs only'. Ftam and Ftji also explain the same thing.

As for the wife who is granted the right as the head of the household, as Ftan explains, 'If the husband leaves the house, we control him. When something is important, we discuss it. Sometimes the husband must come with us, if that makes sense'. The same thing was also said by Ftra, 'We live together, yes everything can be discussed. However, sometimes it requires our sincerity'.

As for the right to work, 93.3% of Indonesian female diaspora informants married in Russia were allowed to work with their husbands. There are only 6.6% of people who are not allowed by the husband as Fttri states: 'I was asked to take care of the children first. Later when the child grows up'. Basically, Fttri was allowed by her husband to work. Ftam explained, 'A work permit basically helped the husband', says FTMA, 'It helps the family's financial condition'. Ftju said, 'I work here, while my husband is the same outside a relatively distant city'.

As for the implications of the diaspora, especially in the management of common property, all (100%) informants stated that they were given rights. Ftra and Ftlu almost agree to her statement, that, 'The result of the husband's labor, managed together'. Ftju, 'The results of our work can be used together for domestic purposes'.

Meanwhile, regarding the right to give permission for polygamy, data can be obtained. It is seen that 40% of wives give permission for the husband to be polygamous, and 60% of wives do not allow husbands to be polygamous. For the diaspora that allows this, the reasoning as stated by Ftju, 'I try to be more democratic and open, it's just that he is the one who doesn't even dare'.

Ftlu also conveyed her reasons for giving permission to her husband to be polygamous, arguing, 'She is a rational person, if her income is calculated, it will definitely be heavy, if polygamous'. Meanwhile, Ftra gives her reasons, 'I don't think if my husband wants polygamy, the important thing is that our needs as a family are met'. The reasons for those who do not give polygamy permission are almost the same as theirs; Ftas, Ftno and Ftma say, 'We don't want to be pitted, *kasian deh*'.

From the data, it can be seen that there are 46.6% who state that the wife is not given the right to be the head of the family. If you look at the literature in Islam, the wife can be the head of the family, if her husband is not at home, as in the hadith about '*ra'y and ra'iyah*', is called the hadith, '*wa al-mar'atu ra'iyah fi baitiha...*'. This fact is understood by the Muslim diaspora that the leader of the family is the husband. A good husband is one who encourages discussion with his wife about domestic matters. *Kafaah* related to the profession (*hurfah*) also still prevails based on the fact that 93.3% of the Muslim diaspora in Russia are granted a work permit by their husband, and 100% are given the right to manage the family property. It is just that the issue of polygamy for husbands states that there are 40% of wives who allow their husbands to be polygamous (Hasan et al. 2022; see Pajarianto 2022).

### Diaspora women's rights against domestic violence

Cases of domestic conflicts caused by small or trivial problems cause conflicts on a larger scale leading to divorces. There were 19 cases of divorce because of gross violations and domestic violence (2015–2020). Among the frequent reasons is the lack of successful cultural adaptation of the couple.

Adaptation is a challenge that every married person must go through. However, acute failure to adapt usually leads to the occurrence of divorce. The problem of domestic conflict was experienced by almost all couples (100%), including all informants of the study. It is about the scale and how to handle it. The ups and downs of domestic problems inevitably occur in a family. Some have managed to cope well while there are others who cannot cope and are divorced.

Gross violation of the right to domestic violence usually leads to divorce or violations of other rights. Among the offenses according to Ftju were expulsion from the home, detention of immigration documents by the husband, exploitation of the diaspora by the husband, making 'babu gratis [free maid]', criminalisation, imprisonment of the spouse and deportation. 'It is still a good thing if deportation ...'

In the context of Islamic law the concept of *nadhar* is essentially an observation of the character of the husband candidate, the female diaspora according to Ftju is often lacking in detail. Generally, diaspora women only make physical observations that are surface in nature but are still more or less observant regarding aspects of character and personality (*bibit, bebet, bobot*). The Islamic context is closer to the aspect of obedience (*al-din*). The concept and implementation of *nadhar* [seeing, observing] as a safety feature becomes effective if carried out comprehensively.

### The root causes of the violation of the rights of the wives of the Indonesian diaspora in Russia

#### Less self-care

Among the causes of the violation of rights in the family, especially diaspora women in Russia according to Ftju's experience, are internal factors arising because of lack of self-care. Ftju explained:

'According to my observations, diaspora women's marriages usually fall in love because guys here are handsome, white, and saucy. Whereas only love capital is not enough, especially for the female diaspora in Russia. This should be understood by friends who want to marry Russian citizens. That is, when the diaspora falls in love with Russian Caucasians, the diaspora woman often has full trust in her partner. Whereas we know that relationships in the family are ups and downs. The diaspora should be aware he is in a country of people (Russia) where they are far from family, and friends'.

A diaspora marriage of a year or 2 years is usually fine. However, after 3 years, many problems arise and often harm diaspora women. Ftju explains further:

'Another factor that causes the problem of the diaspora getting married is that they are overconfident in couples from Russia.

This is influenced by our culture (Indonesia) which views the husband as the *imam* [leader] in the family. In our tenets and culture, priests must be obeyed. This is not entirely wrong.'

#### Lack of cultural, legal and administrative literacy of documents

Among the causes of the occurrence of violations of rights are the lack of cultural literacy and legal and administrative citizenship documents. According to Ftju, the extreme climate in Russia makes most of its inhabitants tough. My experience:

[...W]hen we lived in a rather warm country, my husband had a more pliable tendency. But, since we live in an area with minus 40 degrees Celsius weather, everything changes. Suddenly my husband and in-laws changed 180 degrees. They have completely changed their personalities. Weather greatly affects a person's personality and behavior. This needs to be understood for the diaspora who are about to get married.

Almost in line with Ftju, Ahry, said that in general diaspora couples must adapt to their partners. The character of society in Russia is generally more assertive, tending to dominate, and feeling superior. Ftju in this case says:

'My wife, a Russian girl, was originally also very dominant. However, slowly I tried to understand her personality, including the personality of my in-laws, and finally able to get in tune. I live in my in-laws' neighborhood, and every day we meet. My son meets his grandparents every day. *Alhamdulillah*, by understanding the culture and personality we can understand each other'

While Ahta also agrees with Ftam, he explains his family experience. According to him, Russian society in terms of social relations (including family relationships) seems to be very superior and dominant. This is true for both men and women and occurs as a result of the influence of the extreme climate of Russia; very cold environment during the cold season and very hot if it is summer:

'Indeed, Russians have a firm and sometimes tough attitude. It could be that the cause is extreme weather. I believe that weather influences lifestyle and habits. As a husband (diaspora) I once pounded the table to harmonize what I wanted to say in the family. The struggle is long. Until now, I am still not familiar with my in-laws and wife's family'.

In the context of the Indonesian diaspora, pliable culture, 'nrimo' behaviour, obedience and *brayan* dialogue cohabit with extreme cultures. The assertiveness, superiority and domineering tendency have caused some diaspora marriages to experience relationship problems. According to Ftju, when the husband is tired of his wife, in some cases, the husband exploits the diaspora wife into becoming a 'free maid' who uses his dominance in his household. This situation was aggravated by the diaspora itself in relation to the completely dependent state of her husband. The wife's position is very weak because she continues to be unemployed, has a place to live whose status depends on the husband and of course is far from the family and so it is difficult to ask for help.

According to Ftju, one of the root factors causing violations of wives' rights is the lack of legal administrative literacy for diaspora women. According to Ftju, before marriage, a future wife who is going to marry a Russian man must apply for a prenuptial contract to sign a marriage agreement. Although the Russian government has implemented the Marriage Law, on the ground the position of women is very weak if they are not equipped with a premarital contract. For Ftju, this premarital contract is an entry point and guarantee of additional legal protection for wives who are often not legally supervised.

Local wisdom from Indonesia and even from Java is good for Javanese to apply, namely the concepts of *bibit*, *bebet*, *bobot*. Without this knowledge, diaspora women will be trapped and mired as victims of human rights violations, as will other victims.

In the context of Islamic family law, the literacy that premarital Islam builds includes a person's ability to understand and handle situations. Lack of literacy to handle situations will cause harm to oneself and others. The concept of *nadhar* is the process of seeing and reading. The function of *nadhar* is to understand phenomena through observation and reflection. With *nadhar*, everyone can learn from the experiences of others and also past events. In addition, *nadhar* is a process of communication between a person and others, of understanding one's culture and the culture of others. The concept of *nadhar* is enhanced with the concept of *kafaah* for decision-making. These concepts can prevent ugliness in marriage, as well as social relations.

## Solutions and mitigation of violations of the rights of wives of the Indonesian diaspora in Russia

### More self-care

More self-care is intended as the maximum effort that the diaspora makes by conducting a series of activities whose purpose is self-safety. In other words, self-care is an anticipatory step to avoid cases of rights violations, especially in the family. Episodes of violations of rights in the family are silent, hidden, often even undetectable. Cases will be known if the victim complains to the authorities or the service post.

According to Ftju's experience, as one of the diasporas married to Russian men, she provides solutions and mitigations to avoid violations of rights, especially for women, including caring about herself by getting to know her candidate husband and family based on a *bibit* [bloodline], *bebet* [social and economic status], *bobot* [personality]. In this context:

'Don't just look at Russian men who are white, handsome, tall. You must know the true personality of your candidate. Never be fooled by love alone. Love alone here is not enough. Therefore, catch and record his personality and they will respect you'

Ftju further said, 'His descendants and family whereabouts should be clear. This is to ensure his family status'. Ftju and Ahan pointed out some cases of rights violations also because

of unclear family status so that their tracking would also be hindered. The same was noted for social and economic status.

In the use of *bibit*, *bebet*, *bobot*, according to Ahry and in harmony with Ftju and Ftsa, the diaspora must also read the personality of the prospective partner. According to Ftju, the way is to dive into the personality qualities and personality key traits. Example: When he asks us to do something outside of our work, then we can shirk it by saying that 'That's not my job, and you should know that'. With that statement, the Russian will have more respect for that person and his personality.

It should also be understood, based on Ftju's experience of being married to a Russian man for 12 years and often advocating and mentoring to diaspora household problems, that:

'In Russian families, boys, especially children only or the Javanese term *ontang-anting* [only one child] have a special position, let alone come from a (wealthy) family. It's amazing how superior the status of this only child is. I warn you all, diaspora women who want to marry, let alone with the only child of a Russian man. The only boy in the Russian family was considered gold for his family, especially by his mother. Learn that, so as not to get stuck like disadvantaged diaspora women'.

The purpose of marriage is to be happy, whether it is internal marriages of tribes, countries or between tribes and between countries, including the diaspora. Islam with the concept of *khitbah* encourages couples to be happy by knowing each other's habits, background, family and even society. Marriage in Islam not only involves a marriage between individuals but involves cultural dialogue between social communities. *Khitbah* is one of the solutions for mitigation of cultural inequality that results in the emergence of problems in family both on a micro (small) scale and macro problems (tribe, society, state).

One of the things that should be included in self-care is considering the fact that the Indonesian people are not bringing 100% of their personality as they are meek, bitter and polite. According to Ftju and affirmed by Ftsa as followed:

'Use a maximum of 40% or even 30% of your culture and personality as an Indonesian. Do not show your inferior nature in front of Russians. If you do that, you will be used, because it is your own fault. I do a lot of mentoring and advocacy for Indonesian women who originally brought most of the Indonesian culture and eventually, she was treated with helpers who were free of charge, and they were difficult to get out of her conditions because their citizenship documents were controlled by them'.

In the context of *bibit*, *bebet*, *dan bobot* in *fiqh* Islamic laws are also written in relation to the reasons for the practice of marriage, namely: *li jamaliha*, *li maliha*, *li nasabiha*, *li diniha*, *taribat yadaka* (because of its beauty, because of its wealth, because of its *nasab*, because of its religion it will save you because of that religion). Physical qualities include beauty, treasure and *nasab* and spiritual qualities are one of the reasons and results in marriage. This concept if associated

with the concept of *khitbah*, is very relevant. *Khitbah* is used to recognise physical and spiritual qualities.

### Care for the circumstances

Russians live in very extreme weather. These conditions cause them to live under extremely harsh conditions. According to Ftju:

'If they get stuck, there comes a tough attitude. For example, there is a friend who has been given a house with the key. But when it was no longer suitable, his wife was evicted from her own home'.

In addition, according to Ahri and Ftju, children are an asset to the family. Every child born to a legal (recorded) spouse will bring an incentive for the child. Children become a source of livelihood for the family, especially for the mother-in-law. In this context, the diaspora must have a deeper literacy linked to Russian culture.

Islam emphasises self-care and that of the environment. This is as in QS. Al-Tahrim verse 6, '*Qu anfusakum wa ahliikum nara*' [Preserve yourself and your family and/or environment from misery]. In Islam, misery can occur in the world and exist in the afterlife. As explained above, Islamic *sharia*, like Islamic scholars, serves to maintain five things, that is, soul, religion, reason, generation and wealth.

The concept and implementation of *nadhar*, *khitbah*, *kafaah* and *walimah* in Islam guide Muslims to be sensitive towards the environment. Through the concept of *nadhar* Muslims are encouraged to observe. In marriage, one should observe the disposition, personality, status or *bibit*, *bebet*, *bobot*. Likewise, through the concept of *khitbah*, one must decide to continue or stop based on the results of *nadhar*. *Nadhar* gives insight to one to choose [*khiyar*] between continuing or stopping.

Islam still provides a security feature called *kafaah*. The concept and implementation of this *kafaah* not only prioritise observation but more than that, namely analytical skills. Analysis is of equality as stated by *fiqh* scholars.

Thus, the concepts and implementation of *nadhar*, *khitbah*, *kafaah* and *walimah* are all efforts and means through which Islam encourages maintaining the safety and security of its followers.

As a pre- and post-wedding feature, the concept of *nadhar* and *khitbah* is the process of getting to know a couple and a family. The concepts of *nadhar*, *khitbah* and *kafaah* are meaningful and serve as an initial adaptation process in the marriage process. Couples must understand and care about aspects of their marriage that include character, culture, language, customs and terms whose purpose is to understand each other's differences.

### Care for legal documents

For personal safety, women who wish to marry a Russian spouse are strongly advised to do things as described by Ftju:

- Make a premarital agreement letter ("*Брачный договор*", *brachnyy dogovor*), agreed upon and signed by the husband candidate. The essence of the contract contains an agreement between a man and a woman that will legalise the relationship or marriage. This agreement provides for the ownership of property acquired in the trade union and its division in the event of divorce. (Excerpted from *Согласно ст.40 СК РФ*, the article describing it). During the making of the agreement, other reasons may be given; social benefits, children, etc. as agreed. The document must be legalised by a competent notary and must be known by *ЗАГС- (ZAGS) РЕГИСТРАЦИЯ БРАКА*, marriage registry office.
- Any activity in Russia and its documentation, including a letter of the premarital agreement, must be legalised, through a notary or designated legal entity. For Indonesian citizens who are married to Russian citizens, it is more advisable that after the creation of all kinds of documents, they must be translated in a language that is understood, for example, English, and their translation must also be notarised by a notary or legally competent apparatus. Not just a copy. The reason is, (a) to avoid confusion in the future, (b) when reporting to the immigration office, usually they will ask for the original document (e.g. an Indonesian passport) and a copy that has been translated into Russian and has been stamped by a notary. So Indonesian citizens already understand because they already have documents in English.
- Indonesian citizens who are married to Russian citizens are required to take care of documents '*РВП (RVP) Разрешение на временное проживание*' that is, a 3-year temporary residence permit document, according to the registration of residence. RVP holders have the right to work legally or study or open a business according to their registration. Consequently, the diaspora must annually pay official taxes and report them to the government. If it does not report taxes (*налог-налог*), then the ownership of the RVP can be revoked.
- Furthermore, after that, the diaspora can take care of *внж вид на жительство (vid na zhitel'stvo)*, that is, residence permits. This permit can be obtained and used for life if it meets the requirements specified by the immigration authorities. The holder of *внж/VNZ* has the right, among other things, to be able to work in all regions of Russia (having a *VNZ* from Kazan, will be able to work in Petersburg, after moving the list of residences).
- Every legal marriage is recorded and legalised by the state. The local migration authority will affix a stamp of marital status on the written passport of a Russian citizen (male or female): full name, date of birth and marital status. It can be used as an official reference in case of conflicts in the household. In addition, the document is useful for filing lawsuits if necessary. Likewise, documents from Indonesia must be apostille legalised with the highest legalisation. Russian legal entities do not accept documents that have not been apostilled.

Islam protects its followers and always keeps them safe. In addition to safety protection, Islam also always promotes sensitivity, intelligence and literacy levels in its followers. Among the safety steps that citizens must ensure are citizenship documents, especially for the diaspora. The document becomes a 'life' for the diaspora living abroad. Indeed, in Islam, security and safety features are sometimes generalised or specific.

Often the concepts of *nadhrah*, *khitbah*, *kafaah*, *walimah*, dowry and *wali* are concepts in Islam that are directly associated with the affairs of marriage. However, if this concept is expanded, it can be used to drive the security and safety that Islam ascribes to. The essence of Islamic teachings is salvation and /or to save.

## Conclusion

The protection of Indonesian diaspora women married in Russia is provided through an understanding of marital literacy that considers aspects of mutual commitment because of cultural differences. Islam emphasises commitment based on religion above other aspects.

In addition to Islamic faith-based marriage literacy, it also needs protection through cultural and legal literacy to mitigate and prevent violations of the right of diaspora women who marry Russian citizens. There are several steps that must be taken by the diaspora, namely:

- clear, legal and legally strong possession of premarital documents
- having a clear, legal and legally robust PBI (RVP) document *Разрешение на временное проживание* and permanent residence permit (*внж вид на жительство (вид на зhitel'stvo)*)
- The last document of legal status is stamped in the spouse's passport. The concepts of *nadhrah*, *kafaah* and *khitbah* are operationally reflected in the ownership of documents for the safety of the diaspora in Russia.

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## Authors' contributions

All of the authors contributed equally to this work. M., I.N., S., S., contributed to the research design and implementation, data collection, analysis, interpretation, manuscript writing and publication.

## Ethical considerations

This article followed all ethical standards for research without direct contact with human or animal subjects.

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## Data availability

Data sharing is not applicable to this article as no new data were created or analysed in this study.

## Disclaimer

The data on violations of rights written in this article are solely based on individuals in the family and do not involve the state. Both Indonesia and Russia have tried to prevent violations of rights to protect their citizens. The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of any affiliated agency of the author.

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