



FACTORS SUPPORTING SIRI MARRIAGE IN RURAL SOCIOLOGY REVIEW

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Article history:	Abstract:
Received: 10 th June 2022	The purpose of this study was to analyze the phenomenon of unregistered marriage in rural areas based on a sociological review. This study uses library research to determine the supporting factors that encourage unregistered marriages in rural areas. With a library research approach using 7 journals related to unregistered marriages in rural areas. The results of this study indicate that there are several factors driving the occurrence of unregistered marriages in rural areas, including: (1) avoiding adultery and pregnant couples out of wedlock, (2) avoiding administrative costs and procedures. , (3) understanding of rural communities that unregistered marriage is not much different from official marriage, (4) economic conditions, (5) socio-cultural factors, (6) educational factors, (7) religion, (8) law enforcement factors
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BACKGROUND

Humans who are moving into adolescence and adulthood have biological needs that are manifested in a marriage. Marriage also aims to give birth to offspring for human continuity from one generation to the next. Marriage is the best and most suitable natural way to channel and satisfy these sexual instincts, so that a person becomes calm and avoids committing unlawful acts.

The explanation of the Marriage Law regarding the registration and legality of marriages states: (1) there is no marriage outside of religious law and (2) the purpose of religious law includes the provisions of the applicable legislation. marriage that has gone through registration means that there is benefit for the public, meaning that women are protected for their human rights, not abused, if one day the father denies that the child is not his biological child, this is clearly detrimental, the child is not entitled to the cost of life and education, maintenance and inheritance from his father.

A sign of the strength of the marital bond and to ensure the realization of the noble purpose of marriage, marriage procedures have been regulated with certain pillars and certain conditions. Marriage should be carried out officially so that it is known by the public and documents are made in accordance with applicable regulations, so that the marriage has legitimacy both according to religious law and state rules.

Marriages that are not registered are not recognized by the state because they are tantamount to allowing cohabitation outside of marriage, and this is very detrimental to the parties involved (especially women), especially if there are already children born, those born to their parents. who live together without having their marriage registered, are children out of wedlock who only have a legal relationship with the mother, in the sense that they do not have a legal relationship with the father, in other words, legally they do not have a father.

Sirri marriages that ignore one or both of them are not only doubtful of their legality, but also have legal consequences that harm the spouse and children born from the marriage. Sirri marriage or also known as underhand marriage, or unregistered marriage is a phenomenon that exists and occurs in the midst of Indonesian society. Unregistered marriages have a worrying or detrimental impact unless the woman then performs a legal marriage. In a sociological review of Islamic law, the partiality of most scholars to the Shafi'i school of jurisprudence and the adoption of the Shafi'i school by most of the Indonesian Islamic community is possible to have a significant influence on the obstacles to the renewal of Islamic law related to the registration of marriages in particular and in general other marriage laws. contained in Law No.1 of 1974 concerning Marriage and Presidential Instruction No. 1 of 1991 Compilation of Islamic Law. In this study, the phenomenon of the factors driving unregistered marriage in a rural sociology review will be discussed.

THEORITICAL REVIEW

Law Number 1 of 1974 concerning Marriage more explicitly states that there is no marriage outside the law of each religion and belief, in accordance with the 1945 Constitution. The purpose of the law of each religion and belief

includes provisions the legislation that applies to the religious group as long as it does not conflict with the contents of the Marriage Law, including customary law.

Marriage is not just uniting two people who are in love in a legal or official and sacred place, to become husband and wife as dreamed of during the courtship period. But uniting two different personalities, different characters, different views, different principles between the two and even extended families from both sides who are different in every way for the purpose of creating a new state of harmony, sakinah and modesty and working together to fulfill the physical. and spiritually, raising children who will be born, together wading through a married life full of problems, together obeying religious orders and jointly establishing good social and state relations. (Hilaman, 2003). Sirri marriages are marriages that are carried out secretly, some are recorded but hidden from the public and some are not registered with the Marriage Registrar (PPN) and are not registered with the Office of Religious Affairs (KUA). Sirri marriage is also known as underhand marriage

Sirri marriage if it is associated with state law relating to marriage registration at the authorized government agency, namely the Office of Religious Affairs, as regulated by Marriage Law No. 1 of 1974, this law is not the first to regulate marriage registration for Indonesian Muslims, previously there is already Law No. 22 of 1946, which regulates the registration of marriages, divorces and reconciliations, it is stated: (1) marriages are supervised by marriage registrar employees; (2) Couples who marry without the supervision of the Marriage Registrar will be subject to punishment because it is a violation. Recording and the purpose of recording marriages are found in the explanation that marriages are registered in order to obtain legal certainty and order, then in Law No. 1 of 1974.

RESEARCH METHODS

The research method used in this research is library research. Khatibah (2011) suggests library research as an activity carried out systematically to collect, process, and conclude data using certain methods/techniques in order to find answers to problems faced through library research. In this study using 7 journals related to unregistered marriage in rural areas. Mirshad (2014) describes four library research activities, namely:

1. Record all findings regarding the "research problem" in each research discussion obtained in the literature and sources, and or the latest findings regarding the "research problem".
2. Integrate all findings, either theory or new findings
3. Analyzing all findings from various readings, relating to the shortcomings of each source, the advantages or relationships of each about the discourse discussed in it.
4. Criticize, provide critical ideas in the results of research on previous discourses by presenting new findings in collaborating different thoughts on research problems.

DISCUSSION

Based on the results of the study obtained 7 reference sources in this study, namely:

No	No researcher (year)	Name of	Title	Result
1	Thriwaty (2012)	Arsal	<i>Nikah Siri in Demographic Overview</i>	This kind of marriage is not legally valid and even more so by state law, although some people in the community consider that this type of marriage is legal based on the religious understanding that is believed to be without thinking about all the risks and impacts caused by unregistered marriage, especially for women and children resulting from marriage. serial wedding.
2	Aidil Busyro (2017)	Alfin and	Siri's Marriage in A Review of Theoretical Law and Sociology of Indonesian Islamic Law.	Some people still carry out their marriage by means of sirri or under the hand. Their belief in the validity of unregistered marriages is based on the opinions and practices carried out by scholars in the country. In a sociological review of Islamic law, the partiality of the majority of scholars to the Al-Shafi'i school of jurisprudence and the adoption of the Al-Shafi'i school by most of the Indonesian Islamic community is possible to have a significant influence on the obstacles to the renewal of Islamic law related to the registration of marriages in particular and in general. other marriage laws contained in Law No.1/1974 and the Compilation of Islamic Law.
3	Siska Ardiah Asha (2020)	Ikhtiarina, Anggreni,	Siri Marriage Phenomenon in North Penajam Paser	Siri marriage in North Penajam Paser Regency is a problem that has not been resolved until now. Named sirri because it is carried out secretly, secretly, secretly or secretly without any

		Regency in a Legal Sociology Review.	publication. The phenomenon of unregistered marriage occurs due to various factors that trigger it. Siri marriage will cause harm, especially for women, both from a juridical and sociological perspective. Although sirri marriage does not have legal certainty such as marital status, women's rights are ignored and children's rights are not guaranteed, the phenomenon of sirri marriage is still carried out today. The importance of registering marriages or getting married officially is to ensure legal order which functions as an instrument of legal certainty, legal convenience and as a means of proof of marriage.
4	Rita Rochayati (2012)	Factors Encouraging Siri's Marriage in Barengkok Village, Umbulan Village, Cikeusik District, Pandeglang Regency, Banten	There are three main conclusions that researchers can propose. First, that the implementation of a serial marriage is not much different from an official marriage, in a serial marriage there is no recording like a formal marriage. Second, the factors that encourage unregistered marriages in Barengkok Village, among others, are weak economic conditions, the age factor is not enough to get married, low levels of education, and encouragement from families and local communities and the desire for polygamy. Third, the impact of serial marriages. The impacts for female perpetrators include being able to maintain their honor, especially those who are constrained by age and economy, the issue of determining the status of the wife when a divorce occurs, and discomfort. The impact for male perpetrators is ease in marriage, more freedom to remarry, and not to mess around with property or inheritance if something happens to their marriage. The impacts of unregistered marriages for the community include the ease of getting married, difficulties in obtaining child birth certificates, easy divorce, document falsification, and conflicts.
5	Juraeri Tahir, A. Qadir Gassing HT,Achmad Abubakar,Kasjim Salenda (2017)	Factors that Cause Siri Marriage in West Sulawesi	The results showed that the factors for the occurrence of unregistered marriages in West Sulawesi among men were because they considered the marriage book to be unimportant, the lack of socialization of the importance of registered marriages, wanting to get married twice/polygamy, the husband getting married without his wife's permission, lack of attention. and sexual services and avoid adultery. Meanwhile, among women, the reasons they do unregistered marriages are because of their inner needs, not getting satisfaction from their husbands, looking for men who are well-established in the economic field, so they can finance their lives, there are too many women compared to men.
6	Ulfi Nur Nadhiroh Pratista (2018)	Factors causing Siri's marriage in Singgorojo District, Kendal Regency	The results of this study indicate that there are unregistered marriages carried out in the Singorojo sub-district, Kendal district. In the case of unregistered marriages in the Singorojo sub-district, Kendal district, it was carried out because they were waiting for the legal certainty process given by the authorities and legalized the Islamic

religion (fiqh). The factors that cause unregistered marriages in the Singorojo sub-district, Kendal district, are related to the factors that cause the people of the Singorojo sub-district, Kendal district to carry out unregistered marriages. The divorce factor outside the court makes the people of the Singorojo sub-district, Kendal district, choose to carry out unregistered marriages to wait for a legal divorce process and avoid adultery and slander. . In the implementation of unregistered marriages with divorce factors outside the Court, in practice there is no conflict in Islamic law (fiqh) so that it is still considered legal (both for children who have just been born from a new marriage). However, in the context of Islamic law applied in Indonesia, namely KHI (Compilation of Islamic Law), unregistered marriages with divorce factors outside the Court are considered invalid because they are not in accordance with the marriage provisions stipulated in the KHI law in article 5 and 6, divorce is regulated in the KHI in article 115 and article 142.

7	Farida Amalina Ulya (2018)	The Practice of Siri Marriage in Joresan Village, Mlarak District, Ponorogo Regency in a Gender Perspective	Factors that drive unregistered marriages include administrative factors, socio-cultural factors, educational factors, religion, and law enforcement factors.
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sebagian masyarakat masih melaksanakan perkawinannya dengan cara sirri atau di bawah tangan. Keyakinan mereka terhadap sahnya nikah siri berdasarkan pendapat dan praktek yang dilakukan oleh ulama-ulama di tanah air. Dalam tinjauan sosiologis hukum Islam, keberpihakan sebagian besar ulama kepada fikih mazhab al-Sya>fi'i> dan dianutnya mazhab al-Sya>fi'i> oleh sebagian besar masyarakat Islam Indonesia dimungkinkan mempunyai pengaruh yang signifikan terhadap terkendalanya pembaruan hukum Islam terkait dengan pencatatan perkawinan secara khusus dan umumnya hukum-hukum perkawinan lainnya yang terdapat dalam UU No.1/1974 dan Kompilasi Hukum Islam.

Marriage is the legalization of the union between a man and a woman as husband and wife by religious, government or social institutions that comply with legal procedures. One type of marriage that does not meet the legal procedure is a sirri marriage. Muhammad (1992); Duraiwisy (2010) Siri comes from sir or sirrun (Arabic) which means silent or secret. Sirri marriage according to the meaning of the word is a marriage that is carried out secretly or secretly, in its development the term siri marriage is then associated with the rules set by the government so that siri marriage means marriage that is not registered with an officer appointed by the government in this case the KUA , is not witnessed by many people and is not carried out in front of the PPN (Marriage Registrar).

The problem with marriage in Indonesia that has not been resolved until now is the number of unregistered marriages which are still being carried out. Siri marriage is a secret marriage or marriage that is not known to the parents, such as elopement, marriage secretly, marriage that is not known by many people and is not known by the legitimate government in the sense that the marriage is not registered with the Marriage Registrar. This is due to the lack of public awareness of the law. This will be their problem that will be faced in the future and many parties are looking to profit from this event. Unregistered marriages are also often used as a way to practice polygamy freely without following procedures, even as a way to practice polyandry. Marriage registration needs to be done in order to maintain the rights and obligations of every married couple and their children.

Under certain conditions, the people who do underhand/unregistered (siri) marriages feel that there is no problem, but in other conditions, if they clash or have legal interests, they only realize that their underhand/unregistered (siri) marriages are problematic. Even some people who know and are well aware of the juridical weak point of this underhand/unregistered marriage (siri) use it intentionally to commit fraud and/or smuggling of the law in order to fulfill their lustful desires.

The siri marriage is considered legal by local residents because it is legal according to the Islamic religion but violates government regulations. The conception and meaning of unregistered marriage still exists from time to time and basically aims to "keep" the marriage so that certain parties do not know about the occurrence of the marriage. there are indications of a lack of requirements and pillars of marriage even though they are formally fulfilled, while in terms of sociological terminology of Indonesian society in the normative framework of marriage legislation, it is

interpreted as every marriage that is not registered by the institution authorized to handle marriage (Duraiwisy, 2010; Abdul 1997).

Meanwhile, according to the perspective of society in general, there are at least 3 understandings of sirri marriage, namely:

1. Marriage without a guardian. This kind of marriage is carried out in secret (siri) because the female guardian does not agree; or because it considers a marriage without a guardian valid; or just because they want to satisfy their lust without heeding the provisions of the Shari'a;
2. Marriages that are religiously legal but are not registered in the state registration agency. Many factors cause a person not to register his marriage at the state civil registration agency. Some are due to cost factors, aka unable to pay for the administration of records; some are caused by fear of being caught violating the rules that prohibit civil servants from marrying more than one; and so forth.
3. A secret marriage due to certain considerations; for example because they are afraid of getting negative stigma from people who already consider the taboo of unregistered marriage; or because of complicated considerations that force a person to keep his marriage a secret.

There are several reasons behind the occurrence of unregistered marriages in several areas, including:

1. Because you are engaged to avoid infidelity and adultery, it is better to do an unregistered marriage.
2. To save costs and avoid administrative procedures that are considered cumbersome, such as administrative requirements from the RT, lurah, KUA, permission for the first wife, permission from the religious court, permission from superiors if civil servants/members of the TNI/Polri and so on.
3. Because the prospective wife is already pregnant out of wedlock.
4. To avoid lawsuits by his wife later in life, because marriages are not registered by the religious affairs office, in this case usually marriages are carried out for the second time (polygyny).
5. To erase traces so that the first wife does not know, as well as to avoid administrative penalties that will be imposed by superiors for those who are civil servants or members of the TNI/Polri who are married for the second time (polygyny).
6. One of the bride and groom is usually from the party (a woman) who is not old enough to get married through the KUA.
7. Other reasons are special, such as in some areas where it has become a tradition to carry out unregistered marriages before marriage in front of a marriage registrar (KUA). ask for his son's consent.

Rochayati (2012) states that there are three main conclusions that researchers can propose. First, that the implementation of a serial marriage is not much different from an official marriage, in a serial marriage there is no recording like a formal marriage. Second, the factors that encourage unregistered marriages are the weak economic situation, the age factor that is not enough to get married, the low level of education, and encouragement from the family and local community as well as the desire for polygamy. Third, the impact of unregistered marriages. Furthermore, Ulya (2018) stated that the factors that drive unregistered marriages include administrative factors, socio-cultural factors, educational factors, religion, and law enforcement factors.

Pratista explained that the factors causing unregistered marriages in the Singorojo sub-district, Kendal district, were related to the factors that caused the people of the Singorojo sub-district, Kendal district to carry out unregistered marriages. The divorce factor outside the court made the people in the Singorojo sub-district, Kendal district, choose to carry out unregistered marriages to wait for a legal divorce process and avoid adultery. and slander. In the implementation of unregistered marriages with divorce factors outside the Court, in practice there is no conflict in Islamic law (fiqh) so that it is still considered legal (both for children who have just been born from a new marriage). However, in the context of Islamic law applied in Indonesia, namely KHI (Compilation of Islamic Law), unregistered marriages with divorce factors outside the Court are considered invalid because they are not in accordance with the marriage provisions stipulated in the KHI law in article 5 and 6, divorce is regulated in KHI in article 115 and article 142

CONCLUSION

There are several factors driving the occurrence of unregistered marriages in rural areas, including: (1) avoiding adultery and pregnant couples out of wedlock, (2) avoiding administrative costs and procedures, (3) understanding of rural communities that unregistered marriages are not much different from official marriages, (4) economic conditions, (5) socio-cultural factors, (6) education factors, (7) religion, (8) law enforcement factors.

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