

The Meaning of *Sirri* Marriage (Case Study of *Sirri* Marriage in Campor Village Subdistrict of Proppo Pamekasan)

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ABSTRACT – *In the midst of the discourse will be the enactment of legislation that would criminalize perpetrators of the sirri marriage , sirri marriage until today is still interested in the community as a solution when the official wedding can not be done. Research carried out to investigate the practice of sirri marriage of the villagers at Campor village the Subdistrict of Proppo Pamekasan, the results shows that it is not just about personal considerations, but there are also the values and norms of society into individual sizes. Sirri marriage practices at Campor village communities still exist because there are values of the society that supports it. For example is the notion that married is more sacred if married by a Kyai (Islamic Leader). While the implications is they don't of marriage book as authentic evidence of the marriage, so their child could not have a birth certificate.*

Keywords – Sirri Marriage, Value, Kyai, Book of Marriage

1. INTRODUCTION

Sirri marriage is not a matter of Indonesian law, but rather the law of Islam experienced by countries with predominantly Muslim, particularly in countries of the Middle East. *Sirri* marriage criminalize attempts have failed in the state of Israel and Turkey some time ago. While in Saudi Arabia increased the number of *misyar* marriage. The Ulama (Islamic leader) there allow it as qualify for the validity of marriage (News.detik.com, 2010).

Conceptually based on a joint understanding about “sirrun” & “nikkah” words, the *sirri* marriage is a secret or hidden marriage. According to Abdullah in Setiawati (2005), at least there are some indicators of a marriage as an element of *Sirri* (secret) or not: first marriage is not requisitely and principlly of marriage in accordance with the provisions of the Islamic religion. Second, is a marriage that does not present by the Registration of Marriage Officer to obtain legal certainty. Third, marriage does not hold *walimah* / reception.

However the practice of *sirri* marriage is only give a harm towomen, they are a lot of consequences to be borne by a wife *Sirri*. First, *sirri* wife doesn't get the rights as the legal wife should get, such as the right of living cost for them and also their child. Second, in case of any separations, they do not have the right to get a living allowance as a former wife and their property. Third, if the spouse dies, the *sirri* wife won't get the inheritance, as well as the child of a marriage *Sirri*. Fourth, the *sirri* wife can be subject to criminal if it turns out the husband was still married. The legal wife of the couple may report on any crime within marriage (www.femina.co.id, 2011).

Sirri marriage in Act No. 1 of 1974 Article 2 paragraph 1 that the marriage is valid, if done each legal religion and belief. Compilation of Islamic Law in Article 14 mentions the pillars and terms of validity of a marriage is: a groom and a bride, *wali* (guardian of marriage or male relative legally responsible for a bride), two witnesses and Shighat (Ijab qabul).

But when juxtaposed with article 2, paragraph 2 of Law no. 1 of 1974 which states that every marriage must be registered at the authority institution, then *sirri* marriage become prohibited and has no legal protection. Moreover, in the

current Material Law for Religious Courts (RUU HMPA, *sirri* marriage is considered illegal, so that the perpetrators will be convicted (Surya Online, 2009).

Sirri marriage phenomenon can be analyzed through the theory of the Social Construction of Peter L. Berger. Social construction according to (Eriyanto, 2005), namely: Externalizing, Internalizing, objectivation. Externalization can be interpreted as a desire and personal motivation of the people who want to be recognized. For example is the desire to do polygamy to avoid adultery. Whereas in the case of *sirri* marriage Internalization can be interpreted as the norm or principle deeply held by community members. For example, is a high tribute to *Kyai*, the important notion that married is legitimate by religion and social status as a wife is better than being single. The objectivation is the result between internalization and externalization. *Sirri* marriage is the result of objectivation.

The purpose of this study is to describe and analyze the meaning of *sirri* marriage for villagers at Campor in Subdistrict of Proppo Pamekasan, the implementation process of *sirri* marriage and the impact on the *sirri* marriage toward the villagers at Campor in Subdistrict of Proppo Pamekasan.

2. RESEARCH METHODS

This study is a qualitative research with phenomenological approach. The research location is the village of the District Campor PROPO Pamekasan. The research site is the family who do or have been bound to *sirri* marriage. Campor village is a village in the Subdistrict of Proppo with the highest number of marriage *Sirri*, while subdistrict Proppo has been known to the public as a place to find a bride *Sirri*.

In collecting the data, this study using non-participant observation, semi-structured interviews and documentation. The determination of the informants were selected through purposive sampling technique, the informant chosen are people who are bound or know about *sirri* marriage , they are the couple of *sirri* married, extended family and community leaders. The main informants of this study was two women who had undergone *sirri* marriage and three women who were still in *sirri* married.

3. RESULTS AND DISCUSSION

Subdistrict of Proppo with an area of 71.49 km² is one of the subdistricts in Pamekasan with most villages, as many as 27 villages. Campor village itself is the largest village in the subdistrict PROPO, ie, with an area of 6.72 km² (Subdistrict Proppo in Figures, 2012).

The picture of the population in Subdistrict Proppo can be seen in the table below:

No	Village	Large (km ²)	Number of Population		Number of Marriage	Number of School Age Population		
			Male	Female		Elementary School	Middle School	High School
1	Gro'om	3,47	1.232	1.436	660	492	173	-
2	Batukalangan	3,19	1.684	1.814	892	463	209	-
3	Candi Burung	4,34	1.552	1.667	782	484	72	42
4	Toket	4,72	2.015	2.192	1.127	618	227	64
5	Karangnyar	1,21	571	601	274	156	142	-
6	Samiran	3,15	1.157	1.220	535	194	195	203
7	Pangtonggal	5,34	1.678	1.815	911	480	26	-
8	Srambah	1,90	1.279	1.454	616	486	11	-
9	Badung	3,24	1.793	1.835	796	802	118	-
10	Tatangoh	1,79	1.677	1.417	587	478	222	-
11	Pangbatok	1,98	1.618	1.589	686	408	-	-
12	Panaguan	4,06	2.462	2.747	1.254	1.163	-	-
13	Campor	6,79	3.699	3.856	1.809	986	136	-
14	Jambringin	4,13	2.468	2.829	1.229	871	250	83

15	Propo	1,44	885	971	439	386	-	-
16	Mapper	1,35	927	1.090	533	382	69	-
17	Panglemah	0,73	494	577	275	117	-	-
18	Billa'an	1,04	851	836	432	135	-	172
19	Tlangoh	1,02	640	664	326	245	-	-
20	Kodik	0,93	403	359	179	101	-	-
21	Lenteng	0,69	892	704	264	249	-	-
22	Samatan	3,99	1.238	1.291	565	317	-	-
23	Klampar	2,81	2.112	2.224	953	454	-	58
24	Rang Perang Laok	1,20	738	835	403	270	70	20
25	Pangorayan	0,90	720	771	353	238	162	160
26	Banyubulu	1,56	869	946	467	302	48	-
27	Rang Perang Daya	4,52	1.697	1.928	840	612	-	-
	Total	71,49	37.351	39.668	18.187	11.889	2.130	802

Table 1. Overview Population by Gender and Education Level

Source: District Propo in figures, in 2012

From the table above, we can see that the Campor village is the largest village, with the most densely populated. But unfortunately, the number of school-age population of Campor village is relatively low, there is not even a resident who graduated from high school or equivalent school.

This low level of education which directly influence the mindset of the people. The narrow mindset of society is one of the reason why they do not aware of the laws on marriage and late-breaking news about *sirri* marriage.

The table above also shows the ratio number of men and women. In general, in all villages female population is more than male population. The comparison of the male population and female is 1: 3 but it was used as a solution when someone intends to polygamy.

The Meaning Of Sirri Marriage For The Villagers At Campor

Basically women at Campor village want a legal and official marriage. However, they were forced to perform marriages in Sirri due to administrative constraints marital arrangement. The problem for example is the absence of permission from the first wife for those who practice polygamy.

A woman was forced to agree to marriage in sirri could be because of the insistence of his extended family (especially if she is a widow). While the man already has a wife who is not allowed him to remarry. Then the sirri marriage is being the solution. This is because for the madurese, people who are dating should be married to avoid adultery.

In Madura society, marriage is something that should be expedited. Married people have a better position in society than people who are single. Therefore, the Madurese will marry off their daughters as soon as there are proposed despite their young age. Moreover, in the Madura

Patriarchy there still has the assumption that women do not need to have a high education. When it has to be married, while age is not in sufficient minimum age according to the law of marriage, then the sirri marriage is the solution.

In Madura, Islam is the majority religion, a Kyai is the central figure in their life, as well as in marriage activity process. Madurese consider the most important in marriage is it legally or admitted by Islamic law, and also according to their belief married by a Kyai is one of the important things in marriage live.

Generally in Madura society and particularly in Campor Village Society, Sirri marriage is defined as marriages in general, which to establish a family. Both monogamous and polygamous marriages have the same meaning to this Sirri

marriage. Sirri marriage is not interpreted as a secret marriage as general. As for eventually doing the sirri marriage because of the background as described above.

Husband And Wife Relationship In Sirri Marriage Ties

The relationship of husband and wife in sirri is as the same as the legal marriage. There is a division of tasks and responsibilities between husband and wife. Husband's duty to make a living, while the wife of the household. Such relationships appear on the marriage of the Madurese who tend to patriarchy.

But the relationship between men and women in a sirri marriage, eventually leading to gender inequality because the burden borne by women. Moreover, if the wife also doing a works.

The Implementation Of Sirri Marriage At Campor Village

The implementation process of sirri marriage in the Campor village fulfill the requirements of Islamic marriage. They are : the bride and the groom, the existence of at least two witnesses, wali (the guardians of the bride or male relative who legally responsible for the bride), the mahr (dowry) and ijab qabul (consent granted). They also held walimatul 'ursy by inviting relatives and neighbors as the form of the announcement of a marriage.

The Impact Of Sirri Marriage For The Campor Villagers

The impact most felt by women and children of the sirri marriage. The children of the sirri marriage can not have a birth certificate. This is because one of the conditions the maintenance of a birth certificate is the marriage certificate. As a result, children have difficulty in applying to public schools (SD / SDN). So, they only applying in Islamic Elementary schools or boarding schools that do not require birth certificate as school enrollment.

Women can not ask for divorce when they faced a problem in their households. This is because the right of divorce in Islam is in the hands of the husband, so the decision for divorce is in the part of the husband.

The Efforts To Minimize Sirri Marriage

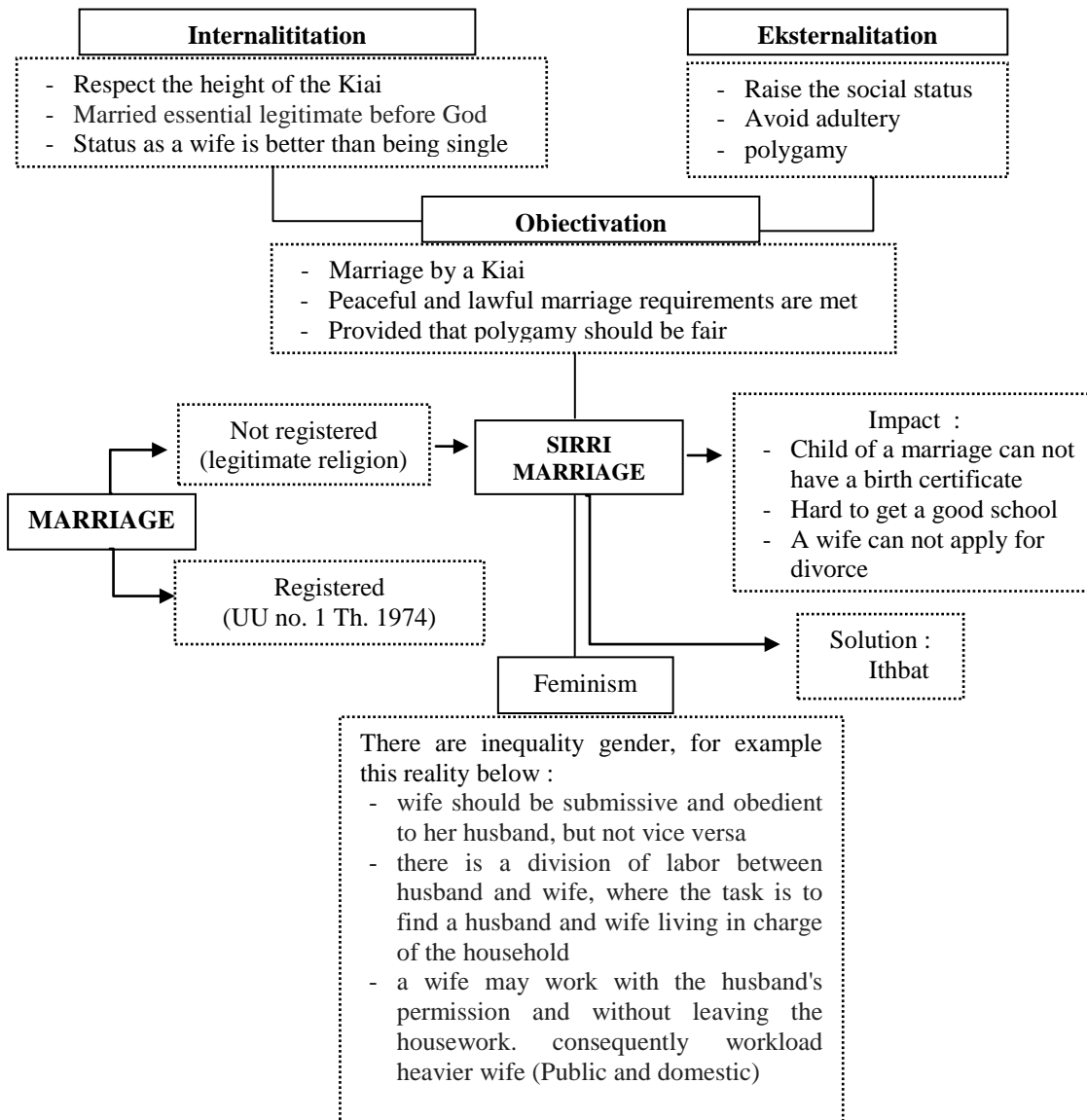
With impacts caused by sirri marriage, the government banned the practice of sirri marriage. Even in the draft Law on Religious Court Material (Bill HMPA) mentioned that the practice of sirri marriage will earn sanctions and fines.

For those who are already doing *sirri* marriage, the Government asked them to applying in *Itsbat* Marriage. *Itsbat* marriage is a request approval to The Court for the marriage validity (www.hukumonline.com, 2011).

In the Campor village itself, The Head of Religious Affairs Office (KUA) Subdistrict Proppo approaches them to get married in KUA not on Kiai.

The diagram below show the result of the reseach:

Figure 1. Relationship between Concept Based Research



Description :

□ : concept

⋯ : reality

→ : the relationship between concept and reality

— : relationship between concepts

4. CONCLUSION

Sirri marriage in the Campor Village Subdistrict Proppo Pamekasan is common thing and considered as marriage in general which is to form a family and obtain offspring. They do not conceal the *sirri* marriage. It has fulfilled the marriage requirements, they even also held walimatul 'ursy to invite relatives and neighbors.

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