



Deauthorization of Illegal Officiants in Siri Marriages in Mallusetasi District, Barru Regency

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ABSTRACT

This research discusses the Illegal Officiating in Siri Marriages in Mallusetasi District, Barru Regency, that siri marriages are marriages that are not registered with the Office of Religious Affairs (KUA) and are not in accordance with State laws and regulations. This type of research is field research which is carried out in the middle of the research object in order to find out and obtain clear data using qualitative description methods. Research carried out in the field examines problems of a qualitative nature. The data collected is generally in the form of words, pictures and number books. The data collection uses observation, interview and documentation techniques, by analyzing the data using data reduction, data presentation and drawing conclusions. The process of solving the main problem is of course in accordance with the main problem of formulating. The results of this research are. 1) The Social Context of Siri Marriage in Mallusetasi District, Barru Regency, the most important thing is the validity of the marriage according to religious (Islamic) law, even though legally in the country the marriage does not have legal legality. 2) The implementation procedure for a Siri Marriage in Mallusetasi District, Barru Regency is not much different from an official marriage. Siri marriages carried out in the village are legal if the harmony is fulfilled and the marriage is carried out by a local religious shop or Imam who is considered by the community to understand Islam. 3) Illegal Penghulu Authority in Siri Marriages in Mallusetasi District, Barru Regency. In fact, the celebrant does not have any authority but only helps the community to carry out their wedding. Even the informant himself still advised the public to take matters into their own hands with the KUA

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INTRODUCTION

Indonesia is known as an ideal legal country which has a legal order that is not discriminatory and is based on national personality (religious values and customs). The presence of ideal law must always start from the wishes of the community. Ideal law is not enough to improve the welfare of society and ideal law is not enough, but it must provide law enforcement, community supervision and infrastructure.

The marriage bond is a basic element in forming a family that is harmonious and full of love, hence the implementation of the marriage. Legal norms are needed that regulate it. The application of legal norms in the implementation of marriage is very necessary, especially in order to regulate the rights, obligations and responsibilities of each family member, in order to form a happy and prosperous family.

Marriage is one of the provisions or laws of Allah SWT's laws that applies to humans in general. Therefore, human marriage must comply with applicable regulations. Marriage is not only a very noble way to regulate household life and offspring, but marriage can also be interpreted as a way to get to know each other.

Marriage contains aspects of legal consequences, what constitutes a marriage is obtaining mutual rights and obligations and establishing social relationships based on mutual help. With marriage, humans can carry out their nature and be bound for life with their partner. Every person who carries out a marriage must be carried out legally, that is, the terms and conditions are met and officially recorded by the Marriage Registrar (VAT) Officer of the Religious Affairs Office (KUA) for those who are Muslim, and by civil registration for those who are not Muslim. It is proven that there is a marriage certificate, and this marriage certificate has many benefits, including legal protection. The purpose of marriage in Islam is to fulfill the demands of human nature, to have relations between a man and a woman in order to create a happy family based on love, and to obtain legitimate offspring in society by following the provisions set out by sharia.

Therefore, every marriage must take place in front of and under the supervision of a Marriage Registrar (VAT). Thus, marriages performed outside the supervision of a marriage registrar have no legal force. So marriage can only be proven by a marriage certificate made by a marriage registrar. In this case, the deed is evidence in terms of upholding justice. The recording of each marriage is the same as recording important events in a person's life, for example birth, death as stated in a certificate, an official deed contained in the registration register. It can be understood that the importance of recording is aimed at implementing orderly administration so that there is no ambiguity in the status of a marriage and to have legal protection if at any time a dispute arises.

In reviewing government law in Indonesia, an event that is not recorded is considered illegal and this will be subject to legal sanctions, so the background to unregistered marriage as something that is seen as somewhat negative is because it wants to protect both parties, husband and wife have the same legal protection and binding legal status, because siri marriages are considered by many groups to have no legal force and if there is incompatibility they will simply dissolve, therefore it is feared that if they already have children they will be abandoned. More clearly, the author explains, that it is said to be a siri marriage (under the hand) if the marriage is not reported or not registered at the KUA or Civil Registry office. So there are no official documents that strengthen the marriage bond. If the conditions and pillars of marriage are met, then the unregistered marriage is valid according to religious law. However, unregistered marriages are not legally recognized by the State, because they are not recorded in official government records, either the KUA or the Civil Registry office, and do not have a marriage certificate/certificate that is recognized by the State. If one of the two parties (husband and wife) violates the marriage bond, the other party cannot sue according to the law that applies in unregistered marriages, because it is not legally protected (by the State), so the rights of husband and wife cannot be guaranteed socially. If problems arise involving civil law, the perpetrator of an unregistered marriage cannot resolve the problem through existing legal institutions because the marriage is not registered.

Most Indonesian people are not yet aware of the law regarding the implementation of marriage registration, so there are still some Indonesian people who carry out unregistered marriages without realizing the consequences of the marriage they carry out. Married couples and households with unregistered marriages/marriages under This hand is also quite common in the Barru Regency area, especially Mallusetasi District

Head of the KUA or Penghulu who specifically handles matters relating to Islamic religious affairs. The main duties and functions of the headman are to contribute to the development of a prosperous family. The headman also establishes cross-sectoral relationships with officials and the community in areas that are the main duties and functions of the headman. The status of the penghulu as the spearhead of the State in matters of marriage law illustrates the close relationship between the State and Religion. This relationship places the headman on the one hand as a role model for society in the field of marriage law.

The existence of the penghulu in the local community has a strong social foundation. This foundation is closely related to the existence and authority of the headman in developing clerical duties in the community. This authority is closely related to the high level of interaction between the community and the headman's ulama and the role and function of the ulama that the local community ascribes to them. Relations exist between the local community and the head cleric, both directly and indirectly, attaching authority and authority to the figure of the cleric.

Marriage Registrar Employees have a clear position in the laws and regulations in Indonesia (UU No. 22 of 1946 and Law No. 32 of 1954) until now Marriage Registrar Employees. To comply with these provisions, every marriage must take place in the presence and under the supervision of Marriage Registrar Employees. , Marriage Registrar Employees have strong duties and positions according to the law. He is a civil servant appointed by the Minister of Religion at each District Religious Affairs Office.

In terms of marriages, there are what are known as unregistered marriages, namely clandestine marriages carried out without any administration or registration at the Office of Religious Affairs (KUA) and these marriages are not recognized by the state because they do not obtain a marriage certificate even though according to the Shari'a it is declared valid. Siri marriage is a marriage that is carried out without fulfilling the requirements and procedures of statutory regulations. According to Islamic law, unregistered marriages are valid, as long as the conditions for marital harmony are met. However, in terms of legal regulations, a

marriage is not yet valid if it has not been registered. Siri marriage in terms is a marriage that is harmonious and the conditions are met, but is carried out in secret and generally without being recorded in the records of the authorized body.

The problem of widespread unregistered marriages carried out by illegal marriage leaders needs to receive attention from the relevant parties to be followed up by carrying out outreach, education, prevention and eradication efforts. However, the problem here is whether or not there are sanctions for headmen who carry out deviant practices or can be called illegal headmen.

The Mallusetasi District area is in Barru Regency. The mallusetation problems studied were in 3 sub-districts, namely Palandro, Mallawa, and Bojo Baru and 5 villages, namely Cilellang, Manuba, Nepo, Kupa and Bojo. Mallusetasi Subdistrict has a Religious Affairs Office (KUA) where the head of marriage occupies a dual role as a state official as well as a religious figure, being the guardian for marrying the bride and groom, and the head of marriage also has authority over the rights to organize and supervise, record and guide marriage laws in the community. However, the people of Mallusetasi District lack knowledge about the importance of registration, so they prefer to carry out marriages without being recorded by making religious figures or kyai as the celebrants in Mallusetasi District. This is because the distance to meet a religious figure or kyai is closer than the distance to the Religious Affairs Office (KUA) in Mallusetasi District. So they are reluctant to register marriages

The author examines a case at the KUA Mallusetasi Subdistrict where the Rudi and Darma families reported their marriage to the imam (penghulu) who had married them unregistered at the KUA to be registered at the KUA because the marriage had not been registered at the local KUA so there was a request for marriage isbat to process the certificate. birth of children and other needs. As for another case, Herman and Barlia's family was married by the priest in their village, because their marriage had met the requirements and pillars of marriage in accordance with the applicable laws and regulations, and they did not have a marriage book, so they wanted to register the marriage at the KUA to issue a marriage book and process the documents, completeness of population administration and civil registration.

This research is intended to see how the authorities deal with illegal serial marriages with mallusetation problems. In Islam and in law, marriage registration, marriage procedures, implementation of marriage registration and other matters relating to sanctions for illegal marriage are regulated.

METHOD

This type of research is field research which is carried out in the middle of the research object in order to find out and obtain clear data using qualitative description methods. Research carried out in the field examines problems of a qualitative nature. The data collected is generally in the form of words, pictures and number books. The data collection uses observation, interview and documentation techniques, by analyzing the data using data reduction, data presentation and drawing conclusions. The process of solving the main problem is of course in accordance with the main problem of formulating.

RESULTS AND DISCUSSION

Social Context of Siri Marriage in Mallusetasi District, Barru Regency

The people's residence in Nepo Village, which is far from the Population and Civil Registration Service, is an obstacle that causes marriage certificate services to not be optimal. The distance between people's residences and the Population and Civil Registration Service is one of the obstacles in providing marriage certificate services, the high cost of transportation and the long travel time to get to the place where the marriage certificate is issued and the people's busy work as farmers to meet their daily needs.

Based on the results of interviews with Mr. Abdul Fattah from the community in Manuba village, Mallusetasi District, he said that:

"I suggest going to the office to register and report the marriage. However, saying that time is pressing, the day has been determined, and going to court is difficult, far away and afraid, that's why I married Rudi to Darma, because before I'm old enough I have to go to court."

Based on the interview above, we can see that long distances and inadequate access are factors why people prefer to carry out weddings or other administrative activities through local imams with limited knowledge of recording, as long as this does not deviate from the Shari'a and norms. existing customs, the community continues to implement them.

As stated by the 48 year old Mr. Zulkifli as Head of the Religious Affairs Office (KUA) in Mallusetasi District, Barru Regency:

"Actually, it is strongly disapproved of the existence of illegal marriage ceremony because it includes paying for unregistered marriages which is not permitted, in law because in this case, the name of the marriage must be registered. If there are people who marry in an unregistered manner automatically without having legal identity or legality, it will result in there being The party who is disadvantaged, especially the perpetrator of the unregistered marriage, because automatically there is no genuine identity, namely the marriage book, we cannot deny that because many people carry out unregistered marriages themselves, it is

only an excuse to protect the unregistered marriage. The name of the unregistered marriage is their aim to protect their society. "That's the reason why they carry out unregistered marriages. If there are people who carry out unregistered marriages, we as the head of the religious affairs office after the marriage isbat is held in court after that we must help the people to register their marriages according to the applicable procedures."

According to the Head of the KUA, in recent years the local Mallusetasi Subdistrict government has been carrying out outreach and outreach efforts regarding marriage registration and later efforts will be made for institutions to collaborate with community leaders and religious experts as people who have direct contact with the community to provide information regarding marriage registration.

That in Mallusetasi sub-district there has been an unregistered marriage, so ask the Mallusetasi Sub-district religious affairs office (KUA) for couples who come to arrange the marriage isbat to obtain a marriage book as official legality from the state so that the 28 year old KUA operator Rafika Mahmud provides the marriage isbat data. to get a marriage certificate.

From the words of Mr. Abdul Fattah, 70 years old, whose address is Barantang, Manuba Village, Mallusetasi District, Barru Regency:

"I got married in Barantang village, Manuba village on November 23 2018, my husband was Rudi bin Lasape and his wife was Darma bin Lasewa for the reason that they were not old enough, that their parents had brought their child to ask for dispensation to the Religious Court, but their application was rejected by the Court. because the reason is not too urgent (not pregnant) even though invitations have spread and the public already knows that weddings are held so as to maintain siri' (self-esteem in the eyes of society) so inevitably a wedding reception has to be held so that's why I came to guide and guide the consent process Qabul and the reasons are also after the event, we will return to take care of the marriage isbat as long as it is in accordance with the procedure."

Based on the interview above, the couple who entered into an unregistered marriage basically submitted an administration to the KUA to register their marriage, but were rejected by the KUA on the grounds that they were not old enough, but this couple still carried out their marriage, so that it was legal according to religion but was not recognized by the state. The reason is that the public already knows that the wedding will still take place. So the couple's family asked Abdul Fattah to officiate their wedding because he was considered by the surrounding community as an Imam and community figure.

Something that must be fulfilled in a marriage that is no less important is the dowry or dowry. The dowry is a symbol of the husband's readiness and willingness to provide financial support for his wife and children. Information about the dowry or dowry received or given during the marriage process was presented by Abdul Fattah. This implementation was also attended by the wife's family and the husband's family and neighbors who were witnesses to the wedding as well as several friends of the wife and husband.

It can be concluded that unregistered marriages are marriages that are not registered with the Office of Religious Affairs (KUA) and are not in accordance with state laws and regulations. By looking at some of the impacts that arise from unregistered marriages that have been carried out, it is clear that unregistered marriages are not registered because they are invalid marriages according to marriage law, namely regarding the legal status of children which until now it is not clear that children born to Siri marriages are not registered and cannot produce a birth certificate but only in the mother's name so they only have a civil relationship with the mother without the father's name being listed on the birth certificate. deliberately prohibiting guardians or witnesses from telling other people, usually used to cover up disgrace or problems, unregistered marriages often occur in society for various reasons and factors that cause unregistered marriages. Meanwhile, a siri marriage is a marriage between a man and a woman who fulfills religious law but is not registered.

From the words of Muhammad Abdu, 52 years old, whose address is Nepo Village, Mallusetasi District, Barru Regency:

"I once had a serial marriage, my husband, Herman bin Muh Amin, and his wife, Barlian bint Pena, had a serial marriage on the 10th of May 2002 on the grounds that they had a serial marriage because the divorce certificate had not yet been issued by the Religious Court. The future husband's husband has proposed and has already determined his wedding day, that's why he asked me to marry him."

From the interview, the marriage that was carried out was an unregistered marriage that fulfilled the terms and conditions of the marriage, so it was valid according to Islamic law. If the conditions and pillars are not met, then the marriage is invalid. If a couple enters into an unregistered marriage for the reason that their divorce certificate has not been issued or has not fulfilled the administrative elements such as registering the marriage at the KUA and ratifying it at the religious court. Of the couples who were married by Muhammad Abdu who was considered a religious shop in his village for the reason that their divorce certificate had not yet been issued and had already applied and had already determined their wedding day, that's why he asked the illegal headman to marry them in an unregistered manner because the divorce certificate had not yet been issued.

Current public understanding is that a siri marriage is a marriage that is carried out by fulfilling the pillars of marriage but is not registered with a state institution. that a religiously valid marriage must also

comply with regulations such as guardianship issues. If the person marrying is other than the biological father, the reasons must first be investigated. If it turns out that the biological father is still alive but someone else is marrying, then the marriage is considered invalid and the person marrying is guilty.

The implementation of the sirri marriage that took place in Nepo and Manuba Villages means that the husband and wife who carry out the sirri marriage have fulfilled all the pillars and conditions of marriage in the rules of the Islamic religion, such as the presence of a male and female candidate, consent and qabul, the presence of a guardian, witnesses, and dowry. Their marriage process is not recorded and supervised by the PPN, but they simply marry someone who is considered to be the Imam of the Mosque. The opinions that have emerged so far, the Imam of the Mosque plays a very important role in the sirri marriage process. There are several married couples whose marriage is held in the presence of a religious figure, the guardian is their own biological father and the person marrying is their own biological father, but there are also guardians who hand it over to the religious figure to marry their child.

Procedures for implementing a Siri Marriage in Mallusetasi District, Barru Regency

In the spirit of marriage, the legal requirement for marriage is that there is a groom. Marriage begins at the time of the marriage ceremony. The next pillar of marriage is that the bride is lawful to marry and it is forbidden for a man to marry a woman he wishes to marry. Examples are marriages due to consanguinity, consanguineous relations, or in-law relations.

Marriage does not only unite two people, namely a man and a woman, binding a sacred covenant in the name of Allah that the bride and groom intend to build a household that is peaceful, peaceful and filled with love and affection. To uphold these ideals of life, it is not enough for marriage to rely on God's teachings and fulfill its pillars and conditions. One of the most important events in people's lives, because marriage not only concerns the bride and groom, but also the parents of both parties, their siblings, and even their respective families. Marriage according to Islam is a sacred agreement based on religion to achieve one intention, one goal, one effort, one right, one obligation, one feeling of life and death.

Therefore, unregistered marriages that are not registered with the KUA have no legal force, so that if one day the two of them have problems relating to their household, such as divorce, domestic violence, inheritance, struggles over child custody and so on, the KUA and The religious court cannot decide or even accept complaints from those who are having problems.

As for the bride and groom in the siri marriage, namely her husband named Rudi bin Lasape, his wife named Darma bin Lasewa and her husband named Herman bin Muh Amin and his wife Barlian binti Pena, in these 2 couples in the siri marriage there were certain reasons for asking to be married by the illegal celebrant.

The implementation of marriage that is generally known by many people is a marriage that is carried out in accordance with their respective religions and beliefs. Siri marriage is one type of marriage in Indonesia. The siri marriage that is known to most of the wider community is a marriage that is only carried out with an Islamic religious procession.

The next pillar of marriage is the presence of a marriage guardian. The marriage guardians themselves are the bride's parents, they are considered legal if they get permission from the legal guardians, the main guardians are either the father, grandfather, biological brother (brother or sister), father's brother or sister, father's biological brother (sister). or the father's younger brother), the son of the father's sibling. In a siri marriage, the marriage process has conditions and procedures for a siri marriage that must be fulfilled, such as the two prospective bride and groom and the presence of a marriage guardian and must obtain marriage permission from the legal guardian of the marriage. The marriage guardian acts as the KUA in validating the marriage. Siri marriages are not legally recognized by the state and are not registered with the KUA. However, unregistered marriages can be recognized specifically through the marriage isbat process.

In today's society, unregistered marriage is defined as a marriage that fulfills the pillars of marriage but is not officially recognized by a state body. that laws relating to guardianship must be obeyed in religiously valid marriages. An investigation into the grounds needs to be carried out if the marriage is not the biological father. The marriage is considered invalid and the person marrying must be held accountable if it turns out that the biological father is still alive but someone else takes over the marriage.

Marriage without a guardian. This kind of marriage is carried out in secret (sirri) because the woman's guardian does not agree, or because she considers marriage without a guardian to be valid, or simply because she wants to satisfy sheer lust without heeding the provisions of the Shari'a. A marriage that is valid according to Islam but is not registered with the state registration agency. There are many factors that cause someone not to register their marriage at the state civil registration agency. A marriage that is kept secret because of certain considerations. For example, because of fear of getting a negative stigma from society which already considers unregistered marriages taboo, or because of complicated considerations that force someone to keep their marriage a secret.

Rahmawati, a 40 year old Islamic Religious Counselor at the Office of Religious Affairs (KUA) in Mallusetasi District, Barru Regency, stated:

"Siri marriage is indeed permitted in Islam because it is one of the pillars of marriage and if a siri marriage is carried out in the absence of a marriage guardian it is invalid."

From Rahmawati's words as an Islamic Religious Counselor, the Office of Religious Affairs (KUA) said that there should be a guardian when you want to have an unregistered marriage because the guardian is included in the pillars of marriage. If the woman's father does not want to be her marriage guardian, the woman can ask a relative who meets the requirements to be her marriage guardian.

A guardian is someone who witnesses the marriage and acts as a representative for the community if there is no guardian. If a siri marriage does not have witnesses then the marriage is not permitted by Islam. The requirements to be a marriage witness are Islam, puberty, rational, independent, male and fair. These two witnesses were represented by family, neighbors, or someone who could be trusted to be a witness. Siri marriage itself is legally permissible if it is attended by witnesses and guardians, however siri marriage should not be the main choice in carrying out a sacred bond.

The implementation of the marriage contract will be valid if two witnesses witness the marriage contract. The witnesses who attend the marriage ceremony must be two men, Muslim, Baliq, rational, see and hear and understand (understand) the meaning of the marriage contract. However, according to Hanafi and Hambali, one witness may also be one man and one woman.

There are those who argue that the requirements for a witness are as follows: 1) Sensible, not a madman, 2) Baliq, not a child, 3) Free, not a slave, 4) Islam, 5) Both witnesses can hear. So that the family formed as a result of the marriage can survive well. If you look at the requirements required for marriage, there are quite a lot of requirements that are required. However, these requirements can be put forward into two categories or groups, namely general and specific requirements.

These witnesses may not announce it to the public. Sirri marriage. The presence of this witness shows that marriage is a very important thing in human life. The presence of witnesses is also evidence that can be used as a basis that a marriage has occurred. To be a witness you must meet the requirements, namely being of sound mind, mature, Muslim, two men or one man and two women (Hanafi mashab), fair and hearing and understanding the sight of the contract.

The next pillars of marriage are consent and qabul. Ijab and qabul are sacred promises to Allah SWT in the presence of the prince, guardian and witnesses. When the sentence "I accept the marriage", then at the same time the two brides and grooms are legally husband and wife. Consent and qabul are one of the pillars of marriage that must be present during the marriage contract procession. Procedures for Ijab and Qabul can vary depending on religion and culture

Consent and Qabul are two important conditions in a siri marriage. Ijab is a sentence from the bride's guardian stating that he is marrying his daughter or a woman under his guardianship to the groom, while qabul is a sentence from the groom's side stating that he accepts the marriage.

In a siri marriage, consent and qabul are also part of the marriage process. However, unregistered marriages are not registered in social life and are considered valid from an Islamic perspective even though they are not registered with the KUA based on the constitution

From this it follows that the case of unregistered marriage is a marriage, even though it does not meet the requirements and pillars of marriage, but for certain reasons, it is not registered at the religious affairs office. According to Islamic law, marriage is considered valid by several groups because it meets the criteria for the validity of a marriage, namely the presence of a consent, consent, two brides and grooms, guardians and two witnesses. Siri marriage is still often used as an alternative to anticipate promiscuity between non-Muslim men and women who are psychologically, morally and materially not yet ready to marry formally.

It can be seen that the implementation of siri marriages is not much different from ordinary marriages, except that siri marriages are not registered with state institutions, in this case the Office of Religious Affairs (KUA). Official unregistered marriages in Mallusetasi District cannot be separated from the legal culture itself which ultimately builds the legal behavior of the local community. The people in this sub-district view that the most important thing in carrying out a marriage is the validity of the marriage according to religious (Islamic) law, even though legally the country of the marriage does not have legal legality.

As with weddings in general, sirri marriages are carried out in accordance with the Islamic wedding procession, namely there is a prospective bride, guardian, witnesses, consent and qabul. The difference is that the marriage was not registered with the KUA. Thus, their marriage process was not recorded and supervised by the KUA, but simply married someone who was considered to understand Islam or was a prominent figure. The opinion that has emerged so far is that illegal headmen play a very important role in the sirri marriage process. Meanwhile, in general, most people carry out sirri marriages at home, but there are those who visit the place of residence of the illegal headman, such as the walimah which is carried out at wedding ceremonies, this sirri wedding event is also attended by invitees, on average numbering 10 to 20 people consisting of the family environment, both from the groom's side and the bride's side and neighbors who are near the house.

It is highly recommended that the implementation of the wedding be spread or announced through the walimah, namely by inviting relatives, neighbors, friends and others to witness that a marriage has taken place between a woman and a man. There are many benefits that a person can get from walimatul, to avoid slander in society, to make it easier for the public to testify if there is a dispute or disagreement between the two parties (the bride and groom) and to make it easier to identify whether someone is married or unmarried. In society, it often happens that someone claims to be unmarried (jejaka) or a virgin, but it turns out they have a husband or wife. Or more clearly, someone's status in society.

Illegal Penghulu Authority in Siri Marriages, Mallusetasi District, Barru Regency

Penghulu is a representative officer from the government whose job is to marry the bride and groom to replace the guardian of the family. He also recorded the marriage in government records in the Regulation of the Minister for the Empowerment of Regional State Apparatus Number: Per/62/M.PAN/6/2005, namely:

"In Chapter (1) Article (1) paragraph (1) the celebrant is a civil registration employee as a marriage registration employee who is given full duties, responsibilities, authority and rights by the Minister of Religion or an appointed official in accordance with the statutory regulations. applies to supervising marriages/reconciliations according to the Islamic religion and official affairs activities, paragraph (2) marriage ceremony activities are marriage/reconciliation services and consultation activities according to and development of marriage ceremonies. and Chapter II

It is from this basis that if there is a marriage that is not monitored and not recorded, supervised by a celebrant officer appointed by a celebrant officer appointed by the state, that means it is called an illegal celebrant because an illegal celebrant is a celebrant who has been given a mandate and decree by the government so, the celebrant whose note is that only marrying family members for reasons of maintaining a family relationship or not

The community, in this case the husband and wife, including their families, really want the implementation of the unregistered marriage. The researcher saw that the illegal celebrant of the unregistered marriage was not solely on his own accord and the illegal celebrant admitted that there was a request from his family. Because people really respect and sympathize with illegal princes who are religious shops in their neighborhood.

These illegal celebrants no longer have the authority to carry out marriages for any reason, because there is no longer any delegation or mandate to them from the authorized agency, in this case the Ministry of Religion. Authority is a very important part of Governance Law (Administrative Law), because illegal rulers, namely *rinbahan*, can carry out their functions on the basis of the authority they obtain. As for illegal rulers.

The illegal leader, Abdul Fattah, lives in Manuba Village, Mallusetasi District, Barru Regency, and works as a farmer. The local community is often involved in religious activities, such as religious lectures and others.

Based on the interview above conducted by researcher Abdul Fattah, 70 years old. who is considered a priest in his village or a figurehead, Abdul Fattah is well aware of the requests of local residents so he is also willing to marry religiously, but on the condition that all the pillars of marriage can be fulfilled. Public demand is one of the factors influencing the implementation of serial marriages in Mallusetasi District. According to Abdul Fattah, he is still entrusted by the community to manage marriage requirements if couples ask for his help. Because there was a couple who was not yet old enough to be married, the family asked me to marry their child in a serial manner.

"I initially refused, but the family asked for help to marry off their daughter because she was not old enough and the event had already been determined. So I married them for the reason of validating the marriage."

Indeed, the community is often involved in religious events. People often ask for advice because Abdul Fattah is a respected person in the village. Abdul Fattah actually never asked for compensation for his unregistered marriage, but because people gave as thanks, he did not refuse the gift as a thank you, Abdul Fattah did not refuse the gift. From Abdul Fattah's expression

"I never ask, if people give me I will accept it, I only help people who want to get married, but I still advise them to continue to register their marriage at the Office of Religious Affairs (KUA)."

Abdul Fattah was confirmed by an unregistered marriage couple named, his husband, Rudi bin Lasape and his wife, Darma bin Lasewa, that on November 23 2018, their parents married them because they were always intimate in socializing, so to prevent unwanted things, their family married them immediately. .

That's why Abdul Fattah is considered by the community to be able to help solve their problems. This unregistered marriage couple also considers that the marriage requirements at the KUA are very difficult, so with Abdul Fattah they have been trusted by the community.

From the words of her husband, his name is Rudi bin Lasape and his wife's name is Darma bin Lasewa, Manuba Village, Mallusetasi District, Barru Regency.

"Abdul Fattah was really needed at that time. Because Abdul Fattah is considered by the public to have religious knowledge, so he can help us get married. At that time, we ourselves were lazy because we

were not given dispensation by the court, because at the time of marriage, we were not yet old enough to meet the marriage age requirements. You have to go to court, and there are many other conditions. Meanwhile, parents insist on getting married."

However, this couple will still take care of their marriage certificate at the KUA because they are aware that one day a marriage book will be needed for matters relating to their family and children. According to the couple, Abdul Fattah previously advised them to still take care of their marriage registration, but with the marriage they have been recorded.

the implementation is not much different from an official marriage. A siri marriage carried out in the village is legal if the marriage terms and conditions have been fulfilled and the biological father is the guardian of the marriage and the marriage is carried out by a local religious shop or Imam who is considered by the community to understand Islam. He was asked for help by the local community to marry him off as the bridegroom prince. The process is like a normal marriage, there is a consent, guardian, officiant, witnesses, dowry. As for the pillars of marriage that must be fulfilled in order for the marriage to be considered valid, among others, the guardian who is marrying must be the guardian who has the right to marry, namely the biological father. In the implementation of siri marriages carried out by the informants, almost all of them were the biological fathers of the prospective bride and groom.

In the case of unregistered marriages, there are several reasons why people choose and entrust illegal marriage leaders to help carry out unregistered marriages. The community is very respectful and sympathetic towards the head people who are religious figures in their environment. The authority of the penghulu makes people feel more important and religiously valid if they marry them compared to KUA officials. They also think that marriage registration at the KUA is only a state procedure and can be done later. This is as stated by the couple Rudi bin Lasape and his wife named Darma bin Lasewa and the legal administrative requirements, namely the minimum age limit for marriage, are not fulfilled. This is what happened to Rudi bin Lasape and his wife, Darma bin Lasewa. where when the headman Abdul Fattah asked to marry them, both of them were under 16 years old.

Social guidelines for illegal headmanship are an important thing to pay attention to. Siri marriage is a marriage that is not registered at the Religious Affairs Office (KUA) and has no legal force. Therefore, unregistered marriages cannot be officially recognized by the state and cannot be protected by law. In a siri marriage, the celebrant acts as a witness and leads the wedding process, but the celebrant cannot issue a marriage certificate because the siri marriage is not registered at the Office of Religious Affairs (KUA). Therefore, unregistered marriages have no legal force and cannot be protected by law. The illegal rulers with social guidance are:

Penghulu Muhammad Abdu has an educational background in Madrasah Diniyah (non-formal). He is highly trusted by the people of his village, namely in Nepo Village, Mallusetasi District, Barru Regency, to always be involved in religious activities, such as delivering religious lectures and organizing weddings.

According to Muhammad Abdu's account to researchers, during the interview Muhammad Abdu admitted that he had married a couple in an unregistered marriage in his village.

I once married a couple who were going to have an unregistered marriage, the people here believed me, even though I had given them directions to get married at KUA, but the bride and groom's family asked for help. There are couples who have unregistered marriages here, because they want to get married immediately without the hassle of taking care of the required documents at the KUA. For example, there are couples who previously divorced, because the costs in court were too high, it was difficult to fulfill the required documents, so that when they wanted to remarry, they could not show a divorce certificate from the court which is a requirement for filing a marriage registration at the KUA.

After chatting for a long time, Muhammad Abdu said that he still advised couples who had already had an unregistered marriage to continue registering their marriage at the sub-district KUA. He also suggested first processing the divorce papers between Herman bin Muh Amin and his ex-wife at the Religious Court because that is one of the requirements for registering their marriage at the KUA.

He admitted that the practice of illegal marriage leader Muhammad Abdu, who is now 52 years old, in carrying out unregistered marriages was only to help people who were getting married because of difficulties and were hampered by problems with the required documents. He also did not ask for compensation for the practices he carried out, only the people gave as thanks.

The results of the interview with Muhammad Abdu were confirmed by an unregistered marriage couple who live in Nepo Village, Mallusetasi District, Barru Regency, namely an unregistered marriage, husband named Herman bin Muh Amin and his wife Barlian binti Pena. In 2002 they married at Barlian binti Pena's residence in the presence of family and guests present.

Muhammad Abdu initially refused to marry this couple in an unregistered marriage, but due to pressure from the family and the prospective husband, the husband proposed and had already determined the wedding day. Muhammad Abdu helped the two of them marry in a series. According to Herman, who at that time was accompanied by his wife Barlian, previously the two of them had intended to arrange the marriage

at the KUA, but were hampered by the registration requirements which required a divorce certificate. This problem became an obstacle and he never processed his divorce at the local Religious Court. So in order to remarry at KUA, this condition became an obstacle and led them to have an unregistered marriage with Muhammad Abdu.

From the words of her husband named Herman bin Muh Amin and his wife Barlian, Nepo Village, Mallusetasi District, Barru Regency

Joint assets in a siri marriage are assets in marriage or syirkah, namely assets that can be obtained either individually or jointly by husband and wife during the marriage, regardless of whether they are registered in anyone's name, but the distribution of joint assets in a siri marriage is not regulated by law. Islam.

Allah forbids humans from destroying property and taking (other people's) property illegally. Allah prohibits taking other people's property unlawfully. There are unregistered marriages to illegal princes, for example, they are married because the man's divorce certificate has not yet been issued and the money has already been raised (applying for) to look after the assets so they don't just go to waste, so he looks for princes in the villages to marry them in a siri manner. In unregistered marriages, maintaining assets can be a challenge because in unregistered marriages, maintaining assets can be a conflict because unregistered marriages are not legally recognized and do not have the same legal protection as legal marriages.

The headman in maintaining assets from an unregistered marriage will have legal consequences for unregistered marriages regarding maintaining assets, the marriage does not have legal force so it will be very difficult to regulate joint assets in an unregistered marriage and will affect underage marriages on the position of the wife and children.

In fact, the celebrant does not have any authority but only helps the community to carry out their wedding. Even the Informant himself still advises the public to take care of it themselves at the sub-district KUA and the Informant even advises couples who have already had an unregistered marriage to continue to register their marriage at the KUA in the Mallusetasi sub-district. He also suggested that he first take care of the divorce papers from his ex-wife to the Religious Court. because that is one of the requirements for registering their marriage at the KUA. that the informant never asked for compensation for legalized unregistered marriages, but because people gave as thanks, he did not refuse the gift. The informant is highly trusted by the people in his village, namely in Manuba Village and Nepo Village, to always be involved in religious activities, such as delivering religious lectures.

CONCLUSION

Official unregistered marriages in Mallusetasi District cannot be separated from the legal culture itself which ultimately builds the legal behavior of the local community. The people in this sub-district view that the most important thing in carrying out a marriage is the validity of the marriage according to religious (Islamic) law, even though legally the country of the marriage does not have legal legality.

serial marriage in Mallusetasi District. and the implementation is not much different from an official marriage. A siri marriage carried out in the village is legal if the marriage terms and conditions have been fulfilled and the biological father is the guardian of the marriage and the marriage is carried out by a local religious shop or Imam who is considered by the community to understand Islam. He was asked for help by the local community to marry him off as the bridegroom prince. The process is like a normal marriage, there is a consent, guardian, officiant, witnesses. As for the pillars of marriage that must be fulfilled in order for the marriage to be considered valid, among others, the guardian who is marrying must be the guardian who has the right to marry, namely the biological father. In the implementation of siri marriages carried out by the informants, almost all of them were the biological fathers of the prospective bride and groom. However, there are also those who are not married by their biological father because their biological father has died.

In the headman there is no authority but only helps the community to carry out their wedding. Even the Informant himself still advises the public to take care of it themselves at the sub-district KUA and the Informant even advises couples who have already had an unregistered marriage to continue to register their marriage at the KUA in the Mallusetasi sub-district. He also suggested that he first take care of the divorce papers from his ex-wife to the Religious Court. because that is one of the requirements for registering their marriage at the KUA. that the informant never asked for compensation for legalized unregistered marriages, but because people gave as thanks, he did not refuse the gift. The informant is highly trusted by the people in his village, namely in Manuba Village and Nepo Village, to always be involved in religious activities, such as delivering religious lectures.

IMPILLACTION

By referring to the research results and conclusions as stated above, there are several implications that need to be looked at in efforts to improve and resolve the Deauthority of Illegal Bridesmaids in Siri Marriages, Mallusetasi District, this is because there are several factors that result in cases of illegal celebrants in marriages siri can only be implemented and carried out effectively if the community and related

parties carry out their roles and duties correctly.

Efforts to increase understanding among the Barru district community regarding the existence of illegal celebrants in unregistered marriages are socialized to remote areas so that the community truly understands the importance of marriage at the KUA in Mallusetasi District. The lack of community understanding has resulted in low public awareness of registering their marriages at the KUA. Then there is cooperation between the parties regarding KUA employees so that it is implemented optimally and comprehensively. Starting from the socialization stage, up to the collection or collection stage and cannot be separated from the supervision of the party responsible for this matter.

All elements in the community must have high sympathy and empathy for married couples around them who have or will carry out unregistered marriages. The community should act as a watchdog for other communities so that the practice of illegal headmanship can be jointly prevented and avoided.

RECOMMENDATIONS

For future researchers, this researcher discusses illegal celebrants in marriages. The research series only focuses on celebrants, so the author suggests to future researchers to add objects and subjects to sanctions for illegal celebrants so that there are many perspectives in studying this topic.

For the Barru Regency community service unit to socialize the importance of marriages being registered at the KUA for marriage registration to avoid not fulfilling the rights of children who are born and not registered due to the community and parents being unaware of the importance of marriage registration in fulfilling children's rights.

People who carry out unregistered marriages should pay attention to the right celebrant who can be appointed as the celebrant.

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