

Merauke Regency KUA Strategy in Preventing Siri Marriage at an Early Age

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Abstrak: Series marriages or marriages that are not registered at the Merauke Regency Religious Affairs Office have become a natural thing in today's society. Siri marriage is not only carried out for prospective couples of productive Age, but current series marriages are also carried out by prospective couples who are young/early (under the age of 19 years). Series or unrecorded marriages have a long-term adverse impact on those who do it. Therefore, cooperation between parties is needed to prevent serial marriages, especially young couples. Therefore, the KUA of Merauke Regency as an institution of the Ministry of Religion in each sub-district must prevent serial marriages from happening in Merauke Regency. So that this study will see what strategies or efforts have been made by the Merauke Regency KUA in preventing serial marriage for this early age couple. This research will be carried out through empirical studies with data collection using interviews, observations, and observations. The results of the study show that the rate of early marriage in Merauke Regency is quite large, from the early marriage there are 24 cases of itsbat nikah because the reason for the previous marriage was carried out by series marriage. With the findings of serial marriage at a young age, of course, the KUA of Merauke Regency has made various efforts and strategies to prevent serial marriage for prospective young couples, including assistance and assistance in the administrative process and optimization of Islamic religious extension workers in providing education, counseling, lectures, and community guidance related to the importance of marriage must be recorded.

Keywords: Strategy, Religious Affairs Office, Siri Marriage, Early Age

Introduction

Marriage or what is mentioned in various literatul with marriage is a sacred bond between a man and a woman.¹ The Holy Bond referred to here

¹ Retno Windyarti, "MAKNA SIMBOLIK SERAH-SERAHAN DALAM UPACARA

is based on the common intention between the two in forming a happy and eternal family. Then the sacred bond in marriage must be legally recognized according to the marriage law.² Currently, the sacred bond between a man and a woman in marriage must be recorded in a marriage registration institution. In the regulation of the Marriage Law Number 1 of 1974, it is stated that all marriages must be recorded in accordance with the applicable laws and regulations. Article 34 of the Population Administration Law and the Regulation of the Minister of Religion Number 20 of 2019 that the registration of Marriage for Muslims is recorded at the Religious Affairs Office (KUA) in the area of domicile of marriage will be held.³ So it can be concluded that if there are marriage activities that are not recorded, then the marriage violates the rules of state law.

The current phenomenon in society is that there are still many marriages that are not registered at the Office of Religious Affairs (KUA). This phenomenon is carried out by the community on the basis that even though it is not recorded, the marriage is still valid according to religion and the sacred bond between a man and a woman in the frame of an unregistered marriage is still valid according to sharia.⁴ We need to know that marriages that are not registered at the Office of Religious Affairs (KUA) are known as marriage under hand or Nikah Sirri. The definition of nikah sirri is a marriage that is recognized by religion because the conditions and principles of marriage have been fulfilled, but the marriage is not recognized by the state because it is not recorded.⁵ So that the government through the Ministry of Religion must certainly be able to provide an understanding and instruct the phenomenon of Nikah Siri that develops in the community to be recorded so as not to cause impacts in the future.

PERKAWINAN ADAT JAWA DI DESA TANJUNG BELIT KECAMATAN SIAK KECIL KABUPATEN BENGKALIS PROVINSI RIAU," *Jurnal Online Mahasiswa* 2, no. 2 (2020): 1-23.

² Santoso, "Hakekat Perkawinan Menurut Undang-Undang Perkawinan, Hukum Islam Dan Hukum Adat," *Jurnal YUDISIA* 7, no. 2 (2016): 412.

³ Salsa Devi Sisti Alifianti et al., "Degradasi Otoritas KUA Sebagai Lembaga Pencatatan Perkawinan Pasca Berlakunya SPTJM Dalam Permendagri No. 9 Tahun 2016," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 4, no. 1 (2023): 59-80, <https://doi.org/10.15642/mal.v4i1.241>.

⁴ M. Fahmi Al-Amruzi, "Pencatatan Perkawinan Dan Problematika Kawin Siri," *Ulumul Syar'i: Jurnal Ilmu-Ilmu Hukum Dan Syariah* 9, no. 2 (2021): 1-18, <https://doi.org/10.52051/ulumulsyari.v9i2.79>.

⁵ Al-Amruzi.

KUA is the smallest institution of the Ministry of Religion at the sub-district level where KUA will be the front line to face and meet with the community.⁶ KUA must be able to play a role in helping to solve problems in the field of Islamic guidance in the community. Because according to Sulaiman, KUA is also the Spearhead of the Ministry of Religion which is in direct contact with the community.⁷ In the regulation of the Minister of Religion Number 34 of 2016, it is explained that KUA has duties, namely Islamic community guidance services, marriage registration and referral services, mosque guidance and zakat and waqf affairs.⁸ Furthermore, KUA must also participate in carrying out coaching and counseling according to the function of KUA in PMA No. 34 of 2016 by always continuously visiting the community through activities that gather a large number of people or directly go door to door.⁹ In observing the duties and functions of KUA above, it is the obligation of KUA as a government representative to provide education to the public for the prevention of marriage under the hands or sirri marriage.

This Sirri wedding is of course also carried out for people who are still young. In the marriage law, this young age is categorized at the age of 19 years and below.¹⁰ Although from data from the Ministry of Women and Child Protection, the number of child marriages has continued to decline in the last 3 years. In 2021, the child marriage rate decreased from 10.35 percent to 9.23 percent. Then it will be 8.06 percent in 2022, and it will be 6.92 percent in 2023.¹¹ However, child marriage should still exist and of

⁶ Amri Amri, "JAYAPURA CITY KUA STRATEGY IN IMPLEMENTING," *Dusturiyah: Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2022): 96-110.

⁷ Sulaiman, "Problematika Pelayanan Kantor Urusan Agama Anamuban Timur Nusa Tenggara Timur," *Jurnal "Analisa"* XVIII, no. 02 (2011): 247-59.

⁸ Muchtar, "Pelayanan Kantor Urusan Agama Terhadap Pencatatan Perkawinan Di Kota Kediri Pasca Deklarasi FKK-KUA Se-Jawa Timur Tahun 2013," *Jurnal Multikultural & Multireligius* 13, no. 1 (2014): 157, www.republika.

⁹ C R Permama, "Akibat Hukum Penolakan Itsbat Nikah Oleh Pengadilan Agama Terhadap Status Perkawinan Dan Status Anak Berdasarkan Kompilasi Hukum Islam Di Indonesia," *Jurnal Hukum Media Justitia Nusantara* 10, no. 2 (2020): 17-34, <https://doi.org/https://doi.org/10.30999/mjn.v10i2.1908>.

¹⁰ Amri Amri, "PERSEPSI MASYARAKAT SUKU TOBATI DI KOTA JAYAPURA TERHADAP PERNIKAHAN DI BAWAH UMUR" XIII, no. 2 (2022): 310-24.

¹¹ Kementerian Pemberdayaan and Dan Perlindungan Anak, "Menteri PPPA: Angka Perkawinan Anak Turun Menjadi 6,92 Persen," *Biro Hukum Dan Humas Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak*, 2024, https://www.kemenpppa.go.id/page/view/NTE3MA%3D%3D?utm_source=chatgpt.com#.

course needs to be prevented. With the existence of child marriage, it is the author's academic anxiety that serial marriage must also occur among young people.

From the description above, of course, KUA must play an active role in preventing marriage under hand or not recorded. Including marriage under the hands of children at an early age which can have a negative impact on family life in the future. From the initial observation data in Merauke Regency that marriage under the hand or serial marriage is found in many places, so KUA in Merauke Regency must be at the forefront of the prevention of the practice of serial marriage, especially for the early age.

From the anxiety of the author, the author found that the importance of this research was carried out, namely first, wanting to see the condition of unrecorded marriages or serial marriages for young people. The results of the findings of this anxiety will later become the basis for KUA to continue to prevent the practice of serial marriage at a young age in Merauke Regency. Second, this research will look at what efforts or strategies have been carried out by the Merauke Regency KUA to prevent the problem of serial marriage in this child. So it can be concluded that this research will later provide an overview of the success of KUA Merauke Regency for the prevention of serial marriage for young people in Merauke Regency.

Research Methods

Judging from its type, this research is a qualitative research that is descriptive analysis, because this research is expected to be able to provide a detailed, systematic, and comprehensive overview of the object being studied. The object referred to here is the case of sirri marriage in early childhood in Merauke Regency. In order for this research to be structured and systematic, of course, data sources are needed in the process of research, data collection, and data analysis. The collection carried out in this paper is in the form of observations, interviews, and documentation.¹² Observations were made to see the serial marriage process that has been happening in Merauke Regency. The interview was conducted to see what strategies are carried out by the government, in this case the Merauke Regency Religious Affairs Office in preventing serial marriage in early childhood. while documentation is needed to see the data in the Marriage

¹² Sugiono, *Metode Penelitian Kuantitatif, Kualitatif Dan R&D* (Bandung: Alfabeta, 2019).

Registration Desk at KUA. After the data is collected, it is then analyzed using the process of editing, organizing, and subsequent analysis.¹³

Results and Discussion

The Practice of Sirri Marriage at an Early Age in Merauke Regency

In human existence, living alone is not an adequate option. Every individual must long for or need the presence of others on his journey through life.¹⁴ Among these desires is to have a life partner. Islam, as a comprehensive religion, has managed all aspects of this world. One of them is the desire to have a life partner, which has been regulated by Islam through the institution of marriage.¹⁵ In this institution, a man and a woman are united in a legal bond that is recognized by both religion and the state.

The tradition of Siri's marriage at a young age is not new in the Indonesian context. This practice has been going on for a long time and has many perpetrators. This phenomenon can be observed both in urban centers and in villages. Some of the factors that trigger this practice vary, including economic problems, low levels of education, cultural influences and interpretations of certain religions, pregnancies that occur before marriage (sometimes referred to as "marriage accidents" or in popular terms "married by accident"), and so on.¹⁶

In the Islamic view, a valid marriage is realized when it is carried out by fulfilling all its requirements and components. Meanwhile, according to the legal perspective in Indonesia, if the marriage is registered with an authorized body, then the marriage is considered valid.¹⁷ However, not all Muslim communities in Merauke Regency follow the procedures or regulations for registering marriages. There are still many people who practice the tradition of marriage without officially recording it at the Office of Religious Affairs, and this kind of marriage is also not publicly announced, which is often known as the Sirri marriage. Data related to sirri

¹³ Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Rosda Karya, 2017).

¹⁴ Nova Effenty Muhammad, "Realitas Perkawinan Beda Agama Perspektif Keluarga Sakinah," *Al-Mizan* 16, no. 2 (2020): 273–98, <https://doi.org/10.30603/am.v16i2.1830>.

¹⁵ Agus Hermanto, "Larangan Perkawinan Perspektif Fikih Dan Relevansinya Dengan Hukum Perkawinan Di Indonesia," *Muslim Heritage* 2, no. 1 (2017): 125, <https://doi.org/10.21154/muslimheritage.v2i1.1049>.

¹⁶ Dudi Badruzaman, "Pengaruh Pernikahan Usia Muda Terhadap Gugatan Cerai Di Pengadilan Agama Antapani Bandung," *Muslim Heritage* 6, no. 1 (2021), <https://doi.org/10.21154/muslimheritage.v6i1.2653>.

¹⁷ Sulaiman, "Problematika Pelayanan Kantor Urusan Agama Anamuban Timur Nusa Tenggara Timur."

marriage at a child's age, of course, the Merauke Regency KUA does not have this data, but researchers found data from the number of Itsbat Nikah implementations at the Merauke Religious Court as follows.

Table 1. Early Marriage Data and the Implementation of Itsbat Nikah

At the Merauke Religious Court

Year	Male Marriage Age (<19 years)	Women's Marriage Age (<19 years)	Implementation of Itsbat Nikah (Case)
2021	12	64	6
2022	12	70	12
2023	4	28	6
Sum	28	162	24

Data Source: KUA Registration Book and Religious Court

From the data, it is very clear that marriage at an early age or young age in the last 3 years amounted to 190 people, with the most details, namely girls with a total of 162 people. Then of the 190 people who carried out marriages at an early age, the researcher could not find data on the number of marriages that were not recorded (Nikah Siri). However, the researcher explored the case of the Itsbat Marriage Application at the Religious Court. Because the marriage application submitted by the community includes that the marriage is not registered at the Merauke Regency KUA.¹⁸ From data sources obtained from young marriages in the last 3 years, it was found that there were 24 cases of marriage itsbat applications. And according to the results of the interview, the 24 cases due to the marriage factor that have been carried out are not recorded at the Merauke Regency Religious Affairs Office.¹⁹ Of these 24 cases, of course, it can still be increased, because the data is obtained from marriage applications that are submitted to the Religious Court, of course, outside the data there are still serial marriages at a young age in Merauke Regency that are not recorded.

¹⁸ Fifin Iba, "Kedudukan Kompilasi Hukum Islam Dalam Memutus Perkara Perdata Islam Di Pengadilan Agama Jayapura – Papua The Position of the Compilation of Islamic Law in Deciding Islamic Civil Cases in the Jayapura – Papua Religious Court" 01, no. 01 (2024): 54-72.

¹⁹ Sekretaris Pengadilan Agama Merauke, "Wawancara" (Kota Jayapura, n.d.).

According to the results of research that has been carried out, serial marriage which is carried out by young people here certainly has many factors so that serial marriage is a solution for them. From the findings of the research on the factors of serial marriage carried out by young children in Merauke Regency, namely:

a. Pregnancy Outside of Marriage

Serial marriages due to out-of-wedlock pregnancies often occur in society due to various factors, both from social, cultural, and economic aspects. One of the main reasons is to maintain the good name of the family and avoid disgrace. In many cases, couples who are pregnant out of wedlock will be married in series to cover up the pregnancy before the surrounding environment knows.²⁰ Another factor is pressure from families or communities who still consider pregnancy out of wedlock as something taboo. With series marriages, families hope to avoid negative stigmas that can have a negative impact on their reputations.²¹ In addition, serial marriage is also often a solution for couples who do not meet the administrative requirements to get married officially, such as not being old enough or constrained by marriage documents. This is according to the results of interviews submitted by serial marriage perpetrators at a young age in Merauke Regency when interviewed;

*"I married Sirri because I was pregnant first, and at that time I was only 17 years old and my future husband was 18 years old, and I hope that my future husband will be responsible even though he has to go through Sirri marriage first, which is important and valid religiously in order to reduce the risk of negative views from the community" "*²²

The same thing was also conveyed by other informants, when interviewed;

"Actually, my parents didn't know that I was pregnant because my posture was indeed fat, but over time it turned out that I was also cheating, which in the end when I was still in junior high school, my parents asked me to

²⁰ Akhmad Syahri and Lailia Anis Afifah, "Fenomena Hamil Di Luar Nikah Di Kalangan Remaja Ditinjau Dalam Perspektif Pendidikan Islam," *Attarbiyah* 27, no. 1 (2018): 1-18, <https://doi.org/10.18326/tarbiyah.v27i0.1-18>.

²¹ Ahmad Fauzi, "Isbat Nikah Solusi Bagi Nikah Siri," *Jurnal Sosial Sains* 1, no. 9 (2021): 978-84, <https://doi.org/10.59188/jurnalsosains.v1i9.192>.

²² DAF, "Wawancara" (Merauke, n.d.).

immediately marry Siri to the man who impregnated me so that I would not be viewed negatively by society.”²³

From the results of the interview above, it proves that the factor of serial marriage in early childhood is due to the woman being pregnant, so that serial marriage is a solution so that it does not become a family disgrace. However, serial marriages due to out-of-wedlock pregnancies often do not provide legal guarantees for women and children born. Without official registration, women risk being left without clear legal rights, while children born can have difficulty obtaining administrative rights such as birth certificates and legal recognition from their fathers. Therefore, it is important for couples to understand the consequences of a serial marriage and find the best solution that still protects the rights of all parties involved.

b. Low Source of Economic Income

The factor for the occurrence of sirri marriage for early childhood is that the daily economic income of the people in Merauke Regency is very limited, so they do not have the financial ability to pay the wedding fees and travel expenses needed to reach the Office of Religious Affairs. This is due to the fact that the majority of people in Merauke Regency depend on the profession of farmers and fishermen. In this economic condition, people's social status tends to be in the lower middle class, and their daily income is very limited. Therefore, people are reluctant to register their marriage at the Office of Religious Affairs, because it is considered to require considerable costs.

Economic problems in government regulation number 59 of 2019 are actually not a problem for someone not to get married because they don't have money. In the regulation, it is clearly stated that the cost of the marriage contract is free if the marriage is carried out at the Religious Affairs Office. If the wedding is carried out outside of working hours or office, a fee of 600,000 will be charged.²⁴ In terms of provisions, it is free, but for the people of Merauke who carry out sirri weddings, the problem is access to travel to the KUA Office and the management of files which requires considerable costs due to the geographical location in Merauke Regency.

²³ HF, “Wawancara” (Merauke, n.d.).

²⁴ Amri and Dkk, *Hukum Perdata* (Bandung: Widina Bhakti Persada, 2016). Hlm.102.

c. Public Understanding and Awareness of the Law

The awareness and understanding of the people in Merauke Regency who carry out the practice of marriage series, especially for the early age group, regarding the law, is still low, especially regarding the significance of marriage registration, is still limited. The majority of people in Merauke Regency do not fully understand how important marriage registration is. Although the marriage is factually recorded at the Religious Affairs Office (KUA) where the domicile is located. They consider this recording to be part of a common tradition carried out by the local community. They have not viewed it as an action that must be done with full awareness of the benefits resulting from such recording. In fact, marriage registration is an order listed in Law Number 1 of 1974 and has an important purpose, namely to create a valid document for marriage legal actions. This in turn will provide legal protection for husbands, wives, and their children in the future.²⁵

Merauke Regency KUA Strategy in Preventing Siri Marriage at an Early Age

Here are some of the efforts or strategies of the District Religious Affairs Office in overcoming secret marriage (Siri) in early childhood in Merauke Regency, namely:

a. Providing Education and Assistance in the Early Marriage Administration Process

At the Sub-district Religious Affairs Office (KUA) in Merauke Regency, when residents apply for marriage, KUA staff including the head and administrative officers will give an initial explanation of the conditions and principles that must be met by couples who want to get married. If there are problems that arise in the prospective spouse, the KUA, especially the head, will take action to provide assistance so that the administrative process to get married does not have any obstacles. For example, if a prospective bride is found who has not reached the required age, the KUA will direct and assist to take care of the marriage dispensation at the religious court first.

Assistance and education to the public in the process of marriage registration administration has many benefits, especially in increasing

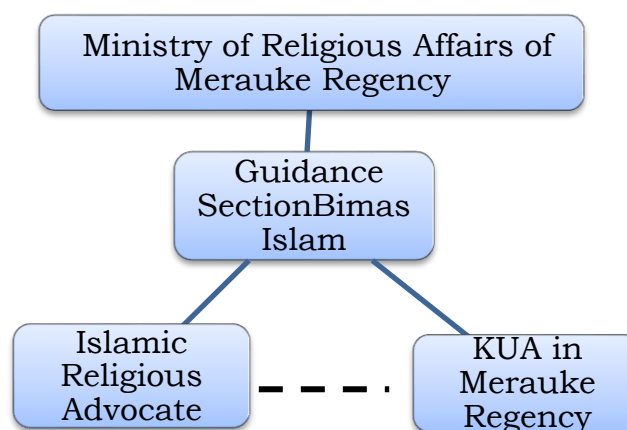
²⁵ Kementerian Agama Republik Indonesia, *Fondasi Keluarga Sakinah* (Jakarta: Subdit Bina Keluarga Sakinah Direktorat Bina KUA & Keluarga Sakinah Ditjen Bimas Islam Kemenag RI, 2017).

awareness of the importance of marriage legality. With assistance, people who do not understand the marriage registration procedure can get clear information about the requirements and stages that must be carried out, so that they no longer feel difficult or burdened by the administrative process. In addition, education also helps eliminate the perception that marriage registration is complicated or requires a large cost, even though the government has provided free registration services if done at KUA on working days and hours.

b. Optimizing the Role of Islamic Religious Extension Workers

The presence of religious extension workers in each region is urgently needed in implementing and assisting the Ministry of Religion in conducting Islamic guidance counseling in the community. As with the existence of Islamic religious extension workers in Merauke Regency, it is very important in assisting the duties and functions of the Merauke Regency KUA in conducting counseling. An extension worker is not only based or has an office at the Regional Ministry of Religious Affairs Office, but they can also have an office at the Religious Affairs Office (KUA). With the existence of Islamic religious extension workers, both civil servants and non-civil servants, of course, KUA must be able to coordinate and collaborate in helping to carry out KUA's duties to prevent the occurrence of sirri marriages in the community, especially for early age. In the organizational structure of the Ministry of Religious Affairs of Jayapura Regency, the existence of Extension Workers and KUA can be explained in the figure below:

Figure.1. The Existence of Extension Workers in Organizations



From the picture above, it can be seen that the position of extension workers and KUA is both one coordination under the Islamic Guidance of the Ministry of Religion of Merauke Regency. Therefore, it is necessary to optimize the role of Extension Officers in assisting KUA for the prevention of marriage through counseling and da'wah in the general public. In PMA Number 34 of 2016, the function in the field of Islamic community counseling is an inseparable part of the KUA's own duties.²⁶ Therefore, the KUA of Merauke Regency can hand over counseling on marriage related to sirri or unregistered marriages to the Extension Officer so that the head of the family focuses on serving the person who will get married.

The importance of extension workers in helping the role of KUA to prevent marriage from being recorded in the community, so the Ministry of Religion recruits extension workers, both civil servants and non-civil servants, to assist in the tasks carried out by KUA. According to Erik Junata, the addition of competitive and qualified employees currently needs to be done in order to create a good community service.²⁷ The addition of employees in the position of Islamic religious extension officer certainly aims to optimize problems related to the duties and functions of the KUA. By optimizing the role of extension workers in providing guidance, counseling, understanding related to the importance of marriage recorded at the Office of Religious Affairs and its impacts if the marriage is not registered, it will be a KUA strategy in preventing people from doing serial marriages or marriages that are not registered.

Nikah siri is a marriage that performed religiously but is not officially recorded by the state. Although legal under Islamic, this marriage has quite serious sustainability impacta in the future. Legally, Marriage siri has no legal force, so the wife and children of the marriage do not receive the proper protection, indcluding inheritance rights, birt

²⁶ Nur Lailatul Musyafa'ah et al., "Efektivitas Pelaksanaan Bimbingan Perkawinan Di Kantor Urusan Agama Gedangan Sidoarjo," *Mahakim: Journal of Islamic Family Law* 5, no. 2 (2021): 83-99, <https://doi.org/10.30762/mahakim.v5i2.135>.

²⁷ Erick Junata S, Seleksi Pegawai Negeri Sipil (CPNS) Menurut Peraturan Menteri Pendahyagunaan Aparatur Negara dan Reformasi Birokrasi Republik Indonesia Nomor 22 Tahun 2017 Tentang Nilai Ambang Batas Tes Kompetensi Dasar CPNS 2017, (Jurnal Cahaya Keadilan, Volume. 5. No. 2 Tahun 2017), Hlm. 93

certificates in the father's name, and the right to claim maintenance or fair treatment.²⁸ From a social perspective, marriage siri often causes negative stigma and has the potential to cause conflict. In the extended family, especially if the marriage is carried out secretly or without the knowledge of the first wife. Economically, women in serial marriages are in a vulnerable position because they do not have legal certainty over joint property or financial security if the relationship ends. In addition, psychological impacts such as insecurity, status uncertainty, and social pressure can also be experienced by wives and children. Therefore, although marriage siri is considered religiously valid, the official registration of marriages is still important for legal protection and the sustainability of family life in the future.

Conclusion

Based on the results of the research, it can be concluded that the practice of serial marriage in Merauke Regency is still rampant due to various factors, namely the first to get pregnant outside of marriage which makes them embarrassed by family disgrace, so that serial marriage is their choice. Second, low economic income, even though by regulation marriage at KUA is free, but costs such as completing documents and distance to the KUA office require transportation and accommodation costs. Third, the factor of low public understanding and awareness so that they do not understand the requirements for early marriage.

In an effort to prevent serial marriages, the Office of Religious Affairs (KUA) in Merauke Regency implements various strategies, such as the Ministry of Religious Affairs recruiting extension workers, both civil servants and non-civil servants, to assist in the tasks carried out by the KUA. By optimizing the human resources of extension workers, the KUA of Merauke Regency can optimize or coordinate with Islamic religious extension workers in helping to provide education to the community regarding marriage must be recorded. Subsequently, the strategy carried out by the Merauke Regency KUA provides assistance and education on the administrative process. So far, serial marriage for prospective couples at an early age stated that the process is very confusing, so they are better off doing a series marriage. By providing assistance, education and assistance

²⁸ Wahdatul Ramdhani, dkk, "Implementation of Prenuptial Certificates as a Religious and State Effort in Forming a Sakinah Family", *The Indonesian Journal of Islamic Law and Civil Law* 5, No. 1, (2024).

to the administrative process of marriage registration at KUA, it can minimize a person to register their marriage.

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