

## Research article

# Phenomenon of Unregistered Marriage in Teenagers in Indonesia: A Case Study of the Madurese Community in Situbondo

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Unregistered marriage ('sirri marriage') is widespread in Indonesian society, and this social phenomenon can be considered a form of disharmony in society. Even though sirri marriages have a negative impact, especially for women and children, they are still commonly found in Indonesia, including in Situbondo Regency, East Java. This study used a phenomenological approach. The research subjects were fifteen teenage girls who were married by unregistered marriage in Situbondo Regency. The research was conducted through interviews and observations. The data were analyzed using qualitative techniques. The results demonstrated that unregistered marriage was interpreted as an effort to avoid sin, as certainty in a relationship, and as an economic solution. Unregistered marriages, with the perception of cultural and religious legitimacy, which are often early marriages, have implications for the development of the family. One of the consequences of an early marriage is that the young couple is still totally dependent on their parents. These early unregistered marriages force children to drop out of school and become underage workers. Unregistered marriages also lead to divorce, and divorce rates are soaring. Divorce occurs because the young couple is not ready to manage conflicts in the household due to immaturity.

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## 1. Introduction

The Madurese community is known as an ethnically devout religion and firm in holding religious traditions. This can be seen from all its activities which are always carried out and are based on religious values. Religious values serve as a strong foundation in various activities, social, political, economic and artistic. Besides being known as a religiously devout community, they also hold fast to original traditions and customs that have become values in the behavior and actions of the Madurese community. One of the most visible facts of customs is obedience to parents, teachers and the government or hierarchical leaders. Obedience to parents, especially to mothers makes children

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sometimes not quick and can refuse to order and mother's wishes, especially in this context is marriage [1].

Marriage is a very sacred thing for most people in Indonesia, including the Madurese community. Marriage is an important relationship in life in society [2]. Marriage can also be said as a social interaction that is highly valued and recommended if someone has been able to do it [3]. Marriage is also seen as a relationship between a man and a woman where each other must support each other to achieve happiness in the family [4]. In addition, with marriage, a strong family identity (extended family) will be formed [5,6,7].

According to the belief of some people, the implementation of marriage should be widely announced to the public. It aims so that the public can know the union between two different human beings, and know about the changes in their status. Marriage must also be legalized by state law and also religious law in order to create peace between the two parties. However, on the other hand, in the Madurese community there are couples who choose to marry according to religious law by carrying out unregistered marriages and not registering their marriages under state law [8].

The word *sirri* means secretly or not published with a wedding ceremony [9]. This marriage is a marriage that is carried out according to Islamic law, but is not registered under state law and is hidden from public knowledge or there are also *sirri* marriages that are known to the public, but are not legally registered [10]. The implementation of unregistered marriages has also been recorded in several countries such as England, the Netherlands, Malaysia, the Philippines, Tunisia and Russia and also occurs in Indonesia. In the UK in 2016 at least from 287 marriage records there were 27% of marriages that were not registered in state law because their citizens performed unregistered marriages [11]. In 2017 in a survey conducted by True Vision Aire and Channel 4 of 903 Muslim women in the UK who were respondents, 60% of them married only based on religious law or unregistered marriage [12,13].

There are several reasons marriages are not registered in the UK. First, a man and a woman have an unregistered marriage due to avoid adultery [11]. Second, couples who want to live together, but are not yet ready to legally marry. Third, couples who have had a religious marriage first with the intention of registering their marriage but do not have the free time to register their marriage according to state law [14,15]. Fourth, unregistered marriages are also carried out to fulfill sexual desires in a way that is allowed by religious law, namely marriage, especially for people who are far apart from their official partners [16]. For Islamic countries such as Tunisia, it is very difficult to prevent unregistered marriages, because in Islam such marriages are permissible [17,18].

Apart from England and Tunisia, unregistered marriages also occur in Malaysia and mostly occur among foreign workers [16,19]. Workers from abroad, including from Indonesia, generally have binding contracts with their place of work, most of which do not allow them to get married first. For this reason, they choose to have unregistered marriages so that the parties where they work are not known [16]. Another reason for foreign workers such as from Indonesia, Bangladesh, the Philippines, India, Vietnam and Nepal in Malaysia who have unregistered marriages with native Malaysian educators with the aim that foreign workers have the convenience of becoming local residents in the future because they have married local residents. by legalizing their marriage [19].

In Indonesia itself, unregistered marriages are also rampant in some areas. Marriage in Indonesia is said to be an unregistered marriage if it is not performed in front of the KUA officer for Muslim citizens and the Civil Registry Office for citizens of non-Muslim religions [20]. In addition, in Indonesia there is also an online sirri marriage service that can be accessed via cellphone or computer, even though the prospective partner has never met before (Rahman and Faiza, 2014). In 2012, the number of unregistered marriages is known to be around 25% of all marriages in Indonesia [16]. Although it is religiously legal, legally unregistered marriages are not recognized in Indonesia [7].

The phenomenon of unregistered marriages is very common among Madurese teenagers. As is the case in Situbondo Regency, the majority of teenagers get married when they are children or before the age of 20. Unregistered marriages are very difficult to trace because of their unregistered status, but many are carried out in the community. Unregistered marriages in Madurese youth are also closely related to high early marriage. Teenagers aged 15 years will stop going to school and then get married and live in a household. Thus, the level of public education will always be low if this phenomenon is not revealed to the root cause of the underlying problem.

Based on the description of the problem, the purpose of this study is to reveal the meaning of unregistered marriages from unregistered marriage actors, which are mostly carried out by young Madurese people.

## 2. Method

This study uses a qualitative method with a phenomenological approach that focuses on the life experiences of adolescent girls in Sumbermalang District, Situbondo, East Java, Indonesia. By examining the intricacies of adolescent girls' experiences, researchers can better understand the essence of their experiences [21]. Phenomenology is not to describe a grand theory or create a model, but to accurately describe a person's

experience or life. The nature of phenomenology is the relationship between subjects, places and phenomena encountered. Phenomenology records a person's extraordinary experiences that are generally accepted by most people as ordinary. Therefore, the phenomenological approach aims to provide insight and understanding of unique and valuable facts about people's understanding, experience and behavior [22].

Data was collected through observation and in-depth interviews to answer two research questions. First, what an individual experiences in a particular phenomenon and second, what context or situation usually influences a person's experience in that phenomenon. The data is then read, selected and separated based on certain themes.

## 2.1. Phenomenological Approach

The phenomenological approach focuses on a person's subjective and practical life experiences [23]. Descriptive phenomenology was first carried out in 1963 by Husserl (as proposed by Gutland [24]), who used the concept of bracketing to maintain objectivity. Bracketing is the process of putting aside what the researcher already knows about the experience being investigated and approaching the data without prejudice about the phenomenon [25]. This study uses an interpretative approach because researchers can use their own experiences to interpret the experiences of others as the main research instrument.

The sample size in qualitative research should be sufficient to obtain most or even all of the information and perceptions of the research subjects in order to achieve data saturation. The concept of saturation is used to determine the appropriate sample size for qualitative research; until the number of participants no longer generates new data, perspectives or further information, resulting in saturation.

The phenomenological research method follows the following steps: formulating intuition questions, data analysis and data description. The first step is to develop phenomenological research questions about human life experiences in certain situations and phenomena. This study focuses on questions about the life experiences of adolescent girls in undergoing unregistered marriages. This question is more specific about how these young girls decide to have unregistered marriages.

Selected as research subjects in this study were teenagers who had experience in conducting unregistered marriages in Sumbermalang District, Situbondo, East Java. In-depth interviews were conducted with 15 subjects. Fifteen research subjects were considered representative because they had performed unregistered marriages before

carrying out official marriages. In addition to the fifteen teenage girls who were the research subjects, husbands were also interviewed as comparisons.

TABLE 1: Research Subjects.

Nu	Name	Age	Age of First Marriage	Education	Occupation
1	Artatik	20	15	Elementary School	IRT
2	Endang	20	15	Junior high school	IRT
3	Sofi	20	17	Junior high school	IRT
4	Sadiyah	24	15	Elementary School	IRT
5	Khotijah	20	18	Senior High School	IRT
6	Rizka	25	18	Senior High School	IRT
7	Wiwin	20	16	Elementary School	IRT
8	Lilis	20	16	Elementary School	IRT
9	Nila	21	18	Senior High School	IRT
10	Ihda Laila	20	16	Junior high school	IRT
11	Misiana	25	16	Junior high school	IRT

Source: Field Research, 2021

The questions posed to the subjects were limited to their experience before having an unregistered marriage, namely how early they were introduced to their husbands, the age difference between wife and husband, educational status and age. The main question posed is how they decided to have an unregistered marriage. To immerse themselves in the phenomenon under study and better understand the phenomenon of adolescent girls, the researchers used two data collection techniques, namely observation and in-depth interviews.

In the last stage of the phenomenological research process, the process of describing and defining the phenomenon determines the essence of the phenomenon, the researcher uses his understanding of the data to describe and explain the phenomenon. All interview data were transcribed. In the process of immersing themselves in this data, the researcher looks for in the transcript's various significant statements, i.e. sentences or words spoken by the subjects that describe how they experienced a phenomenon, and then encodes the text. The meaningful coding of the same text is then grouped into themes.

### 3. Result and Discussion

### 3.1. Social Setting Masyarakat Madura di Situbondo

Situbondo regency is one of the regencies in East Java which is located on the eastern end of the northern part of Java Island with a position between 7°35'-7°44' South Latitude and 113°30'-114°42' East Longitude. The location of Situbondo Regency in the north is bordered by the Madura Strait, in the east bordering the Bali Strait, in the south by Bondowoso and Banyuwangi Regencies and in the west by Probolinggo Regency. The area of Situbondo Regency is 1,638,50 Km<sup>2</sup> or 163,850 Ha, its shape extends from west to east approximately 140 Km. The North Coast is generally low-lying and in the south is high.

The total population in Situbondo Regency in 2021 is 685,967 people, which are divided into 336,757 male residents and 349,210 female residents [26]. Residents of Situbondo work as fishermen, farmers and traders. The education level of the population in Situbondo Regency is seen from the number of students, including: the number of elementary school students as many as 55,156, the number of junior high school students as many as 32,350 and equivalent high school students 32,329. that is, the higher the level of education, the lower the student ratio. When compared with the population of Situbondo Regency of 685,967 people, the ratio of the population who are still in school at the twelve-year basic education level reaches 5.72% of the total population of Situbondo Regency. The school participation rate of the population of Situbondo Regency by level of education includes, among others, SD/MI 93.88%, SMP/MTs 83.00% and SMA/SMK/MA 58.61%. This is also supported by data literacy as much as 96.24% and illiteracy rate as much as 3.76% [26].

The community in Situbondi Regency is known as a santri community with various religious cultures that surround it. The religious culture that has been built over the years by these northern coastal communities is evident in various patterns of community life. Islam is the dominant religion and colors the people of Situbondo Regency. This is reinforced by data that of the total population of 685,967 people, 658,528 Muslims or (96%) are Muslims and 27,439 non-Muslims (4%) [26].

The santri culture that has been constructed into the realm of people's thinking eventually fosters local religious values. The local religious values of the people of Situbondo Regency, which are constructed by the local culture of the coastal communities, who incidentally have been santri for many years, have been transferred from generation to generation and greatly influence the behavior and life of the community. The Muslim community of Situbondo Regency has a tendency to strongly believe in the figure of the kiai. Anything said by a kiai or religious figure in the form of "wrong or right", "according

to or not in accordance” with the current conditions is a fatwa and belief that is difficult to change. This condition simultaneously produces and produces a patriarchal culture that has become a 'spirit' in various aspects of community life at large and has an effect on family institutions, the community environment, educational institutions, as well as individuals as members of the Situbondo Regency community.

### **3.2. Unregistered Marriage Facts in Situbondo Regency**

The practice of unregistered marriage for the Madurese in Situbondo is common. Instead for residents in this district, sirri marriages seem to have become a culture so that carrying out unregistered marriages is no longer a taboo subject and considers that unregistered marriages (unregistered or underhanded marriages) are the same as officially registered marriages. The government through the KUA in Situbondo Regency has actually made efforts to overcome this problem, but has not given maximum results. Therefore, this is a common problem and should be a priority to find a solution immediately.

Based on the data that has been collected in the field on 15 research subjects spread across the District of Sumbermalang with the highest number of unregistered marriages, those who do unregistered marriages are on average young and their level of education and even welfare is also low. This data has only been collected and clearly known through information from local residents and there are still some that have not been and/or are unknown or only vaguely known by residents. This means that the number of unregistered marriage actors in Situbondo Regency could be more than this data. Previous research conducted in 2015 also showed data for as many as 200 people, only in one District of Sumbermalang. However, in 2020, the number of perpetrators in the region has not decreased and has actually increased to 210 people who are married to unregistered marriages.

Based on the results of in-depth interviews conducted with the subject, the theoretical interpretation of the findings is as follows:

#### **3.2.1. Unregistered marriage is interpreted as an effort to avoid sin**

Teenage girls in Situbondo Regency decide to have unregistered marriages because they are afraid of sin, too long "runtang runtung" or courtship. The motivation of the subject to do unregistered marriage is to legalize the relationship between men and women so as to avoid sinful acts. This mindset of fear of sin is the reason for unregistered

marriage actors. This is a positive implication of understanding Islamic religious doctrine about sin-reward, heaven-hell, haram-halal, legal-illegitimate and so on. However, this was then applied partially without regard to the principles of other Islamic teachings. Another reason is to avoid adultery. This reason is almost the same as the fear of sin. Whereas the real concept of marriage does not only stop at the issue of avoiding adultery, but there are other things that are also very important, namely that the marriage bond is a very strong bond and family life as much as possible gives birth to sakinah or peace for all its members.

### **3.2.2. Unregistered marriage is interpreted as certainty in a relationship**

The motivation of teenage girls who are also research subjects decides to marry unregistered because of fear of being left or being dumped by their boyfriends. So to make sure that the boy who is the girlfriend of a teenage girl will not leave her is to ask her to marry in a sirri way.

### **3.2.3. Unregistered marriage is interpreted as an economic solution**

The motivation of teenage girls to decide to marry unregistered is because of the poor condition of their parents. Parents will immediately marry off their daughters even though they are still minors if their children already have a boyfriend or match them if the child does not have a boyfriend. This motive is carried out so that the daughter's family can reduce the burden of dependents, because a married daughter will be dependent on her husband.

The reality on the ground shows that there is a cultural logic that underlies why unregistered marriages occur, early marriages experienced by girls in Situbondo Regency, especially in rural areas. That this reality does not grow from an empty space that only exists instantaneously, but that it exists and is present from a logic constructed through cultural and religious logic. Unregistered marriages find their logic of legitimacy in the construction of culture and religious understanding.

Unregistered marriages occur because of poverty motives. Many Madurese in Situbondo Regency live in lower-middle economic conditions, especially rural communities. Poor in this case has two meanings. First, the community cannot afford to pay for administration at KUA. This inability gets worse when village-level brokers exist. They would order people to take care of various administrations because he had to pay twice as much as usual. Second, they married sirri because of the economic inability

to finance their lives. In public affairs, especially in their work, they still depend a lot on men. In this context, unregistered marriages seem to be legal in Situbondo.

Most of the unregistered marriages that occur in Situbondo Regency occur under the legal marriage age. Early marriage in the Madurese, especially in rural areas, is something that is still very common today. The size of this marriage is not based on the mentality and age and personal maturity of women, but also because of the size of the body that is starting to look mature. One of the subjects named Endang experienced this, she is the daughter of a community leader in Kalirejo Village, married after she graduated from junior high school because she was proposed to by a child of a community leader who was also young.

Unregistered early marriage was also experienced by Artatic Subjects in the same village. At that time he was 15 years old. In her marriage that did not go well, she did not want to share the same bed with her husband for three months for reasons of not loving and not liking her husband. Apparently this was known by his father, and he too had to accept the consequences of being beaten by his father. Finally, she was forced to serve her husband. According to him, his marriage was carried out in a sirri manner because there was no official marriage certificate for them until now because at that time they were only recorded in the village but could not arrange marriage certificates because they were considered not old enough.

Early marriage is clearly not because of the will of the children but because of the will of their parents. This is mostly due to the coercion of both parents who are afraid that their children will become spinsters who do not sell, because if that happens it can be a disgrace to their parents. Likewise, due to other views that affect them from the culture and logic that works to influence their mindset in determining the marriage of their children. In this marriage process it is not possible to arrange a marriage certificate, because they are young children, however, sometimes age manipulation often occurs in registration at KUA. administrative procedures are not followed clearly because sometimes the KUA understands the cultural situation of the community so that managing the administration only seems to be complete, not a need for legal protection in their family life.

#### **3.2.4. Implications of Unregistered Marriage on Domestic Life**

Unregistered marriages with early marriage patterns with cultural and religious legitimacy have implications for the family development experienced by couples. One of the consequences of early marriage which is carried out with cultural and religious

legitimacy has economic implications that they are still totally dependent on their parents. Even the costs of the wedding are borne by the parents, most of which are not small because in Madura there is a term of *remoh* or a kind of reception with a large cost by bringing together family, neighbors, and prominent figures. Parents, mostly lose twice, first they bear the wedding expenses of their minors, the second they have to bear the living expenses of their married children.

Unregistered marriages with early marriage patterns force children to drop out of school and become underage workers. Of course, the necessity and demand to pay for their wives after they get married will give birth to underage workers who are not yet productive. It didn't stop there, with great compulsion, they finally fled to various countries such as Malaysia and lived separately from their wives. In addition, the pattern of education applied when they have children appears to be a pattern of violence. This is understandable because they experience shock where they are still in their teens having to take care of children accompanied by feelings and thoughts that are still unstable. Not infrequently in the countryside they educate their children not in wise ways but more in forms of violence. In addition, it also appears that the number of divorces is soaring and very high. They become widows of flowers or young widows who still appear at a young age. This spike in divorce can also be understood where they are not ready to manage conflicts in the household due to a mentality that is not ready to manage and face increasingly complex family challenges.

In the context of divorce, women are very disadvantaged because they cannot claim their rights due to unregistered marriages where the state cannot intervene because they are not officially registered administratively. Not infrequently young children who have become widows and have children, do not get anything and their rights from their biological fathers. It was considered as something that seemed normal to happen. They are finally in a position to accept this fact without being able to sue and get the rights they should have. As a result of unregistered marriages with this early marriage pattern, women suffer losses and injustices. Especially by women who are still at a young age with dependent children, coupled with low knowledge. Then the phenomenon that came later was entrusting the child to his grandmother, while his mother migrated to urban areas to earn a living with low skill capital. Not infrequently they run to Malaysia by illegal routes. From the many studies that have been conducted since 2008, Madurese are not discouraged from working abroad because there are no other options, including in this case young widows.

## 4. Conclusion

Unregistered marriages in Situbondo Regency, East Java occur due to several factors, namely, first, residents who consider unregistered marriages permissible in Islam, then marrying in unregistered ways does not violate religious law, secondly, unregistered marriages are the fastest step in justifying relations between men and women, when compared to legally married. Thus, the meaning of unregistered marriages for adolescents in Situbondo Regency emerges, namely: unregistered marriages are interpreted as an effort to avoid sin, unregistered marriages are interpreted as certainty in a relationship, and unregistered marriages are interpreted as an economic solution. Unregistered marriages with early marriage patterns with cultural and religious legitimacy have implications for the family development experienced by couples. One of the consequences of early marriage which is carried out with cultural and religious legitimacy has the economic implications that they are still totally dependent on their parents. Sirri marriages with early marriage patterns force children to drop out of school and become underage workers. Divorce rates are soaring and overwhelming. They become widows of flowers or young widows who still appear at a young age. This spike in divorce can also be understood where they are not ready to manage conflicts in the household due to a mentality that is not ready to manage and face increasingly complex family challenges.

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