

LEGITIMACY OF A SIRRI MARRIAGES (SECOND AND SO ON) BY THE PAIR OF CIVIL SERVANTS

Hazar Kusmayanti¹, Nindya Tien Ramadhanty²

Abstrak

Perkawinan siri di ketahui sebagai perkawinan di bawah tangan, artinya perkawinan yang memenuhi rukun dan syarat perkawinan serta tidak melanggar larangan-larangan perkawinan. Permasalahannya adalah ketika seseorang ingin beristri lebih dari seorang terdapat ketentuan yang harus dipenuhi. Penelitian ini bertujuan untuk menentukan keabsahan dan akibat hukum dari perkawinan siri (kedua dan seterusnya) yang dilakukan oleh pasangan PNS menurut PP Nomor 45 Tahun 1990 Tentang Izin Perkawinan dan Perceraian PNS dan Kompilasi Hukum Islam. Hasil dari penelitian ini perkawinan siri (kedua dan seterusnya) tidak sah menurut PP Nomor 45 Tahun 1990 Tentang Izin Perkawinan dan Perceraian PNS dan Kompilasi Hukum Islam. Sedangkan perkawinan siri (kedua dan seterusnya) sah menurut Hukum Islam.

Kata kunci: KUA; Pegawai Negeri Sipil; perkawinan

Abstract

Sirri Marriage are known as underhand marriages, meaning that marriages only fulfill the pillars and conditions of the marriage and do not violate marital restrictions. The problem is when someone wants to have more than one wife there are provisions that must be met. This study aims to determine the validity and legal consequences of perkawinan sirri (unregistered marriage) (second and so on) carried out by PNS couples according to PP No. 45 of 1990 concerning Marriage Permit and Divorce of Civil Servants and Compilation of Islamic Law. The results of this study of perkawinan sirri (unregistered marriage) (second and so on) are not valid according to Government Regulation No. 45 of 1990 concerning Marriage Permit and Divorce of Civil Servants and Compilation of Islamic Law. While perkawinan sirri (unregistered marriage) (second and so on) are legal according to Islamic Law.

Keywords: Civil Servants Pair; marriage; office of religious affair

Introduction

Social interaction is dynamic social relations that involve the relationship between individuals, between human groups, and between individuals and human groups. Social interaction between humans will form a group life which is usually called the community. It has become human nature to live together with other humans; living together must be preceded by the existence of a family.³ Allah Almighty commands all human beings to fulfill their biological needs through marriage. Islam regulates marriages aimed at the formation of a *sakinah, mawaddah, and warahmah* family as stated in Q.S Ar-Rum: 21 which means:

"And among the signs of his power is that He created for you wives of your own kind, so that you tend and feel at ease with him, and make Him among you affection. Verily in that are indeed signs for those of you who think."

Marriage or *zawaj* can be interpreted as an agreement between a man and a woman who bound themselves in a marital relationship to achieve the purpose of life in carrying out worship services to Allah SWT. Before marriage, prospective husband and wife must really be willing to continue to live as implementing the commandments of Allah SWT listed in the Qur'an and according to its form Islam embodies the family structure as husband and wife blessed by Allah SWT through the covenant of *aqad* or sacred or sacred value spiritually and

¹ Faculty of Law Padjadjaran University, Jalan Raya Bandung-Sumedang Km. 21 Sumedang | hazar.kusmayanti@unpad.ac.id.

² Faculty of Law Padjadjaran University, Jalan Raya Bandung-Sumedang Km. 21 Sumedang | nindyatiern@gmail.com.

³ Hazar Kusmayanti, 'Divorce Caused By Hypersexual Psychological Disorders In Husband', *Nurani*, 19.2 (2019), 161-72.

physically.⁴ Allah SWT makes marriages arranged according to Islamic law as a high respect and respect for self-esteem, which is given by Islam specifically to humans among other creatures.⁵

Although Indonesia now has the biggest Muslim population in the world there are millions of followers of other religions, such as Christianity, Hinduism, Buddhism, and Confucianism.⁶ Prior to the passage of the law, the marriage and divorce of Indonesia's majority Muslim population was governed exclusively by the unamended rules of Islamic law. Although a statute passed in 1946 required registration of marriages, reconciliations, and divorces, prior to 1974 there had been no legislative interference with the substance of Islamic marriage rules.⁷

Male Civil Servants who do second marriages onwards by means of a marital *sirri* and do not report it to the competent authority within a period of not later than one year after the marriage takes place or do not obtain permission from his wife and authorized officials. Permit forms are in writing with complete reasons. In addition, female civil servants are not permitted to become second / third / fourth wives. If this happens, one of the most severe disciplinary penalties may be imposed based on Government Regulation Number 53 of 2010 concerning Disciplinary Regulation of Civil Servants (hereinafter referred to as PP Number 53 of 2010). In Article 10 PP Number 53 of 2010, severe disciplinary penalties include the following demotion to a lower level for 3 (three) years; transfers in the context of lowering the position to a lower level; release from office; dismissal with respect not at your own request as a Civil Servant; and dismissal not with respect as a Civil Servant. In fact many Civil Servants do not refer to these rules.

Male Civil Servants who do second marriages onwards by means of a marital marriage without prior wife's consent and without permission from the competent authority may be subject to severe disciplinary sanctions as stipulated in PP Number 53 Year 2010, in which Article 21 (1) states that Civil Servants who conduct serial marriages from the second marriage onwards are disciplined by an official authorized to punish, besides Article 22 states that if there is no official authorized to punish, then the authority to impose disciplinary sanctions becomes the authority of a higher official.

Compilation of Islamic Law (hereinafter referred to as KHI) as in Article 56 paragraph (1) which states that a husband who wants to have more than one wife must obtain permission from the Religious Court. The Religious Court only gives permission to a husband with more than one wife if the wife cannot carry out her obligations as a wife, the wife has a disability or incurable disease, and the wife cannot give birth to offspring. In addition to these main requirements, other conditions must also be met including the approval of the wife and the existence of justice for his wife and children.

⁴ Arip Purkon, 'Pendekatan Hermeneutika Dalam Kajian Hukum Islam', *AHKAM: Jurnal Ilmu Syariah*, 2013 <<https://doi.org/10.15408/ajis.v13i2.930>>.

⁵ Mahmud Al-Shabbagh, *Tuntutan Keluarga Bahagia Menurut Islam* (Bandung: PT Remaja Rosdakarya, 1991).

⁶ Harun Fathol Hedi, Abdul Ghofur Anshori, 'Legal Policy of Interfaith Marriage in Indonesia', *Hasanuddin Law Review*, 3.3 (2017), 263-70.

⁷ Lawrence A. Young and Tim Heaton Mark Cammack, 'Legislating Social Change in an Islamic Society-Indonesia's Marriage Law', *The American Journal of Comparative Law*, 44.1 (1996), 45-73.

In reality it still occurs in the work environment of Serang Regency, where a male Civil Servant is married to more than one person without permission from his previous wife and without permission from the authorized official. In addition, the previous wife can still carry out his obligations as a wife, the wife does not have an incurable disease and the wife gives birth to offspring.

Marriage is a physical bond between a man and a woman as husband and wife based on a marriage contract with the aim of forming a happy *sakinah* family or household according to Islamic law. Marriage is specialized as a very strong form of bonding or *mišāqan galidhan* to obey God's commands and carry them out is worship. Because of the importance of marriage, it must be done according to the provisions of Islamic law. Its existence needs to be protected by state law in accordance with applicable laws and regulations so that the marriage has legal force.⁸

Marriage is an attempt to channel the sexual instincts of husband and wife halal in the household as well as a means to produce offspring that can guarantee the continuity of human existence on earth. The existence of marriage is in line with the birth of humans on earth and is a human nature given by Allah SWT to his servants.⁹ The implementation of marriages in Indonesia varies, ranging from marriages registered at the Office of Religious Affairs (hereinafter referred to as KUA), underage marriages and marital *sirri*. *Sirri* marriage which is not registered at KUA is also known as underhand marriage, *sirri* marriage or siri marriage is marriage that is conducted according to religious rules.

Marriage is a sacred thing, as formulated in Article 1 of Law No. 1 of 1974 concerning marriage (hereinafter referred to as Marriage Law) that marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Godhead The Almighty, then for the people of Indonesia a marriage is considered not only to satisfy biological desires alone but is a very sacred. This is implied in the explanation of Article 1 of Marriage Law which reads as follows: As a State based on Pancasila, where the first precepts are the Godhead of the Almighty, marriage is closely related to religion. So that marriage is not only an element of birth but a spiritual element that has an important role.¹⁰

The principle of marriage in Indonesian law is monogamy which is not absolute, that is, a man can have more than one wife if there is permission from the previous wife to remarry, but in practice many occur in the community that does not refer to the Marriage Law, so many husbands who do second marriage and so on without obtaining permission from the previous wife.

In life in the community many marriages occur without registration by the state, or what is known as a marital marriage. *Sirri* marriage is legal according to religion, but has no formal legal force. Some of the factors that cause a person not to register his marriage at KUA are not

⁸ Sheila Fakhria, 'Menyoal Legalitas Nikah Sirri (Analisis Metode Istiṣlāḥiyyah)', *Al -Ahwal Jurnal Hukum Keluarga Islam*, 9.2 (2016).

⁹ Burton Frances, *Family Law, Family Law*, 2012 <<https://doi.org/10.4324/9780203114780>>.

¹⁰ Maryani, 'Perceraian Sirri Menurut Kompilasi Hukum Islam (Studi Kasus Di Desa Parit Kecamatan Sungai Gelam Kabupaten Muaro Jambi)', *Al-Risalah*, 15.1 (2015), 118-30.

being able to pay for administration at the KUA, not yet old enough to carry out marriages that are legally recognized by the state, and Civil Servants who have more than one wife.

Previously, research on sirri marriages had been conducted by several researchers, namely, Addin Daniar Syamdan¹¹ who studied the legal aspects of sirri marriages and their legal consequences, M. Yusuf¹² who analyzed the impact of sirri marriages on family behavior, and Edi Gunawan¹³ who studied Sirri marriages according to the marriage law. While the research that the writer will do is different from the object and legal aspects, this article will be discuss about the validity of a series of marriages (second and so on) conducted by the pair of Civil Servants in Serang Regency Government according to Government Regulation Number 45 of 1990 concerning Marriage Permit and Divorce for Civil Servants, Islamic Law and Compilation of Islamic Law.

Research Metode

The research method used in this study is the juridical-normative approach. This juridical-normative approach is a study of legal principles, norms and legal norms.¹⁴

Discussion

Legitimacy of a Sirri Marriages (Second And So On) By The Pair of Civil Servants

Marriage is a sacred event and is very important in family life, in practice, marriage does not only concern the personal problems of those who carry out the marriage, but it also concerns the problems of family, relatives and even the community. Because marriage is the first step in forming a small family that is happy and prosperous physically and spiritually as mandated by the 1945 Constitution where the State guarantees to every Indonesian citizen to form a family, as Article 28 B paragraph (1) of the Basic Law 1945 which reads "every person has the right to form a family and continue the descent through a legal marriage". Guarantees to form a family are also regulated in Law Number 39 of 1999 concerning Human Rights.¹⁵

Marriage is a natural thing, every human being will face and cannot avoid or reject because all of that is due to His power. Likewise, civil servants as ordinary people in their lives will experience it. As something natural and human, civil servants also enter marriage life and form a household, in the household, two components begin to form, namely husband and wife. Husband and wife are the main components that make up a household. Someone is said to have married if they are married or married.

Marriage and divorce licenses for a civil servant have been regulated in Law No.1 / 1974 concerning marriage, Government regulation No.9 / 1975 concerning Implementation of Law No.1 / 1974, PP No.10 / 1983 concerning marriage and divorce licenses for civil servants, Regulations government No.45 / 1990 regarding changes to the government regulation No.10 / 1983. With the existence of various State instruments regarding marriage and divorce this means that there is a concern for the government for these two things for a civil servant. It has been understood for us in the spiritual dimension that marriage is a physical bond between a

¹¹ Djumadi Purwoatmodjo Addin Daniar Syamdan, 'Aspek Hukum Perkawinan Sirri Dan Akibat Hukumnya', *Notarius*, 12.1 (2019), 452-65.

¹² M. Yusuf, 'Dampak Nikah Sirri Terhadap Perilaku Keluarga', *At-Taujih*, 2.2 (2019), 96-108.

¹³ Edi Gunawan, 'Nikah Sirri Dan Akibat Hukumnya Menurut UU Perkawinan', *Jurnal Ilmiah Al-Syir'ah*, 11.1 (2013), 1-16.

¹⁴ Sri Mamuji Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, ed. by Rajawali Press (Jakarta, 2012).

¹⁵ Muh. Jamal Jamil, 'Izin Perkawinan Dan Perceraian Bagi PNS (Suatu Analisis Hukum Islam Terhadap PP No. 10/1983-Jo.PP 45/1990)', *Al-Qada*, 1.2 (2014), 1-31.

man and a woman as husband and wife with the aim of forming a happy and prosperous family (household) *Mawaddah warahmah* which is a human nature and a necessity for Muslims, especially those who are able physically and mentally carry it out.

Each employer who receives a request for permission from a civil servant in his / her environment, must have more than one wife, must give consideration and forward it to the Officials through a hierarchy channel no later than three months from the date he receives the said permit request according to Article 5 paragraph (2) PP Number 45 of 1990. Each supervisor who receives a request for a permit gives his consideration in writing to an official, the consideration must contain things that can be used by the official in making a decision, whether the permit request has a sound basis. As material for making considerations, the employer concerned may request information from the husband / wife concerned or from other parties deemed able to provide such convincing information according to the Elucidation of Article 5 paragraph (2).

Officials who receive a request for permission to have more than one wife as referred to in Article 4 paragraph (1) must pay close attention to the reasons stated in the permit request letter and consideration from the relevant civil servant's employer according to Article 9 paragraph (1) PP Number 45 1990.

Civil servants are prohibited from living together with women who are not their wives or with men who are not their husbands as husband and wife without the ties of a legal marriage. According to Article 14 PP Number 45 of 1990, what is meant by living together is to have relations as husband and wife outside a legal marriage as if though is a household. Permission for more than one wife is not granted by the official if it is contrary to the teachings or religious regulations adopted by the civil servant concerned, contrary to the applicable laws and regulations, the reasons stated are contrary to common sense, and there is a possibility of interfering with the implementation of official duties.¹⁶

Female civil servants are not permitted to become second / third / fourth wives of male civil servants according to Article 4 paragraph (2) PP Number 45 of 1990. Female civil servants here include female civil servants who have never been married and female civil servants who have never been married, with the word others all female civil servants are not permitted to become second / third / fourth wives. This is regulated because it is to fulfill the objectives of the marriage regulated in the Marriage Law. The purpose of marriage in the Marriage Law is to form a happy and eternal family (household) based on the divinity of the Almighty.¹⁷ If a female civil servant is allowed to become a second / third / fourth wife, she will make herself another woman in a marriage that has been previously established. If violated, the woman civil servant is honorably dismissed at her own request, according to Article 15 paragraph (2) PP Number 45 of 1990.

Male civil servants who violate one or more of the obligations / provisions of Article 4 paragraph (1), do not report their second / third / fourth marriage within a period of one year

¹⁶ Soegeng Prijodarminto, *Duri Dan Mutiara Dalam Kehidupan Perkawinan PNS* (Jakarta: PT Pradnya Paramita, 1992).

¹⁷ M. Abdurrasyid Hazar Kusmayanti, 'Praktik Beralihnya Hadanah Kepada Kakek Atau Nenek Menurut Konsep Hukum Islam', *Al-'Adalah: Jurnal Syariah Dan Hukum Islam*, 5.2 (2020), 196-204.

from the date of the marriage, then the civil servant is subject to one such severe disciplinary sentence according to Government Regulation Number 53 Year 2010 and paragraph (2) which states that female civil servants who violate the provisions of Article 4 paragraph (2), are disciplined with termination of disrespectful term as PNS.

Perpetrators of marital marriages (second and so on) committed by a civil servant couple are caused by economics and infidelity. The factors that cause the occurrence of marital marriages vary, among others, to avoid adultery, unable to pay the cost of the marriage registration process, in order to be able to perform polygamy because the bridegroom does not get permission from his wife as mandated by law, one party is still bound agreement with the place to work on the prohibition of marriage until a predetermined time limit, the assumption of many people related to the registration of marriage is not a religious order and the last economic factor, and the most dominant factor is the economic factor that causes a person to do a marital *sirri*.¹⁸

Based on the results of an interview with Moh. Ishak as Head of the Personnel and Human Resources Development Agency of Serang Regency, which states that the punishment for perpetrators of serial marriages (PNS couples) is in the form of demotion, non-job or fired from civil servants, and this dismissal sentence is often imposed on couples Civil servants who marry *sirri*. Based on the above rules that a marriage of *Sirri* (second and so on) conducted by a civil servant pair according to PP Number 45 of 1990 is invalid, because a male civil servant who will have more than one wife is required to obtain a permit from the official based on Article 4 paragraph (1) PP Number 45 of 1990 and female civil servants are not permitted to become second / third / fourth wives based on Article 4 paragraph (2) PP Number 45 of 1990.

Marriage in Islamic law is considered valid if the harmony and the legal requirements for marriage have been fulfilled and do not violate marital restrictions. The legal requirement for marriage is very important to determine when the relationship between man and woman is permitted and free from the sin of adultery. The legality of marriage in Islam is after the consent granted is pronounced by the marriage guardian of the woman with the bridegroom. The author sees that preventive efforts have been made in the Serang Regency government office, the leadership firmly provides penalties for civil servants who practice polygamy without permission, on the other hand, based on Article 3 paragraph (1) of the Marriage Law, the religious court does not make it easier to accept polygamy applications, not only consider permission from previous wives but also see other polygamy conditions in order to uphold the sacredness of a marriage.

The pillars of marriage according to Islamic law are the presence of a bridegroom, bride-to-be, bride-groom according to the right to marry, witnessed by at least two men or at least four women, and the consent of Kabul, while the legal requirements for marriage under Islamic law is the existence of prospective brides and grooms who have *baligh* (understanding), there is an agreement between the prospective bride and groom, there is no coercion from anywhere, the woman to be married by a man is not one of the unlawful women to marry.¹⁹

Sirri marriages are marriages that are not registered with the relevant agencies, carried out according to religion. *Sirri* marriage is a marriage that is secretly without being known by

¹⁸ Hazar Kusmayanti Eidy Sandra, *Perkawinan Poligami Di Indonesia Dalam Perspektif Hukum Islam Dan Peraturan Perundang-Undangan* (Bandung: Unpad Press, 2020).

¹⁹ Burhanuddin, *Nikah Siri: Menjawab Semua Pertanyaan Tentang Nikah Siri* (Yogyakarta: MedPress Digital, 2012).

people in the surrounding environment, usually done in the presence of community leaders or people who are featured in a religion, such as a kiai or traditional leader. *Sirri* marriage is no different from marriage in general. This marriage fulfills the terms and conditions according to religion and does not violate marriage restrictions but is not recorded in the KUA. The recording of marriage in Islamic law, is not one of the legal requirements for a marriage. Marriage issues in Indonesia have been regulated by the government, in Law Number 16 of 2019 concerning Marriage and Government Regulation Number 9 of 1975 Regarding Regulations for Implementing Marriage Law.²⁰

Based on the results of an interview with Rahmat as Chairperson of Serang Regency MUI stating that *sirri* (second and continuing) marriages or so-called polygamy in Islamic law are permitted, but they are only concessions so they are not compulsory and not sunnah. Islam stipulates marital conditions, namely the prospective bride, the bridegroom, guardian, witness, consent granted and must be fair in all respects. If it is not fair, then one is enough. If these fair conditions have not been fulfilled, they will get sin, but if they can be fair, then it is permissible.

Based on the opinion of the scholars from Serang Regency MUI, it can be concluded that the *siri* marriage (second and so on) conducted by a civil servant pair in Serang Regency government according to Islamic law is legal, because the implementation of this marriage has fulfilled the harmony and conditions of marriage and does not violate the prohibitions marriage based on religion. The recording of marriage in Islamic law is something new so that if the marriage is not registered or registered at the KUA it is not an issue that has legal consequences for his wife and children.

Based on the results of an interview with Anam as Staff in the Serang Regency Personnel Department, stating that according to Islamic law the principle of marital law is religion. The terms and conditions of marriage are the legal or not determinants of a marriage. Conditions of marriage include, for example, the prospective bridegroom, the bride, the presence of a guardian (a biological father/grandfather /brother/brother/brother/brother), two witnesses, and a dowry. Another requirement as one of the legal requirements for a marriage is a consent granted or a marriage aqad. The consent of Kabul in a *siri* marriage is carried out the same as if they were married in front of the prince, the only difference being that there was no note it.

Another requirement as one of the legal requirements for a marriage is a consent granted or a marriage aqad. Kabul consent is made between the guardian of the bride and the bridegroom. In a marriage that is done by note it, after the consent granted, the *sighat ta'lik* is also pronounced by the bridegroom, as stated in the marriage book. Among other things, if a man leaves his wife for two years in a row, or does not provide the obligatory income for three months, or hurts his wife's body or body, or leaves (ignores) his wife for six months, then the wife is not happy and complains to the Religious Court and pay the amount of money specified, then divorce fell. The pronouncement of *sighat ta'lik* is not done by people who do marriages of *sirri*.

²⁰ Divna Haslam and others, 'Parenting Style, Child Emotion Regulation and Behavioral Problems: The Moderating Role of Cultural Values in Australia and Indonesia', *Marriage and Family Review*, 2020 <<https://doi.org/10.1080/01494929.2020.1712573>>.

Based on the opinions above, it can be concluded that the marriage of sirri (second and so on) conducted by a pair of civil servants in Serang Regency Government according to Islamic law is legal. Islamic law has provided that a marriage is an agreement to “make halal” (or legitimize) sexual intercourse between a man and a woman. The phenomenon of “sirri” Muslim marriages has become a hotly debated topic in Indonesia, particularly since the emergence of Muslim marriage agencies that organize unregistered online marriages.²¹ *Sirri* marriages are marriages that are not registered at the KUA, *sirri* marriages are legal according to Islamic law if the conditions and harmony are met and do not violate the marriage ban. Marriage in Indonesia is regulated in a separate law. According to the Marriage Law, a legal marriage is a marriage that is carried out according to the laws of each of his religions and beliefs. Thus this matter is regulated in Article 2 paragraph (1) of the Marriage Law. It means that every marriage that is conducted is contrary to religious law, the marriage is also not considered valid by the state and does not have legal consequences as a marriage.²²

Indonesian citizens are bound by applicable law, the Marriage Law is a reference for Indonesian citizens related to marriage. The Marriage Law does not recognize *Sirri* marriage, because in Article 2 paragraph (2) the Marriage Law requires that a marriage must be deactivated. *Sirri* marriage does not record the marriage, meaning that it does not follow the applicable law so that the marriage of *Sirri* does not have legal force. Such an arrangement shows that there are strict provisions that must be obeyed by a man and a woman who make a marriage, so that by fulfilling these provisions, the marriage will be recognized and have legal force.

KHI requires that a marriage must be registered, as regulated in Article 5 of the KHI, in order to guarantee the order of marriage for the community, especially those who are Muslim, each marriage must be recorded, the marriage registration is carried out by PPN, then Article 6 paragraph (1) KHI states that each marriage must held before and under the supervision of VAT, and paragraph (2) states that marriages that are conducted outside the supervision of PPN are marriages that do not have legal force, thus the marriage record provides legal certainty of a marriage that takes place. When referring to the above rules, the marriage must be registered at the KUA for those who are Muslim and registration and registration at the Civil Registry Office hereinafter referred to as KCP for those who are non-Muslim. The registration of the marriage must take place before and under the supervision of VAT. If this is fulfilled, then the marriage is a legal marriage according to religion and positive law.

The perpetrators of siri marriages in the case of male civil servants wishing to have more than one wife are regulated in KHI provisions. KHI states in Article 55 paragraph (2) that the main requirement if a person wants to have more than one wife, then he must be able to act fairly with his wives and children. If the main conditions are not met, it is forbidden to have more than one wife. This aims to protect the rights of his wife and children in the event of a divorce in the future. In addition, Article 58 paragraph (1) KHI states that what must be fulfilled by the husband is the prior wife's agreement and the certainty that the husband is able

²¹ Eva F Nisa, 'The Bureau Cratization Of Muslim Marriage In Indonesia', *Journal of Law and Religion*, 33.2 (2018), 291-309.

²² Hardianto Djangih ham Abbas, Marten Bunga, Salmawat, 'THE WIFE'S RIGHTS OVER MAHAR SOMPA OF TRADITIONAL MARRIAGE IN BUGIS MAKASSAR (The Analysis of PA Decission Nomor 25/Pdt.P/2011/PABlk)', *Kanun Jurnal Ilmu Hukum*, 2018.

to guarantee the necessities of life of their wives and children. This is another condition that must be fulfilled in order to protect the rights of his wife and children.

Husbands who want to marry more than one person must obtain permission from the Religious Court as mentioned in Article 56 paragraph (1) KHI, if there is no permission from the Religious Court, then it does not have legal force. This is done so that the Religious Court knows that there are second/third marriages/so on. Article 57 KHI states that the Religious Court only gives permission to a husband who will have more than one wife if the wife cannot carry out his obligations as a wife, the wife has a disability or an incurable disease and the wife cannot give birth to offspring. The implementation of Siri marriage must fulfill the main requirements and other requirements, so that the Religious Court gives permission to husbands who want more than one wife. When referring to the rules above, the marital marriage conducted by a civil servant couple is not legal according to KHI because the husband or male civil servant does not ask permission from the Religious Court (not in accordance with Article 56 paragraph (1) KHI) and there is no wife's consent (not in accordance with Article 58 paragraph (1) KHI). In addition, the husband or male civil servant must meet certain conditions for more than one wife, that is, if the wife cannot carry out her obligations as a wife, the wife has a disability or incurable disease and the wife cannot give birth to such offspring according to Article 57 KHI.

Conclusion

Sirri marriage (second and so on) conducted by a civil servant pair in Serang Regency Government according to Government Regulation Number 45 of 1990 concerning Civil Servants' Marriage and Divorce Permit is invalid because a male civil servant who will have more than one wife is required to obtain a permit from such official based on Article 4 paragraph (1) PP Number 45 of 1990 and female civil servants are not permitted to become second/third/fourth wives according to Article 4 paragraph (2) PP Number 45 of 1990, according to Islamic law is valid because it meets the requirements and harmony and does not violate the prohibition of marriage, whereas according to KHI it is illegal because the husband must ask for permission at the Religious Court according to Article 56 paragraph (1) KHI and must obtain the wife's approval according to Article 58 paragraph (1) KHI.

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