

Problematic of Sirri Marriage in Banggai Islands District: The Case of Aliyan Imamullah's Deviant Sect Marriage Central Peling District, Banggai Islands Regency

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ABSTRACT

This study discusses problems of *sirri* marriage in Banggai Islands Regency with the focus of Aliyan Imamullah's deviant sect Marriage in Labibi Village, Central Peling District, Banggai Islands Regency. The discussion of this paper include motivating factors for carrying out *sirri* marriage in the Aliyan Imamullah deviant sect and the view of Islamic law and its implications for *sirri* marriage on household harmony among adherents of the Aliyan Imamullah deviant sect. This study used a qualitative case study approach. Data was collected through direct observation, in-depth interviews, and written material analysis. The data was analyzed using thematic approach by determining themes from the empirical data. The results of this study show that the driving factors for the community to carry out unregistered marriages in Labibi Village are due to economic factors, age, education, family and geography. Besides that the lack of public understanding of Islamic law and awareness of marriage registration also caused to practice unregistered marriage or *sirri* marriage. The practice of *sirri* marriage in the perspective of Islamic law is valid and appropriate because the terms and conditions have been fulfilled based on Islamic sharia. However, according Indonesia state regulations, the practice of *sirri* marriage is not recognized because it is not recorded by government authorities. Therefore, most the children born from *sirri* marriage couples could not obtain a birth certificate before their parent legalize the marriage with the state regulation.

ARTICLE INFORMATION

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sect

1. Introduction

Marriage is a solid contract (*mitsqan ghalidhan*) to obey Allah SWT's commands, and carrying it out is worship. Islamic law explains that marriage is a contract that justifies association and limits rights and obligations as well as mutual help between men and women who are not mahrams. In Indonesia, a marriage is considered valid if it meets the requirements and is registered by a Marriage Registrar. (Article 2 of Law Number 1974) Marriage is the most essential thing in the reality of human life.

However, in the Aliyan Imamullah deviant sect, Labibi Village, Central Peling District, Banggai Islands Regency, there are still those who do not register their marriages or carry out sirri marriages with various causal factors. The word sirri comes from Arabic, namely SIRRUN, the singular form of the phrase asraar, which means secret¹. The definition of unregistered marriage can be classified into three: (1) Marriages carried out without legal guardians. (2) Marriages carried out secretly or secretly. (3) Marriages carried out in the presence of a guardian and fulfilling other conditions but not registered at the local Religious Affairs Office

The aims of this study are to find out the driving factors for Sirri marriage and the view of Islamic law on sirri marriage. This study also discusses the Aliyah Imamullah community well-being after they practice sirri marriage.

This study is expected to give benefit to academia in sociology area and also to practical actors such as government and community leaders.

2. Literature Review

2.1 Teory of *Maqasyid al-Syariah*

Muslims believe Islamic law to be a law that originates from divine law. This belief is based on the fact that the source of law in Islam is the Qur'an and the limited sunnah of the Prophet, while legal problems continue to increase along with developments in human life. For this reason, efforts to explore and find legal answers (legal istimbath) must continue to be carried out by Islamic jurists.

Sociologically it is recognized that society is constantly changing. Changes in a community can affect the mindset and values in that society. The more advanced the way of thinking of a society, the more open it will be to accept advances in science and technology. And the more advanced science and technology, the more likely it is for legal problems to arise and require answers, the settlement of which, of course, uses ijthad.

Generally, the law in the Qur'an is divided into matters of worship and social affairs because worship is ta'abbudi in nature, so it is not the land of humans to perform ijthad. As for *mu'amalah*, Allah gives the flexibility to interpret his verses broadly as long as they do not depart from the principles set by Allah SWT.

From the perspective of Islamic legal thought (ushul fikh) the ushul scholars apply various methods in carrying out legal ijthad. These methods

¹Yunus, Mahmud *Kamus Arab Indonesia* (Jakarta: PT Mahmud Yunus Wa Dzurriyyah, 2010) 167

include *qiyas*, *istislah*, *istishab*, and *'urf*. (Ahmad al-Hajj al-Kurdi, 1980) The application of these methods in practice is also based on the concept of *maqasid al-shari'ah*. In terms of language, the plural *maqasid* of the word *maqsid* means demand, intention or purpose. (Hans Wehr, 1980) While the word *syari'ah* is "the way to water". (value content which is the goal of legal requirements). So *maqasid al-shari'ah* are the goals to be achieved from a legal determination.

The objectives of *maqasyid al-Shariah* are: (1) Maintaining Religion (*Hifzh al-Din*). (2) Preserving the Soul (*Hifzh al-Nafs*). (3) Preserving the Intellect (*Hifzh al-'Aql*). (4) Preserving the Offspring (*Hifzh al-Nasl*) (5) Taking care of the Property (*Hifzh al-Mal*)

The primary purpose of Allah creating a law is to benefit humans and nature. The benefit of *al-Syatibi* can be seen from two points of view. Both are *maqashidal-Syari'* (God's Purpose) and *Maqashid al-Mukallaf* (Mukallaf's Purpose). (Asy-Syathibi, volume II) Whereas *Maqasid al-Syari'ah* in the sense of *Maqashid al-Syari'*, contains four aspects. The four aspects are: (1) The initial goal of *shari'ah* is the benefit of humans in this world and the hereafter. (2) *Shari'at* is something that must be understood. (3) *Shari'at* as a *taklif* law that must be carried out. (4) The purpose of *shari'ah* is to bring people under the auspices of the law.

Benefits can be realized if the five main elements can be recognised and maintained. The five main elements are religion, soul, mind, lineage, and wealth. To realize and maintain the five main elements of *maqasid al-shari'ah*, they are divided into three levels: (1) *Maqashid al-Daruriyat*. (2) *Maqashid al-Hajiyyat* .(3) *Maqashid al-Tahsiniyat*

Maqashid al-Daruriyat is intended to maintain the five essential elements in human life within the limits of not endangering the five. *Maqashid al-Hajiyyat* is designed to eliminate difficulties or improve the maintenance of the five basic elements. Failure to maintain this group does not threaten the existence of the five points above but only creates problems for the *mukallaf*. *Maqashid al-Tahsiniyat* is intended so that humans can do their best to perfect the maintenance of the five essential elements.²

2.2 Law No. 16 of 2019 Concerning Marriage

In the case of marriage, as explained in Law Number 16 of 2019 amendment to Law Number 1 of 1974, that marriage is legal, mainly if it is carried out before the VAT and registered at the District Religious Affairs Office. The purpose of marriage is to form a happy and eternal family (household) based on Belief in the One and Only God. Creating a family means developing a small community consisting of a husband, wife and children. Forming a happy family is closely related to offspring, which is the goal of marriage. Maintenance and education are the rights and obligations of both parents. Happiness is harmony in the household relationship between husband and wife and children. The

²Muslih, I., Nurdin, N., & Marzuki, M. (2020). Effectiveness of Marriage Services Through Information System Management (SIMKAH) at Palu City Religious Court *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(1), 20-36.

happiness that is achieved is not temporary but eternal. Therefore, the expected marriage is a lasting marriage, which can end in the death of one of the partners and may not be terminated or dissolved according to the parties' will.

According to Islamic Law, the purpose of marriage is to fulfill the needs of human physical and spiritual life, to form a family and maintain and continue offspring in living their life in the world and to prevent adultery from creating peace and tranquility in the family and society. To obtain legitimate offspring in society by establishing a peaceful and orderly household.³

According to Imam Ghazali, the goals and benefits of marriage can be developed into five, namely: (1) Obtaining and maintaining offspring, (2) Fulfilling human desires, channeling his lust and shedding his affection, (3) Protecting humans from evil and corruption, (4) Growing sincerity to be responsible for accepting rights and obligations and to obtain lawful assets, (5) Building a household to form a peaceful society on the basis of love.

2.3 The concept of marriage

Marriage is a common sunatullah that applies to all creatures of Allah SWT, both in humans, animals and plants. Everything created by Allah is paired and matched, as applies to the perfect creatures, namely humans⁴ (Beni Ahmad

Syaebani, 2008). According to Hasbiash-Shiddieqy, marriage is carrying out a contract between a man and a woman based on the willingness and pleasure of both parties, by a guardian from the woman's side according to syara' to make household life lawful and to make life partners between one party and another⁵.

In Indonesia, the implementation of marriage or marriage has been regulated in Law Number 16 of 2019, amendments to Law Number 1 of 1974 concerning marriage, the Compilation of Islamic Law and other government regulations regarding the implementation of marriages. Legal principles in Indonesia are sourced from the Al-Quran and Hadith, then outlined in legal lines through Law Number 1 of 1974 concerning marriage. The 1991 Compilation of Islamic Law contains 7 (seven) legal principles or rules, namely as follows.⁶(1) The principle of forming a happy and eternal family. (2) The principle of open monogamy. (3) A prospective husband and a prospective wife who are physically and mentally mature can enter into a marriage to realize the goals of a good marriage and

Indonesia's Political, Cultural, and Legal Systems. *The American Journal of Comparative Law*, 23(4), 653-681. doi:10.2307/839240

³Cammack, M., Young, L. A., & Heaton, T. (1996). Legislating Social Change in an Islamic Society-Indonesia's Marriage Law. *The American Journal of Comparative Law*, 44(1), 45-73. doi:10.2307/840520

⁴Katz, J. S., & Katz, R. S. (1975). *The New Indonesian Marriage Law: A Mirror of*

⁵Sukaenah, S., Rusli, R., & B, M. T. (2020). The Effectiveness of Indonesia Supreme Court Regulation Number 1 Year 2016 Concerning Mediation of Marriage Disputes *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY*, 2(1), 63-80.

⁶Ali, Zainuddin *Hukum Perdata Islam di Indonesia* (Jakarta: Sinar Grafika, 2007), 7

produce excellent and healthy offspring so they do not think about divorce. (4) The principle of complicating divorce (5) The principle of balancing rights and obligations between husband and wife, both in domestic life and society. Therefore, everything in the family can be discussed and decided by the husband and wife. (6) The principle of registration of marriages, that is, the registration of marriages, makes it easier to identify people who are married or enter into marital ties.

2.4 Problems of Sirri Marriage

There are several factors that cause someone to do a siri marriage, including:

1. The legal awareness factor, meaning that the legal awareness of the Indonesian people is currently still not high enough. Many things can prove this statement. One of them is non-compliance with registering marriages as stipulated in article 2 of Law Number 1 Year 1974. With this in mind, it appears that legal awareness is still lacking, as well as a shallow mindset due to lack of knowledge, and passions that encourage the implementation of these matters. - Things that can be harmful to himself or others.
2. The religious factor, with the majority of Indonesian people adhering to Islam. Thus, marriages are often carried out according to Islamic religious rules by Muslim communities. So that some people who are Muslim do not register their marriages with the Office of Religious Affairs.
3. Economic factor, this factor can also be one of the causes of unregistered marriage but is not the main factor.

The reason is, if a couple who clearly have good intentions to get married without being driven by bad intentions, even though in this case they are poor or poor. So they will think more about the best for their household in the future.⁷

Based on the provisions of the Marriage Law, a marriage is considered valid if it is recorded and carried out in front of a Marriage Registrar. This shows that it is deemed invalid or performing sirri marriages if not registered. Sirri marriages cause many social problems in people's lives. An unregistered marriage will eliminate the right of the wife to sue legally. In other words, women do not get legal protection. Such marriages are contrary to the aspect of gender equality. Therefore, unregistered marriages are a form of harassment against women because they can eliminate women's rights. Any marriage other than one legally registered in its legal country is not valid.

Unregistered marriages have a very detrimental impact on wives and children. For the wife, the legal implication is that they are not considered a legal wife because they do not have authentic legal evidence. Consequently, the wife is not entitled to the husband's maintenance and inheritance if he dies; the wife is not entitled to marital assets in the event of a divorce because, legally, the marriage is deemed to have never happened. The impact on children is the status of children who are born considered

⁷Abdurahman, Wadiah *Faktor-faktor yang Menyebabkan Pernikahan Siri (On-Line)* (<http://wahidabdurhman.blogdetik.com/?p=12>), diakses pada tanggal 29 Maret 2022

illegitimate children. The birth certificate will include "child out of wedlock".

Consequently, the child only has a civil relationship with the mother and the mother's family and has no legal relationship with the father (arts 42 and 43 of the UUP). Of course, including children out of wedlock will have a negative social and psychological impact on the child and his mother. In addition, the unclear status of the child before the law results in the child not being entitled to maintenance, inheritance, living expenses and education from his father. Apart from having a legal impact, underhand marriage also has a negative social impact on women. Women who do this will find it difficult to socialize in society because they are considered mistresses or cohabitants (living at home without marriage).

3. Methodology

This study used a qualitative case study. The case study is the practice of siiri marriage or unregistered marriage by Aliyah Imamullah deviat sect in Pelling district Banggai Island regency. We studied the siiri marriage practice from Islamic law perspective and also from government law perspective. Data was gathered through direct observation, in-depth interviews and written material analysis^{8, 9}. The interviews were

⁸ Rusli, R., & Nurdin, N. (2021). Understanding Indonesia millennial Ulama online knowledge acquisition and use in daily fatwa making habits. *Education and Information Technologies*. doi:10.1007/s10639-021-10779-7

⁹ Rusli, R., Hasyim, M. S., & Nurdin, N. (2021). A New Islamic Knowledge Production And Fatwa Rulings: How Indonesia's Young

conducted judges and employees in the religious court. The data, then, was analyzed through data reduction, data presentation, and verification. From the data analysis, the researchers built themes by categorizing the data according to the similarities of phenomena^{10, 11}. The researcher also checks the validity of the data through the verification of the data from different sources.

4. Results and Discussion

4.1 A brief history of Aliyan Imamullah sect

Ali Taetang is the founder of Aliyan Imamullah's Splinter School, who was born on Monday, July 10, 1922, in Timbong Village, at 08.00 (Central Banggai District, present-day Banggai Laut Regency). Ali Taetang entered a people's school (SR) in 1931 and graduated in 1935. After that, he continued his studies at the *Ver Volk School* (VVS) for two years and graduated on July 31, 1937, and continued at the *Cursus Volkonderwyzer* school or Teacher's school for two years. After that, he became a teacher in various places and was appointed head

Muslim Scholars Interact With Online Sources. *Journal of Indonesian Islam*, 14(2), 499-518.

¹⁰ Nurdin, N., & Pettalongi, S. S. (2022). Interpretive case study to understand online communication in an e-tendering project implementation. *Jurnal Manajemen Komunikasi*, 7(1), 39-54.

¹¹ Nurdin, N., & Pettalongi, S. S. (2022). Menggunakan Paradigma Studi Kasus Kualitatif Interpretatif Online dan Offline Untuk Memahami Efektivitas Penerapan E-Procurement. *Coopetition: Jurnal Ilmiah Manajemen*, 13(2), 155-168.

of the school. But in his journey, he decided to stop being a teaching staff and continue his studies at Bukit Tinggipata in 1951 and graduated in 1953 and received a diploma from Sumatra Thawalib with Number: 9/STH/1953 dated August 4, 1953, signed by Abdul Muis St.T Apart from that, Ameh was also given a certificate of having been a teaching staff. (Fathullah Ali, 2004)

During his travels, he toured several areas on the island of Java and taught several places. After that he returned to Sampekonan. On September 3, 1956 a village meeting was held and then some of them embraced Islam. Islamic life is very strong for the people of Sampekonan Hamlet, Labibi Village, Central Peling District, Banggai Islands Regency and he preaches from one place to another. The spread of his da'wah was wide enough that his followers were found in several areas outside the province of Central Sulawesi, for example Maluku, Kendari and Taliabo.

In principle, Imamullah's aliyah are very contrary to Islamic teachings brought by the Prophet Muhammad SAW. Because on Friday, October 19, 1956, before the Friday prayer at the modest prayer room, he received a revelation and was appointed a prophet with the Creed "*Asyhadu an Laa Ilaha Illallah, wa asyhadu anna Aliyan Imamullah.*"

The teachings of the Aliyan Imamullah sect also apply to the issue of marriage. In principle, followers of this school, especially the Sampekonan Hamlet, Labibi Village, Central Peling District, Banggai Islands Regency, in terms of marriage, are waiting for the appointment of a mate from their teacher, Ali Taetang. When the teacher

says *Ko osoan maka yana* (Banggai language), "you marry him", then no one can argue "grateful". He determined the implementation of the marriage, and the bride and groom and their parents could only "assure" what the teacher said.

Matchmaking is carried out on Friday night at Maghrib, and the wedding will be held the following Friday night. The average marriage carried out by a man only pays a dowry of 1 Qur'an. The process is so short and fast compared to the implementation of weddings in general, and there is no objection from either the family or the bride and groom.

The missionary journey of the teacher Ali Taetang with the creed which he believed in reaped many pros and cons, especially among the government and Indonesian Religious Leader. So, several times, the government cooperated with the Regency Indonesian Religious Leader and Police officials to visit Sampekonan as a base or place for the development of this sect. However, on the other hand, many came from various regions to follow his teachings. On July 21, 2003, at 16.30 in the afternoon, he breathed his last at 81 years and 11 days. And the preaching was continued by his son Zikrullah with a different creed, namely "*Asyhadu an Laa Ilaha Illallah, wa asyhadu anna Zikrullah Auliya Allah.*" So now, followers of the Aliyan Imamullah sect have two different creeds.

4.2 Factors driving the practice of Sirri marriage

In the case of marriage, as explained in Law Number 16 of 2019 amendment to Law Number 1 of 1974, that marriage is legal, mainly if it is

carried out before the VAT and registered at the District Religious Affairs Office. However, among followers of the Aliyan Imamullah deviant sect, Labibi Village, Central Peling District, Banggai Islands Regency, some still marry secretly or secretly. Sirri marriage has disadvantages when viewed from a legal perspective. So marriage causes problems for the women who live it. Various issues arise because of unregistered marriages. Among others, husbands efficiently practice polygamy and do not provide monthly maintenance to their wives. Men can easily refuse children born to women who are married in unregistered marriages. If there is a divorce, the settlement of joint assets becomes unclear.

In terms of state law, it is clear about the division of inheritance rights and child custody. Without a letter or valid proof of marriage, if there is a divorce, it will be challenging to prove blood relations or heredity, property problems between husband and wife, inheritance rights between children's and parents' assets, and causing psychological and social burdens. The community thinks it is enough to carry out a marriage according to religious law, so the wedding is considered valid (this kind of marriage is commonly known as unregistered marriage or marriage under the hand).

Sirri marriage is a marriage that often occurs with the intention that the marriage is not known to the wife. This marriage is often used as justification to avoid adultery. This justification is based on reasons because the conditions and pillars are considered to have been met,

even though basically they are not recorded and violate the marriage law, namely Law Number 1 of 1974. However, because there are some scholars who allow this marriage to be the choice of men, considering the risks are not as big as formal and procedural marriages. Thus, unregistered marriage can be positive as long as the man does not have a wife or does not have a wife, but if he currently has a wife, this will have an impact on the first wife and children.

Based on interviews with researchers, several things cause unregistered marriages in the aliyan imamullah deviant sect in the village of Labibi, Central Peling District, Banggai Islands Regency:

a. Economic Factors

In general, the people of Labibi Village, Central Peling District, Banggai Islands Regency have a living as farmers and fishermen and are classified as people who depend on crops. So to register a marriage at the cost of Rp.600,000 is a very high cost for the society. This is what triggers people to take shortcuts to marry sirri or without being registered at the Office of Religious Affairs.

b. Age Factors

The age factor referred to is the age of the bride and groom who are not or have not reached 19 years old based on the applicable provisions. Based on the requirements of Law number 16 of 2019, amendments to Law Number 1 of 1974 Concerning marriage in article 7, it is explained that the age of marriage must reach 19 years. Someone who has not reached the age of 19 must ask for dispensation at the Religious Court with

a very urgent reason to enter into a marriage. However, this requires a large amount of money.

c. Educational Factors

The study's results showed that the average level of education for the people of Labibi Village, Central Peling District, Banggai Islands Regency, was at the elementary and junior high school levels. Therefore, the level of understanding of the importance of marriage procedures based on the provisions of Law number 16 of 2019 amendments to Law Number 1 of 1974 concerning Marriage needs to be revised. Even though the need for a marriage certificate is critical to manage population data in the village. For them, marriage is considered valid if it has been carried out following the provisions of religious law, even if it is not registered, even though this will affect them in managing population documents or the education process for their children.

d. Family Factors

The level of education of parents is very influential on family life itself. A lack of understanding of the marriage procedure will also affect family life. This can be seen in the life of the people of Labibi Village, Central Peling District, Banggai Islands Regency, who generally do not understand the meaning of marriage itself and the problems that arise if marriages are carried out in Sirri or not registered at the District Office of Religious Affairs even though the marriage certificate document is essential in terms of fulfilling population data for their future.

e. Geographical Factors

Based on the results of the study, it was shown that several couples entered into unregistered marriages caused by the age factor of the prospective bride and groom experienced problems in obtaining a marriage dispensation at the Religious Courts. The distance between Labibi Village and the Religious Courts is very far because the Banggai Islands Regency still needs to have its own Religious Court. At the same time, the arrangement for marriage dispensation must be carried out at the Religious Court in Banggai Laut Regency. Contracts for dispensing the Religious Courts must go through several sub-districts and cross to other districts.

The distance that the bride and groom will traverse to apply for a dispensation to the Religious Courts is very long. Thus, it will increase travel costs to the Religious Courts. Based on the study's results, it was shown that the arrangement for marriage dispensation for prospective brides who had not reached the age of 19 based on the provisions of the applicable law could get 5 or 6 million. Meanwhile, on the other hand, family economic factors are not very supportive. So they take shortcuts to marry sirri. However, all pillars and conditions are met. They marry openly or are known by the village but are categorized as sirri because they are not registered at the District Office of Religious Affairs.

If viewed from the *maqashid al-shari'ah* theory, Imam Al-Syathibi stated that taklif shari'a aims to maintain three types of maqashid (objectives): *dharuriyat*, *hajiyyat*, and *tahsiniyyat*. *Dharuriyat* is something that must be fulfilled to safeguard the benefit of religion and the world which includes *al-dharuriyat al-khams*, namely: (1)

Safeguarding religion (*hifzh al-diin*) (2)
Protecting life (*hifzh al-nafs*) (3)
Safeguarding reason (*hifzh al-'aql*) (4)
Protecting property (*hifzh al-maal*) (5)
Protecting honour and offspring (*hifzh 'al-'irdh wa al-nasl*)

If dharuriyat is not fulfilled, it will cause halak (destruction) or fasa (damage) in some or all of the five aspects above, representing the benefit of religion and the world. Particular acts of worship, such as maintaining the faith, performing prayers, paying zakat, fasting, and performing the pilgrimage, are prescribed to keep the religion of all Muslim leaders. Shari'a orders us to perform daily actions such as eating and drinking lawful things, wearing clothes, taking shelter in the house, and so on to preserve the lives and minds of all mulattoes. The Shari'a allows buying and selling to safeguard the assets of all the mulattoes. Shari'a prescribes marriage in the context of maintaining the honour and lineage of all mulattoes.

As for hajiyat, it is anything that, if not fulfilled, will cause narrowness and difficulties (*haraj wa masyaqqah*) for humans. If hajiyat is not fulfilled then it will not cause halak or fasaad as if dharuriyat is not fulfilled, but only causes narrowness and difficulties. In the aspect of worship, Allah gives relief (*rukhsah*) to sick people and travellers to fulfil the pilgrimage. In daily affairs (*'aadaat*), Allah allows humans to enjoy lawful things (*al-tamattu' bil halal*) to meet hajiyat. And in muamalat, Allah allows the borrowing, buying, and selling of greetings to fulfill the hajiyat. Tahsiniyat (sometimes referred to as tazyiniyat) is everything intended to improve, which is summarized in makarim al-akhlaq. In the aspect of worship, for example, performing

sunnah worship, sunnah charity, wearing nice clothes when praying and going to the mosque, and so on. In everyday aspects, for example, carrying out the etiquette of eating and drinking and not overdoing it in eating and drinking. The muamalah element, for example, is accessible in bargaining, recording buying and selling transactions and debts, and so on.

Based on the explanations from the interviews with informants, if it is related to the theory of maqasid al-shari'ah, the researcher can conclude that the factors that are the cause of the community are indeed pure because they do not have knowledge of the importance of marriage administration. No, this problem is protracted. And become a habit that becomes a tradition in society. What is done by some of the Labibi Village community is included in the Dharuriyat context, namely something that must be fulfilled in order to maintain the benefit of religion and the world. However, there are several other things that are not fulfilled, namely the registration of marriages. On the other hand, when viewed from the goal of maqasyid al-Syariah, namely preserving offspring, in the context of improving the fate of children in education this will be difficult to fulfill because, one of the requirements for education today is having a marriage certificate.

4.3 Islamic law perspective and implications for household harmony

Lasting life in the bond of marriage is a priority goal in Islam. The marriage contract is held forever and so on so that the husband and wife together can create

a household as a place of refuge, enjoy the outpouring of love and be able to care for their children so that they can grow well. Marriage is an inner and outer bond between a man and a woman as husband and wife to form a happy and eternal family (household) based on Belief in the One and Only God. Namely, a firm contract or *mistaqan galizan* to obey Allah's commands and carry them out is worship.¹²

As for the problems that occur in Labibi Village, Central Peling District, Banggai Islands Regency, when they marry, they do a lot of unregistered marriages, but based on interviews with researchers, in the wedding procession, they still get married like the Islamic community in general (according to the guidance of Islamic teachings) even though in the parade there are several customs or tradition they do in marriage.

Apart from that, the belief of the Aliyan Imamullah deviant sect, they still recognize the prophet Muhammad as a prophet. Still, in their creed, they added another creed, namely "Asyhadu an Laa Ilaha Illallah, wa asyhadu anna Aliyan Imamullah" (Fathullah Ali, 2004) Or after the death of their teacher Ali Taetang they took the creed in another way. However, some remain consistent with their teacher's doctrine. His son, Zikrullah, continued the da'wah while still carrying the name Aliyan as a symbol. But in the development and journey of da'wah, there has been a change in the shahada between him and what his father left behind. Zikrullah changed his creed: "*Asyhadu an Laa Ilaha*

Illallahu, Wa asyhadu anna Zikrullah Auliya Allah."

Syafiiyah scholars believe that an apostate husband and wife or one of the two will end the marriage. Hanafiyah scholars believe that if her husband apostatizes, her marriage must be dissolved because it is not lawful for infidels to dominate Muslims, both in one matter or several things, and they must separate immediately. Malikiyah scholars say that an apostate husband causes his marriage to be *fasakh*, and he must separate from his wife.¹³ At the same time, Hanabilah scholars say that if a husband or wife apostates, the divorce must be expedited to protect the monotheism of one of them, especially when the apostate is a more muscular husband in inviting his wife to join in apostasy.

Based on the view of Islamic law that marriages that occur in Aliyan Imamullah's deviant sect follow the pillars and obligatory marriage. However, this becomes fatal or damaged when the utterance of the creed made by the bride and groom is not following the shahada taught by the Prophet Muhammad SAW. According to M. Fauzan Zahuri If a husband and wife have married in the Islamic way and following the pillars and conditions according to Islamic law and legislation, but in the course of their household, one of the husband and wife is apostate, the marriage contract is *fasakh* or damaged. In Law Number 16 of 2019 amendments to Law Number 1 of 1974 Concerning

¹²Aulia, Nuansa *Kompilasi Hukum Islam (Hukum Perkawinan, Kewarisan, Perwakafan)* (Bandung: Nuansa Aulia, 2008), 79.

¹³ Syaebani, Ahmad Beni *Perkawinan dalam Hukum Islam dan Undang- Undang (Perspektif Fiqih Munakahat dan UU No1/1974 tentang poligami Dan Problematikanya* (Bandung: Pustaka Setia, 2008), 13

Marriage and KHI, this is called a marriage that is null and void and must be prevented¹⁴.

Thus the teachings of Aliyan Imamullah's deviant Sect, which are followed by several communities in Labibi Village, if they take the creed to recognize Islam as their religion without adding another ideology, then their marriage is religiously valid. However, if they add another creed, namely "*Asyhadu an Laa Ilaha Illallah, wa asyhadu anna Aliyan Imamullah*" or "*Asyhadu an Laa Ilaha Illallahu, Wa asyhadu anna Zikrullah Auliya Allah*" then they are classified as an apostate, and if in the household a person If the husband or wife follows a deviant sect, the marital status is *fasakh* or damaged and must be annulled.

In general, it can be said that marriages carried out by followers of the Aliyan Imamullah deviant sect, Labibi Village, Central Peling District, Banggai Islands Regency have impacted their household life. But in principle, there is another side, and it can be seen that their desire to settle down can be fulfilled even if it has to be done "forcedly". However, getting married is detrimental for both parties because there is no solid legal bond in the country. And this will affect harmony in living a household life.

The implications of sirri marriage significantly affect household harmony. This can be seen from several points of view: (1) Factors not recorded; A married couple will one day experience difficulties obtaining a residence certificate and educating their children in the future. From the research results, several households have been divorced

because the wife feels that the husband is not concerned for the needs of the family, especially population data. (2) Marriage Process Factors; When viewed from the view of the marriage process, marriages that are not following the provisions of Islamic law will affect the harmony of the household. Because in its implementation, it has violated the provisions taught by the Prophet Muhammad SAW.

5. Conclusion

From the results of the study, it can be concluded that the factors causing the implementation of sirri marriage in the aliyan Imamullah deviant sect in Labibi Village, Central Peling District, Banggai Islands Regency are economic factors, age factors, educational factors, age factors and geographical factors. And besides, the lack of understanding of marriage procedures and understanding of religion is a contributing factor.

Based on the view of Islamic law, the implementation of marriages carried out by the Aliyan Imamullah deviant sect, Labibi Village, Central Peling District, Banggai Islands Regency, has fulfilled the pillars and conditions of marriage. However, the marriage becomes *fasakh* (broken) because the bride and groom begin the marriage by pronouncing the shahada, which is different from the provisions taught by the Prophet Muhammad SAW. And this will have implications for the level of harmony in the household.

¹⁴Zahuri, M. Fauzan *Pengantar Hukum Islam dan Pranata Sosial* (Bandung: CV Pustaka Setia, 2013), 214.

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