

Phenomenon, Problems Marriage Unregistered, and alternative, protect women from the proliferation of adultery

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ABSTRACT

Indonesia of the majority of adherents of Islam, siri (unregister Marriage) marriage phenomenon is ubiquitous, but with a variety of reasons marry siri remains a choice that many taken by marriage age couples. The case of siri marriage to validate a relationship is not new. In a census conducted by non-governmental organizations (NGO) for Women Headed Family Empowerment (Pekka), 25 percent of Indonesians married siri and married in the habit of country in 2012, But on the one hand, the high rate of adultery in Indonesia makes us unable to close our eyes and have to find a solution. Have a lot of factors cause the high price of infidelity, such as uncontrolled lust, fear of choosing marriage Siri with all the negative consequences, not yet economically well established, and not wanting to be bound in a legitimate marriage, but the point of view of this study is to try to alternate marriage siri should be chosen rather than committing adultery. This argument begins with an illustration of the different amount of men and women Data from the Central Bureau of Statistics 110 men for every 100 women out of 254.9 million Indonesians (2015). This number is probably significant with many women in Indonesia who do not get a partner to marry, while choosing a marriage siri remains a frightening specter, so adultery is a path taken as a channel of their lust. Now the question is, 1) whether the marriage phenomenon siri can be stopped its speed ?, 2) what factors that cause the marriage of siri increases every year ?, and 3) whether marriage siri be an alternative that should be taken adultery, with the Indonesian nation the majorities of Islam and Islam are vehemently opposed to all forms of fornication.

Keywords: marriage siri, marriage, adultery

Introduction.

This paper tries to invite readers to think about a problem about phenomenon, problematics and marriage siri as an alternative to inhibit the increasing number of adultery. The practice of marriage is still a social phenomenon that is quite rampant and is always a warm conversation in the community. For some people consider siri marriage as the best way out, and there is no element of sin in it because it has been do according to religion, it's just not registered to the marriage certificate officer, in this case, is KUA (Office of Religious Affairs), so it has no authentic proof. But there are still many discourses that make the marriage offender siri feel depressed with the statement that there will be many problems that may occur not only to the wife but children born from a marriage siri. Recently there was terrible news in East Kalimantan, "a mother named Selly had the heart to kill her newborn baby, by putting the baby in the car washer's launderer's freezer, before Selly had a son from her marriage." The motive was not willing, embarrassed because it had the first child and no status, no birth certificate.

The temporary motive "said East Kalimantan Police Chief Irjen Safaruddin told AFP on Thursday (03/08/2017).

However, the sad event does not necessarily impede the high rate of interest of Indonesian people to do marriage, Siri. Marriage siri remains selected as an alternative to legalizing the relationship status than on having free sex or adultery. If we look at many factors to be the cause of marriage siri remain an option, such as the difficulty of taking care of the second marital status, if men want to marry again, economic problems also trigger women choose to siri, and the state of an old spinster is also associated with the reasons married siri. Factors of family encouragement (parent), the status of a student, economic element, impulse of lust, a low educational background of society, lack of understanding about Law No.1 Year 1974 about marriage especially about an obligation to register the marriage at Office of Religious Affairs KUA). Now let's look at the high rate of adultery each year, and the Government is also worried and wants to stop. Data in 2005 Yayasan DKT Indonesia conducted the same research. DKT focuses its research in four big cities, among others: Jabodetabek, Bandung, Surabaya, and Medan. Based on the norms adopted, 89% of teenagers do not agree on pre-marital sex. However, the fact that happens in the field, first, 82% of teenagers have friends who have premarital sex. Secondly, 66% of teens have friends who are pregnant before marriage. Third, teenagers openly declare pre-marital sex. These percentages show odd numbers. Jabodetabek 51%, Bandung 54% Surabaya 47% and Medan 52%. <http://www.nomifrod.com/2016/06/4-factors-causes-nikah-siri.html>

Now whether the marriage siri is still a scourge that should be feared and prohibited to be chosen by the community, while the government remains concerned about the high rate of adultery in the city. The choice of siri marriage and efforts to suppress the price of infidelity is indeed a dilemma that can not be decided by the Government of Indonesia. Indonesia is the country whose majority of its citizens convert to Islam. Islam strictly prohibits everything in the form of free sex. Therefore this paper was born of a concern, trying to offer a discourse from the study of library research. Legitimate the marriage of siri to the followers of Islam, by equating the legal status of the son of Siri with the child born from the union recorded in the KUA, and arrange marriage ceremony siri that will get recognition from the state. Therefore, a good marriage is a legitimate marriage in the eyes of religion and lawful in the eyes of the law, and is officially registered in the state, so that if anything happens in marriage, the state can protect it.

Departing from the very complicated problem above, a question arises dilemma, that is whether to choose siri marriage and the consequences of loss that will be accepted if marriage is not in line with expectations or carry out legal marriage by state rules, but not get the portion of getting a companion for the first marriage. Free sex should not be an option because the impact received is much worse than being the second wife in a siri marriage. The government is anxious about the spread of the phenomenon of free sex (Zina), but until now there has been no attempt to tolerate the rights of women and children who choose marriage siri. So siri marriage remains a frightening choice of women. Referring to the opinion that the background of the union of siri 1) the biological desires and needs, 2) justify marriage, and 3) avoid do.

Zina in the view of Islam.

In the view of Islamic law, adultery means *fahisyah*, which is a vile act. Zina in the sense of the term is the sexual relationship between a man with a woman who is not bound to each other in a marital relationship. The *fukah* (jurist of Islam) defines adultery, i.e., sexual intercourse in the sense of entering the penis (male sex) into the vagina of women declared *haram*, not for *syubhat*, and on *dasara lust*. Zina according to Islamic law is not limited to married people only but applies to anyone who has intercourse while they are not husband and wife, whether married or unmarried. Anyone who proves convincingly has committed adultery; then he is exposed to adultery. It's just that there are different punishments that will be imposed on people who have or have never married a person who has never married. Unlike the positive law that only imposes penalties for adulterers who have been married, then for those who have not married or by likes or commonly among people calling the *kebo* get together is not given a punishment. In Islamic law the act of adultery is very severe punishment and is a nasty or lousy deed to be avoided. According to Sudarsono (Nurmalasah, 2015: 24) "in case of adultery, then for the perpetrators are sentenced to volumes or stoning on the condition that the act has met the requirements determined by *syara* '. Furthermore, he formulates if there is adultery that has fulfilled the legal requirements as follows: If the adulterer either male or female free, has *baligh*, then the punishment as follows: 1) with volumes (*hit*) 100 times and exiled (*tagrib*) for a year for them, mature, intelligent, but never touched with a legitimate wife, 2) if the adulterer has tasted *tame* with the rightful wife, called *zina muhsan*, then his punishment by stoning, that is, stoned to death. *Rasulullah* said, which means "let not one of you do sex with a woman because *shaitan* became the third person between them both." (Ahmad 1/18, Ibn Hibban 1/436, At-Thabrani (Al-Mu'jam Al-Awshoth 2/184, and Al-Baihaqi 7/9, validated by Shaykh Al-Albani (As-Sahihah 1/792 no 430).

Methodology of Research.

The type of research conducted and used in the preparation of this study is the study of normative law or doctrinal legal analysis, because this review is only directed to written regulations so that this research is closely related to the library because it requires data that is secondary to the library (Soekanto, 1981), conducted by examining library materials or secondary data, as revealed that the objectives of normative legal research, namely; "A process to find a rule of law, legal principles, and legal doctrines to answer the legal issues faced". Normative legal research is conducted to generate new arguments, theories or concepts as prescriptions in solving problems encountered (Muhammad 2004).

Case of marriage phenomenon Siri can stop.

But everyday facts show that not all Siri marriages always colored by adverse effects on women and children. Not even a few cases of marriage Siri whose life partner is much more harmonious than married couples and legally registered in the office of religious affairs. However, since some women's positions in Indonesia are subordinated and often fall victim to patriarchal ideology, it must be admitted that Siri marriage causes much suffering and becomes a medium for male superiority to show its power and arrogance to women.

Nowadays many of us meet couples who prefer to do marriage Siri or marriage under the hands especially for the middle to lower class; it is influenced by the limited knowledge about the law, the consequences will be generated and cost issues. As for the upper-middle-class control fear of sin and adultery and many other reasons. The term Siri or marriage is kept the secret is already known among the scholars. It's just that marriage siri known in the past different understanding with siri marriage at this time. Formerly the meaning of marriage siri is marriage by the pillars of marriage and the conditions according to s only the witness was asked not to notify the occurrence of marriage to the public, to the public, and by itself no walimatul-" ursy. The siri marriage known by the Indonesian people today is a marriage conducted by a guardian or a guardian's representative and witnessed by witnesses, but not done in the presence of the Officer of the Register as an official government apparatus or not registered in the Office of Religious Affairs for those who are Muslim or Civil Registry Office for non-Muslims.

The conclusion of whether the marriage siri can be stopped its speed. The answer is no, in fact, researchers can guarantee the number and interest of marriage siri will always increase from year to year. So many people, who are beginning to realize the effects of free sex, and undertake to abide by their Islamic values. Islam strictly enjoined to protect your children and descendants from the torments of hellfire, which means start marriage from something good.

. What factors cause the siri marriage to increase every year

The reasons often raised about the reasons why many married couples choose to marry siri, among others: 1. Meminimalisasi free sex, as well as the development of AIDS, HIV and other venereal diseases. 2. Mengurangi burden or responsibility of a woman who became the backbone his family. We can not turn a blind eye to the possible negative effects that may occur: 1). Adultery is a natural thing, 2) There will be many cases of polygamy that will happen, 3) The absence of clarity on the status of wife and child both in the eyes of Indonesian Law and in the eyes of the surrounding community, 4) Sexual harassment of women because it is regarded as an outlet for men for a moment. When viewed from the impacts that exist, the more visible that the marriage series more negative impact than positive impact.

Is marriage siri an alternative that should be taken instead of adultery, given that the majority of Indonesian Muslims and Islam are very strongly opposed to all forms of adultery?

Departing from the high rate of adultery, according to the National Coalition on the Elimination of Commercial Sexual Exploitation of Children (ESKA), at least 150,000 Indonesian children are victims of child prostitution and pornography every year. That number increased 100 percent more than the statistics of the UN agency in 1998. Moreover, based on data from the Ministry of Health, it is estimated there are 6.7 million men who buy sex in 2012. That number increased by two times more than in 2009 (kompas.com, 3/12/2012). It is strange and ironic, adultery cases occur in every city, and the number of years increases. Is it not in Islam, which is the most widely held religion of the Indonesian population, prohibiting the practice of adultery?

These uneven and increasing cases of adultery, indicating there is a mistake in this country. What's wrong ? Individuals? But is not the majority of the population Muslim and in Islam, adultery is forbidden. If this is an individual problem, why people who do that can be evenly distributed, exist in every city and region and the number is increasing every year. It does not make sense if this problem is an individual problem, then we must analyze what causes them to do so. Law No.1 / 1974 adheres to the principle of monogamy, but it still gives concessions to those whose religion permits polygamy (one of them Islam) with stringent requirements. A person who wishes to commit must polygamy fulfills at least one of the alternative conditions specified in the law, namely:

- the wife can not fulfill her duties as a wife;
- a wife gets a body defect or an incurable disease;
- the wife cannot bear the offspring (ps.4 verse (2) Act 1/1974: 2)

Free sex is already a lot happening in this country. On August 10, 2014, Deputy for Family Planning and Reproductive Health BKKBN, Dr. Julianto Witjaksono SpOG, KFER, MGO said, 46% of teenagers 15-19 years old who have not married have sex. (Tribunnews.com, 10/8/2014). Now how to solve this problem. Regulations prohibiting pornography and pornography have existed, but are not necessarily able to suppress adultery rates in the country. Departure from the turmoil of the Government and society, will the rise of adultery, it is necessary to observe the logic of this phenomenon. It is strange if the government turns a blind eye and mind, by distinguishing the treatment of the rights of a child born from a siri marriage to a child born through a marriage recorded at the Office of Religious Affairs.

All women if asked their little hearts, will give an answer that they crave to get the gift of marriage from a man he loves, without interspersed with the presence of other women in their household. But as an adherent of Islam, we must realize that true Islam has described long ago in hadith, from Anas Ra that Rasulullah SAW said, "Among the signs of doom is the diminution of knowledge, the appearance of ignorance, the spread of adultery, many women, and at least men, so fifty women have one man "(Bukhari) Adultery will not happen unless the number of women more than men. Finally, every man has forty - fifty women as mentioned in the hadith. In response to this it is said that at that time, one man was between forty and fifty women. Whenever the women encounter a male, they will say, "Marry I, marry me! "And at that time adultery as it has become a culture or daily work. And hadith

Conclusion.

Sirri marriage a numbers and interests will always increase from year to year. So many religious communities, who are beginning to realize the effects of free sex, and open to abide by their Islamic values. Islam strictly enjoined to protect your children and descendants from the torments of hellfire, which means start marriage from something good. Marriage siri is the best way of adultery. The government has time to start thinking, siri marriage with the same rights received by the son of Sirri, if not want this country stuck with the practice of prolonged adultery.

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