

The Losing Power of Law in the Face of Tradition: A Study of Siri Marriage in Madurese Society

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Abstract

Law is an instrument of justice. When the law cannot provide justice and peace, people will adhere to traditions they believe to be right. The case of unofficial marriages between widowers and widows in the Madurese community in Kubu Raya Regency shows that the law becomes powerless when confronted with the living traditions within it. The approach used in this research is phenomenological. The reasons behind unofficial marriages are very complex and not as simple as a purely legal approach might suggest. These reasons include feeling ashamed because they are no longer young, low levels of education that leave them unaware of how to handle marriage administration, the background of the Madurese people who receive pesantren (Islamic boarding school) education and view pesantren teachings as the final authority in practicing Islamic law, marriages at a young age before becoming widowers and widows, and the hierarchical culture of respect towards Buppak-Bopphu, Guruh, and Rato that is prevalent in the Madurese community. In their view, building a household must meet the

requirements and conditions of marriage, and there must be honesty, as honesty is the foundation of a household. The fruit of honesty is loyalty. Equally important in marriage is the presence of responsibility. Additionally, widowers and widows, when present in front of their partner's family, must know how to conduct themselves properly. Laws are not always binding and cannot always be rigidly applied within a community, especially when people hold firmly to traditions and culture they believe to be true.

Keywords: *Law, Tradition, Siri Marriage*

Introduction

Law is an instrument of justice for the community,¹ when the law is far from justice for the community, then the law only becomes a tool for the rulers.² The law will be like a knife, sharp downward and blunt upward,³ then the law is used as a tool to smooth out desires and perpetuate its power.⁴ When the law is like this, what will happen is that the strong oppress the weak, the rich are praised, the poor are stepped on and exploited and used as objects for the interests of the rulers.⁵ Therefore, the law is present to ensure security and comfort for the people who live in a state based on law, do not let the law only become a tool of the authorities.

Rulers do have interests, but the main interest of power is the welfare of the people, because sovereignty actually belongs

¹ Yustinus Suhardi Ruman, "Keadilan Hukum Dan Penerapannya Dalam Pengadilan," *Humaniora* 3, no. 2 (2012): 346, <https://doi.org/10.21512/humaniora.v3i2.3327>.

² Nike K. Rukomoy, "Kedaulatan Dan Kekuasaan Dalam UUD 1945 Dalam Pembentukan Hukum Di Indonesia," *Jurnal Hukum Unsrat* 23, no. 9 (2017): 1.

³ Irwan et al., "Hukum Tajam Ke Bawah Tumpul Ke Atas (Perspektif Sosiologis Penegakan Hukum Di Indonesia)," *Jurnal Indonesia Sosial Sains* 3, no. 6 (2022): 1030, <https://doi.org/10.36418/jiss.v3i6.672>.

⁴ FX. Adji Samekto, "Relasi Hukum Dengan Kekuasaan: Melihat Hukum Dalam Perpektif Realitas," *Jurnal Dinamika Hukum* 13, no. 1 (2013): 90, <http://fh.unsoed.ac.id/sites/default/files/fileku/dokumen/JDH2013/JDHJanuari2013/8.pdf>.

⁵ Miftakhuddin, *Kolonialisme: Eksploitasi Dan Pembangunan Menuju Hegemoni* (Yogyakarta: CV Jejak, 2019), 30.

to the people,⁶ without the support of the people the ruler will not have authority. The law is held, so that the ruler and the people remain in the corridor of justice, as the story of King Solomon who gave justice to the two mothers who fought over a baby. One mother asked Sulaiman to cut the baby in half, while the other could only cry and let the child live and she relented, as long as the baby was for and alive, then Sulaiman gave the baby to the mother who relented, because no true mother wants her child to die.⁷

Justice is the great ideal desired by the founding fathers, as in the preamble of the 1945 Constitution: colonialism in the world must be abolished, because it is not in accordance with humanity and justice.⁸ The independence of Indonesia was due to the colonization that had occurred in this nation, far from a sense of justice and humanity, so independence was seized and the Unitary State of the Republic of Indonesia was formed, the hope is that people can feel justice. After Indonesia became independent, the nation affirmed that Indonesia declared itself as a state of law.⁹

Since Indonesia's independence, this country has had laws, indicating that the basis of this country is law, starting from the sovereignty of the state to changes in the law all regulated,¹⁰ so that every policy and decision does not only accommodate the wishes and interests of the ruler alone, but the law is also based on the sovereignty of the people represented by members of the House of Representatives (DPR), where one of its functions: absorbing, collecting, accommodating and following up on the

⁶ Suwardi Maninggasa, "Pentingnya Peranan Pemerintah Daerah Dalam Penyelenggaraan Pemilihan Umum," *Ahkam: Jurnal Hukum Islam Dan Humaniora* 1, no. 1 (2022): 170, <https://doi.org/10.58578/ahkam.v1i1.749>.

⁷ J. E. Sahetapy, "Hukum Dan Keadilan," *Hukum Dan Pembangunan. Salah Satu Bacaan Utama Sarjana Dan Mahasiswa Hukum Indonesia* (Jakarta, 1991), 13.

⁸ "Undang-Undang Dasar Republik Indonesia Tahun 1945," Pembukaan § (1945), Pembukaan, <https://kumparan.com/berita-hari-ini/makna-pasal-27-ayat-2-uud-1945-tentang-pekerjaan-dan-penghidupan-yang-layak-1vm6VM5o7wX/full>.

⁹ Zahermann Armandz Muabezi, "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)," *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 441, <https://doi.org/10.25216/jhp.6.3.2017.421-446>.

¹⁰ Undang-Undang Dasar Republik Indonesia Tahun 1945, 1-9.

aspirations of the community.¹¹

Laws made by the DPR and approved by the President are then implemented by the government, so that people feel the existence of legal certainty. simultaneously between the government and the people, so that neither the government nor the people are harmed.¹² Laws that are made and agreed to be the reference and foundation of life when problems occur in society, it turns out that sometimes in the midst of society itself, the law must lose its strength when confronted with traditions that have roots that are so sharp and so strong in the joints of social community life. The law seems to lose its “spurs” when dealing with traditions that are considered a truth that does not need to be debated anymore.

The law that has been agreed upon by the House of Representatives and supported and then becomes a law and is equipped with legal instruments that reach the lowest level of society, it turns out that when dealing with the traditions and culture of certain tribes, the law must relent and let the tradition run according to its will in the community, such as the example of siri marriage which is still often found in Madurese society.¹³ They said that the marriage was not against Islamic law and was in accordance with what the kiai had done.¹⁴ In addition, the Madurese community accepts siri marriage, due to economic problems, polygamy, not approved by parents and because they are afraid of committing adultery, from several reasons they

¹¹ Muchlisin, “Kedudukan Serta Fungsi Dpr Dalam Sistem Ketatanegaraan Negara Republik Indonesia,” *Mimbar Yustitia* 3, no. 2 (2019): 126, <https://doi.org/10.52166/mimbar.v3i2.2019>.

¹² Kania Dewi Andhika Putri and Ridwan Arifin, “Tinjauan Teoritis Keadilan Dan Kepastian Dalam Hukum Di Indoensia (The Theoretical Review of Justice and Legal Certainty in Indonesia),” *Mimbar Yustitia* 2, no. 2 (2018): 143, <https://doi.org/10.52166/mimbar.v2i2.1344>.

¹³ Abd Aziz Faiz, “Pola Dan Logika Nikah Sirri Dalam Kultur Masyarakat Madura,” *Musāwa Jurnal Studi Gender Dan Islam* 12, no. 1 (2013): 122–36, <https://doi.org/10.14421/musawa.2013.121.121-136>.

¹⁴ Aidil Alfin and Busyro, “Nikah Siri Dalam Tinjauan Hukum Teoritis Dan Sosiologi Hukum Islam Indonesia,” *Al-Manahij: Jurnal Kajian Hukum Islam* XI, no. 1 (2017): 66–67, <https://siducat.org/index.php/kenduri>.

prefer to marry even though in a siri manner.¹⁵

The author presents data on the siri marriage of widowers with widows in the Madurese community in Perantuaun, precisely in Sungai Malaya Village, Sungai Ambawang District, Kubu Raya Regency, Kalimantan Province, because according to the marriage law, their marriage has nothing burdensome, because of their status as widowers and widows, in terms of age they are very mature, and in terms of experience they are also very experienced in households, then why did they choose siri marriage? By using social methods (phenomenology) in data collection, researchers want to know what marriage means to them, so that it seems that this paper does not judge and presents the data as it is from the perpetrators. The location of Sungai Malaya Village was taken because it fulfills the elements of Madurese culture that exist on Madura Island, such as similarities in language, culture, then the existence of langgar / Musholla, Mosques, Madrasahs and boarding schools.

This research is a type of field research with qualitative methods¹⁶ with a phenomenological approach.¹⁷ Phenomenology views that human behavior and actions have meaning, because humans give meaning to what they do in every action.¹⁸ The meanings given by humans, some are individual, some are socially collective or called intersubjective meanings, because they are not only carried out by one individual, but many individuals are involved in interacting and communicating with each other, so to see the meanings carried out in human actions, interaction with them, especially with the perpetrators of siri marriages conducted by widowers with widows,

¹⁵ Mohammad Adi, "Eksistensi Keluarga Yang Menikah Siri Dalam Masyarakat Desa Gili Anyar Kecamatan Kamal Kabupaten Bangkalan," *Hudan Lin-Naas: Jurnal Ilmu Sosial Dan Humaniora* 4, no. 2 (2023): 140–141.

¹⁶ Adhi Kusumastuti and Ahmad Mustamil Khoiron, *Metode Penelitian Kualitatif* (Semarang: Lembaga Pendidikan Sukarno Pressindo, 2019), ii.

¹⁷ Muhammad Supraja and Nuruddin Al-Akbar, *Alfred Schutz, Pangarusutamaan Fenomenologi Dalam Tradisi Ilmu Sosial* (Yogyakarta: Gadjah mada University Pres, 2020), 158.

¹⁸ Isa Anshori, "Melacak State Of The Art Fenomenologi Dalam Kajian Ilmu-Ilmu Sosial," *Halaqa: Islamic Education Journal* 2, no. 2 (2018): 167, <https://doi.org/10.21070/halaqa>.

absolutely must be done by researchers.¹⁹

Researchers come directly to the perpetrators of siri marriage, the stages in data collection, researchers take several ways, namely direct observation of the perpetrators of siri marriage of widowers with widows, then conduct interviews, in the process of conducting interviews researchers listen more, only occasionally provoking questions so that the perpetrators of siri marriage can deign to tell related to their marriage. In the phenomenological stage, researchers must be able to see the meaning of the siri marriage of widowers with widows as it is (being), without seeing the interpretations or laws that researchers already know related to the marriage laws used in Indonesia, then when they can see being (what is). Researchers should not have prejudice or reject let alone direct, Husserl's term Researchers must behave epoche towards the perpetrators of the Siri Marriage of Widowers, let them tell the being or existence as they feel or experience.²⁰

After the researcher can capture the meaning of being (what exists) sourced from the perpetrator, the next stage the researcher tries. First, Intuiting, namely the researcher concentrates intensely or contemplates carefully on the Siri Marriage between Widower and Widow that occurs in the Madurese Community in Kubu Raya Regency, West Kalimantan. Second, Analyzing, namely researchers find various elements or core parts of the causes and objectives of the Siri Marriage between Widower and Widow in Madurese Society in Kubu Raya Regency. Third, Explaining, namely researchers describe the siri marriage between widowers and widows in Madurese society in Kubu Raya Regency which has been initiated and analyzed so that it can be understood by others (readers).²¹

Discussion

¹⁹ Heddy Shri Ahimsa-Putra, "Fenomenologi Agama: Pendekatan Fenomenologi Untuk Memahami Agama," *Walisongo: Jurnal Penelitian Sosial Keagamaan* 20, no. 2 (2012): 284, <https://doi.org/10.21580/ws.20.2.200>.

²⁰ Abdul Muin, *Fenomenologi Sebagai Filsafat Dan Metode Dalam Penelitian Sosiologi* (Jakarta: Kencana, 2018), 18–19.

²¹ Siti Khalifah and I Wayan Suyadnya, *Metodedologi Kualitatif Berbagi Pengalaman Dari Lapangan* (Depok: PT. Rajawali Pres, 2018), 125.

The Uniqueness of the Madurese Tribe

Before discussing the siri marriage of widowers that occurs among the Madurese community, it is necessary to describe the uniqueness of the Madurese community itself. Madura is a unique tribe to be discussed and explored, no wonder this tribe has a stereotype and stigma that is not found in other tribes. The stigma most identified with the Madurese ethnicity is physical violence that boils down to a battle of toughness and “manliness” using clurit weapons, where this act of violence is then widely known among people outside the Madurese tribe in the form of a bad stigma known as carok.²²

The bad stigma against the Madurese tribe by people outside the Madurese tribe who are identified with a rough culture,²³ has been formed from the barren Madurese environment, although not all of them are true, but the stigma has already been attached to the Madurese ethnicity wherever they live, including those in West Kalimantan. The stigma of Madurese who live in West Kalimantan, both old and new, is considered no different from the behavior of Madurese in their place of origin (settled on Madura Island). Madurese are considered to respond quickly with anger and violence, if there is a problem with other people, Madurese are considered unable to control themselves well, easily provoked by emotions and cannot solve problems in a peaceful way.²⁴

The uniqueness of the Madurese community, starting from the stereotypes and stigmas of Madurese culture, gives the impression that the Madurese ethnicity has its own uniqueness, on the other hand the Madurese ethnicity, is very obedient to both parents and Teachers / Kiai (Buppak-Bopphu, Guruh, Rato)

²² Taufiqurrahman, “Identitas Budaya Madura,” *Karsa: Journal of Social and Islamic Culture* XI, no. 1 (2007): 8.

²³ Totok Rochana, “Orang Madura: Suatu Tinjauan Antropologis,” *Humanus: Jurnal Ilmiah Ilmu-Ilmu Humaniora* XI, no. 1 (2012): 69.

²⁴ Maya Agnelia Mahardhika, “Pemaknaan Orang Madura Terhadap Stigma Yang Diberikan Oleh Masyarakat Etnis Lain,” *Repository. Universitas Airlangga*, 2022, 2, <http://repositorio.unan.edu.ni/2986/1/5624.pdf><http://fiskal.kemenkeu.go.id/ejournal><http://dx.doi.org/10.1016/j.cirp.2016.06.001><http://dx.doi.org/10.1016/j.powtec.2016.12.055><https://doi.org/10.1016/j.ijfatigue.2019.02.006><https://doi.org/10.1>

²⁵ where this culture is very compatible with the teachings of Islam, as well as studying religious sciences by studying and studying at boarding schools, on the other hand, the Madurese ethnicity has a bad image with a violent look, a jet black body figure, with a thick mustache that seems creepy, and the assumption that is attached when it is called the Madurese tribe is identical to violence that does not hesitate to kill its opponents with the designation carok,²⁶ making the Madurese tribe very unique to be researched and explored.

The name “Madura” when people hear the word, imagined with barren natural conditions, the behavior of people who are rude, arrogant and even called a scary person, coupled with a negative image with its carok culture using clurit weapons, gives the impression that Madura has a tough culture, rigid in communication, sometimes even often identified when cases of violence occur, then the perpetrators are people of Madura tribe.²⁷

The impression of the Madurese by other tribes, identified with people with jet black skin, tall body posture, thick mustache, and wearing clothes with red and white striped clothes and wrapped in all black shirts and pants, as well as a sinister appearance, rough character, do not know manners, easy to kill with its carok culture, of course all these assumptions actually cannot be generalized, because in reality not all Madurese look and character as the assumptions or prejudices of outsiders against the Madurese.²⁸

Madura is indeed inseparable from its distinctive and unique culture, on the other hand Madura has a strong tradition of pesantren education, even the figure and teacher of the founder of the largest religious organization in Indonesia, Kiai

²⁵ Moh. Hefni, “(Studi Konstruktivisme-Strukturalis Tentang Hierarkhi Kepatuhan Dalam Budaya Masyarakat Madura) Konsep Habitus : Memahami Dialektika,” *KARSA: Journal of Social and Islamic Culture* XXI, no. 1 (2013): 16.

²⁶ Mahardhika, “Pemaknaan Orang Madura Terhadap Stigma Yang Diberikan Oleh Masyarakat Etnis Lain,” 2.

²⁷ Rokhyanto and Marsuki, “Sikap Masyarakat Madura Terhadap Tradisi Carok: Studi Fenomenologi Nilai-Nilai Budaya Masyarakat Madura,” *El Harakah, Jurnal Budaya Islam* 17, no. 1 (2015): 72.

²⁸ Taufiqurrahman, “Identitas Budaya Madura,” 8.

Hasyim Asy'ari, the founder of Nahdlatul Ulama was on the island of Madura, namely Kiai Kholil Bangkalan.²⁹ Madurese people have a distinctive culture and tradition called Buppak-Bopphu, Guruh, Rato. In the Madurese tradition, both parents, father and mother, are figures that cannot be bargained for respect, then teachers or kiai, then the last is the ruler or government.³⁰ This respect has become a hierarchy of respect that has lived in the Madurese community and can no longer be “messed with”.³¹

For Madurese, such hierarchical compliance is a necessity actualized in daily life, which is considered a binding “normative rule”. When a child does not obey the normative rules that have become binding respect as a living culture in the community, then the culprit will be called a “disobedient child”. The first culture of respect is in accordance with the teachings of Islam, that the pleasure of Allah is in the two rihdo parents, although in the hadith mentioned that who is most worthy of respect, the Prophet mentioned your mother three times, then your father, but the tradition that exists in Madurese culture, the father is placed in the first hierarchy, then the mother figure.³²

The second obedience in the hierarchy of respect in Madurese culture is respect for teachers. The culture of respect that exists in the Madurese community tradition is inseparable from the educational background that lives in the community, namely Pondok Pesantren, where kiai is a figure that is so respected in the Madurese community tradition.³³ It can even be

²⁹ Mohammad Takdir, “Kontribusi Kiai Kholil Bangkalan Dalam Mengembangkan Tasawuf Nusantara the Contribution of Kiai Kholil Bangkalan in Developing Nusantara Sufism,” *Anil Islam: Jurnal Kebudayaan Dan Ilmu Keislaman* 9, no. 2 (2016): 271, https://www.academia.edu/31939175/Kontribusi_Kiai_Kholil_Bangkalan_Dalam_Mengembangkan_Tasawuf_Nusantara_The_Contribution_Of_Kiai_Kholil_Bangkalan_In_Developing_Nusantara_Sufism.

³⁰ Edi Susanto, “Revitalisasi Nilai Luhur Tradisi Lokal Madura,” *Karsa: Journal of Social and Islamic Culture* 12, no. 2 (2012): 100, <https://doi.org/10.19105/karsa.v12i2.135>.

³¹ Taufiqurrahman, “Identitas Budaya Madura,” 3.

³² Taufiqurrahman, 3.

³³ Abd Hanan and Kudrat Abdillah, “Hegemoni Religio Kekuasaan Dan Transformasi Sosial: Mobilisasi Jaringan Kekuasaan Dan Keagamaan Kyai

said that Pondok Pesantren in the culture and tradition of Madurese society is like a small kingdom whose function is to control and regulate religious values where the pesantren is located.³⁴

Pondok Pesantren (Islamic boarding schools) in Madura is a place that is very easy to find, even in remote villages, Pondok Pesantren in Madura is very familiar with the community. Culturally, the Madurese community is very religious, they strongly uphold Islamic values such as respect for elders, takdhir to the teacher, making the Boarding School very much needed. No wonder its influence is very large in the pattern of social relations of Madurese society.³⁵ The existence of Islamic boarding schools with the figure of kiai as the most prominent figure in a community is a social cultural culture that lives in the middle of Madurese society, kiai as a sociological figure is used as a clerical representation figure, so that it becomes a figure that is highly admired and respected in the life of Madurese society.³⁶

Sociologically, the Madurese community is identical to religiosity, where the community in terms of culture has a great and deep respect for religious symbols, in terms of sociological several religious symbols such as Islamic Boarding Schools, Kiai and Islamic organizations such as NU, are Islamic realities that are known to be closely related to the lives of Madurese people. Not only in the religious sector, even in social aspects, such as education, economy and even in the political realm, Islamic Boarding Schools, Kiai and NU are very influential in Madurese society.³⁷ The uniqueness of the Madurese tribe where one of them is very respectful of kiai, as well as living in a pesantren environment with the teaching of classical fiqh books as their

Dalam *Dinamika Sosio-Kultural Masyarakat*, " *Sosial Budaya* 16, no. 1 (2019): 16, <https://doi.org/10.24014/sb.v16i1.7037>.

³⁴ Zamakhsari Dhofier, *Tradisi Pesantren: Studi Tentang Pandangan Hidup Kyai* (Jakarta: LP3ES, 1982), 32.

³⁵ Evarianisa Endang Trisnani, "Jejak Pesantren Di Madura; Dari Islamisasi Hingga Dinamika Lembaga," *El-Banat. Jurnal Pemikiran Dan Pendidikan Islam* 11, no. 1 (2021): 55.

³⁶ Trisnani, 54.

³⁷ Zainuddin Syarif and Abd Hannan, "Kearifan Lokal Pesantren Sebagai Bangunan Ideal Moderasi Islam Masyarakat Madura," *Islamica. Jurnal Studi Keislaman* 14, no. 2 (2020): 48.

provision in living life, so as not to get out of the provisions set by Islam, one of the reasons also makes them undergo siri marriage, as data obtained when researchers were in the field.

Madurese Culture in Kubu Raya Regency

When researchers entered the village that was used as a research location, precisely in Sungai Malaya Village, Sungai Ambawang District, Kubu Raya Regency, before researchers explored related to the siri marriage of widowers with widows in the Madurese Community in the village, researchers found a culture that was not much different from the culture on Madura Island, where the language used in their daily lives was Madurese, and their customs were not much different from the culture of the Madurese community on Madura Island. The Madurese village in the research location is characterized by easy identification: Musholla, Mosque and Islamic Boarding School³⁸ and Madrasah.³⁹

Musholla was built by them, because in addition to being used as a place of worship such as prayer, the musholla also functions as a place of learning the Qur'an which has been passed down from generation to generation, from the time they opened the village until now. According to an informant named H. Ismial, one of the residents of Sungai Malaya Village,⁴⁰ he said:

“thankfully now in the village of Parit Tengah Baru there are already four (4) musholla where children learn the Qur'an, if in my time in the 1960s-1970s, we had to study the Koran in the next village, and walk as far as three kilometers, at night we spent the night in the musholla because we were afraid to go home because there was still no electricity at that time, and also the village was still very sparse houses, the road conditions were also still filled with bushes”.

Musholla or often called *langgher* by the Madurese community, is a place that must exist in the Madurese village, because of its existence as a place of worship and study.

³⁸ Afif Amrullah, “Islam Di Madura,” *Islamuna: Jurnal Studi Islam* 2, no. 1 (2015): 66, <https://doi.org/10.19105/islamuna.v2i1.654>.

³⁹ Rochana, “Orang Madura: Suatu Tinjauan Antropologis,” 48.

⁴⁰ Wawancara di lakukan di dekat Musholla Tanwirul Qulub Parit Tengah Baru pada tanggal 23 Agustus 2023

Not only muhsolla, mosques must also exist in Madurese villages, in Sungai Malaya Village alone, when researchers asked Ahmad Rashid about the existence of mosques in Madurese villages,⁴¹ Takmir Miftahul Jannah Mosque said:

“The Madurese are people who can be said to be 100% Muslim, so it is impossible for the Madurese village not to have a mosque, the mosque in addition to being a place of worship, also functions as a place to learn the Qur'an and socio-cultural activities of the community, such as when entering the month of maulid, they hold a 'cocokan' event (the first night of the month of ribbiul-awal), as well as when the maulidan event on the 12th of rabbiul-awal the villagers all come here and commemorate the Prophet's maulid by reading sholawatan together and eating together “.

The mosque for Madurese in Sungai Malaya Village is not only used as a place of worship, but also as a gathering place when carrying out Madurese social and cultural activities that are still relevant to Islamic values.

When researchers attended the maulidan event at the Miftahul Jannah Mosque,⁴² the atmosphere that researchers captured, the Madurese community was very enthusiastic when commemorating the event, where each house brought food complete with fruit and put it all together in the mosque, after the recitation of sholawat was finished, then they ate together. After eating together, they bring home souvenirs that are served in front of them, in the form of fruit and cakes. The researcher was curious when they brought home the fruit and snacks that were in front of them. The researcher asked one of the figures named Abdul Qodir. He said:

“Food and drinks and anything that is brought to the mosque, then recited sholawat, then has a blessing value, in many lectures, one of which is according to Kiai Kholil As'ad, that food that is recited sholawat will have special properties, that's why when we bring food from home, then brought to the mosque and eat together, insha-Allah it will have good properties for us, because it has been recited sholawat “.

⁴¹ Wawancara pada 25 Agustus 2023

⁴² Observasi Langsung pada Tanggal 28 September 2023

Abdul Qodir's explanation, in the view of the researcher, is that they are so respectful and obedient to the kiai, that they bring food, then bring it back to their homes, even though it is not the food they brought from their homes.

While Madrasah is their formal teaching place, in Sungai Malaya Village there are two Madrasahs that have been established for a long time, the first is Hidayatusibyan Madrasah which was established in the 1970s, because according to Asmadi (aged 53), he used to go to school there, the Madrasah manages education from Madrasah Ibtidaiyah to Madrasah Aliyah. The second is Madrasah Miftahul Huda which was established in 1989, researchers asked Ustad Munasan as the first teacher in this Madrasah.⁴³ According to him:

“Miftahul Huda Madrasah was originally established in 1989 as a branch of Hidayatussibyan Madrasah in Parit Na'im, because between Parit Tengah Baru and Parit Na'im the distance is approximately five (5) kilometers, Mr. Su'udi at that time deliberated with several figures in this village and the result was to open a branch here, because there was something in his journey, finally Miftahul Huda Madrasah was independent since 1993, Al-hamdulillah now Miftahul Huda Madrasah manages education from early childhood education to Madrasah Aliyah “.

Then the researcher asked what about the students of Madrasah, according to some of its residents many also continue their education to Islamic Boarding Schools both in Madura and in East Java, such as Malang, Probolinggo, Situbondo and other places? According to Ustad Munasan:

“Some of the students here, when they graduate from MI, continue their education to Islamic boarding schools in Madura or Java, sometimes they wait until they graduate from MTS and then continue to the Islamic boarding schools there, but for those who do not go to boarding schools, due to economic constraints and other things, they continue until Aliyah here. Because the existence of education up to the Aliyah level helps parents so that their children who are less able, can go to school until they graduate from Aliyah.”

⁴³ Wawancara pada tanggal 28 September 2023.

Seeing the activities of Madrasahs with teaching and learning activities, indicates that education for Madurese people is currently considered important.

In addition to Musholla, Mosque and Madrasah, the characteristics of Madurese villages in Kubu Raya Regency are not much different from those on Madura Island, namely the existence of Islamic boarding schools, in Sungai Malaya Village there are 3 Islamic boarding schools that are already operational. The first is Nurussyamsi Wal-Qomar Islamic Boarding School, the second is Al-Hidayah Islamic Boarding School and the third is Al-Anwar Islamic Boarding School. In addition to the place where the students stay and study the yellowclassical books, there are students who live in the pesantren but there are also students who only come to study, often called nyolog students. From the observations of researchers while in the field, the characteristics of the existence of a place of religious learning are so alive, starting from morning until night, the impression that researchers capture, a culture that upholds Islamic values is still maintained by the Madurese community in overseas.

Causes of the Occurrence of Siri Marriage

After researchers made observations about the situation and conditions of the Madurese Community in the Madurese Village in Kubu Raya Regency, one of which was Sungai Malaya Village, researchers found that religious values were so alive starting from Musholla, Mosque, Madrasah and Islamic Boarding School. In addition, researchers found eleven (11) couples of widowers with widows who married siri, in several villages in Kubu Raya Regency, namely Sungai Malaya Village, Mega Timur, Kalimas and Madura Village, researchers found implicitly when researchers interviewed informants, the reasons why they married siri, including:

a) Age that is no longer young

The age factor is one of the reasons they enter into a siri marriage, because for them in the Madurese tradition there is a sense of shame when they are already in an aged position, then they are still marrying in front of the Marriage Registration

Officer. Mad Sudi, one of the widowers who married a widow (Asmati) told researchers: We are both old, why do we go to the KUA to get married, the important thing is that the conditions and pillars of marriage are sufficient). The message conveyed by Mad Sudi is that he is embarrassed that he is old enough to have to take care of his marriage at the KUA. Not much different from Mad Sudi, Ahmad Rasyid said that when his father married a widow he also said: yeh jek nyamanah orang akabinan le padeh toah, yeh cang orang ruwah, tak mi-rammih, (they got married already both old, no need to involve many people). Ahmad Rasyid's statement told the researcher that because they were married when they were old, it was embarrassing to celebrate.

b) Low Education

In an interview with an informant named Sladin, researchers asked about maintaining harmony in the household? According to him:

“life is actually easy just look at and imitate people who are better off than us, in this case what I see is the household of Saniri, who is more or less the same person as me, both did not graduate from school, and his work is the same as a pineapple plantation farmer, but he can be said to be successful, has a house, his son can go to boarding school in Malang and then study at IAIN Pontianak, his second child studies at UNTAN, because of his perseverance and prioritizing the interests of the family, Saniri can be said to be a person who can be used as an example, so according to him looking for examples is someone who is somewhat the same as us “.⁴⁴

In addition to Sladin, another informant named Hayati told researchers:⁴⁵ “my life as a child was very poor, because we are people who do not have, from childhood I followed my father to work in the garden, taking care of the pineapple garden so that it does not become a bush, after graduating from MI I married Martawi”. The lack of education also causes them to marry siri, because of ignorance and because they are still at a young age.

⁴⁴ Wawancara pada tanggal 10 September 2023

⁴⁵ Wawancara tanggal 23 September 2023

c) Pesantren lessons are considered final lessons in Islamic law.

Madurese people have a pesantren education background, at least they have studied in the langgar or mosque with kiai or ustad, pesantren lessons on fiqh as researchers heard from several informants such as Sami'un, Jahri, Abdul Qodir and Awi mentioned that in the science of fiqh, the most popular and certainly known books in the pesantren world are the books of Fathul Qorib and Fathul Mu'in. The two books never mention that marriage must be registered, the validity of marriage if the conditions and pillars of marriage itself have been fulfilled. from several informants also told researchers. First, Ustad Sahir,⁴⁶ Chairman of Katib NU Kubu Raya stated: "for the people here because on average they have gone to boarding school and know that the conditions and pillars of marriage are the important thing that there are two brides, guardians, two witnesses and ijab-Qobul then the marriage is valid, and when it is valid they say the important thing is to be able to carry out their duties and functions as husband and wife".

Second, Ahmad Rasyid, one of the mosque officials in Sungai Malaya Village, responded to his father's remarriage after becoming a widower and marrying a widow. According to him, "When the conditions and pillars of marriage are met, and the family agrees, that is sufficient because here, most people are santri who know exactly about the conditions and pillars of marriage." Mad Rasyid's statement regarding his father's marriage to his current wife is considered acceptable and there is nothing to dispute, as their marriage has been fine all this time.

Third, Ustad Munasan⁴⁷ mentioned that he is often asked to officiate marriages for people who want to get married without handling official documents, especially for widowers or widows. "When someone asks for help in matters of goodness and worship—since marriage is an act of worship—we should not make it difficult for those who want to get married." The teachings of the pesantren, as outlined in classical fiqh books, make them feel they are not wrong as long as the marriage they

⁴⁶ Wawancara pada tanggal 28 September 2023.

⁴⁷ Wawancara pada tanggal 29 September 2023.

perform is in accordance with Islamic law learned from the kiai in the pesantren.

d) The Factor of Marrying at a Young Age before Becoming a Widower or Widow

Being young and not yet administratively eligible causes them to remarry as widowers and widows without registering their marriage with the appropriate authority, which is the Office of Religious Affairs (KUA). As stated by Hayati: "I got married not long after graduating from Madrasah Ibtidaiyah, estimated to be at the age of 14. You see, back then, around here, once you graduated from MI, your parents would marry you off."

A similar statement was made by Sumarno, who married for the first time at the age of 17. According to him,⁴⁸ "Living in the village, if you're considered able to work, your parents and family see you as ready to marry. At that time, my parents arranged my marriage, but it didn't last long. About three years later, we divorced." Marrying at a young age is indeed common among the Madurese community, especially those living in rural areas, making it difficult to handle marriage administration since they are not yet of the age to register their marriage at the KUA.

e) Hierarchy of Respect in Madurese Culture

The Madurese people have a unique culture and tradition known as Buppak-Bopphu, Guruh, Rato. In Madurese tradition, both parents (father and mother) are figures who must be respected without question. Next in line are teachers or kiai, and finally, the authorities or government.⁴⁹ This hierarchy of respect has long been established in Madurese society and is not open to negotiation.⁵⁰ This cultural norm was still evident during the time of this research. One of the informants, Hayati, mentioned: "Obedience and respect for parents are non-negotiable because if you don't comply and respect your parents, you will be considered a disobedient child. At that time, many children my age also married young. Given what we observed and the

⁴⁸ Wawancara pada tanggal 7 Oktober 2023

⁴⁹ Susanto, "Revitalisasi Nilai Luhur Tradisi Lokal Madura," 100.

⁵⁰ Taufiqurrahman, "Identitas Budaya Madura," 3.

environment, it seemed normal to me. Moreover, the lessons taught at the Madrasah emphasized this, especially during imtihan events where there would be sermons. The kiai would remind us that as children, we must obey our parents and not go against their wishes. So, it was understandable and normal for us to obey our parents because that was what we heard and learned. Therefore, there was no choice but to follow our parents' wishes."

Obedience and respect for parents is a cultural norm in Madurese society that aligns closely with the Islamic teachings they hold dear.

The data collected during the field research indicates several factors contributing to unregistered (siri) marriages between widowers and widows. These are not primarily due to violations of the legal provisions set by the government, specifically Law No. 1 of 1974 concerning Marriage. Instead, it is deeply rooted in the existing culture and traditions of Madurese society. In Madurese culture, government regulations are considered the last priority. The primary focus is on following the wishes of parents, then teachers or kiai, and only finally the government. Even though the government has laws, for the Madurese people, the government is the least important factor in their hierarchy of respect within their traditions and culture. Moreover, they find comfort in marriage when it holds meanings they can experience in their household. This raises the question of what meanings must be present in the marriage between a widower and a widow within the Madurese community in Kubu Raya Regency.

The Meaning of Marriage for Widower and Widow Couples

The social world is the daily life of individuals who consciously act and perceive everything, where each individual experiences anxiety and joy, which can be felt and performed by everyone. Phenomenology also explores the concept of "meaning" and how meaningful actions are formed in social life.⁵¹ Phenomenology, as an approach in this research on unregistered (siri) marriages

⁵¹ Maraimbang Daulay, *Filsafat Fenomenologi Suatu Pengantar* (Medan: Panjiaswaja Press, 2010), 21.

between widowers and widows in the Madurese community of Kubu Raya Regency, West Kalimantan, reveals several meanings of marriage that must exist within their households. According to these widower and widow couples, these meanings include:

a) Fulfillment of the Requirements and Pillars of Marriage

Regarding the requirements and pillars of marriage, the Madurese people pay great attention to these aspects as they determine the validity of the marriage. The five pillars of marriage are: the presence of the bride, the groom, a guardian (wali), two witnesses, and the marriage contract (ijab-qabul).⁵² The conditions include: the couple must not be related by blood, the marriage must not be forced, the guardian must be a Muslim male, there must be two male witnesses, and neither party should be in a state of ihram during Hajj.⁵³ Regarding these requirements and pillars of marriage, Mad Sudi stated: "We are both of age, so there is no need to go to the KUA. The important thing is that the marriage fulfills the necessary requirements and pillars, and then it is valid."

Another informant, Mad Rasyid, mentioned that his father has been married to his current wife for about ten years. He also explained to the researcher that the custom of marriage in their community does not concern itself with the formalities of whether the marriage is officiated at the KUA or not. For them, it is not an issue, especially for those who are already of an advanced age. Administrative formalities are considered less important; the primary goal is the validity of the marriage, a harmonious household, and that no one feels objected to or has issues with the marriage. As long as the marriage meets the necessary requirements and pillars and the family agrees, that is sufficient, as most people here are santri who know exactly about the conditions and pillars of marriage.

⁵² Zainuddin Ahmad bin Abdil Aziz al-Malibari, *Fathul Mu'in Bi Sarhi Qurratil Aini Bi Muhimmati Ad-Din* (Bairut Libanon: Dar Ibnu Hazam, 2004), 316. lihat juga dalam Soeharto Presiden Republik Indonesia, "Kompilasi Hukum Islam (KHI) : Hukum Perkawinan, Kewarisan, Dan Perwakafan," *Sekretaris Kabinet RI* (1991), Bab IV.

⁵³ Indonesia, "Kompilasi Hukum Islam (KHI) : Hukum Perkawinan, Kewarisan, Dan Perwakafan," BaB IV.

The Madurese people place great importance on the requirements and pillars of marriage. For them, marriage is not merely the union of two individuals of different genders, but it is an act of worship that must adhere to the principles set by Islam. This is why the requirements and pillars of marriage must be carefully observed. They believe that living together without complying with the religious guidelines is unacceptable. Therefore, for them, fulfilling the requirements and pillars of marriage is the most significant aspect that must be met when conducting a marriage, as it is the key to starting a household in accordance with their faith.

b) Mutual Understanding

In interviews with several informants, they stated that for a marriage to be lasting and enduring, there must be mutual understanding between the husband and wife. The informants mentioned that for a marriage between a widower and a widow to last, there must be an understanding of each other's weaknesses and shortcomings. As Mad Sudi expressed in an interview: "Especially now, as we marry at an older age, not young anymore, what is there to be proud of except complementing each other's strengths and weaknesses."

Another informant told the researcher about maintaining a household. Madi said:⁵⁴ "As a man, my main duty is to provide for my wife, and my wife also understands my needs, such as preparing food and washing clothes. For me, as long as there's rice and salted fish, it's enough. I feel my life is complete now: I have a house, a motorcycle, and grown children. Alhamdulillah, the blessings given by Allah are truly sufficient." Similarly, Sumiatun stated:⁵⁵ "The important thing is to be honest with each other and to understand each other. I understand that my husband has children from his previous marriage, and my husband also understands my situation and my child from my previous marriage. We accept each other's strengths and weaknesses wholeheartedly."

⁵⁴ Wawancara pada tanggal 2 Oktober 2023

⁵⁵ Wawancara pada tanggal 4 Oktober 2023

c) Honesty

Maintaining a household is not like placing two inanimate objects in the same place. A husband and wife are bound by the sacred covenant of *mitsaqan ghaliza*, and fulfilling it is an act of worship.⁵⁶ Therefore, it must have a strong foundation, and honesty is essential. When the researcher interviewed widowers and widows who married unofficially, they emphasized the need for honesty. As Hayati said: "The principle of household life is very simple. The most important thing, according to me, is that the husband and wife must be honest with each other because honesty is the basic foundation for living peacefully and harmoniously. When honesty is no longer present in the household, peace and harmony cannot be achieved."

In addition to Hayati, Martawi stated that,⁵⁷ in his view, honesty is the primary foundation for building a household, not financial status. He said, "Wealth and poverty are provisions set by God. Even though having a lot of money doesn't guarantee a happy household if it's not accompanied by honesty. Many households break apart despite having a lot of money if it is not paired with honest behavior." Similarly, Sumiatun remarked: "The most important thing is to be honest with each other and to understand each other. I understand that my husband has children from his previous marriage, and my husband also understands my situation and my child from my previous marriage. We accept each other's strengths and weaknesses wholeheartedly." Honesty in a household is a fundamental foundation for ensuring a harmonious marriage.

d) Loyalty

Honesty leads to loyalty, which is essential in a household. When a spouse is unfaithful, meaning they stray or engage in infidelity, it can almost certainly lead to a fractured marriage. During interviews, informants emphasized the importance of loyalty. As Sumarno said: "If you are looking for a wife, choose

⁵⁶ Indonesia, "Kompilasi Hukum Islam (KHI): Hukum Perkawinan, Kewarisan, Dan Perwakafan," 5.

⁵⁷ Wawancara pada tanggal 5 Oktober 2023

one who is loyal, not just beautiful. Beauty may last only for about ten years, and after that, your wife will also age, and her beauty will fade. But if you choose loyalty, your heart will find peace."⁵⁸

Loyalty must be present in a household. Sumarno's statement reflects his personal experience, having divorced his previous wife due to her infidelity. This background influences Sumarno's emphasis on the importance of loyalty, as he shared with the researcher. He believes that loyalty between spouses is crucial for maintaining a stable and lasting marriage. Sumarno's remarks are not isolated but rather stem from his past experiences, giving deeper meaning to his current commitment to loyalty in his marriage with Hotimah.

e) Responsibility

Responsibility is essential in managing a household. A husband must not only provide financial support but also fulfill his role as the head of the household. This sentiment is echoed by Mad Sudi, Madi, Marsulin, and Asmad, who all emphasize the importance of responsibility in marriage. Mad Sudi said: "A man is tasked with protecting and providing for his wife, so he should perform these duties well. Similarly, when a wife is placed by her husband at home as a place of rest and to manage the household, she should maintain the home by cleaning, organizing, and providing for the needs of those living in the house. If these responsibilities are fulfilled, the household will run harmoniously."

Another informant, Madi, stated: "As a man, my main duty is to provide for my wife, and the wife should also understand her husband's needs." Marsulin added: "Living in a household requires knowing how to perform and fulfill the roles and responsibilities of being husband and wife. When responsibility is prioritized, since marriage is an act of worship, undesirable situations like divorce are less likely to occur." Asmad commented: "I believe there won't be any issues, especially since we were once students and understand the rights and

⁵⁸ Wawancara pada tanggal 7 Oktober 2023

responsibilities of being a husband".⁵⁹ For widowers and widows who enter into unofficial marriages, responsibility is considered crucial in a household. If a man is irresponsible, meaning he cannot fulfill his role as a husband—such as protecting and meeting his wife's needs—similarly, a wife must also understand her duties. When both partners fulfill their responsibilities, the household will function harmoniously.

f) Never Question the Past

Marriage between a widower and a widow is different from marriage between an unmarried couple, where love and affection are established first and then blessed and culminate in marriage. Widowers and widows are those who are marrying for the second or subsequent time and have a past with their previous partners. Therefore, one crucial message the researcher gathered is that in households where one or both partners are widowed, partners should never question each other's pasts, as it may lead to offense. One informant named Wali shared with the researcher that there are two fundamental keys to a successful marriage:⁶⁰

1) Partners must be able to understand each other's circumstances, recognizing that their attitudes and behaviors will inevitably differ due to their distinct family backgrounds and habits. Therefore, partners should appreciate and accept the differences, including cultural and habitual variations that existed before their marriage. It is important to acknowledge and accept these realities as part of their relationship.

2) Never question your partner's past, especially if you are marrying a widow or widower. Knowing too much about their previous relationships and behaviors can lead to hurt feelings. The message conveyed by Wali to the researcher reflects the deep meaning he has experienced and lived by.

g) Knowing Rights and Responsibilities

A man must be responsible for providing for his partner's

⁵⁹ Wawancara pada tanggal 28 September 2023.

⁶⁰ Wawancara pada tanggal 23 Oktober 2023.

needs and understanding his obligations. According to Sanidin,⁶¹ he has never asked his wife to work because it is the man's duty to provide for her. However, if his wife wants to help, he does not discourage her. In Madurese culture, as long as a wife can assist her husband, she will do so. Maiyeh told the researcher: "If I just stay at home, I feel bored, so whenever my husband goes to work, I go with him."

Regarding rights and responsibilities, Mad Sudi explained using the Madurese philosophy: "*lakonah-lakonih, kennangah-keningih*," which reflects a simple approach to managing a household. When husband and wife understand their respective roles and avoid overlapping responsibilities, harmony is maintained. As Mad Sudi put it: "In our culture, it is taught that the husband's duty is to provide for the family, while the wife's work is considered supportive. When there is sustenance, it should be shared with the wife and children. The wife's primary role is to manage the home and prepare for the family's needs according to the husband's provisions. Following this principle embodies '*lakonah-lakonih, kennangah-keningih*.' Rights and responsibilities must be present in a marriage; when a spouse demands their rights, they must also fulfill their obligations."

h) Being Adaptable

A marriage between a widower and a widow is not considered to involve inexperienced individuals; rather, they are viewed as experienced. Therefore, those who are widowed must be adept at adjusting to their environment and the situations they encounter. For example, Sladin shared his experience when the researcher interviewed him about how he managed his life with Sarima in the early days of their marriage. Sladin said: "With just the basics, I built a life with Sarima. To manage our finances, I joined in various tasks—clearing gardens, preparing land for planting pumpkins and green beans, and even helping to transport pineapples from the farm. The key was to earn money, especially since we were living with my in-laws. As he put it, 'We must know our place.'⁶²

⁶¹ Wawancara pada tanggal 12 Oktober 2023.

⁶² Wawancara pada tanggal 10 September 2023

Regarding adaptability, Mad Sudi also stated: "We do not live alone; there are others around us, so we must take care of each other. We need to be good at managing our behavior to avoid unnecessary conflicts. Especially in a marriage between a widower and a widow, where both partners have prior experiences, it is important to be accommodating and understanding. This ensures a harmonious household." Managing a household, particularly when one's partner is part of a larger family, requires knowing how to conduct oneself appropriately. Missteps in behavior can lead to negative gossip from neighbors, family, and others, affecting the comfort and harmony of the marriage.

Conclusion

The law is not always binding and may not be applicable in communities that adhere to traditions and cultures they believe align with their principles and beliefs. Despite the implementation of Law No. 1 of 1974 on Marriage since 1975, with its infrastructure from the sub-district level to the village level, including Marriage Registration Assistants, this law is not always effectively enforced. In reality, many marriages remain unregistered, such as the case of "siri" marriages between widowers and widows in the Madura community in Kubu Raya Regency. These marriages often operate harmoniously based on adherence to traditional and religious rules they believe to be true. When the researcher engaged with informants involved in "siri" marriages, it became clear that key elements for a successful household include: meeting the requirements and pillars of marriage, mutual understanding, honesty, loyalty, responsibility, not bringing up the past, fulfilling rights and obligations, and knowing how to adapt to one's environment.

The occurrence of "siri" marriages is not solely due to individuals or personal desires. Upon examining these marriages in the field, several underlying reasons emerge: First, when individuals become widowers or widows and are of an older age, they may feel embarrassed to register their marriage at the KUA (Religious Affairs Office). Second, their low level of education can lead to a lack of knowledge about how to manage marriage administration. Third, religious education at pesantren

often focuses on fiqh (Islamic jurisprudence) without addressing marriage registration. Fourth, their first marriage may not have been registered due to their young age at the time. Fifth, the hierarchical culture of respect still prevalent in Madurese tradition and society influences their approach to marriage.

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