

MARRIAGE PROCESS IN THE NEW NORMAL ERA

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Abstract

The implementation of the New Normal is mandatory for all elements in national and international society. The pandemic is ongoing, even giving rise to new variant viruses, to an uncertain ending. What is certain is that marriage events must continue to take place to give birth to a new generation of replacements for Covid-19 victims who are increasingly out of control. Therefore, the implementation of the marriage registration policy must be updated following the current situation. How is the marriage procession at Religious Affair Official Matikulore in the new normal era? The purpose of this study was to find out and analyze how the marriage procession at Religious Affair Official Matikulore was held during the New Normal period, by using empirical legal research methods, starting from the stages of observation, interviews, documentation, reporting of research results, and seminars. The results of the study reveal that there are differences in the marriage procession in the period before the COVID-19 and at the New Normal era. All parties are ordered to obey the health protocol even if it is against tradition and custom. Wearing a mask, wearing gloves, spraying or applying hand sanitizer, keeping a distance, 10 people are enough, and no need to shake hands.

Keywords: COVID-19; Marriage; New Normal

INTRODUCTION

One of the legal products that can be said as part of the Civil Law reform inherited from the Dutch colonial era is Law Number 1 of 1974 which has been

amended by Law Number 16 of 2019 concerning Marriage (hereinafter mentioned as Marriage Law). The determination of this Marriage Law is a legal breakthrough that is carried out based on the spirit of

contextuality in the realm of the Indonesian legal community, which is predominantly Muslim. The most crucial Article of the Marriage Law that became the spirit of its entirety is the provision regarding marriage registration as stated in Article 2 Paragraph 2, which stipulates that: "Every marriage is registered according to the applicable laws and regulations".

Based on this Article, the legal requirements for every marriage event in Indonesia, besides being carried out according to the provisions of each religion and belief of both parties (Article 2 Paragraph 1), must also be registered according to the provisions of the legislation. Meaning, even though it fulfills the requirements and pillars outlined by religious provisions, a marriage does not yet have legal force before being registered. Marriage registration is one of the factors in the realization of a *sakinah, mawaddah, wa rahmah* family. A. Kadir said that building a family is not only *samarah (sakinah, mawaddah, wa rahmah)* but romance (*amanah, sakinah, mawaddah, wa rahmah*)¹.

The detailed regulation of this marriage registration policy is accommodated in Government Regulation Number 9 of 1975 concerning the Implementation of

Law Number 1 of 1974 concerning Marriage, especially in Chapter II (Marriage Registration) starting from Article 2 to Article 9. The apparatus to implement this marriage registration policy is the *Penghulu* or Marriage Registrar, at every Religious Affairs Office throughout Indonesia, it is domiciled in the District area.

The role of the *Penghulu* is very vital in assisting the Head of Religious Affairs Office to provide marriage administration services in all sub-districts and their position is very important to ensure whether a marriage event has been carried out under the laws and regulations or vice versa. Now the pandemic has hit and the crisis drives the society into the implementation of the New Normal. Of course, the duties of the *Penghulu* have changed because they have to follow the health protocols that have been determined by the government.

New Normal is a behavior change to continue the normal activities but with the addition of implementing health protocols to prevent the transmission of COVID-19. Given the very dangerous and critical conditions, everyone must comply with health protocols. Although on several occasions, the situation began to improve. However, people still have to be vigilant.

¹ A. Kadir. 2020. *Perspektif Baru Hukum Perkawinan Islam Nikah, Talak, Rujuk*. Fatawa Publishing, Semarang, p. vi.

Based on the introduction above, the formulation of the problem raised is as follows: “How is the Implementation of the Marriage Registration Policy at the KUA of Mantikulore District in the New Normal Era?”. The purpose of this paper is to find out and analyze how the implementation of Marriage Registration Policies at the Religious Affairs Office Mantikulore District in the New Normal era. This study used an empirical research method, located in Palu City. More precisely at the Religious Affairs Office (*KUA*) of Mantikulore District.

DISCUSSION

Research on the theme of marriage in the New Normal era is relatively new. Therefore, there are not many references to it. Except for discussions about marriage or marriage registration in general and in normal times. The emergence of the New Normal era was caused by a virus and was pronounced as a global pandemic in 2019, so it was called Corona Virus Disease or COVID-19, around 2 years ago.

However, several studies use Marriage Law as the object of their study, but the analytical framework, the study specifications, and the locus are of course different from this research. Moreover, in today's New Normal era, of course, there are changes in conditions and activities that are different from usual.

The thesis compiled by Inayatul Anisah (2004) entitled “Legal Protection of Children from *Sirri* Marriages After the Enactment of Law Number 1 of 1974 in Jember Regency”, can be cited as one example. The research was conducted in a normative juridical method and aims to determine the status of *sirri* marriages after the enactment of the Marriage Law in Jember Regency. Anisah concluded that after the enactment of the Marriage Law, the marital status mentioned above was invalid because it did not meet the provisions of Article 2 paragraph (2) of the Marriage Law regarding the obligation to register marriages. According to Anisah, for the marriage to have permanent legal force, two ways can be taken: repeating the marriage before the Marriage Registrar (*PPN*), either by participating in mass wedding activities or at the initiative of the people themselves and by applying *itsbat* to the local Religious Court.

Ahmad Syaifudin's thesis (2006) entitled Implementation of the Duties of Marriage Registrar Employees and Marriage Registrar Assistants according to the Decree of the Minister of Religion Number 477 of 2004 concerning Marriage Registration (Study at Religious Affairs Office Dau District, Malang Regency) can also be mentioned as one of the studies that focus

on one of the normative aspects of Marriage Law. However, in contrast to the research focus of this researcher, Syaifudin research located at Religious Affairs Office (*KUA*) Dau District, Malang Regency, emphasizes the study more on the implementation of *PPN* and *P3N* tasks which are specifically regulated in KMA 477/2004 concerning Marriage Registration.

According to Syaifuddin, several obstacles arise in the implementation of the task of registering marriages by *PPN* and *P3N* as regulated in KMA 477/2004, due to the influence of some factors, which is the position of *PPN* which concurrently holds positions, the lack of employees in the Religious Affairs Office (*KUA*) Subdistrict, social culture of the community, *P3N* who are not civil servants and there are articles in KMA 477/2004 that are confusing to understand.

Another research entitled “The Effect of Service Quality and Service Prices on Community Satisfaction (Study at the Office of Religious Affairs in Serpong District)” which was compiled by Giri Cahyono (2008), is also interesting to mention here. The thesis, which was prepared as a final project in the Postgraduate Master Program in Public Administration at the Universitas Terbuka, which uses Zeithaml’s (1990) service quality

measurement theory as a framework for its analysis, finds that there is a close relationship between service prices and community satisfaction where every increase or decrease in service prices will cause changes in the level of community satisfaction. It was further concluded that although the performance of *KUA* Serpong is relatively good enough according to the majority of respondents, the price for the services provided is still too expensive and the evaluation criteria have not been determined as required by Boarden which consists of operational costs, consumer aspects (income level), competitors, and evaluation of market prices.

Although the research is conducted in one of the Religious Affairs Office (*KUA*) and the object of research also relating to marriage registration activities, the focus of the study is time and the theoretical framework of Cahyono's research is different from the research that will be carried out by this researcher.

Another paper in the form of a thesis entitled Gender Analysis of the Rights and Duties of Husbands and Wives in Law Number 1 of 1974 concerning Marriage and Islamic Law, by Susi Susilawati (2010) from the Postgraduate Program in Law, Hasanuddin University, is also important to mention here. This research specifically

examines the implementation aspects of Article 2 Paragraph (1) of the Marriage Law. It mainly focuses critically on Article 31 Paragraph (3) and Article 34 of the Marriage Law which explains the rights and obligations of husband and wife with a gender theory approach. In her thesis, Susi examines the normative construction of the two articles in detail, which according to her still reflects a stereotypical view that is gender-biased, and starting from this conclusion, Susi even suggests the need to revise several articles on the Marriage Law to pay more attention to the ethos of gender justice in it. This thesis has been published with almost the same title, namely “Gender Analysis of the Rights and Duties of Wives according to the Marriage Law and Islamic Law”.

The continuation of the article in the form of a dissertation with the title “Gender Equality in Building a Just Marriage Law” (2019), was written also by Susi Susilawati. In her dissertation, Susi not only criticized certain articles but all articles that she considered gender unequal were peeled off and suggested to be replaced. Some of them are about the marriage age limit for women, polygamy, the period of *iddah*, marriage agreements, and so on. In the latest development, Article 7 Paragraph (1) of the Marriage Law has been amended by the

Government by issuing Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage. The changes are not too many, only 1 article has changed, which contains the provision of the minimum age marriage for women. Originally 16 years old and now 19 years, the same as the minimum age marriage for men.

The research results of Moh. Zahid (2003) entitled “25 Years of Implementing the Marriage Law”, in the form of a summary of research reports and studies on the implementation of the Marriage Law conducted by the Research and Development Center of the Ministry of Religion, also needs to be stated in this section. Generally, this study concludes that although the implementation of Marriage Law for approximately 25 years in the Muslim community did not face new problems, when compared between the ratio of the population to the number of marriages that occurred during that period, there were still marriages that not registered by the provisions of the Marriage Law with a quite significant number.

Although Moh. Zahid explicitly uses the word “implementation” in the title, but in the process of his research, he does not use Edward III’s Implementation Theory as a framework for his analysis as was done

in this research. Zahid merely describes quantitative data regarding the implementation of the Marriage Law over 25 years (1974-2000) throughout Indonesia.

The thesis entitled “Analysis of the Implementation of Marriage Registration Policies at the Religious Affairs Office in Sigi Biromaru District” written by Hayyun Nur is almost the same as this research. However, what makes the difference is that the research locus, study, and research object are more specific because this study only examines the duties of the *Penghulu* in the field of marriage registration as an extension agent of the Religious Affairs Office.

The research entitled “The Role of *Penghulu* Assistants in the Sigi Biromaru District” which has been carried out by Nurul Miqat shows that there are problems in the implementation of Marriage regulation. The difference between Miqat research and this research lies in the research location, more in-depth study, and the unusual situation (the New Normal). The problems are certainly more diverse and interesting to analyze as learning materials and knowledge for legal science, especially Civil Law.

The New Normal that is felt by the Indonesian people in particular, and the world community in general is real. In the

past, obituaries were taboo and rarely heard. Currently, almost every day sad news spreads and obituaries on Facebook timeline, WhatsApp groups, announcements at the nearest mosque, and so on. Even neighbors on the side, front, and back of the deceased house could not see their bodies. The neighbors were even reluctant to visit the deceased home to express condolences because they are afraid of the transmission of the COVID-19 virus.

The age of individualization is happening. Each person saves themselves to extend their life. Viruses do not want to care, because every day it mutates. A new variant, named Delta, strikes again. Society is required to be able to accept and overcome whatever happens.

Marriage or wedding is an event that cannot be ignored despite the current situation and conditions. Marriage is the beginning of the creation of a new generation as a substitute for the deceased. Especially now that more than one person is dying every day due to a pandemic or something else. So, the marriage should not be postponed, even terminated altogether. Relevant institutions must find ways to keep the marriage event under control.

This research was conducted to find out how the implementation of the marriage registration policy in the New Normal

era, located in the Religious Affairs Office Mantikulore District, Palu City, Central Sulawesi.

The results of the interview with the head of the Religious Affairs Office (*KUA*) Mantikulore regarding the acceptance of marriage events stated that:

“For the reception of marriage events, we have no restrictions. We only limit the number of guests. 10 people may come to the place where the wedding ceremony takes place. Which consists of the bride, the groom, parents of the bride and groom, two witnesses, 1 marriage registrar officer, and 1 photographer².”

The silence of the room and the enthusiasm of the community for marriage events began to recede due to this pandemic. It is not only the situation that causes this to happen, but also the rules from the Government, the COVID-19 Task Force, and the rules from the Religious Affairs Office (*KUA*) itself are strictly enforced. If they do not comply with the applicable rules, the Religious Affairs Office (*KUA*) refuses to attend the wedding and register the marriage. “We reject people who register their marriages if they cannot meet the standard health protocols and rules that we have made,” said Wahyu³.

Thus, people must obey the existing rules if they want their marriage to take place. In addition, some people are in a state of fear of the transmission or spread of COVID-19. They prefer not to leave the house and avoid crowds. The research team also felt that atmosphere when witnessed the wedding event which was held at the Religious Affairs Office (*KUA*) Matikulore. The Chief Researcher was asked to be a witness to the wedding, due to the absence of one of the witnesses appointed by the bride and groom. Marriage must be attended by 2 male witnesses⁴. Otherwise, the marriage is invalid.

In addition to limiting the number of guests, the use of masks for each person is mandatory. The bride is no exception. Even though she has been formally dressed, she must wear a mask, covering her face after applying make-up, and the mask strap is tightly tied over her bun. Spraying or applying hand sanitizer becomes indispensable when hand washing is not available or the place is far out of reach. In addition, it is more practical and economical.

Gloves are something else that must be worn at this time. In the procession of the wedding ceremony, shaking hands or touching the skin between the hands of the

² Interview with Wahyu Syafaat, Head of Religious Affairs Office (*KUA*) Mantikulore District, 29 June 2021.

³ *Ibid.*

⁴ Ahmad Azhar Basyir, 1999, *Hukum Perkawinan Islam*, UII Press, Yogyakarta, p. 31.

guardian of the bride (*Wali*) and the groom is a mandatory requirement that must be done, although it is not a legal requirement for marriage. In this New Normal era, the handshake should be avoided or when it is done by people, the hands must be covered with a cloth such as gloves to avoid skin-to-skin contact as the implementation of health protocols (*prokes*) that are being promoted. The gesture of giving a blessing is enough by putting your palms together on your chest and bending slightly.

Another thing that is no less important is the permission from the COVID-19 Task Force (*Satgas*) from Sub-District or Village. If the permission is denied, then the Religious Affairs Office (*KUA*) will refuse to hold the wedding ceremony. Especially if it is carried out at the bride's residency. There were banners distributed by the Task Force to remind the public of the dangers of COVID-19. The day before the wedding is held, a detailed check to the wedding venue was carried out by Religious Affairs Office (*KUA*) staff and the Task Force, to ensure standardization of health protocols at the venue⁵. If it is following the health protocol, the event can be continued. If not, then the Religious Affairs Office (*KUA*) and the Task Force may

reject and postpone the event until the party who has the intention or event complies with the applicable health protocol standards. Thus, it is clear that the implementation of the Marriage Registration policy at the Religious Affairs Office (*KUA*) Mantikulore in the New Normal era was significantly different from the normal times. Marriages are still held, but with terms and conditions applicable during the COVID-19 period.

The supporting factors in implementing the policy are the good cooperation between the family and the Religious Affairs Office (*KUA*) and the permission from the COVID-19 Task Force in the implementation of marriages⁶. The community inevitably has to implement the applicable rules and cooperate with significant parties if they want the wedding to take place well.

The inhibiting factor for the implementation of the Marriage Registration policy at the Religious Affairs Office (*KUA*) Mantikulore is the lack of public awareness about the applicable rules and the dangers of COVID-19⁷. Some people still do not believe in the spread of the virus, therefore they defy all regulations related to COVID-19. This led to the rejection of the terms and conditions for

⁵ Interview with Wahyu Syafaat, Head of Religious Affairs Office (*KUA*) Mantikulore District, 29 June 2021.

⁶ *Ibid.*

⁷ *Ibid.*

implementing the marriage registration policy in the New Normal era.

Acceptance and rejection of a rule are common in society. Positive and negative responses given by the community to something are normal. Especially regarding sacred things such as marriage. People who are aware of the dangers of COVID-19 will comply with applicable regulations without being asked. For their safety and the safety of the surrounding community. However, for people who do not understand and are aware of the dangers of COVID-19, they will reject the rule and try to ask for support from other communities, especially traditional leaders, under the pretext of local traditions or customs that must be prioritized to be obeyed. Therefore, these people will not hesitate to mobilize the masses to reject the rule. As Wahyu said: "People's responses varied, some accepted it with full awareness. Some refuse because they do not understand the rules. Until there is a mass mobilization with the excuse that all traditional leaders must be present"⁸.

CONCLUSION

Based on the results of the research above, it can be concluded that the implementation of the Marriage Registration

Policy at the Religious Affair Office (*KUA*) Mantikulore District in the New Normal era is significantly different from normal times. It is mandatory to wear a mask, use hand sanitizer, wear gloves at the wedding ceremony, only a maximum of 10 people can attend (including the bride and groom, guardian, wedding witness, *Penghulu*, and a photographer) and have permission from the COVID-19 Task Force. This rule is obeyed by the community that organizes the marriage, whether the marriage is held at the Religious Affair Office (*KUA*) building or at home or elsewhere. Thus, as a suggestion from the results of this study are as follows:

1. Socialization is needed about the implementation of the Marriage Registration Policy in the New Normal Era to the public.
2. It is recommended that the Government pay more attention to the safety and welfare of the Marriage Registrar during the New Normal period.
3. Socialization about the healthy lifestyle and the dangers of COVID-19 is needed in the New Normal.

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⁸ *Ibid.*

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