



## CHAPTER V

### CLOSING

#### A. Conclusion

Problem of the study which is focussed of discussion for this research can be summarized as follows;

1. Basically, *sirri* marriage practice is done because of things that are found to be possible for couples, especially migrant workers (TKI) to formally marry. There are many factors of *sirri* marriage practice; some of them want to do a quick and easy process, illegal migrants do not have a complete document includes their identity as Indonesian citizens (like migrant workers work permission which they should be owned by every

Indonesian citizen who worked in Malaysia, and the result is they can not be legally married), for fulfilling their spiritual (material form) and physical (in the form of marital relationship) needs because they leave their wife or husband in Indonesia, and they married again in Malaysia, and the last as an alternative for doing polygamy and changing to be better life, especially economically. All these reasons lead to the position of *sirri* marriage is using easier to justify conjugal relationship and to avoid the operation by Position of Islam in Selangor ( JAIS ).

2. The elements that provide facilities for workers to gave easy perform *sirri* marriage practice, includings: *Penghulu* profession: i.e. Indonesian workers in Malaysia who are asked to wed Indonesian workers couples because they are considered to be more pious and have ever studied in Islamic Boarding School. Most of the *Penghulu* come from Madura and Aceh. Beside having *Penghulu* profession, they also have other occupations as security and chicken noodle seller. *Taukil* guardian of marriage, if migrant workers have a family in Malaysia, the family can be guardian. *Taukil* guardian by ask permition to father in Indonesia by phone to *taukil* with the family or friends in Malaysia (be a *taukil* marriage). For proof that they are married and to avoid operation Position of Islam in Selangor ( JAIS ), migrant workers can buy a fake marriage certificate at ilegal travel agent of migrant workers, or can buy at *oknum* (person in a certain capacity, esp. with negative connotation) gathering place near the embassy.

3. The impact of *sirri* marriage practiced by migrant workers in Selangor state of Malaysia is no legal power to them because there is no authentic evidence to prove their marriage in the State. Therefore, they get a birth certificate, ID card, and passport difficulty. Migrant workers as second wife (polygamy) who marry with Malaysian citizens not get responsible from her husband, and children do not get his right like guardianship, inheritance and income from his father. The similarity regulatory about registration marriage in Law No. 1 of 1974 about marital Law of Indonesia and Enakmen Islamic Family Law, of Selangor 1984, but the difference in the penalties. Law No. 1 of 1974 about marital law, there is no penalty provisions for violators the legislation, only the existing provisions on penalties on Government Regulation No. 9 of 1975 on the implementation of law No. 1 1974. But, every section in Enakmen Islamic Family Law, of Selangor 1984 there is penalty provisions for violators the legislation. In Malaysia country, the Government facilities to make *sijil lahir* ( birth certificate) to foreigners even though her marriage was not official (not listed).

## **B. Suggestions**

1. The socialization needed to the society, especially migrant workers (TKI) from the government and religious leaders will be negative impacts from *sirri* marriage practice.
2. For migrant workers must comply the state's law that have been made by the government of Malaysia, because migrant workers are living and

working in Malaysia. Therefore, they must comply with local requirements.

3. The validity of *sirri* marriage in Islam needs to be reassessed.
4. To Embassy of the Republic of Indonesia and Position of Islam in Selangor (JAIS) in Malaysia is expected to continue to operation the practitioner of *sirri* marriage and *oknum* who sell fake marriage certificate. For the Ministry of Religion and the Religious Court of Indonesia gets quickly result of approach with Position of Islam in Selangor (JAIS) in Malaysia about equal rights to marry among factory workers and domestic workers. Therefore, They can marriage in Malaysia, because the marriage is right to all human.