

## A B S T R A C T

Sihab, Alwi 09210045. 2013. **The Role of Kiai as a Legal Guardian (A Case Study in Sukabumi Village, Mayangan District, Probolinggo)**  
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Keywords: **Kiai, Legal Guardian**

The background of study used here is the role of Kiai in marriages as *muhakkam* trustee (legal guardian) which often occurs in Sukabumi Village, Mayangan District, Probolinggo. Women discrimination, which cause these marriages to occur, is due to the husbands' job as seasonal fishermen in Sukabumi. The issues discussed in this study is the role of Kiai as a *muhakkam* trustee (a case study in Sukabumi Village, Mayangan District, Probolinggo.)

The type of study is qualitative descriptive, an empirical research. The study aims to know what the bride and bridegroom's consideration for asking Kiai to be *muhakkam* trustee is, as well to show the marriage legal implications of which Kiai plays a role as *muhakkam* trustee based on the law in Indonesia, both Islamic and Positive law. Meanwhile, the objects of study are the couples who ask Kiai to act as *muhakkam* trustee in a marriage.

The method used in this research is a descriptive qualitative approach. As the data collection technique, the research uses interview method strengthen by documentations, then the data obtained are analyzed using qualitative descriptive analysis method.

As the results of the study, the researcher concludes that *first*: the bride and bridegroom's consideration in choosing Kiai as *muhakkam* trustee is influenced by economic constraints, the postulate about being afraid of sins, the prevention of *zina*, pregnancy before marriage, elopement, and lack of legal requirement. *Second*: as *muhakkam* trustee, Kiai has no legal implications (power) in Indonesia according to the marriage laws applied in Indonesia and the rules of Minister of Religious Affair. It happens since the person who has the right to be the trustee is *nasob* as well as someone chosen by the Office of Religious Affairs through the establishment of the Indonesian Religious Courts.