

## ABSTRACT

Tabrani, Imam. 2013. *Tuan Guru's* Perspective on *Sirri* Marriage in Banjarmasin City, South Borneo. Thesis. Department of Al-Ahwal Al-Syakhshiyyah, Faculty of Sharia. Maulana Malik Ibrahim State Islamic University Malang.

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**Keywords: Sirri Marriage, *Tuan guru* (Master Teacher), Islamic Law and Positive Law**

Marriage is the only ritual to unite two human beings, man and woman, officially in state law (positive law) and religion law. The high frequency of sirri marriage nowadays creates the controversion among ulemas, either the contemporary ulema who are contra toward sirri marriage or the classical ulema who are pro toward *sirri* marriage especially for the master teacher. According to contemporary ulema, sirri marriage is a marriage which is not registered legally in KUA, although it is legal, there is no legally acknowledgement from the state. Meanwhile, *sirri* marriage substantially is a marriage based on Al-Qur'an and Hadist, seen by classical ulema as a lawful marriage although it is not registered in KUA. People in Banjarmasin city, South Borneo represented by Master Teacher (*tuan guru*), consider that sirri marriage is a legal action according to Islamic law although some of *tuan guru* reject the existence of it.

From many appeared criteria, the researcher aims to determine the perspective of *tuan guru's* on the concept of *sirri* marriage, then how the background of *sirri* marriage doers, and also know the relevance of sirri marriage to marriage system in Indonesia.

This study is an empirical and sociological research. The approach used is qualitative approach, in which the data source are from primary or basic data and secondary data based on interview and documentation.

The results of this research are: first, marriage is a sacral part of life because it pays attention to norm and life principle in society either based on Islamic law or state law. In *sirri* marriage case, *tuan guru* states that *sirri* marriage is legal because of Islamic law, besides Indonesian law. Therefore, it needs the awareness of society not to do this because of desire. Second, the major people who do *sirri* marriage are from entrepreneurs or functionaries who benefit women who live in poverty. The weakness of education factor and loyalty to religion and tradition norms. Unfulfilled biological needs from their wife so that they release their desires by doing *sirri* marriage. The third, there is no synergetic between Islamic law and positive law so that people do not fully register their marriage in KUA. Besides, bureaucracy administration problem is expensive and complicated. Therefore, *sirri* marriage still becomes habit and still considered as natural matter for some people of Banjarmasin city.