



Anomaly "Marriage Mut'ah" in Arab Village Bogor

Safira Amalia Nuranisa¹, Nunung Nurwati², Muhammad Fedryansyah³

^{1,2,3}Universitas Padjadjaran, Bandung, Indonesia

Email: safira18012@mail.unpad.ac.id

Abstract

This article focuses on the problem of deviant behavior that examines the phenomenon of tourist irregularities labeled halal. The focus of the situation in this study is to explain the phenomenon of marriage mut'ah (contract marriage) currently as halal tourism in the Arab village of Cisarua in Bogor Regency. This study uses a qualitative approach to develop concepts, explain the reality associated with a theory, and develop an understanding of a phenomenon. The results of studies show that the phenomenon of contract marriage is a social-cultural formation, a social construction, not an instinct, so contract marriage can be interpreted as a form of efforts to legalize the form of adultery, adultery, struggles to escape from the pressures of poverty, efforts to legitimize sexual desire so as not to say cheating, all of which are very dependent on their society. The practice of contract marriages is done through brokers or specific individuals whose place is hidden where the whereabouts are unknown. It can be concluded that the current control over the phenomenon of marital mut'ah is considered to be no longer sufficient if it is only based on the family. Therefore, social control must involve various parties; it is no longer sufficiently preventive or persuasive. On the other hand, simultaneously by multiple groups, whether preventive or repressive, non-violence (transparent) or coercive is still carried out in various forms.

Keywords: Anomaly, Sex Tourism, Arab Village.

1. Introduction

Indeed, humans are social creatures created in pairs by God. In meeting their life needs, humans need other humans as partners through marriage (Mulyanti & Sari, 2021; Maleki & Bouzari, 2020). In-Law Number 1 of 1974 Article 1, it is explained that marriage is an inner and outer bond between a man and a woman as husband and wife, which aims to form a happy and eternal family (household) based on the One Godhead. In the development of today's society, marriage is carried out in various forms. It starts from unions through KUA (Office of Religious Affairs), take-away marriages, unregistered marriages, and others (Faizal & Qohar, 2021; Mintarsih & Mahdami, 2021). In Islam itself, there are 3 (three) types of marriage, namely sustainable marriage (da'im marriage), slave marriage (ima' marriage), and contract marriage (mut'ah marriage). Mut'ah marriage is unusual in society and has caused controversy and debate about whether it is permissible or not (Nawati, 2019; Qalby, 2020).

This phenomenon of mut'ah marriage has spread in several regions of Indonesia, especially in Java, namely East Java, Central Java, and West Java. In Central Java, for example, we can find the phenomenon of mut'ah marriage in the Jepara Regency, which is researched by Ayun Nawati (2018) with the title of research on the phenomenon of contract marriage in a gender perspective in Jepara Regency. According to the findings of this study, contract weddings are conducted privately and covertly in Jepara

Regency. The perpetrators fool the public by marrying in a Siri manner, but some are legally married. The contract wife is affected sociologically, psychologically, and economically, both positively and negatively. Contract wives face gender injustice in the form of abuse, double burden, and unfavorable social labels (stereotypes) (Nawati, 2019).

Meanwhile, in East Java, we can meet mut'ah marriages in Kalisat Village, Pasuruan Regency. Based on research conducted by Sri Endah Kinasih, the phenomenon has become entrenched, so the village is famous for mut'ah marriage (contract marriage). The unions that occurred were carried out with men in the town. Outside the Kalisat village area, even immigrants from Arabia, the primary motive for implementing this mut'ah marriage is economic factors, and there is a network in its implementation. Because there are agents as suppliers to look for women and those involved have their respective roles, such as Kiai who match and marry off, and those who perform mut'ah marriages on average are 16 years old (Endah, 2002).

The practice of contract marriage in West Java can be found, among others, in the villages of North Tugu and South Tugu, which are more popularly known as the Arab Village area, or people know it as a can stall (Nisa et al., 2021; Maidin, 2019). Contract marriages do not just happen, but there are reasons why this phenomenon can appear in the Puncak Bogor area. The women involved in contract marriages were not from Cisarua or Bogor but from Cianjur, Sukabumi, and the other regions (Abdullah & Tridewiyanti, 2021). These women usually live not far from their homes or areas filled with Arab tourists, one of which is the South Tugu Village area or the Cisarua tin stall area, Bogor Regency. Of course, these women dare to do it because it is based on economic needs (Maripah, 2016; Aji, 2022). The practice of contract marriage is a violation of Religion and Law No. 1 of 1974 concerning marriage. Due to religious reasons, those engaged in contract marriages do consent first because they don't want to have sexual relations without consent. Thus, an agreed marriage contract is temporarily carried out to follow the agreement. Even so, the arrival of Middle Eastern tourists brings excellent benefits to various parties such as inn owners, car rentals, and restaurants (Amnar, 2020; Tohari, 2020).

Based on the description above, the author is interested in studying the phenomenon of tourism deviations labeled as halal. The focus of the problem in this study is to explain the current phenomenon of mut'ah marriage (contract marriage) as halal tourism in the Cisarua Arab village in Bogor Regency, which includes social deviations from contract marriage, the impact of contract marriage on people's lives in Arab Village, and control social activities carried out by the community towards the current contract marriage phenomenon.

2. Method

This study uses a qualitative approach that aims to develop concepts, explain the reality related to a theory, and understand a phenomenon (Gunawan, 2016). The data collection technique uses a literature study. The essential part of understanding the data in research activities is analyzing the data. Thus, this study uses descriptive analysis techniques to obtain data that is interpreted clearly. The data presented is obtained from several kinds of literature as secondary data such as some literature

consisting of literature studies, documents, journals, and the internet, which are adapted to research through the Miles and Huberman stage model, namely reducing data by sorting data based on the research focus, presenting the data and then drawing a conclusion.

3. Result and Discussion

Sexuality is a product of society or as a socio-cultural formation, not a development of human instincts and the phenomenon of contract marriage. Various parties interpret contract marriage in different ways, and some people interpret it as an effort to legalize adultery, infidelity, an attempt to escape the pressures of poverty, an effort to legitimize sexual desire so that it is not called affair, or in a consumerist capitalist society it is interpreted as a commodity which can be traded. Everything depends on people's understanding viewed from the religious dimension; contract marriage is considered a social deviation because it violates religious rules, even legal laws (Badran & Turnbull, 2019).

The conception of contract marriage in the study of family sociology can be categorized into the form of illegitimacy and deviation. Control over the spread of this phenomenon is currently considered no longer sufficient if it is only placed on the family. Therefore, social control must involve various parties, and it is no longer adequate to be preventive or persuasive. On the other hand, simultaneously by multiple groups, whether preventative or repressive, utilizing non-violence (clear) or coercion (coercive), it is still carried out in various forms. The state, through the police, needs to increase control regularly by making efforts in various forms, for example, raids on the practice of contract marriages in villas or inns, perpetrators who act as *amil nikah*, actors related to contract marriages, and brokers who contribute to fostering the practice of marriage contracts in Indonesia (Fadhilah et al., 2020).

Social control is more visible when it involves repressive police officers utilizing coercion; for example, it is carried out routinely by arresting perpetrators of contract marriages, women who are victims of women trafficking networks with contract marriage mode, and brokers who contribute to the practice of contract marriages, in various regions in Indonesia (Ahmady, 2019). The fact proves that marriage has become an object of business involving multiple parties, even trading networks. Television media has sniffed out the practice of contract marriage and being an exciting menu of shows to reveal. The Documentation of Liputan 6 SCTV.com, the Nuansa Pagi RCTI program, and the Investigation Reporting episode of the Marriage Contract 2 episode of Trans TV once broadcast this practice.

Sociological studies in the perspective of dramaturgy can adequately explain the phenomenon of contract marriage. The setting is prepared so that the 'marriage' looks fundamental to foreigners (especially Arabs). It can convince them that it is as if the contract marriage is following the marriage recognized by religion. The tactic is made by bringing in the perpetrators and witnessed by hired marriage guardians and people fluent in Arabic who are paid to be willing to act as marriage attorneys (Hussein, 2019). To explore the social construction of contract marriage in the religious dimension, it is recognized that this *muth'ah* marriage is not known in Islam. Although initially it was allowed, later prohibited. Marriage with the intention only for a certain period is not

justified in Islamic teachings. "Such a marriage is so illegitimate that it is tantamount to adultery."

Mut'ah marriage is a marriage that is limited to a specific time, or what is commonly referred to as "*annikah al-muaqqat*" (temporary marriage or contract marriage). According to all schools of thought, this mut'ah marriage law is invalid or void. Because it is not valid, Muslims cannot carry it out. Contract marriage is a form of illegitimacy and deviation from the conception of contract marriage. The definition of marriage is stated that etymologically, marriage means *adl-dlammu wa al-jam'u* (collecting), *al-with-u* (intercourse), and *al-aqdu* (contract). As for terminology, marriage is the implementation of an agreement by which a man can have fun with a woman, whether to have sexual relations, touch, make out, or others. In other terms, marriage is a contract that is prescribed to give men unique ownership (having fun) over women. Marriage in Islam must refer to the signs that have been outlined in the Qur'an and Hadith by following the provisions that have been standardized in the terms and pillars of marriage (Aji, 2022).

The regulation on human sexuality is sociologically stated that the prohibition or non-recognition of contract marriage in Indonesia and the granting of a contract marriage permit in Iran is a manifestation that sexuality is a product of society or as a socio-cultural formation, not a product of human instincts. This occurs through community regulatory mechanisms. Social values regarding sexuality can be controlled, and their changes are directed according to the interests of society. Changes in the values and practices of family sexuality regulation can be made (Izat, 2020). Issues regarding the decreasing number of families with contraceptives and abortion, increasing equality of men and women, the experience of sex outside of marriage, living together without a marriage bond, being rejected or accepted coldly by the church are not actively supported by the church. The phenomenon of contract marriage is a socio-cultural formation, a social construction, not instinct so that contract marriage can be interpreted as an effort to legalize adultery infidelity, an attempt to escape the pressure of poverty, an effort to legitimize sexual desire so that it is not called adultery, all of which are very dependent on the community (Nuridin, 2018).

3.1 The Background of the Emergence of Arab Villages So That the Mut'ah Marriage Phenomenon Occurs

The Arab village, located in the Warung Kaleng area, situated around the Tugu Selatan and Tugu Utara villages, began to be visited by Middle Eastern people in the 1980s. Its existence starts with the story of why there was an area called "Warung Kaleng" in the 1980s. The is because there are some stalls made entirely of Arab drum tins, and the Arabs began bringing their family, friends, and relations to Puncak in that same year. Puncak is densely packed with villas, hotels, and inns catering to both domestic and Middle Eastern tourists.

Along with the numerous facilities in Puncak, including as villas and Middle Eastern restaurants, the availability of services for Middle Eastern tourists is a unique draw for Arabs to visit the Puncak area, particularly Arab Villages. A sawag or guide, a taxi driver, a motorcycle taxi driver, a cook, a villa provider, and security are all offered services (Ayu, 2019). These service providers choose these foreign names because they believe they sound more spectacular. They are all members of their individual communities, which are all united under the Tourism Driving Community's auspices.

These tourism workers are Puncak residents. They are constantly available to serve Middle Eastern clients in the Puncak area, from night entertainment to sexual entertainment (Yulianto, 2020).

In 1987, as the number of Middle Eastern tourists visiting the Puncak area increased, the term "contract marriage" became popular among Middle Eastern men and local women. It begins with Middle Easterners performing contract weddings or mut'ah marriages with indigenous women. Contract marriage, also known as mut'ah marriage, is a marriage that occurs for a specified amount of time or only temporarily; after the marriage period expires, their marital relationship ends. According to Faisal (2008) and Jazari (2021), a generic definition of mut'ah that may encompass the meaning intended by scholars is: A contract established by a man to marry a woman within a specified time period. A day, a week, or a month is determined (agreed upon), such as a month, two months, one day, or two days, and then the man departs after the stated period expires (Hussein, 2019).

This contract marriage, which has lasted for 28 years, has gained widespread recognition in various nations, particularly in the Middle East. Historically, women who accepted contract marriages were indigenous females whose families were frequently compelled to marry Arabs for economic reasons. It is different now because the ladies performing contract weddings are not indigenous people but prostitutes who frequently market their services to Arab visitors in the Puncak area. Its existence peaked temporarily between 2007 and 2008, but by 2010, and the contract marriage garnered widespread opposition, its existence has been effectively ended. The findings of this study indicate that there are individuals who continue to engage in contract marriages but attempt to conceal their existence in order to protect the reputation of Middle Eastern tourists and the Puncak area itself, as these individuals also work in and are involved in the contract marriage process. Middle Eastern travelers have resurrected all facets of the tourism industry and reaped several advantages for the local society and environment. This is considered wrong because it violates society's values, as stated by Setiadi and Kolip (2011), who define deviant behavior as "the behavior of members of the community who are considered to be not adhering to applicable customs, rules, or social norms." They commit acts that violate the norms of the community in which they live, where the majority of people are Muslims in the Puncak area.

3.2 The Process of Implementing Mut'ah Marriage in Cisarua Arab Village, Bogor

The introduction of women and men engaged in contract marriages was through the person who brought the woman to Middle Eastern tourists if the Arabs asked for a woman to be carried. If not, these women often come to peddle themselves accompanied by people who usually take them. The people who take him are usually pimps or motorcycle taxi drivers and drivers who typically work with foreign tourists.

The process of carrying out a contract marriage itself is not complicated; if it is sure to carry out a contract marriage, the Arab must come to the residence of the woman's family and confirm who the woman's family is. Apart from that, all women who engage in contract marriages usually fake their family identities or tell others to pretend to be their family (Mulyanti & Sari, 2021). After that, there was a contract marriage accompanied by the person who introduced the woman.

The implementation is not through an application; they directly carry it out at the women's residence with a witness guardian and a "rough" head. Usually, the rulers, witnesses, and guardians pretend, but the Arabs don't care about this. Even though there is no application process, the dowry is usually cash. There are no other conditions for a contract marriage to occur; there is no written agreement but verbally an agreement by both parties regarding the duration of the marriage. There is no wedding reception in the implementation of a contract marriage. After the marriage contract was completed, the woman was brought to the villa where the Arabs lived.

3.3 Community Social Control Against Mut'ah Marriage Phenomenon

The family as social control (Social Control) on human sexuality Emile Durkheim called the family "conjugal family" which is a nuclear family of a married couple and their offspring which is distinguished from "consanguine," which is the nucleus of a blood family which includes the family the circle of the husband and wife. In addition, the nuclear family and extended family are distinguished (Ahmady, 2019).

Nuclear family or nuclear family or nuclear family or often referred to as a conjugal family (Bruce J. Cohen, 1983). A nuclear family is a social unit consisting of a husband and wife and dependent children or unmarried children. The nuclear family members are related to each other by blood or descent ties, by marriage (father and mother), and possibly by adoption. A large family is often referred to as an extended family or consanguine family (a family formed based on blood ties) of a large number of people, which includes: parents, children, grandparents, uncles, aunts, nieces, and so on (Cohen, 1983).

Paul B Horton and Chester L Hunt (1987), Ligh & Keller (1982), and Goode (1985) mention that there are at least 7 (seven) functions of the family, including the function of sexual regulation. The family is an institution recognized by society to channel biological (sexual) needs. The family is a social institution that guides the community to establish a system of social control (social control). That is, a community monitoring system for the behavior of its members, which includes all processes, whether planned or not, that are educating, inviting, or forcing citizens to comply with applicable social rules and values (Soerjono, 1996). Whether preventive or non-violent (persuasive) or coercive (coercive), family control has the role of regulating and controlling who a family member is allowed and strictly forbidden to marry and even determines which form of marriage one should or should not choose.

4. Conclusion

Before the phenomenon of contract marriage emerged, an area called Warung Kaleng or better known to the outside as Arab Village, appeared in the 1980s. Following its inception, Puncak attracted a large number of Middle Eastern tourists. Contract marriages between Arabs and indigenous women began in 1987. Contract marriages are a taboo subject at the moment. This view of contract marriage is divided into two groups of people: people who work with Middle Eastern tourists and those who do not work with Middle Eastern tourists; people who work with Middle Eastern tourists tend to cover up the existence of contract marriages because they are involved in it. This is contrary to the opinion of people who do not work with Arabs who strongly oppose the presence of contract marriages and Arabs who commit irregularities in their area.

Control over the widespread phenomenon of mut'ah marriage is considered no longer sufficient if it is only placed on the family. Therefore, social control must involve various parties, and it is no longer adequate to be preventive or persuasive. On the other hand, simultaneously by multiple groups, whether preventative or repressive, utilizing non-violence (clear) or coercion (coercive), it is still carried out in various forms.

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