

***Sirri* Marriage of Indonesian Woman Migrant Workers in Saudi Arabia**

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Abstract: This study analyze some factors that have driven Indonesian women migrant workers in Saudi Arabia to have an informal marriage (*sirri* marriage) and to examine the impacts of this kind of unofficial marriage in relation to legal, economic, social and psychological aspects of the lives of these women. The research demonstrates that some Indonesian women migrant workers in Saudi Arabia have conducted *sirri* marriage since many years ago. Result shows, the practice of *sirri* marriage, is not registered legally as an official marriage, has given birth to diverse problems, such as the existence of fake marriage certificate, the negligence of women's rights, and the legal status of children born outside of legal marriage.

1 INTRODUCTION

The number of Indonesians working abroad has increased dramatically over the last two decades. Surprisingly, the total number of female migrants exceeds that of men. In 2002, 76 percent of 480,393 overseas workers were women. 94 percent of these women worked as domestic helpers in Middle Eastern, East Asian and Southeast Asian countries (Sondakh and Naovalitha 2003).

Becoming a women migrant worker is regarded as a panacea for many poor rural families. These people leave their homes and families due to the lack of job opportunities in their villages. Salaries abroad are too tempting and are usually higher than what they can get in big cities such as Jakarta. Success stories of women migrant worker returnees who purchase new houses, vehicles, and electronic equipment give those in the village an incentive to want to travel as well without thinking about the risks. Gaps in the system make requirements easy to fulfill. The women only know that they have to be at least 18 years old, healthy, know how to read, and can pay part of the placement fees.

There was some study about women migrant workers. This study try to explore the phenomenon of woman migrant workers in Saudi Arabia. As a profession, women migrant workers in Saudi Arabia has a tight schedule and hard activity. They also have to experience long distance relation with their

family. This condition have a considerable impact on the fulfillment of their psychological and biological needs, who are in fact relatively young. The women migrant workers desire to meet their family or to get married in their hometown should be suspended until their employment contracts are over or they have permission from their employers to return to their homeland.

As an alternative solution or perhaps an escape from all problems and busy work as domestic workers, many of them do informal marriage or commonly known as 'sirri marriage' (or unofficial marriage).

This study question some factors that have driven Indonesian women migrant workers in Saudi Arabia to have an informal marriage (*sirri* marriage) and to examine the impacts of this kind of unofficial marriage in relation to legal, economic, social and psychological aspects of the lives of these women.

2 LITERATURE FRAMEWORK

Sirri marriage is not a matter of Indonesian law, but rather the law of Islam experienced by countries with predominantly Muslim, particularly in countries of the Middle East (Kanto and Kholifah 2015). *Sirri* marriage criminalize attempts have failed in the state of Israel and Turkey some time ago. While in Saudi Arabia increased the number of

misyar marriage. The Ulama (Islamic leader) there allow it as qualify for the validity of marriage.

Conceptually based on a joint understanding about “sirrun” & “nikkah” words, the sirri marriage is a secret or hidden marriage (Kanto and Kholifah 2015). At least there are some indicators of a marriage as an element of *Sirri* (secret) or not: *first* marriage is not requisitely and principally of marriage in accordance with the provisions of the Islamic religion. *Second*, is a marriage that does not present by the Registration of Marriage Officer to obtain legal certainty. *Third*, marriage does not hold walimah / reception.

Sirri marriage phenomenon can be analyzed through the theory of the Social Construction of Peter L. Berger (Berger 1990). Social construction, namely: externalizing, internalizing, objectification. Externalization can be interpreted as a desire and personal motivation of the people who want to be recognized. For example is the desire to do polygamy to avoid adultery. Whereas in the case of *sirri* marriage Internalization can be interpreted as the norm or principle deeply held by community members. For example, is a high tribute to Kyai, the important notion that married is legitimate by religion and social status as a wife is better than being single. The objectification is the result between internalization and externalization. *Sirri* marriage is the result of objectification.

Indonesian women migrant worker

Since the 1970s, the Saudi Kingdom has experienced oil-revenue driven high-GDP growth, a shortage of Saudi nationals in its labour market, and an increase in Saudi women obtaining higher education and becoming employed in non-domestic sectors (Park 2017). Because household duties are carried out predominantly by maids in Saudi culture, these factors have increased the demand for non-Saudi domestic workers. By 1983, as Saudi Arabia was experiencing changes in its employment trends, the Indonesian state simultaneously started to integrate labour export into its economic development plans (Park 2017). Agencies were permitted to recruit women to work in Saudi Arabia as maids. This was intended to shrink Indonesia's unemployment rate, while new streams of foreign exchange and remittances were to boost Indonesia's GDP growth and reduce the country's deficits. The Saudis benefited from Indonesia's new economic strategy as well: the new labour export satisfied the labour vacuum left behind by the elevating status of Saudi women at low costs. Labour regulatory loosening in 1983 immediately led 55,976 Indonesians, both men and women, to work in the

Arab state. By 1989, this number had quadrupled to 223,576, and by 1994, it had risen to 384,822. Of the 384,822 labourers, over a third were women employed in domestic service. As demonstrated, economic developments in both Indonesia and Saudi Arabia have led to the influx and diaspora of female Indonesian maids in Saudi Arabia (Park 2017).

3 RESEARCH METHODS

3.1 Demographic Information

The sample of this study was 35 participants. They were all Indonesian women migrants worker in Saudi Arabia, comes from different area of Indonesia. We use snowball sampling technique to recruit the participants.

3.2 Measurements

Participants interviewed by the researchers, using semi structured questions (Moleong 2007), questioning their (a) perceptions and practices in *sirri* marriage during their stay in Saudi Arabia, (b) reasoning and the objectives of their *sirri* marriage, (c) impact of their *sirri* marriage.

4 RESULTS AND DISCUSSION

4.1 Perceptions and Practices in *Sirri* Marriage of Women Migrant Workers

Understanding *sirri* marriage among Indonesian women migrant workers in Saudi Arabia is unique. Their perception or view of it is very simple, namely a marriage between a man with a woman who are married by a local headman (*penghulu*) who is appointed as the representative of the prospective bride's guardian, witnessed by two witnesses and is attended by a number of bride's friends. The implementation is quite short, practical, and inexpensive. No special arrangements and no need document requirements like those that are obligated in the legal marriage at the consulate general. They could carry out the *sirri* marriage anytime and anywhere as per their wish. Typically, after both the bride and the groom agreed to do *sirri* marriage, then they determine the time, while the prospective groom prepared funds to do the *sirri* marriage.

For *sirri* marriage, normally the prospective bridegroom looking for candidates of headman who will act as the representative of the bride's guardian. Usually, the person who acted as the headman comes from fellow migrant workers or Indonesian people who have lived in Saudi Arabia for long time and is considered as a cleric or religious leaders. While the two witnesses from the bride and the groom's friends.

Once everything is ready, then the headman always asks about the status of the bride, "Who is the bride's guardian?", "Is it with the permission of her parents or family?" On this question, the bride will answer that her status is "girl or widow", her guardian has allowed the *sirri* marriage, and the guardian or family appealed to the headman to be acted as her guardian to marry her. Information, permits, and the request is usually evidenced by phone that listened to the headman and all invited people in the marriage. Based on that evidence by phone, then the headman carries out his duties to marry the bride.

However, sometimes the sound from the phone that is listened to the headman is actually not the bride's guardian or family in their hometown in Indonesia, but usually they are the bride/groom's friends who work in Saudi Arabia. The friends pretend to be a parent or guardian of the bride. In other words, in certain cases, a parent or guardian of the bride is not real (deception).

After *ijab-qabul* of *sirri* marriage, they celebrate the marriage with the invited people by eating together—typical menu called rice "Albaik" (Arab-style of fried chicken) and soft drinks. Therefore, the marriage is also commonly called "Albaik marriage". With the implementation of such marriage, the man and the woman are considered legally become husband and wife.

A. Reasons and Objectives of *Sirri* Marriage of Women Migrant Workers

In general, the phenomena of *sirri* marriage among migrant workers in Saudi Arabia is based on the factors of necessity rather than pleasure. This is motivated by emergencies or problems that they face, so that consciously or not it has forced them to do hidden marriage. In more details, some of the reasons and the purposes of doing *sirri* marriage are:

1. Obtaining Personal Protection and Security

The women migrant workers stated that the reason they want to do *sirri* marriage is to get protection and security from a person. This is because women migrant workers who are far from their family need protection from a wide range of possibilities that will happen to them,

either while in the residence/rented houses (flats) or in certain places. This becomes very important, because they live in Saudi Arabia that has different rules and culture with those in Indonesia. In this case, women according to the terms and Arab culture does not have freedom as that belongs to men. In addition to the protection and security of the arrest of the police, their *sirri* marriages are also intended to obtain protection of other crimes, such as street crime and other crimes in certain places.

2. Getting Shelter (*Mas'ul*)

As it is known, not all migrant workers from Indonesia who work in Saudi Arabia are processed through official procedures, so many of them are illegal. Various kinds of Indonesian workers are not legal, such as those who escape from their employers and those who went to Saudi for umrah or pilgrimage purposes, but they settle down and find job there. The what they need are shelter and people who can find them job.

The women migrant workers also disclose many reasons of why they run away from their employers, such as: unpaid salary, experiencing inhumanely treatment, getting tortured (violence), abused/raped, influenced by broker's persuasion, and to get better income.

3. Fulfilling Biological Needs

The need biological desire is human nature that cannot be eliminated, and humans are not capable to avoid it forever. Therefore, religion rules about marriage (Quran, 3: 3). Indonesian women migrant workers working in Saudi Arabia are also humans. They also have natural tendency to love and to be loved. Therefore, they also want to have sexual relations between men and women, like marital relationship. *Sirri* marriage is the only legitimate way that they deem to be able to deliver their biological needs. They do not want to be bothered and think about the theory and legal issues, both religious law and state law. The important thing for them is to fulfill their sexual desire, like husband and wife, even though by *sirri* marriage.

4. Avoid Adultery

Adultery is an act that is prohibited or forbidden by religion, because adultery is a heinous act and the penalties are very severe, especially for adulterers *muhsan* (where the perpetrators have been married). The migrant workers are aware of it and try to comply with the rules applied by the Saudi government, then they were forced to

do *sirri* marriage so as not to get stuck on adultery and to avoid punishment. By *sirri* marriage, they may feel lawful sexual intercourse between men and women as husband and wife. In fact, it is also common among them where those who are still married whose husband in Indonesia but they have another husband at the same time during their time as migrant workers in Saudi Arabia. Thus, there are a number of domestic workers who do polyandry, even though this is in clear as a violation of the provisions of religion of Islam and the state. However, above all, they say it is better to do *sirri* marriage than to commit adultery.

5. Friends Persuasion

The influence of fellow migrant workers to carry out *sirri* marriage is very strong. Many migrant workers who do *sirri* marriage initially because of motivated and persuaded by their friends. The modus to influence is varies. According to informant, a former domestic migrant worker from Pamekasan (East-Java), "*Sirri* marriage is permitted by religion (Islam) and it also can get protection and security from Arab governments. If there are problems, we will be helped to find a solution. Instead of adultery, it is better if we do *sirri* marriage." Maybe the intention of the majority of her friends were right, but there are also some of those who have specific purposes, such as to get money if they are successfully persuaded to do *sirri* marriage or to support and legitimize the practice of *sirri* marriage.

B. Impact of *Sirri* Marriage of Women Migrant Workers in Saudi Arabia

The impact of *sirri* marriage is a clash of two interests, between those do *sirri* marriage but they do not want to do register their marriages because of certain reasons as previously explained and the interests of the state to manage the administration of the population, so that any marriage that is not registered is not recognized by the State. In fact, one form of state recognition is authentic marriage certificate as a proof of the occurrence of a marriage. With the existence of this certificate, a registered marriage has the force of law, including legal protection for both the actors of marriage and the results of the marriage, such as their children or property under the marriage. This is felt by the actors of *sirri* marriage in Saudi Arabia.

The phenomenon of *sirri* marriage of women domestic workers in Saudi Arabia clearly have an impact on the lives of the perpetrators, particularly

for migrant workers, both legal impact, economic, social, and psychological. By law, *sirri* marriage has no meaning in the presence of positive law in Indonesia. They do not have the force of law on marriage and anything produced in the *sirri* marriage are automatically not recognized. In term of economy, women migrant workers who do *sirri* marriage do not experience significant changes in welfare. In fact, many of them continue to work hard to help the family finances, such as paying rent house, food costs, health, and so on. Socially, they feel a bit proud of their status as wife, but it is does not change anything in their daily life. On the contrary, sometimes this is even become an arena of *sirri* marriage dispute between the husband and the wife, even among migrant workers, because of competition and jealousy. Psychologically, they become less comfortable and feel anxious when they have to take care of family documents, including birth certificates of their children. They also feel that they have no vision or hope for the future of their *sirri* marriage because the husband could easily divorce the wife at any time.

C. The Government's Efforts to Overcome *Sirri* Marriage Phenomena

As government representatives abroad, the Consulate General in Jeddah has a duty and responsibility to serve, protect and promote the rights and needs of Indonesian migrant workers in Saudi Arabia. In this case, the Consulate General has sought to provide solutions and policies to facilitate simultaneously and to minimize *sirri* marriage practices undertaken by men or women migrant workers in Saudi Arabia.

1. Determination of Marriage (*Ithbat*)

The expectations of Indonesian migrant workers in Saudi Arabia, particularly the women workers, to legalize their marriage are quite big. The reason of why they do *ithbat* marriage is to obtain official marriage certificate as a proof of recognition and legal power from the state (legislation) related to their marital status abroad. The marriage certificate serves as a foundation where they live at home or interact together (husband-wife) to avoid the Saudi law that prohibits men and women who are not *mahram* together in one place. Moreover, marriage certificate also serves to confirm the relationship of parents of children who are born under the marriage, so the status of their children is clear and easy to obtain proof of birth (birth certificate).

Ithbat marriage is meant to obtain legal marriage in the form of marriage certificate.

These amendments are very important for the citizens, because the marriage certificate is a reference document to refer other documents, such as birth certificates.

The requirements for *ithbat* marriage according to Islamic Law Compilation (KHI) Article 7, paragraph (3) are: The existence of marriage in the context of a divorce settlement, the loss of marriage certificate, there is doubt related to the validity of one of the conditions of marriage, there is a marriage that occurred prior to the Act No. 1 of 1974, and the marriage is done by those who did not have a hitch in marriage according to Act No. 1 of 1974.

2. Mass Marriage

In addition to implement the program of *ithbat* marriage, the Consulate General in Jeddah also held a mass married for migrant workers in Saudi Arabia who wanted to hold their marriage to be fast, practical, economical, and legal, without having to return to Indonesia. This policy also minimizes the phenomena of *sirri* marriage and fake marriage certificate among them in Saudi Arabia, as well as a form of legal protection policy of the State against the citizens in Saudi Arabia.

The program was implemented in 2013 at the office of Consulate General in Jeddah. Unfortunately, this program received less maximal response from the migrant workers there. This is shown from the very minimal participants who register this program.

5 CONCLUSION

The phenomenon of *sirri* marriage among women migrant workers in Saudi Arabia clearly have impacts on their lives in term of legal, economic, social, and psychological.

Therefore, the need to immediately set up a religious institution or religious attaché in the Consulate General of the Republic of Indonesia in Jeddah or in the Embassy of the Republic of Indonesia in Saudi Arabia to serve and deal specifically with issues related to legal and administrative religious services for Indonesian migrant workers, mainly in Saudi Arabia.

What is more, there should be a study or further research on the protection of the rights of children born from *sirri* marriage of women migrant workers in Saudi Arabia, particularly the illegal women migrant workers who until now the number is huge but have not gained the recognition from the

government of Indonesia in the form of birth certificate.

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