

**PELAKSANAAN PERKAWINAN SIRI DITINJAU DARI PASAL 2 AYAT
(2) UNDANG-UNDANG NOMOR 16 TAHUN 2019 TENTANG
PERKAWINAN (STUDI KASUS DI DESA CELUKANBAWANG,
KECAMATAN GEROKGAK, KABUPATEN BULELENG)**

Oleh

Nazarina Fadillah, NIM. 1714101094

Jurusan Hukum dan Kewarganegaraan

Program Studi Ilmu Hukum

ABSTRAK

Penelitian ini bertujuan untuk memahami dan mengetahui mengenai proses pelaksanaan perkawinan siri di Desa Celukanbawang, Kecamatan Gerokgak, Kabupaten Buleleng dan implementasi serta implikasi Pasal 2 Ayat (2) Undang-undang Nomor 16 Tahun 2019 Tentang Perkawinan pada perkawinan siri di Desa Celukanbawang, Kecamatan Gerokgak, Kabupaten Buleleng. Jenis penelitian yang digunakan adalah jenis penelitian hukum empiris dan penelitian ini bersifat deskriptif. Teknik pengumpulan bahan hukum yang digunakan adalah dengan cara studi dokumen, observasi dan wawancara. Teknik penentuan sampel penelitian yang digunakan adalah teknik *non probability sampling* dan penentuan subjeknya menggunakan *purposive sampling*. Teknik analisa bahan hukum secara kualitatif. Hasil penelitian menunjukkan bahwa (1) Proses pelaksanaan perkawinan siri di Desa Celukanbawang, Kecamatan Gerokgak, Kabupaten Buleleng telah memenuhi rukun nikah dalam hukum Islam seperti adanya calon suami istri, wali nikah, dua orang saksi dan ijab kabul hanya saja tidak ada pencatatan perkawinan yang dilakukan oleh Kantor Urusan Agama (2) Implementasi Pasal 2 Ayat (2) Undang-undang Nomor 16 Tahun 2019 Tentang Perkawinan pada perkawinan siri di Desa Celukanbawang, Kecamatan Gerokgak, Kabupaten Buleleng belum berjalan secara efektif. Hal ini dapat dilihat dari hasil wawancara dengan Aparat Desa Celukanbawang dan para informan yang melangsungkan perkawinan siri bahwa di Desa Celukanbawang masih terdapat masyarakat yang melangsungkan perkawinan siri sehingga tidak mempunyai akta nikah sebagai bukti autentik (3) Implikasi Pasal 2 Ayat (2) Undang-undang Nomor 16 Tahun 2019 Tentang Perkawinan pada perkawinan siri di Desa Celukanbawang, Kecamatan Gerokgak, Kabupaten Buleleng akan berpengaruh pada kedudukan istri dan anak yang dilahirkan serta pada hak mewarisnya, yang mana kedudukan istri menurut hukum negara dianggap sebagai istri tidak sah, sedangkan kedudukan anak yang dilahirkan dari perkawinan siri dianggap sebagai anak luar kawin.

Kata Kunci : Pencatatan perkawinan, akta nikah, perkawinan siri, implikasi yuridis.

**THE IMPLEMENTATION OF SIRI MARRIAGE REVIEWING OF
ARTICLE 2 PARAGRAPH (2) OF LAW NUMBER 16 OF 2019
CONCERNING MARRIAGE (CASE STUDY IN CELUKANBAWANG
VILLAGE, GEROKGAK DISTRICT, BULELENG REGENCY)**

By:

Nazarina Fadillah, NIM. 1714101094

Law and Citizenship Department

Law Study Program

ABSTRACT

This study aimed to understand and find out about the siri marriages process in Celukanbawang Village, Gerokgak District, Buleleng Regency and the implementation, as well as implications of Article 2 Paragraph (2) of Law Number 16 of 2019 concerning marriage in siri marriages in Celukanbawang Village, Gerokgak District, Buleleng Regency. The type of empirical legal research and this is a descriptive studi. The technique of collecting legal materials used was document studies, observation and interviews. The research sample determination technique used was non-probability sampling technique and the subject was determined using purposive sampling. The technique of qualitative legal material analysis. The results showed that (1) the process of implementing an siri marriage in Celukanbawang Village, Gerokgak District, Buleleng Regency had fulfilled the pillars of marriage in Islamic law such as the existence of a husband and wife candidate, a marriage guardian, two witnesses and a consent agreement, only that no marriage records were carried out by the Office of Religious Affairs (2) The implementation of Article 2 Paragraph (2) of Law Number 16 of 2019 concerning marriage in siri marriages in Celukanbawang Village, Gerokgak District, Buleleng Regency had not been effective. This could be seen from the results of interviews with Celukanbawang Village Officials and informants who carried out siri marriages that in Celukanbawang Village there were still people who hold siri marriages so that they did not have a marriage certificate as authentic evidence (3) Implications of Article 2 Paragraph (2) of the Law Number 16 of 2019 concerning marriages in siri marriages in Celukanbawang Village, Gerokgak District, Buleleng Regency affected the position of the wife and children who were born and on their inheritance rights, in which the position of the wife according to state law was considered an illegitimate wife, while the position of the child born from an siri marriage was considered a child out of wedlock.

Keywords: *Marriage Registration, Marriage Certificate, Siri Marriage, Juridical Implications*