

Legal Understanding for Penghulu on the Marriage Process in Donggala District

Susi Susilawati¹, Nurul Miqat², Marini Citra Dewi³, M. Ayub Mubarak⁴, Ratu Ratna Korompot⁵, Ashar Ridwan⁶

¹ Faculty of Law, Tadulako University, Palu-Indonesia, drsusisusilawati@gmail.com

² Faculty of Law, Tadulako University, Palu-Indonesia, nurulmiqat@gmail.com

³ Faculty of Law, Tadulako University, Palu-Indonesia, marinicitradewi@gmail.com

⁴ Faculty of Law, Tadulako University, Palu-Indonesia, ayubnnamaku@gmail.com

⁵ Faculty of Law, Tadulako University, Palu-Indonesia, raturatnakorompot@gmail.com

⁶ Faculty of Law, Tadulako University, Palu-Indonesia, fayfiqi@gmail.com

ABSTRACT

Marriage plays a role in forming a stable family, but the family of Penghulu Donggala's scientific work is motivated by the increasing need for training in the preparation of scientific papers by Penghulu. The Headman has now occupied functional positions and for promotion through credit score assessment for the Headman's functional positions. To collect the credit number, one of them is by making a scientific paper. The purpose of this training is for Donggala Penghulu to be active and professional in making scientific papers. The implementation method goes through 3 stages, namely observation, implementation, and evaluation. The implementation is in the form of training in making scientific papers or workshops on Scientific Writing. In it, there is dialogue or discussion to maximize the understanding of the Penghulu and problem solving. The result is that the Penghulu can write articles that are in accordance with the rules for writing scientific papers.

ARTICEL INFO

Keywords:

Scientific Writing,
Penghulu.

How to cite:

Susilawati, S., Miqat N., Dewi, M.C., Mubarak, A., Korompot, R.R., Ridwan, A. (2025). Legal Understanding for Penghulu on the Marriage Process in Donggala District. *Musamus Law Review*, 7(2), 178-187

1. INTRODUCTION

Penghulu according to the large Indonesian dictionary is derived from the word "hulu" which means head, it can be interpreted that penghulu is a head who specifically handles matters relating to Islamic religious affairs.¹ The existence of penghulu as an official in the government has existed since the existence of Islamic kingdoms both in Java and areas outside Java including the Dutch Colonial government.

¹ Tim Kompilasi Kamus, P. P. dan P. B. P. P. dan P. (2007). *Kamus Besar Bahasa Indonesia* (3rd ed.). Balai Pustaka.

The legal basis of Penghuluan is as follows: Law No. 22 of 1946 concerning the registration of marriage, divorce and reconciliation; Law No. 32 of 1954 concerning the stipulation of the enactment of the Law of the Republic of Indonesia dated November 21, 1954 No. 22 of 1946 concerning the registration of Nikah, Talak and reconciliation throughout the Java and Madura Regions; Law No. 1 of 1974 concerning Marriage; Government Regulation no. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage; Joint Regulation of the Minister of Religious Affairs and the Head of the State Civil Service Agency No. 20 of 2005 and No. 14 A of 2005 concerning the Guidelines for the Implementation of the Functional Position of the Penghulu and the Credit Score; Regulation of the Minister of Administrative Reform Number: Per/62/N.PAN/6/2005 Regarding the Functional Position of Penghulu and Credit Score; Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 11 of 2007 concerning Marriage Registration. PMA Number 16 of 2021 concerning Technical Guidelines for the Functional Position of the Headman.

The main duties, functions and authorities of the Penghulu are regulated in Law No. 22 of 1946 Jo. Law No. 32 of 1954 concerning Registration of Nikah, Talak and Rujuk, which determines that for Indonesian people who are Muslims, marriage registration is carried out by P3NTR. This provision applies to all of Indonesia, in accordance with Law No. 32 of 1954 according to article 1 paragraph (1) of Law No. 22 of 1946 marriages conducted according to the Islamic religion are supervised by an employee appointed by him.

The provisions regarding the duties and functions of the penghulu as an official are getting stronger with the existence of Law No. 1 of 1974 as amended by Law No. 16 of 2019, along with No. 9 of 1975. Based on Article 1 letter e of PMA No. 2 of 1990 that the head of the PPN is the head of the kepenghuluan subsection at the Regency or Municipality Religious Affairs Department office, the obligation of the PPN or penghulu is to supervise the implementation of the duties of the marriage registrar employee.^{2, 3}

As well as the main duties of the head of the village based on CHAPTER II Article 4 of the Regulation of the Minister of Administrative Reform No. PER/62/M.PAN/6/2005 concerning the functional position of head of the village and

² Islamy, A. (2020). DINAMIKA SEJARAH OTORITAS KEPALA HAK PERKAWINAN DI INDONESIA. In *Islamitsch Familierecht Journal* (Vol. 1, Issue 1).

³ Waisul Qurni. (2014). *Sanksi Penghulu Ilegal dalam Undang-Undang No. 22 Tahun 1946 Jo. UU No. 32 Tahun 1954* [Thesis]. Syarif Hidayatullah State Islamic University.

its credit score, including recording kepenghuluan activities, supervising the registration of marriage and referral, implementing marriage and referral services, advising and consulting on marriage and referral, monitoring violations of the marriage and referral, providing fatwa services on munakahat law and muamalah guidance, fostering sakinah families and developing kepenghuluan.⁴

Meanwhile, the main duties of the head of the village according to PMA No. 11 of 2007 are as follows: a. Article 3 paragraph (1) that the PPN as referred to in article 2 paragraph (1) in carrying out its duties can be represented by the penghulu or PPN. b. Article 4 paragraph (1) the implementation of the duties of the penghulu or PPN as specified in article 3 paragraph (1) is carried out on the mandate given by the PPN.⁵

Then the headman has a function as a functional position based on MENPAN Regulation No. PER/62/M. PAN/6/2005 as follows: a. Implementation of marriage registration or referral for Muslims, b. Implementation of marriage guardian judge, c. Supervision of the truth of the marriage or referral event, d. Development of munakahat law and Ahwal Syahshiyah, e. Development of prospective brides, f. Development of Sakinah Family.⁶

Regarding the main tasks and functions of the penghulu, it turns out that it contributes to the development of a prosperous family. Even in its newest structure, the penghulu is also emphasized to establish cross-sectoral relationships with officials and the community in the fields that are the main tasks and functions of the kepenghuluan.⁷

Thus the main tasks, functions and authority of the head of the village are very strategic in determining the success of the implementation, as well as KUA services in the field of marriage and fostering a sakinah family in promoting and facilitating the Muslim community to carry out marriage registration.^{8, 9} With this series of tasks, Penghulu cannot ignore its additional duties, namely writing scientific papers.

Now there is an Association of Penghulu Republik Indonesia (APRI) as a mandate of PMA Number 7 of 2020 concerning the Establishment of Functional

⁴ Masykuroh. (2014).

⁵ Minister of Religious Affairs Regulation No. 11 of 2007 concerning Nikah Registration

⁶ Masykuroh. (2014).

⁷ Waisul Qurni. (2014). *Sanksi Penghulu Ilegal dalam Undang-Undang No. 22 Tahun 1946 Jo. UU No. 32 Tahun 1954* [Thesis]. Syarif Hidayatullah State Islamic University.

⁸ Asep Sihabul Millah. (2014). *Peran Penghulu dalam Pelaksanaan Undang-Undang No. 1 Tahun 1974 tentang Perkawinan*. [Http://Www.Scribd.Com](http://Www.Scribd.Com).

⁹ Masykuroh. (2014).

Position Professional Organizations. This organization was formed to strengthen the organizational institutions and work of the headmen, determine strategies, steps, and concepts that must be taken to participate in preparing generations with solid Islamic faith, morality, intelligent, and skilled human beings. In addition, APRI aims to: a. Forming and fostering Penghulu who are professional and have integrity. b. Fostering the unity and integrity of Penghulu. c. Accommodating, channeling and fighting for the aspirations of the Penghulu. d. Providing professional protection and legal advocacy/consultation. e. Fighting for the welfare of Penghulu. f. Building synergistic cooperation with the Ministry of Religious Affairs and other related agencies.

Donggala is the oldest district in Central Sulawesi. This district has split into several districts due to the vastness of the area. There are even areas that are still included in Donggala Regency but the distance is separated by the city and the sea. There are 16 sub-districts in Donggala Regency namely Balaesang, Balaesang Tanjung, Banawa, South Banawa, Central Banawa, Dampelas, Labuan, Pinembani, Rio Pakava, Sindue, Sindue Tobata, Sindue Tombusabora, Sirenja, Sojol, North Sojol, and Tanantovea. Each sub-district has its own Penghulu and is organized in APRI Donggala. Currently, revitalization is being promoted by the Ministry of Religion¹⁰ therefore not only through lectures but also syi'ar with scientific writing media is needed. Good writing will be accepted by the community both in the form of journals and books, as has been written by Abdul Muhyi and friends¹¹ Based on this background description, a problem formula can be drawn, namely, how is the position of scientific papers on the headmen in occupying functional positions in Donggala Regency.

2. METHOD

The method used is normative empirical¹². The method used is a seminar. With three stages of implementation, namely observation, training implementation, and evaluation. The module used is the Education and Training Center for Employees of the Ministry of Education and Culture. *Technical Training Module for the Preparation of*

¹⁰ Yusuf Wibisono. (2020). MEREVITALISASI PERAN STRATEGIS PENGHULU DALAM MELAYANI KOMUNITAS KEAGAMAAN DAN MENGARUSUTAMAKAN MODERASI AGAMA. *Journal of Islamic and Social Studies by Al-Mabsut*, 14, 193-205.

¹¹ Abdul Muhyi, S. H. I. , M. Pd. I. , N. S. Pd. I. , M. Pd. I. , Dr. Y. S. Pd. I. , M. Pd. I. (2024). *Peran Penghulu dalam Bimwin Berbasis Kearifan Lokal* (Mukhlisin, Ed.). Adab Indonesia.

¹² Prof. Dr. Irwansyah, SH, M. (2020). *Penelitian Hukum Pilihan Metode dan Praktek Penulisan Artikel*. 41-42.

Scientific Papers (KTI) (Center for Education and Training of Employees of the Ministry of Education and Culture, n.d.).

The participants of the activity were the Heads in Donggala Regency. This activity was called, "Training on the Preparation of Scientific Papers for the Head of Donggala". The material presented was related to "Training on the Preparation of Scientific Papers for Penghulu Donggala." including:

- 1) Definition of scientific papers
- 2) Purpose and benefits
- 3) Characteristics and conditions of scientific papers
- 4) Background
- 5) Problem formulation
- 6) Writing and writing systematics
- 7) Language used in scientific papers
- 8) Types of scientific works
- 9) Techniques for writing scientific papers
- 10) Selection of research problem topics
- 11) Manuscript organization

The activity, "Training on the Preparation of Scientific Papers for the Heads of Donggala" was held on June 26-27, 2023 at the Kankemenag Hall of Donggala Regency, Central Sulawesi Province. The service was in the form of, "Training on the Preparation of Scientific Papers for Penghulu Donggala", the speaker used the lecture method plus discussion/question and answer and assignment at the end of the session. The lecture method using laptop and LCD media, the method is to display through power point material accompanied by examples of scientific papers both published in journals and scientific papers of books as support.

3. RESULTS AND DISCUSSION

Ralph Linton, Talcott Parsons, explains how a person carries out his role according to the expectations of society and institutions. Penghulu has a role as a religious figure, state apparatus, and community builder. Analysis of the dual role of the penghulu between administrative and socio-religious demands. Study of community expectations of the role of the headman.

Scientific Writing (KTI) is one of the competencies that must be mastered by Penghulu. KTI is a form of Penghulu's ability to see, research, understand, and study a phenomenon that occurs in society, so that it will have an impact on better community services. considering the urgency of the KUA's role in the issue of Marriage and Religious registration¹³

Scientific work is a paper that contains exposure to a scientific discussion conducted by a writer or researcher. Scientific work is a paper that is deliberately made to solve a problem. It usually contains facts, data and solutions to the issues raised.

¹³ Usman, A. M. (2021). KEWENANGAN PENCATATAN PERKAWINAN MELALUI PENGHULU DAN KEPALA KUA DALAM PERSPEKTIF PERATURAN MENTERI AGAMA DENGAN PERATURAN PEMANFAATAN PERANGKAT NEGARA. *Harmony*, 20(1), 144-165. <https://doi.org/10.32488/harmoni.v20i1.468>

Scientific paper (KTI) is a combination of three syllables. According to the Big Indonesian Dictionary (KBBI), work can be interpreted as the result of an effort, effort, action or creation, while writing means all activities related to letters, numbers, pens, or other writing media. The third is scientific, meaning that it is scientific in nature, scientifically, or meets the requirements (rules) of science. If interpreted as a whole, scientific writing is a work that is produced from writing activities, using the application of scientific principles, prioritizing aspects of rationality, carrying problems that are objective and factual.

The benefits of scientific papers are as follows:

1. Can practice the development of effective reading skills. For the writer, composing a scientific paper requires a certain skill, so that the scientific paper can be read comfortably, understood, and comprehended by the reader. So the writer needs effective reading skills, so as not to waste energy in compiling scientific papers. For the reader, scientific papers train the reader to skillfully read about things that are needed, to build their knowledge, not to ignore topics or themes that are not needed.
2. As an introduction to library activities. A scientific paper is full of sources and sources. Sources for the preparation of scientific papers are obtained from the theories of experts who are booked, or contained in scientific journals that can be accessed through the internet media. These sources are referred to as library sources.
3. Get intellectual satisfaction. For every writer of a scientific paper, writing a scientific paper is not just about writing. The process of writing a scientific paper involves the writer's intellect. All of the writer's intellectual abilities are involved here. Scientific papers are compiled based on research, experiments, interviews with sources, and collecting theories from literature sources obtained. When you get enough results, you can present it in front of an examiner or audience, then the writer will feel satisfied, when his scientific paper is accepted by many people.
4. Expanding the horizons of science. The higher the quality of a scientific paper, in terms of content, purpose and originality. This is a reflection of the breadth of the author's knowledge. A scientific paper also represents the thought structure of the author.
5. As a reference material or preliminary research for further researchers. Scientific papers influence each other. The publication of the current scientific paper will be influenced by previous scientific papers. Previous scientific papers are also influenced by previous scientific papers. Between scientific papers, if they have a focus on the same research, they will naturally look for the closest supporting references.
6. As an improvement in the systematic organization of facts and data. From the origin of the word itself, scientific writing implies a work of a scientific nature, accompanied by research and experiments, presenting real data, then processed into a conclusion

with a clear and accountable systematic. The facts revealed come from clear sources, with valid research data, and are not the result of plagiarism,

7. Can train to combine reading results from various sources. A researcher cannot stand alone when conducting research, to compile scientific papers as reports. Researchers who conduct research need literature sources as a theoretical basis when conducting research. The theoretical basis comes from various sources, especially scientific journals, or books published to support the writing of scientific papers.

Making scientific papers is like stepping towards a certain point which is often referred to as a conclusion, before being applied in an action, which begins with:

Events. If you want your scientific paper to be accepted by readers, you need a good plan. At the stage of writing a scientific paper, starting with the planning process, the writer plans what will be written. In this planning stage, it is necessary to have the topic of a work, the purpose of writing, the target audience, and the scope of this scientific paper itself. Penghulu as a Marriage Registration Officer is a potential that has an event, namely the marriage event. In addition, his role as a marriage consultant can be used as the beginning of an event to write a scientific paper. Therefore, the Penghulu has a special event, so it needs to be immortalized in writing.

Disclose. This disclosure stage, contains the disclosure of supporting data, either from the results of research, case studies, literacy studies, or conducting interviews by preparing questions and also observation materials.

Analyze. After the data is collected, the next process is to analyze the data, usually referred to as data processing. The data is processed by formulating a problem that is in accordance with the topic raised, but of course it cannot be separated from the supporting data that has been collected. At this stage, you can start to create an outline or draft of this scientific paper. But don't forget, first study the problems that arise, from the planning stage, data collection, until this analysis takes place.

Conclusion. The conclusion stage is the answer to the series of events that arise in designing the writing of a scientific paper. The conclusion can be clarifying for both the writer and the reader, because usually everyone involved will understand more clearly after the conclusion.

Apply. A neat and systematic writing plan will not bring benefits if it is not applied properly. The application in writing a paper is to start writing.

Every scientific paper has a style guide, which means that the guidelines for writing are determined by the type of writing and the purpose of the scientific paper. In general, the structure of a scientific paper is as follows.

1. Title Page. The title of the work is based on the theme of the scientific paper. The title should be written as uniquely and interestingly as possible, so as to arouse curiosity and curiosity for potential readers. In addition to sparking curiosity for potential

readers, the title can also be made to provide an initial description of the contents of this scientific paper for potential readers. On this title page, the author's name, title of the scientific paper, institution, date, month, year and place of the scientific paper are written with center-aligned rules, sorted after the title at the bottom.

2. Abstract. Abstract is a summary of the entire content of a scientific paper, the abstract serves to provide an explanation to the reader, so that quickly, the reader understands the content, purpose and objectives of the author, writing the scientific paper. The abstract is informative, but not too long, approximately 250 words.

3. Introduction. From the basic words, we know that the introduction is at the front, greeting the reader. The introduction usually tells why the writer is doing the research, what is the background of this research, tells the purpose, and the benefits of this scientific paper.

4. Theoretical Framework. From its origin, skeleton comes from the word frame, which functions as a support, pillar, outline, or concept. Meanwhile, a theory is an opinion or argument based on research or discovery, supported by supporting data or facts. So with the definition above, the theoretical framework is an outline of a systematic concept design that guides a study.

5. Research Methods. To develop the framework that has been created, first, the research method must be determined. Research methods are steps taken by a researcher, to obtain the right results from his research. Usually the method used is a qualitative method, qualitative methods largely focus on analysis and in-depth research. Meanwhile, quantitative methods are methods that are widely associated with the use of numbers, tables and statistics.

6. Discussion. The discussion is the longest part of scientific writing. The discussion serves to explain the objectives, benefits, methods, theoretical framework, and problem formulation, accompanied by the data obtained. If this scientific paper is shared with the general public, what questions and answers will be raised are in this section.

7. Conclusion and Suggestions. The conclusion is always at the end of a scientific paper, containing the opinion of the author, on all that has been discussed. The aim is for the reader to gain new insights into the subject. Suggestions usually contain a message from the author, so that one day, if the reader wants to do the same research, they can find an effective way, or even develop it more broadly.

8. A bibliography is a list that contains the theoretical sources used by the author in his research. Writing a bibliography is usually written in the format of the author's name, writing title, publisher's name, identity, and when it was published.

In the Regulation of the Minister of Religious Affairs PMA Number 16 of 2021 concerning Technical Guidelines (Juknis) for the Functional Position of Penghulu, it is stated that training is given to Penghulu in the form of:

- a. Functional Training in the form of Penghulu Candidate Training, Increase in the Level of Penghulu Functional Position and Substantive Kepenghuluan Training.
- b. Technical Training in the form of Marriage and Family Sakinah Counselors, reading the yellow book, guiding marriage contracts in Arabic/English/other foreign languages: and preparation of Scientific Works.
- c. Managerial Training in the form of leadership training, excellent service: and personality development.

On that basis, this training was organized. Not only as an implementation of Tridharma PT but also as a mandate of PMA No. 16 of (Minister of Religious Affairs Regulation No. 16 of 2021 concerning Technical Guidelines (Juknis) for Functional Position of Penghulu, n.d.) 2021.

For a Penghulu who works in the field, not in academia. KTI is an additional task. However, Penghulu is also required to make scientific papers (KTI) to improve their ability to see, research, understand, and study a phenomenon that occurs in society, so that it will have an impact on better community services.

4. CONCLUSION

Practitioners whose main job is to supervise the wedding ceremony. However, there is a target to achieve a credit score, namely writing scientific papers. Materials are obtained daily from their work. The rest just need to be combined and compiled as a scientific paper. In addition, it is related to marriage and religious events that intersect with the law. Both state law and Islamic law. The result is that the Penghulu can write articles that are in accordance with the rules for writing scientific papers.

REFERENCES

- Abdul Muhyi, S. H. I., M. Pd. I., N. S. Pd. I., M. Pd. I., Dr. Y. S. Pd. I., M. Pd. I. (2024). Peran Penghulu dalam Bimwin Berbasis Kearifan Lokal (Mukhlisin, Ed.). Adab Indonesia.
- Asep Sihabul Millah. (2014). Peran Penghulu dalam Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan. [Http://Www.Scribd.Com](http://www.scribd.com).
- Islamy, A. (2020). DINAMIKA SEJARAH KEWENANGAN HAK KEPALA NIKAH DI INDONESIA. Dalam Jurnal Islamitsch Familierecht (Vol. 1, Edisi 1).
- Peraturan Menteri Agama Nomor 11 Tahun 2007 tentang Pencatatan Perkawinan.
- Peraturan Menteri Agama No. 16 Tahun 2021 tentang Pedoman Teknis (Juknis) Jabatan Fungsional Penghulu. (t.t.).
- Prof. Dr. Irwansyah, S.H., M. (2020). Penelitian Hukum Pilihan Metode dan Praktik Penulisan Artikel. 41-42.
- Tim Penyusun Kamus, P.P. dan P.B. P.P. dan P. (2007). Kamus Besar Bahasa Indonesia (edisi ke-3). Balai Pustaka.

- Usman, A.M. (2021). KEWENANGAN PENCATATAN NIKAH MELALUI PENGHULU DAN KEPALA KUA DALAM PERSPEKTIF PERATURAN MENTERI AGAMA DENGAN PERATURAN PENERAPAN APARATUR NEGARA. *Harmoni*, 20(1), 144-165. <https://doi.org/10.32488/harmoni.v20i1.468>
- Waisul Qurni. (2014). Sanksi Bagi Penghulu Ilegal dalam Undang-Undang Nomor 22 Tahun 1946 Jo. Undang-Undang Nomor 32 Tahun 1954 [Tesis]. Universitas Islam Negeri Syarif Hidayatullah.
- Yufi Wiyos Rini Masykuroh. (2014). Pimpinan BP4. Fakultas Syari'ah.
- Yusuf Wibisono. (2020). REVITALISASI PERAN STRATEGIS PengHulu DALAM MELAYANI MASYARAKAT BERAGAMA DAN PENGARUSUTAMAAN MOD ERASI KEAGAMAAN. *Jurnal Kajian Islam dan Sosial karya Al-Mabsut*, 14, 193-205. <https://doi.org/https://doi.org/10.56997/almabsut.v14i2.450>
- Irdamsyah, Fazhariah. (2024). Peran Penghulu Sebagai Mediator Dalam Menyelesaikan Kasus Wali 'Adhal: Studi Kasus KUA Kec. Harau Kab. Limapuluh Kota Sumatera Barat. Sarjana thesis, UIN Sunan Gunung Djati, Bandung.
- Elly Ermawati & Fadri Sanapiah. (2023). Tinjauan Yuridis Perlindungan Hukum Anak dari Pernikahan dibawah Tangan menurut Undang-Undang No. 16 Tahun 2019 Tentang Perkawinan dan Kompilasi Hukum Islam. *Jurnal Pro Justice*, Vo. 1 No. 2. ISSN: [3032-341X](https://doi.org/10.3032-341X).
- Dwi Dasa Suryantoro. (2022). Pernikahan Dibawah Tangan (Sirri) Perspektif Kompilasi Hukum Islam. *Jurnal Hukum Keluarga Islam SAMAWA*, Vol. 2. No. 2. DOI: <https://doi.org/10.53948/samawa.v2i2.57>
- Gusnarib & Rosnawati. (2020). Dampak Pernikahan Usia Dini Terhadap Pola Asuh dan Karakter Anak. *Palita : Journal of Social Religion Research*. Vol. 5 No.2. DOI: <https://doi.org/10.24256/pal.v5i2.1297>