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Legal Perspectives on *Passampo Siri'* Marriage and Determination of Biological Father Status in Sidenreng Rappang Regency

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Abstract

The controversy of *passampo siri'* marriage in Bugis society and the determination of biological father from the perspectives of religious and traditional figures are discussed in Sidenreng Rappang Regency. Therefore, this research aims to understand the legal determination of *passampo siri'* marriage and the establishment of biological father status for child. Primary data sources from community leaders, as well as traditional and religious figures are used by descriptive qualitative research through interviews and observations with an empirical sociological method. The results show that *passampo siri'* marriage is an alternative selected by parents for unmarried pregnant daughters who are not allowed to marry the man responsible for preserving the family reputation in Sidenreng Rappang Regency. There is a divergence of opinions (*ikhtilāf*) among religious and traditional figures regarding the legal status of *passampo siri'* marriage. Even though most informants agree that *passampo siri'* marriage is forbidden (harm) and invalid, some believe the concept is permissible and valid. The determination of child status does not differ according to the perspectives of religious and traditional figures.

Keywords: *Passampo Siri'*; Marriage; Islamic Law; Customary Law.

Abstrak

Kontroversi pernikahan *passampo siri'* dalam masyarakat Bugis dan penetapan ayah biologis dari perspektif tokoh agama dan tokoh adat dibahas di Kabupaten Sidenreng Rappang. Oleh karena itu, penelitian ini bertujuan untuk memahami penetapan hukum perkawinan *passampo siri'* dan penetapan status ayah biologis anak. Sumber data primer dari tokoh masyarakat, serta tokoh adat dan tokoh agama digunakan dengan penelitian kualitatif deskriptif melalui wawancara dan observasi dengan metode sosiologis empiris. Hasil penelitian menunjukkan bahwa pernikahan *passampo siri'* merupakan alternatif yang dipilih oleh orang tua bagi anak

perempuan yang hamil di luar nikah yang tidak diperbolehkan menikah dengan laki-laki yang bertanggung jawab menjaga nama baik keluarga di Kabupaten Sidenreng Rappang. Terdapat perbedaan pendapat (*ikhtilāf*) di antara tokoh agama dan tokoh adat mengenai status hukum pernikahan *passampo siri'*. Meskipun sebagian besar informan setuju bahwa pernikahan *passampo siri'* adalah haram (membahayakan) dan tidak sah, sebagian lagi berpendapat bahwa konsep tersebut diperbolehkan dan sah. Penentuan status anak tidak berbeda menurut perspektif tokoh agama dan tokoh adat.

Kata Kunci: *Passampo Siri'*; Perkawinan; Hukum Islam; Hukum Adat.

Introduction

Islamic law is beneficial to individuals and society in regulating marriage when striving to maintain lineage by religious guidance (Saleh et al., 2022). Conversely, relationships without the bond of marriage are harmful to society, such as adultery (zina) (Supardin & Syatar, 2021). In Islamic law, marriage is a civil contract and holds inherent religious value (Jatmiko et al., 2022). The Qur'an depicts the bond between husband and wife as the most sacred and steadfast (Al Farisi et al., 2023). Additionally, marriage is a form of worship in obeying the command of Allah, where a woman is safeguarded and treated with utmost care through religious procedures in the contract (Rosdiana et al., 2019).

Marriage as an act of worship is beneficial to individuals and the general welfare (Nasohah, 2024). The act prevents adultery, which is prohibited in Islamic teachings (Iswantoro, I., & Tobroni, 2022). Adultery has detrimental effects on individuals and society at large (Mahendra, 2019). In the context of prohibition, harm, and dangers of adultery, in Surah Al-Isra verse 32, Allah says the following:

"Do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way". (Kementerian Agama RI, 2019)

In this verse, Allah prohibits people from approaching the act of adultery. This is because adultery is a filthy and profoundly detrimental act to societal life. Allah describes the concept using "*akhīrah*", meaning an extremely vile act (Amalia, 2018). A sound nature will strive to avoid the act, hence, Allah mentions the characteristics of the believers, such as the preservation of chastity and avoidance of adultery.

A harmful consequence of adultery is the existence of unmarried pregnant woman considered a disgrace in society (Syarifah, 2021). Therefore, actions are taken to conceal the shame or embarrassment by marrying pregnant woman, who lacks a legitimate bond, to a man before the birth of the child (Gunawan & Bahri, 2023). Meanwhile, jurists discussed matters concerning pregnancies without a legitimate marital bond in fiqh (Sofiana & Sunni, 2021). There are differences of opinion regarding the validity, including the status of child born from an illegitimate union with a man who is not responsible for

the pregnancy (Habibi, 2021). These differences of opinion are widely discussed and debated by religious and local traditional leaders.

Marriage in Bugis society is considered sacred and the customary community conducts a wedding ceremony known as "*appabbottingeng*" (Efrinaldi et al., 2022). The contract serves to fulfil religious Sharia as well as strengthen and expand family ties to preserve "*siri*" or dignity. This context shapes Bugis perspective that an individual engaging in a marital-like relationship without undergoing "*appabbottingeng*" would bring shame to community, specifically when child is born, commonly referred to as "*siri*". The situation leads some Bugis to consider *passampo siri* marriage as an alternative to conceal family shame when facing a situation where a woman is pregnant outside of a lawful marriage. Therefore, another man is asked to marry a pregnant woman, hoping to have a husband before the baby is born.

The occurrence of *passampo siri* marriage is a reality in community life. For instance, the marriage has taken place in Bulucenrana Village, Pituriawa Subdistrict, including a pregnant woman marrying another man. This is due to the reluctance of the woman's family, particularly the parents, to marry off the daughter. Similar cases have also been reported in Panreng Village, Baranti Subdistrict, where a father impregnated the daughter, who was then married to another man. Other cases have been reported by religious, community, and customary leaders in Sidrap Regency.

According to Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law, there is an issue regarding the marriage of a pregnant woman (Sriahma & Kamba, 2022). Article 53 in KHI contains three clauses, namely 1) A pregnant woman outside of marriage can be married to the man responsible, 2) a marriage with a pregnant woman can take place without waiting for the birth of the child, and 3) a marriage conducted while the woman is pregnant does not require a remarriage after the birth of the child (Amin et al., 2022). In Bugis society, there are conflicting opinions regarding the status of child and biological father. These conflicts have become a topic of discussion among religious and traditional leaders.

Marriage to a pregnant woman to avoid the shame of pregnancy leads to compound and prolonged sinful behavior due to the lack of understanding of Islamic teachings. In addition, when a man impregnates a woman, questions are raised regarding the validity of the marriage and the legitimacy of the child.

Several relevant research reported that the practice of *passampo siri* marriage was a customary attempt to marry a pregnant woman to another man (Sriyuli, 2018). *Kawin pura* as *passampo siri* marriage is performed only in emergencies under customary laws in Kolaka City (Syamsia et al., 2022). In Bugis community of East Kolaka (Ipandang & Darlis,

2022) and Sinjai (Rusni & Ridwan, 2021), *passampo siri'* marriage has historically been practiced due to various factors such as social pressure to conceal shame, adherence to ancestral customs, a lack of understanding of marriage-related legal norms, and low levels of education. However, this custom is no longer practiced since the concept fails to provide justice and order in community. In similar cases, the implementation in Mlati Sleman (Binarsa & Nasution, 2021) and Mbasuh Dusun (Efrinaldi et al., 2023) is not consistent with *maqāṣid shari'ah*. Based on the description, the urgency of investigating these issues is important. Therefore, this research aims to analyze the reality of *passampo siri'* marriage, examine the legal aspects from the perspectives of religious and traditional figures, and investigate the system for determining biological father of the child.

Methods

A qualitative method was used to comprehend specific occurrences in Bugis society concerning the controversy surrounding *passampo siri'* marriage. Interviews and observations were carried out with religious figures and customary leaders' representatives in Sidenreng Rappang Regency. The focus was to show the determination of biological paternity within the perspectives of customary and Islamic law. This method was selected due to confronting a complex reality that necessitated factual data to comprehend the views, opinions, and beliefs of community.

The sociological method aimed to comprehend social phenomena through direct observation and empirical data collection. In the context of sociology, the method emphasizes the analysis of empirical data to identify patterns, trends, and relationships in society. Meanwhile, this research uses observation and interview methods for data collection. Observations are conducted directly in Sidenreng Rappang Regency, while interviews include several prominent religious and traditional figures.

Result and Discussion

The Reality of *Passampo Siri'* Marriage in Sidenreng Rappang Regency

The phenomenon of *passampo siri'* marriage is a reality in community life, as evidenced by cases in Bulucenrana Village, Pituriawa Subdistrict, and Panreng Village, Baranti Subdistrict. In the first example, a pregnant woman is married to a man other than the one responsible. This is because the family does not want to marry her to a man currently serving a criminal sentence at Sidenreng Rappang Penitentiary. A similar case occurred in Panreng Village, where a father impregnated the daughter and was married off to another man while still pregnant. Several religious, community, and customary figures in Sidrap Regency have also presented similar cases.

Mr. Wahyuddin, a religious figure and counsellor at Office of Religious Affairs (KUA) in Maritengngae Subdistrict, provided information that the outcomes often included situations where a father did not acknowledge biological child. The marriage resulted from "*passampo siri'*," where the woman was married while pregnant from an extramarital relationship with another man. In this case, Mr. Wahyuddin, as a KUA employee, suggested that the marriage should be conducted through a judge's guardian (Wahyuddin, 2023).

The information provided by the informant shows that *passampo siri'* marriage is part of the reality of life. Couples subjected to the union express the act directly to KUA when registering and marrying the daughter, who was conceived. A similar opinion is also expressed by Mr. Andi Jamal Pattombongi, a member of the Indonesian Ulema Council (MUI) and a Muhammadiyah preacher, who provides information regarding the occurrence. In some cases, pregnant woman is married to another man and the marriage takes place before giving birth (Pattombongi, 2023).

The informant shows that marriage including pregnant woman frequently occurs in the reality of Sidrap Regency. These are performed by the impregnating man before the woman gives birth. Mr. H. Bustamin, the head of As-Salam Islamic Boarding School, stated that the term "*passampo siri'*" was previously used to frighten child, portraying the marriage as undesirable and disgraceful. Even though the concept has existed long ago, a significant problem has been considered (H. Bustamin, 2023).

Mr. Nurdin, the Head of KUA Watang Pulu, stated that *passampo siri'* marriage exists in society and is celebrated with parties. These incidents are not reported to the KUA, and the documentation may be handled by other parties. KUA does not inquire about the pregnancy status of every couple or the man responsible for the unborn child. In addition, *passampo siri'* marriage still occurs, specifically when the man unwilling to marry the pregnant woman is reported and threatened with detention by the authorities (Nurdin, 2023).

The information provided by the informant shows that *passampo siri'* marriage is part of the reality of life in Sidrap society. Generally, some pregnant women are married to the men responsible due to police inclusion in handling cases. In this context, every man who impregnates a woman is obligated to take responsibility due to fear of criminal sanctions. *Passampo siri'* marriage is conducted through alternative means. A similar situation was disclosed by Mr. Supardi, familiarly known as Pak Paddi, a resident of Manisa Subdistrict, Sidenreng Rappang Regency. A case was reported where a young woman became pregnant and married off unofficially. Mr. Paddi explained that the inclusion, lineage, and parental responsibility became evident when the man who impregnated the woman was reported and threatened with imprisonment (Supardi, 2023).

Based on an interview with a resident, *passampo siri'* marriage occurred in the reality of Sidrap society. A pregnant woman was married to another man other than the person responsible. The union was conducted without the knowledge of the husband, and the woman was married off by the parents to cover up shame. This woman related the situation to the husband after several months, leading to the imprisonment of the father after the case was exposed. A similar scenario was described by Mr. Aras Sikara, a resident of Dongi Village, Sidrap Regency, who provided information about an incident in Bulucenrana Village. A pregnant woman was married to a man other than the stepbrother responsible. After engaging in a sinful relationship, the woman became pregnant. The parents disagreed with the idea of marrying the impregnating man, hence, the situation was reported (Sikara, 2023).

Based on the interviews with various elements of society, religious figures, and traditional leaders, *passampo siri'* marriage in Sidrap society occurs in several places with different background conditions. Cases of unwed pregnancies are found resulting from the relationship between a young man and woman, where the impregnating man is unwilling to marry the woman. Meanwhile, the woman is married to another man as a solution (Alam, 2019). In another place, there are cases of unwed pregnancies caused by a relationship with a man who is the father of the woman. The pregnant woman, who is biological child of the man, is married to another before giving birth.

Passampo siri' marriage occurs in other places due to unmarried pregnant woman relationship with the neighbor (Ipandang & Darlis, 2022). Even though the family does not approve, the woman is married to another man, citing a significant age difference. In some cases, marriage is not conducted between a pregnant woman and the man responsible due to a significant age difference (Latifiani, 2019). For instance, the man is still in junior high school, while the woman is pursuing university-level education.

Law is a significant form of social control in society. Social control includes mechanisms and norms regulating the behavior of community members. As a primary instrument of social control, law plays a crucial role by establishing rules and norms to prevent violations of public interest or the rights of other individuals (Wiwin, W., Darwis, M., & Syam, 2023). In this context, individuals are expected to avoid legal violations through sanctions.

By penalizing violations of these norms, the law upholds values considered important by society. As a tool of social control, law also plays a role in conflict resolution, providing mechanisms to settle conflicts between individuals or groups in society. Additionally, the protection of human rights safeguards individuals and groups by establishing rules to prevent the abuse of power and discrimination.

The Practice of *Passampo Siri'* Marriage Under Islamic and Bugis Customary Law

Pregnancy outside marriage is when a woman conceives a child before the solemnization (*ijab qabul*) (Hanapi et al., 2023). The union can be between the father of the conceived child or a different man and there are two potential scenarios (Fomby & Osborne, 2010). First, the contract occurs between the pregnant woman and the man responsible. Second, the union between a pregnant woman and another man, and this concept is referred to as *passampo siri'* marriage in Bugis culture (Hartono & Lestari, 2022). The determination of the legal status has generated differing opinions, extending from classical jurists. This includes disparities among religious and customary leaders, particularly in Sidenreng Rappang Regency.

The perspectives and disparities of opinion between religious and customary leaders regarding the legal status include the following (Lon & Widayawati, 2021). Firstly, Hamzah Samir, head of the Ar-Rasikhuun Islamic Boarding School in Sidrap, asserts that there are differing opinions regarding the legality of marriage. The union is not permissible since the woman is still considered in the waiting period (*iddah*) due to her husband being alive or deceased. According to this view, the *iddah* period for a pregnant woman lasts until after birth. The marriage of a woman while still in the waiting period is considered invalid (Samir, 2023).

Another perspective was presented regarding the permissibility and validity of marriage (Kamal, 2024). The first perspective lacks a strong basis because the concept of *iddah* pertains to the waiting period for a woman after separation from the husband (Alfitri, 2020). Therefore, there is no *iddah* period since the marriage is considered invalid. In this context, the association with *iddah* is inaccurate and the concept occurs after a previous marriage.

In the second perspective, there are differing views regarding the validity under the condition of the man being responsible for the pregnancy (Taufiqurohman & Fauziah, 2023). The rationale is based on the verse stating, "And do not marry the adulteress except with an adulterer or polytheist." Since the two individuals are adulterers, marriage can be conducted. However, the contract is considered invalid when another man declares intention despite not being responsible.

Another opinion states that marriage is permissible and valid even though the woman is married to another man (Arsyita et al., 2021). This is because the term "*zānī*" or "*zāniyah*" referred to a male and female habitual adulterer (Mahendra, 2019). Therefore, individuals engaged in the act can only be married to each other. In this context, the

pregnant woman is not a habitual adulterer but an individual who slipped into an illicit relationship.

The above description reaffirms that *passampo siri'* marriage is considered valid since the pregnant woman does not fall under the category of *iddah* (Pomahiya et al., 2022). In addition, there has been a difference of opinion regarding the determination of the legal status of a woman temporarily pregnant from an illegitimate relationship (Arafah et al., 2023).

The same notion is presented by Mr. H. Suardi Tarebbi, the head of Al-Urwatul Wutsqa Islamic Boarding School in Benteng Sidrap, who tends toward the al-Shafi'i school of thought regarding the marriage of a man to a woman who is pregnant outside of a valid contract (Tarebbi, 2023). According to the perspective, the contract is considered valid and advisable. This is because ejaculation outside a lawful marriage is not considered a respected conception or recognized as the formation of a fetus. Therefore, there is no concept of *iddah* requiring the birth of the conceived child. The consideration is for the benefit of the two parties to prevent continuous inclusion in adultery. *Passampo siri'* marriage is still considered valid for the same reason of not acknowledging the fetus. The perspective also emphasizes that the concept is recognized since religion emphasizes the principle of benefit.

The opinion essentially emphasizes that *passampo siri'* marriage is valid since the relationship between a man and a woman outside a lawful contract is not respected (Ipandang & Darlis, 2022). The pregnancy is not acknowledged since the formed fetus is considered a 'child', thereby exempting the childbirth from any *iddah* waiting period. This is because the act did not result from a lawful marriage. In addition, the prevention of adultery is prioritized by emphasizing the benefits of maintaining moral boundaries. In this context, conducting a marriage is better than allowing continuous adultery and societal perspectives also prioritize the preservation of reputation.

Another opinion is presented by several religious figures regarding determining the legal status of *passampo siri'* marriage. According to Mr. Lukman Ambo Tuo, the Chairman of Wahdah Islamiyah Sidrap, the issue of marriage in the practice of *passampo siri'* marriage results in varying opinions. The first perspective asserts that the solemnization is not valid until the birth of the child. This opinion is supported by the Maliki and Hanbali schools of thought, citing Surah An-Nur verse 3, stating that a male adulterer cannot marry anyone but a female adulterer or a polytheist. Imam Ibn Qayyim affirms that marrying a woman who has practiced adultery is an act prohibited by Allah, and this renders the marriage invalid. According to Surah At-Talaq, *iddah* for a pregnant woman is established until after birth (Tuo, 2023).

The second perspective states that *passampo siri'* marriage is unaccepted (*makruh*) and the verse is referenced in Surah An-Nisa verse 24. A hadith is also referenced, stating that child is attributed to the husband of biological mother of the child. In this context, the man included in adultery receives only punishment. From the perspective, pregnancy resulting from adultery is considered devoid of dignity, hence, there are no legal consequences. The upheld opinion is the first perspective where marriage in the practice of *passampo siri'* marriage is prohibited according to Islamic law.

The opinion emphasizes that there are differing perspectives regarding the determination of the legal status of *passampo siri'* marriage. In addition, the marriage is invalid and forbidden since the concept contradicts the Qur'an. Another reason presented is that a pregnant woman should not be married until after the *iddah* period after childbirth. The same perspective is asserted by Ustadz Andi Jamal Pattombongi, a member of MUI Sidrap and also a preacher for Muhammadiyah. In this context, marriage between a pregnant woman due to adultery is not permitted and is considered invalid until the birth of the child. This serves as a lesson for adulterers and society to exercise greater caution when confronting the dangers of adultery. This step also aims to prevent adultery and teaches the importance of addressing the issue seriously ([Pattombongi, 2023](#)).

The opinion emphasizes that *passampo siri'* marriage is invalid and forbidden since the concept falls in the waiting period. Another reason presented is to deter the perpetrator of adultery from facing the consequences and to impart a lesson and warning to society at large. The same notion is stated by Mr. H. Bustamin, the head of As-Salam Islamic Boarding School, where *passampo siri'* marriage is considered invalid since the union is between pregnant woman and another man. Meanwhile, a marriage by the individual responsible for the pregnancy remains a subject of debate. The action is considered more unacceptable when someone not responsible for the pregnancy marries the woman. Marriage during pregnancy can diminish the deterrent effect and increase the likelihood of similar cases recurring ([H. Bustamin, 2023](#)).

The essence of the opinion shows that *passampo siri'* marriage is invalid and forbidden since the concept occurs in the waiting period and this is prohibited. Another reason cited is to hold the perpetrator accountable and to caution society at large against enabling adultery. Similarly, Wahyuddin, as the Counselor at KUA Maritengngae Sidrap, states that *passampo siri'* marriage has been a subject of discussion in classical and contemporary *fiqh* discussions. Some research argued that the contract is invalid because the *iddah* period has not ended. Even though the marriage is valid, Wahyuddin adheres to the perspective that asserts invalidity until the woman completes *iddah* by giving birth. This requires the contract to be renewed after delivery and repentance ([Wahyuddin, 2023](#)).

There are several differences of opinion from classical and contemporary scholars. Some assert the validity of the marriage while others deem the concept invalid. The selected opinion states that the marriage is invalid or prohibited because the process occurs in iddah period. After the birth of the child, the marriage is renewed when there has been a pregnancy.

The same perspective is presented by Mr. Ali Hafid, a community and customary leader in Sidrap Regency. In this context, marriage to a pregnant woman is not considered valid until she gives birth to the child. The contract must be renewed after the birth or at the end of *iddah*. *Passampo siri'* marriage is considered invalid and prohibited since the concept occurs in iddah period, specifically when the man is not responsible for the pregnancy. This necessitates a remarriage after birth since the initial marriage was invalid (Hafid, 2023).

A different opinion is presented by Mr. Mansyur, a community and customary leader in Sidrap Regency. In the cases of pregnancy, marrying the woman to the man responsible is advisable for the sake of welfare. Efforts should be made to locate and surrender the responsible man to the authorities for due process after fleeing. Regarding the practice of *passampo siri'* marriage, certainty cannot be provided. Marriage conducted by a pregnant woman with the man responsible is valid and permissible, with efforts made to take responsibility. However, the intention to marry a pregnant woman to another man should be avoided (Mansyur, 2023).

Based on interviews with various community elements, religious figures, and customary leaders, there are differing opinions regarding the determination of the legal status. The first opinion suggests that the marriage is valid and permissible since there is no iddah period for a woman pregnant outside of a lawful contract. However, this pregnancy does not originate from marriage but from dishonorable adultery. The second opinion considers this marriage invalid and prohibited. The argument is related to a verse stating that a pregnant woman cannot be married until after giving birth. This view is reinforced by another verse where individuals included in adultery should only be married to each other.

Different segments of society, including Islamic organization leaders, religious figures in Islamic boarding schools, and officials from Ulama Council of Sidrap and KUA, maintain the majority opinion that *passampo siri'* marriage is prohibited and invalid. This stance is shared among community leaders, customary leaders, and the general public.

The perception of unmarried pregnant woman's marriage can vary significantly in the context of Sidenreng Rappang society. Some view the concept as an act conflicting with moral or religious norms, while others hold an inclusive perspective, understanding

the complexity of the situation. Marriage of unmarried pregnant woman is related to cultural values, religious beliefs, and social norms. Some community accept the marriage, while others strongly oppose the concept. In some circumstances, the concept is viewed as a method to provide support and stability for parents and the child.

Understanding and respecting society views is crucial to honoring the diversity of values, beliefs, and cultural contexts. Regardless of personal perspectives, open dialogue and a compassionate attitude should be maintained to create an inclusive and supportive environment.

The Determination of biological Father of Child Resulting from Passampo Siri' Marriage Perspectives of Customary and Islamic Law

The legal status determination of *passampo siri'* marriage has sparked differing opinions among religious, societal, and traditional figures (Jamal & Mitra, 2024). This has led to controversies in defining the status of child born from the unions concerning biological fathers. According to Mr. H. Suardi Tarebbi, leader of the Al-Urwatul Wutsqa Islamic Boarding School in Benteng Sidrap, child born six months or more after marriage is attributed to the husband or the man who married the woman. However, when child is born less than 6 months after the marriage, the man who married the woman is responsible. In the case of daughters, future marriage is arranged by the guardian judge and there are no inheritance rights between families. The legal determination of child born depends on the circumstances. First, child will be attributed to the man who married the pregnant woman 6 months or more after the marriage. Second, the attribution will not apply to any man when child is born less than 6 months after the marriage (Tarebbi, 2023).

According to Mr. Wahyuddin, a counselor at Maritengngae KUA, the status of child is not connected to the man but the woman. After 4 months of the pregnancy, child will not be connected to the man who married the woman. However, when the marriage occurs before 4 months of pregnancy, child is connected to the man who married the woman (Wahyuddin, 2023).

The status of child is determined based on the stage of pregnancy. The attribution will not apply to the man who married the woman when the pregnancy has exceeded four months. However, when the marriage occurs before the 4-month mark, child will be attributed to the man who married the woman. Another opinion regarding the determination of the status was presented by Mr. Lukman Ambo Tuo, the Chairman of the Wahadah Islamiyah Sidrap Regional Representative Council. According to Hadith, child from relationships outside marriage is tied to the location's owner, while the man suffers only loss. This implies that child from adultery is connected to the mother and not the

biological father. Therefore, child is not acknowledged by biological father and lacks inheritance rights (Tuo, 2023).

The status of child born from passampo siri' marriage is not attributed to biological father. Similarly, Mr. Hamzah Samir, the Head of the Ar-Rasiikhuun Islamic Boarding School in Sidrap, suggests that child cannot be associated with biological father. The man may be listed as the father for future administrative purposes to facilitate state matters without causing difficulties for the child. However, a judge is required during the marriage of child since biological father is not considered a valid guardian. Child will not inherit anything under Sharia law after the death of biological father (Samir, 2023).

The status of child born from passampo siri' marriage is not attributed to the man who married the mother. Therefore, this applies to matters concerning guardianship and inheritance. Guardianship must include a judge as the guardian, specifically when child is a girl intending to marry, and does not have the right to inherit the wealth of the parents. Mr. Ali Hafid, a Community and Traditional Leader in Sidrap expresses that child born from the marriage of a pregnant woman is not recognized by biological father (Hafid, 2023).

The opinions emphasize that the status of child is not attributed to the man who married the mother or biological father. In the context of guardianship, specifically when child is a girl intending to marry, a judge must be included as the guardian. Similarly, Mr. Andi Jamal Patombongi, a Muhammadiyah preacher and member of MUI Sidrap, believes that child born from the union is not connected to the man who impregnated the woman even as biological father. There is no affiliation with any other man who married the woman (Pattombongi, 2023).

According to Andi Jamal Patombongi, the status of child born from a passampo siri' marriage is not attributed to the man who married the mother or biological father. In the context of guardianship, specifically when child is a girl intending to marry, a judge must be included as the guardian. The same viewpoint is presented by Mr. Nurdin, the Head of KUA in the Watang Pulu District of Sidrap (Nurdin, 2023), as well as Mr. H. Bustamin, the Head of the As-Salam Islamic Boarding School (H. Bustamin, 2023). The concept of child born out of adultery is divided into 4 categories as follows.

1. A child born outside of marriage. In this case, there are two opinions among Islamic jurists (fuqaha). First, child is attributed to the mother and not to biological father. This is the majority opinion among different schools of thought, including the Maliki, al-Shafi'i, Hanbali, and Hanafi. The opinion is based on an authentic hadith from Amir bin Syaib, stating that the prophet decided the status of child born from adultery with a free woman. This is because there is no attribution to biological father or inheritance.

The second opinion states that child from adultery is attributed to biological father, even though there was no marriage with the mother.

2. A child born from a marriage where the mother marries biological father during pregnancy. This case has 3 opinions and the first asserts that the status is attributed to biological father when both parties marry before the birth of the child. This is the opinion selected by the Abu Hanifah school. The second opinion, supported by the Shafi'i school, holds that the status of child born from adultery is attributed to the father when born more than 6 months after the contract. However, the status is not attributed to biological father when child is born less than 6 months except when acknowledged through an oath. The third opinion condemns the act of marrying a pregnant adulterous woman until after giving birth, and this is consistent with Hanbali and Maliki schools.
3. The status of child from a marriage where the adulterous mother marries a man who is not biological father. The marriage legality is accepted in the Hanafi, As-Thauri, and authentic Shafi'i schools. However, the child's status is solely attributed to only the mother. Child inherits solely from the mother and a judge acts as the guardian during marriage.
4. The status of child resulting from a married woman's relationship with a man other than the husband depends on legal interpretations and religious rulings. At birth, the status is considered the legitimate child of the lawful husband instead of the extramarital partner. This occurs even though the partner admits paternity unless the lawful husband makes a sworn statement of denial.

A valid marriage in line with legal conditions and requirements, leads to the birth of a legitimate child (Subagiyo & Tedjawati, 2022). The Indonesian Marriage Law Number 1 of 1974, Article 42 states, "A legitimate child is born from a valid marriage". Achmad Nasrulloh reports that the Civil Code (Burgerlijk Wetboek) provides three classifications regarding the status of child (Nasrulloh, 2022), namely:

1. A legitimate child is born in a marriage.
2. A child born outside marriage but acknowledged by both the father and mother. In this case, child becomes legitimate after the marriage of the parties or upon the acknowledgement of the status.
3. A child born outside marriage is not acknowledged. According to the law, child lacks both father and mother since there is no acknowledgement from the parent. Therefore, this child has no family and becomes a legal ward of the state. The marriage guardian in the Compilation of Islamic Law is divided into 2, as outlined in Article 20 paragraph 2.

1. Lineage Guardian- The lineage guardian comprises 4 categories in a hierarchical order, where the first group takes precedence over the others from the female spouse's family. In line with Islamic law context, the orders are as follows:
 - a. Father
 - b. Grandfather
 - c. Father's grandfather (Great-grandfather)
 - d. Male sibling from the mother's side (elder/younger brother)
 - e. Male sibling from the father's side
 - f. Nephew of male sibling from the mother's side
 - g. Nephew of a male sibling from the father's side
 - h. Uncle from the mother's side
 - i. Uncle from the father's side
 - j. Uncle of the mother's side
 - k. Uncle of the father's side
 - l. Child of the uncle on the father's side
 - m. Child of the uncle on the mother's side
 - n. Uncle of the grandfather's side (grandfather/younger brother of the great-grandfather)
 - o. Uncle of the grandmother's side
 - p. Child of the uncle on the grandfather's side
 - q. Child of the uncle on the grandmother's side
2. Judge Guardian- The judge guardian holds the position of a judge or ruler. The marriage between a pregnant woman and a man who is not biological father of the expected child can occur due to various reasons. Perspectives on this situation vary, raising diverse ethical, moral, and social considerations. Several aspects must be considered in this context. The responsibility suggests that marriage in this situation is a joint effort between both partners towards the unborn child. This forms a familial bond that provides support and stability for the child. Another supportive aspect is mutual consent. The marriage can be viewed as a joint decision based on mutual agreement when both partners decide to marry out of love and shared desire.

Society response can be diverse since some individuals may perceive marriage as an uncommon or controversial situation ([Adil & Jamil, 2023](#)). Meanwhile, the rights and protection of child are also integral aspects. The legal rights and protection for the unborn child can also be granted, including the right to be recognized by the parents ([Ngazizah & Ismayawati, 2022](#)). This also helps to safeguard inheritance rights and provide support. Additionally, communication and openness between partners regarding expectations,

responsibilities, and goals are crucial. This openness builds a strong foundation for a healthy family relationship.

Even though some may accept marriage as a valid and responsible choice, others are sceptical. Social norms, cultural values, and religious beliefs can influence society views and judgments on the situations. Every marriage has unique context and dynamics, emphasizing the importance of understanding the factors.

Conclusion

In conclusion, marriage of a pregnant woman was an occurrence in the reality of community life in Sidenreng Rappang. This happened when the woman was married to the man responsible or another and the phenomenon was called *passampo siri'* marriage in Bugis society. The occurrence was attributed to several reasons, including instances where the man absconded and refused to marry the impregnated woman. As an alternative, the family opted to marry the woman to another man as a way of preserving honor. Another cause of *passampo siri'* marriage was the inability of the man who impregnated the woman to marry according to Sharia law due to being considered a mahram. The determination of the legal status sparked controversy among various religious, societal, and customary leaders. The first perspective asserted that *passampo siri'* marriage was forbidden and invalid. According to several religious, customary, and community leaders, marriage was not permitted under religious and customary laws. The second perspective argued that the concept was permissible and legally valid since child resulting from adultery lacked honor and recognition. Regarding the determination of the legal status of child, there was a consensus among religious, societal, and customary leaders. Child could not be attributed to any man and there was no inheritance opportunity.

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