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# SIRI' NA PACCE CULTURE IN THE PRACTICE OF FORCED MARRIAGE OF MINORS: A CHALLENGE TO THE PROTECTION OF WOMEN'S AND CHILDREN'S RIGHTS

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#### Abstract

This study examines the philosophy of siri' na pacce within the context of the Bugis Makassar society, which is a time-honored heritage regulating social actions and behavior. Siri' na pacce, which literally means a sense of shame and pain, is more deeply understood as dignity and honor. In Bugis Makassar society, siri' na pacce significantly influences perspectives and practices related to marriage, where family honor is highly esteemed. However, the implementation of siri' na pacce values does not always lead to positive outcomes, as evidenced by the widespread phenomenon of forced child marriages. Data from the Makassar High Religious Court in 2022 shows there were 2,663 applications for child marriage dispensation, 96% of which were approved. Reports from the Ministry of Women's Empowerment and Child Protection (PPP) indicate that South Sulawesi is one of the provinces with the highest number of marriage dispensation requests. Forced child marriages are considered an effective way to maintain and restore family honor in response to social and technological developments that influence gender interactions. This study uses a qualitative method with a socio-legal approach to understand the social phenomena in the field related to siri' na pacce culture and the challenges in protecting the rights of women and children. The findings of this study are expected to provide a deeper understanding of the impact of siri' na pacce culture on the practice of forced marriages and its implications for the protection of women's and children's rights in Bugis Makassar society.

Keywords: Siri' Na Pacce; Forced Marrige; Protection; Women's and Children's Rights.

### Introduction

Indonesia is known as a country that has a very rich cultural diversity consisting of 17,000 islands, 300 ethnic groups and languages. This diversity is a characteristic of Indonesia. One of the most famous ethnic groups in Indonesia is the Bugis ethnic group in South Sulawesi Province. The Bugis tribe is historically known as an accomplished sailor and trader as well as being known as an ethnic tribe that has great kingdoms such as the kingdoms of Bone, Wajo, Soppeng, Gowa and Tallo. The culture and traditions of the Bugis tribe are also known to be very diverse, covering various aspects of community life including beliefs, arts and crafts. In terms of beliefs, one of the most well-known cultural philosophies in the Bugis community is the well-known in the Bugis community, namely the cultural philosophy of siri' na pacce, which has been used as a direction and outlook in the life of the Bugis community has been used as a direction and view in living social life in the community society.

Literally siri' na pacce is shame and pain, but when viewed in terms of its meaning siri' na pacce is interpreted as self-respect or honor can also be interpreted as a statement of an attitude that is not greedy for worldly life (Moein, 1990). Siri' na pacce as a cultural philosophy or perspective of the Makassar Bugis tribe is a hereditary legacy from their ancestors as an institution that aims to regulate how a person should and should act and behave in a social environment. One of the social realities that most intersects with the values of siri' na pacce is the issue of marriage. In the view of the Bugis community, marriage and women are very important. Marriage is not only considered as a process of unification between individuals but two large families, so honor (siri') is highly upheld in

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the marriage process. Although the values of siri' na pacce teach good values that emphasize the importance of maintaining family honor and community solidarity. However, in practice, the implementation of siri' na pacce values does not always lead to good things. good things.

This can be seen from the many practices of forced marriage of minors that occur in the Bugis community, at least this phenomenon shows how the actual values of siri' na pacce are the cause of why this practice is massive. The practice of forced marriage of minors is considered an effective and capable way to maintain and restore family honor in the community. The rise of the practice of forced marriage of minors today is allegedly due to social and technological developments that can no longer be controlled by parents, plus the massive practice of promiscuity which was once considered a reprehensible act, but this has shifted to a common thing in the community. society.

Based on the results of data from the Makassar Religious High Court, it was stated that in 2022 there were at least 2,663 applications for dispensation of child marriage and 2,572 or 96% of these applications had undergone the trial process and had received approval to marry (Herlina, 2023). In addition, based on a report from the Ministry of Women's Empowerment and Child Protection (KemenPPPA), there are at least 4 (four) provinces with the highest number of marriage dispensation applications in Indonesia, namely including East Java, Central Java, West Java and South Sulawesi.

It is undeniable that the practice of forced marriage of minors is often pursued by parents with the aim of maintaining (siri') shame in the community, in addition to the factor of pregnancy outside of marriage, children involved in promiscuity and children who are victims of rape are also the subject of the practice of forced marriage in order to maintain (siri') family shame. In the case of rape victims, most of the customary rules, women who are victims of rape must be married to the perpetrator, this is done to save the village and avoid customary sanctions against children who are born later who will be labeled as illegitimate children. This coercive process does not consider whether the child is underage or not. In fact, when looking at the age requirements for marriage mentioned in the provisions of Law Number 16 of 2019 concerning Amendments to Law Number 01 of 1974 concerning Marriage states; Article 7 "Marriage is only permitted if the man and woman have reached the age of 19 (nineteen) years".

The procedure for applying for marriage must also pay attention to the consent of both parties in this case, namely the prospective bride and groom based on the provisions of Article 6 Paragraph (1) of Law Number or of 1974 concerning Marriage. The phenomenon of the practice of forced marriage for minors in order to maintain (siri') family shame, is clearly a form of violation of the protection and fulfillment of children's rights, considering that minors still have rights that should be guaranteed and protected, including the right to education, the right to health, the right not to be discriminated against and the right to freedom and security. Therefore, the practice of forced marriage for minors carried out with the aim of maintaining (siri') family shame, needs to be immediately followed up and resolved in the community, especially in order to protect the rights of women and children.

### **Research Problems**

From the background described above, some of the problems that will be examined in this study are as follows:

1. How is the Practice of Forced Marriage of Minors in the Context of Siri' Na Pacce Culture?

- 2. What are the Challenges in the Protection of Women and Children Related to the Practice of Forced Marriage of Minors in the Context of Siri' Na Pacce Culture?
- 3. How to Minimize the Practice of Forced Marriage of Minors in the Context of Siri' Na Pacce Culture?

### **Research Method**

The research method used in this research is qualitative method. As according to Suryono, qualitative research is research that goes through the stages of investigation, describing and explaining the quality or uniqueness of a social influence that cannot be explained and measured through quantitative methods (Nasution, 2023). It is characterized by no need for precise quantification, including naturalistic inguiry which requires humans as instruments (Abdussamad, 2021). This research uses a juridical sociological approach, namely an approach that prioritizes rules which are then combined with looking at social symptoms that occur in society. This approach is also based on problems in social life in this case the actions of the community and the applicable law.

So in this study the author will look at, examine and reveal the social symptoms that occur in the field regarding the culture of siri 'na pacce as a cause of forced marriage cases of minors and what are the challenges in protecting the rights of women and children by reviewing existing regulations such as Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage and Law Number 39 of 1999 concerning Human Rights.

### Discussion

# A. The Practice of Forced Marriage of Minors in the Context of Siri' Na Pacce Culture

Marriage is an agreement between a man and a woman so that it is permissible or legalized to have intimate relations between the two with mutual consent and the willingness of both of them, which is a form of happiness in a family due to a sense of affection that creates peace and of course this is also something that is pleased by Allah SWT. Meanwhile, forced marriage is understood as a marriage in which the guardian provides coercion so that a marriage occurs or between the man and woman who want to be married are not willing to do so (Hariyanto, 2023). Departing from the above definition, the practice of forced marriage is concluded to be something that is not good and not justified, because this concerns the issue of a person's life to determine the life partner who will accompany him until his death. The practice of forced marriage indirectly eliminates the right of a child to choose his own soul mate.

When viewed from the context of human rights, it is clear that the practice of forced marriage is a form of violation, especially if this practice involves children & women who are still underage. Based on the provisions of Law Number 16 of 2019 concerning amendments to Law Number 1 of 1974 concerning Marriage, it has made changes to the minimum marriage limit for a man and woman, namely from 19 (nineteen) years for men and 16 (sixteen) years for women to 19 (nineteen) years for both as explicitly explained in the provisions of Article 9 paragraph (1) and this is a preventive step by the government to reduce the number of underage marriages that are rampant (Hamid et al., 2024).

Talking about the rights of women and children, we will talk about something that must be protected and respected, even though there are rules that underlie and explain the rights of women and children, in practice there are still many actions that violate and corner women and children, such as the practice of forced marriage, at least this is influenced by cultural customs and sexual and economic violence (Tifani & Rohmadtika,

2024). These three factors are the cause of the massive practice of forced marriage of minors, especially when cultural and traditional elements are included as reasons for justifying the practice.

The siri' na pacce culture embedded in the life of the Bugis tribe in South Sulawesi as a principle of maintaining self-esteem where this self-esteem is something that is highly upheld by the local community. In the Makassar language Siri' is defined as shame or embarrassment, "siri' lanri anggaukanna anu kodi" means shame when doing a bad or despicable act (Safitri & Suharno, 2020). Meanwhile, Pacce is defined as a sense or feeling of caring for fellow community members who are around him (Darussalam, 2021).

How does the manifestation of siri' na pacce culture cause the practice of forced marriage? This can be seen from the mindset and perspective of the community among others; First, the parents' thoughts are afraid that their children will be called spinsters and even arranged marriages to underage marriages often occur due to habits. Second, regarding sexual violence, this stems from the free association of teenagers and one of them is premarital sex and rape which leads to pregnancy outside of marriage (Tari & Tafonao, 2019), so that inevitably the two couples must be married immediately. Free association is currently considered something like a normal juvenile delinquency like dating which is normalized today.

Third, regarding economic issues, this is often associated with parents' unpaid debts which ultimately make children a means to pay off debts, in addition to the many burdens of parents in taking care of children being the reason why parents urge their children to get married soon in order to ease the family's economic burden. These three factors are a disgrace to a family, which of course if it is a disgrace then surely the person who has the disgrace will cover and bury the disgrace very tightly so that no one knows about it, even the closest family.

So the solution to the disgrace is as explained that the siri' na pacce culture is not only a principle of life to maintain self-esteem or shame but also as an effort to avoid and even resolve a conflict. From the factor where parents feel ashamed if their child is called an old maid, a child who experiences pregnancy outside of marriage due to promiscuity or a victim of rape, then viewed from the siri' na pacce culture to maintain self-esteem and shame and cover up their shame, then the practice of forced marriage was chosen as a solution to solve the problems that occurred by marrying their child either to the person who was accused of committing the act or to another person who was asked to be responsible and to the perpetrator if their child is a victim of sexual violence such as rape, this practice will be taken by both parents to maintain the honor of the family.

# B. Challenges in the Protection of Women and Children Related to the Practice of Forced Marriage of Minors in the Context of Siri' Na Pacce Culture

The practice of the cultural value of siri' na pacce in the Bugis community is a challenge in itself in realizing the protection of women and children in South Sulawesi. Siri'na Pacce is a culture that has been inherent and believed by the Bugis community long before the birth of the Gowa kingdom, which is a kingdom from the eastern region of Indonesia that has quite a large influence (Darwis & Dilo, 2012). The Siri' (shame) culture emphasizes the importance of upholding and maintaining the honor and self-esteem of the family and Pacce (Solidarity) emphasizes a sense of solidarity in society that gives rise to social pressures to resolve problems internally without the need to involve outside parties such as law enforcers. This resolution process is formed in order to uphold the

customary values of siri' na pacce such as maintaining dignity or self-esteem, reputation and honor, all of which must be maintained and upheld in real life.

The practice of forced marriage is one of the phenomena that arises on the basis of maintaining the Siri'na Pacce values in the community, even though if viewed from the provisions of Law Number 39 of 1999 concerning Human Rights in Article 10 it states; "That everyone has the right to form a family and continue their descendants through a legal marriage" paragraph (1) and paragraph (2) explain the limitations in the use of this right, namely that a legal marriage can only take place at the free will of the prospective husband and wife concerned, in accordance with the provisions of statutory regulations, therefore every aspect concerning human life including marriage is part of human rights that must not be violated solely for the sake of maintaining the dignity or self-esteem, reputation and honor of the family (Herman et al., 2023). At least the reasons behind the practice of forced marriage which especially occurs in the Bugis tribe in South Sulawesi are caused by several things including;

# 1. Views of the Bugis Tribe People who believe that solving problems faced by women and children should be resolved amicably

The family-based settlement approach is in fact the most common method taken, especially for people who live in areas that still uphold customary values in their community. The community there considers that settlement through a family approach is more capable of providing guarantees and a sense of justice for the parties, namely between the victim and the perpetrator, such as the practice of marriage desired by traditional leaders, regardless of the background of the problem, whether it is a problem of socializing, getting pregnant outside of marriage or even a case of rape. At least this family-based settlement process is taken by the family parties in order to minimize prolonged problems, even involving outside parties. The involvement of outside parties will only worsen the settlement process which can even lead to a criminal settlement. In fact, almost all families in cases of rape victims want the perpetrator to be held accountable for the victim's condition as well as to cover the family's Siri' (shame) for the act. The cultural philosophy of siri' na pacce in the community has indirectly influenced the mindset and perspective of the community which tends not to look at the victim's perspective, but only at the perspective of the efficiency of solving the problem. Not infrequently, it is precisely this mindset and perspective of society that leads to forms of injustice and discrimination against women as victims.

# 2. There is pressure and solidarity in society to resolve problems through traditional figures or tribal leaders

One of the customs that is firmly held by the people in the South Sulawesi region is the resolution of problems through intermediaries of traditional figures or tribal leaders. This resolution method is taken due to pressure from the family and local traditional groups. The Siri'na Pacce culture in the Bugis tribe has led to the view that the process of resolving problems must be resolved amicably, especially in the practice of forced marriage between

the families of women and men who must sit together to find a way out of the problems they face. From this process, the practice of forced marriage has almost become a solution to solving problems related to problems of adolescent relationships, pregnancy outside of marriage and cases of rape as well as family economic problems which ultimately place women and children as victims. On the other hand, the practice of forced marriage is considered the fastest and most effective way to cover up the shame of the family and traditional group for the actions they have committed so that it is not spread or known by the traditional group and the outside community. Pressure and solidarity from indigenous communities can also take the form of discrimination or family isolation from indigenous groups because they have tarnished and damaged the dignity of the family and tribe. This pressure will be even greater if in the end the family does not want the resolution to be reached through intermediaries of local traditional figures or tribal leaders.

### 3. Limited Access and Lack of Trust in Law Enforcement Officials

Limited public access and lack of trust in the enforcement and prosecution process by law enforcement officers are the reasons why forced marriage practices are ultimately chosen as an alternative way to resolve the problems faced by both families. This limited access can be seen from the lack of access to information and education which is still very limited in reaching people in rural areas which makes people less educated, such as the issue of protecting the rights of women and children. This limited access is also related to the difficulty of obtaining legal aid services and legal protection for women and children who are victims of forced marriage practices. So it is not surprising that almost all of the conflict resolution that occurs in society is taken through a family approach where the resolution of this conflict is combined with stages of negotiation to find solutions in dealing with existing conflicts so that the conflict can be resolved as expected (Pratama & Gischa, 2020). In addition to the problem of limited access, the lack of trust in law enforcement officers is also the reason for the massive forced marriage practice, involving law enforcement officers is considered to only complicate the problem and will even trigger new conflicts between families, especially if it has to involve criminal elements in handling the case. The practice of forced marriage that occurs in the Bugis ethnic group in South Sulawesi has become a tradition that has been passed down from generation to generation and is maintained to resolve problems that befall children, whether due to promiscuity, pregnancy outside of marriage and even in cases of rape.

# C. Efforts to Minimize the Practice of Forced Child Marriage in the Context of Siri' Na Pacce Culture

Forced marriage is a form of violation of human rights in this case, namely the rights of women and children which must then be protected. The practice of forced marriage of minors in the context of the siri' na pacce culture has become something that is considered normal because it has become a deeply rooted custom or habit even though legally this is certainly prohibited and of course detrimental to women and children. So then a comprehensive and sustainable effort is needed to minimize the practice of forced marriage of minors in the context of the siri' na pacce culture. Efforts made to stop forced

marriage of minors are carried out in a way that is sensitive to local culture and traditions, traditions that have positive content that respect human rights, especially the rights of women and children must be preserved while traditions that harm the rights of women and children must be eliminated, among some of the steps are dialogue and education, development programs: education, and the last way is law enforcement because this is something that has robbed the right to education, health and freedom in choosing their future (Ilahi et al., 2024).

Some strategies are also by the penghulu as their role and function, for example in the form of programs;

- 1. Active participation in boosting the increase in the level of education for girls aged 15 and 17 years because at this time the physical and psychological development of the child begins to form which is then carried out with various stakeholders.
- 2. Helping to deal with social and cultural norms at the local level, this is by responding to the culture that carries out these practices.
- 3. Creating more opportunities for girls, for example in entrepreneurship training or other training.
- 4. Providing productive gadget usage skills, this cannot be denied along with the development of the era that teenagers cannot be separated from technology (Mahmud, 2018).

Efforts to prevent and handle the practice of forced marriage of minors are carried out comprehensively and involve various parties such as the government, traditional institutions, community organizations, and of course the parties involved in doing so in this case the community that adheres to the siri' na pacce culture. At least the practice of forced marriage in the context of the siri' na pacce culture is minimized and handled through two main efforts, namely preventive to prevent and repressive to handle what has happened because before similar cases occur against their daughters, prevention needs to be carried out and for girls who have experienced it, then it needs to be acted upon and handled as an effort to care about human rights.

Preventive efforts in terms of preventing and minimizing the practice of forced marriage in the context of siri' na pacce culture must involve various parties or stakeholders starting from the main key holder, namely the government, in this case the Ministry of Religion, how then the role and function of the Ministry of Religion in providing education, counseling and socialization of forced marriage which is not only aimed at children but the main focus that holds the key in a family is parents, especially for people who adhere to the siri' na pacce culture that children have the right to freedom to choose their future does not mean that parents give freedom but in terms of supervising as long as their child's choice is on the right track, why not support it and government policies that are not yet effective so that they are made effective in order to make improvements to minimize and prevent the practice of forced marriage.

The government is not only the Ministry of Religion, there is also the Commission for the Protection of Children and Women which has a significant role in protecting the rights of women and children themselves and also the South Sulawesi Provincial Government which has a central role. Then there are traditional institutions whose roles and functions are not only to preserve the culture of ancestors from generation to generation but traditional institutions must also be able to analyze, understand and follow up on whether a culture still has relevance and does not conflict with the values of goodness, for example regarding human rights, especially the rights of women and children who should be protected, and if in reality a custom has violated a rule and has a negative impact, this is a phenomenon that must be addressed immediately by revising the tradition or culture.

In addition, community organizations certainly also have a special role in women's communities in how to then provide campaigns and education to the public about the dangers of forced marriage and no less important is the family that prioritizes dialogue and communication with girls about marriage, respects the rights of girls to choose their partners and most importantly supports marriage based on love and agreement. The core of preventive efforts in terms of preventing minimizing the practice of forced marriage of minors in the context of the siri' na pacce culture is the knowledge of old-fashioned parents, especially for people who adhere to the siri' na pacce culture, that the practice of forced marriage is wrong and a culture that should be abandoned because it has deviated from the values of goodness, therefore education, counseling and socialization are needed for people who adhere to the siri' na pacce culture, especially in South Sulawesi. If education has been received and then changes the perspective of knowledge, then this can be accompanied by programs that provide opportunities for children and women to obtain their rights such as the right to education, the right not to be discriminated against and the right to be heard.

Meanwhile, repressive efforts in dealing with something that has happened are the last resort because preventive efforts are no longer effective by taking firm law enforcement action against perpetrators of forced marriage practices of minors in the siri' na pacce cultural society because this is clearly a marriage without consent, plus it involves minors which is accompanied by the deprivation of women's and children's rights as human rights as guaranteed in our positive law.

The government is not only waiting for incoming reports but how the government sees objectively and the facts that occur in the field accompanied by evidence then immediately take legal action. Continuing from the practice of forced marriage that occurs is to provide support and protection for victims of forced marriage in the siri' na pacce culture community initiated by the South Sulawesi Provincial Government as a responsibility for the area where the siri' na pacce culture exists. So that from this effort it is expected to be able to minimize the practice of forced marriage of minors in the context of the siri' na pacce culture.

### **Conclusion**

The practice of forced child marriage is contrary to the rights of children that must be protected, such as the right to education, health, freedom, and security. This practice also violates the basic principles of marriage which must be based on the consent of both parties. Factors that influence this practice include customs, sexual violence, and economic conditions. The siri' na pacce culture, although it has positive values in maintaining self-esteem and solidarity, is often used as an excuse to perpetuate the practice of forced marriage. Resolving problems amicably through traditional figures or tribal leaders is one of the reasons this practice continues. In addition, the lack of access and trust in law enforcement is also an obstacle.

To minimize the practice of forced child marriage, preventive and repressive efforts involving various parties are needed. Preventive efforts include education, counseling, and socialization about the dangers of forced marriage, as well as programs that provide educational opportunities and skills development for girls. Repressive efforts involve strict law enforcement against perpetrators of forced marriage practices, as well as providing support and protection for victims. With these steps, it is hoped that the practice of forced child marriage in the context of the siri' na pacce culture can be minimized and the rights of women and children can be properly protected.

## **Suggestions**

First, further research that can be done is to study in depth the harmonization between customary law containing the value of siri' na pacce with positive law. Second, to study in more depth the value of siri' na pacce in the context of forced marriage in a participatory manner by involving elements of society, customary leaders and victims who have experienced it. Third, there is an opportunity for customary law reform that is in line with human rights.

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