

The dynamics of transactional communication in contract marriages within Cipanas community

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Abstract The phenomenon of contract marriages often found in Cipanas Village, Bogor is interesting because it is one of the ways chosen by people to quickly improve their welfare. It's considered to have an impact on welfare improvement and poverty alleviation in rural communities. Therefore, this study aims to describe how the dynamics of contract marriages based on transactional communication can provide a sense of what is welfare for the people of Cipanas Village. This study applies a qualitative approach supported by the use of the phenomenological method. Data collection was carried out using semi-structured interviews and observations carried out in the field. Data validity is carried out through internal validity and as a measuring tool by checking the consistency of answers given through the same question to their informants. The results of this study indicate that transactional communication becomes a tool in the verbal negotiation process until an agreement is formed between the parties involved in the practice of contract marriages. This agreement on exchange values that has been approved is considered a safety valve in the economic dimension, especially in creating improvements in people's living standards. The society views the practice of contract marriages as legal and not in violation of religious regulations. The contribution of this research is expected to be a reference for the government and further researchers who will be conducting further studies related to the phenomenon of contract marriages.

Keywords: contract marriages; social exchange; transactional communication

INTRODUCTION

Communication plays an important role in human life in relation to social relations, which emphasise the process of delivering messages that are carried out intentionally by the sender to the recipient of the message. Communication can form relationships that are based on dynamic patterns of interaction (Morissan, 2018). Therefore, communication can be used as a tool to fulfil the interests of the parties involved in the interaction process.

The interests that arise in the interaction process greatly influence the form of relationship carried out by the parties involved in it. The dynamic patterns are also explained by Kuznar and Yager (2020) in three communication models that are commonly found in social relations, namely: linear, transactional, and interactional whereas the linear model emphasises models that are one-way, while transactional and interactional models are more tended towards reciprocal communications. Reciprocal social relations tend to create relationships that seek to benefit the parties involved.

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Social relations are particularly important in the context of marriage. Ziaulhaq (2022) also states that etymologically marriage demonstrates the dynamic that two individuals who previously lived separately decided to join together to become one unit becoming a life partner and then be able to build a household together. This process must be in accordance with religious teachings and applicable legal regulations, so that it can be called a legal marriage (Hadi, 2022). Thus, the marriage relationship is recognised by the state if it has received approval from both religious and legal institutions.

Marriages conducted in Indonesia are closely related to culture, which involves cultural values that cannot be separated from the values of religions and customs so that the transactional communication model still dominates. According to Aziz (2018) transactional communication is one in which 'the sender of the message and the recipient provide feedback, statements, responses, actions and reactions continuously in communication events'. The transactional communication model creates social relations between the two parties that are mutually binding. Couples who have different backgrounds and are united in a marriage bond will experience various kinds of dynamics and challenges in living the marriage relationship (Prabowo, 2017). Therefore, the differences that arise have the potential for causing conflict, if they are not founded on the ability to understand differences.

In this era of globalisation, there are various reasons that cause the decline in marriage, which is no longer due to cultural and religious reasons, but to other social factors. According to Ningtias (2022) the phenomenon of declining marriages in Indonesia is caused by various factors such as: changes in the mindset of today's young people, increasing divorce rates in society, which affect the mentality of prospective young partners, the Covid-19 pandemic, and the issuance of Law Number 16 of 2019 (which is an amendment of Law no. 1/1974), as well as the phenomenon of unregistered marriage, which makes the marriage not recorded and not legally recognised. Data from the Central Statistics Agency (BPS) noted that in 2020 there were 1.79 million marriages taking place, while in 2021 there were only 1.74 million marriages. This is a decrease of 2.8% compared to the previous year (Annur, 2022). The data show that there has been a decline in marriages in recent years.

One of the interesting reasons for the decline in marriages, apart from the Covid-19 pandemic situation, is the increasing number of couples who are committed in Kawin Kontrak, in which these marriages are not legally recognised by state law. According to Zakaria and Saad (2021) the concept of unregistered marriage has two separate but related definitions, such as: first: a marriage whose ceremony is held without the presence of a guardian, it is carried out in secret and intended for the satisfaction of lust only. Second: a marriage that is legal according to religious laws, but not widely announced nor recorded in an authorised state institution.' Such Kawin Kontrak are among the reasons for the decline in the number of marriages in Indonesia. Kawin Kontrak often occur in the village of Cipanas, Puncak Subdistrict, Bogor District, West Java, and are commonly termed 'contract marriages'. Contract marriages that occur in Indonesia have experienced a shift, especially in the use of a transactional communication model whose meaning has expanded to 'buying' and 'selling'. Pangeran argued that contract marriages are:

'A contract or akad that is to make an agreement between a man and an unmarried woman, in which there is a dowry that must be handed over to the woman or her family, and the end of the period of marriage is determined according to the agreement of both parties' (2011, p.103).

Contract marriage is also a form of marriage bond that is widely practiced in communities where the majority are Muslim. In the Islamic perspective, contract marriage is known as 'nikah mut'ah', which means according to Solihah & Nuraeny (2022) is 'a temporary marriage, or marriage that is interrupted by the period of the contract, the marriage bond is declared valid only for a certain period and when that time is due, the marriage is terminated without going through a divorce process'. Nikah mut'ah or contract marriage is also still being debated in Islam, but most think that this form of marriage is in opposition to hadith, especially for adherents of Sunni Islam. Malik (2015) emphasised this by saying "although nikah mut'ah was once an alternative model of marriage in early Islam, many scholars reject its presence today because it is considered as covert adultery". This is also supported by Muhajir & Kamil (2021) that nikah mut'ah cannot be fully assessed as a form of 'illegal marriage' because there are still

various requirements that are so strict and must be fulfilled apart from its contractual nature both in terms of time, obligations and rights during marriage period. So, from the research that has been carried out above, it can be seen that mut'ah marriages or contract marriages have different reasons, both from social and cultural aspects that apply to society in certain regions and countries.

The exchange process that appears in transactional relations in the context of contract marriages is closely related to the social exchange theory. Littlejohn & Foss (2010) stated that this theory provides a different perspective in which the relationship created is valued as a commodity. Everyone will consider the sacrifices and compare the rewards that will be obtained in the communication process that occurs (West & Turner, 2020). Social exchange theory has the goal of explaining and predicting the behaviour that arises from the exchange process that occurs (Budyatna, 2015). Individuals will consider all things such as costs and rewards in making decisions on communication actions taken.

Until now, contract marriages still cause problems, especially regarding the legal certainty of the relationship between the partners involved. Sudiro et al (2022) stated that mut'ah marriage in Islamic law has an etymological meaning of enjoyment and pleasure so that marriages are carried out based on sexual pleasure, there is a reward of wealth (money) to undergo marriage for a certain period, and the husband has no obligations to provide a living after the marriage reaches the deadline of the agreed period so that it is considered to harm the woman and her offspring. In other words, contract marriage or nikah mut'ah views the relationship between husband and wife as temporary and time bound, as agreed by both parties. The district head of Bogor, Ade Yasin, believes that contract marriages that occur in the area form of prostitution under the guise of temporary marriages (Setyawan, 2021). Izat argued: 'Marriage of contracts in Indonesia is difficult to record. Because the marriage of the contract is carried out in addition to not being recorded by a formal judicial system, it is not regulated in any regulation so it can be said that the marriage contract in Indonesia is not recognised and does not apply the law' (2020, p.1).

In other words, contract marriage does not have a clear and strong legal basis to legally protect the parties involved.

Contract marriage activities do not fulfil the function of marriage, because the couple is only bound for a certain period of time and is usually carried out by foreign tourists with local residents of Cipanas Village. There are several reasons why foreign tourists choose this area. These reasons are explained by Ummanah et al (2015) which consist of cool weather and natural factors, lots of 'beautiful' women, and the condition of the people who do not think about other people's affairs making this area *Jabal Al-Jannah* (Mountain Heaven) and has its attraction for foreign tourists, especially those from Arab countries.



Figure 1. Environmental Situation in Cipanas Village which Practises Contract Marriage
Source: travel.detik.com

Contract marriage as a phenomenon that occurs in Indonesia not only occurred in Cipanas Village but also can be found in many regions in Indonesia (See Figure 1). However, what is unique is that Cipanas village is a village that specifically 'openly' recognises contract

marriages. Research conducted by Putri (2020) shows how contract marriages occur in the Indramayu area, which are carried out by Indonesian men who already have legal wives but are working abroad as female workers (TKW), so this contract marriage This is done to fulfil biological needs and help take care of household needs. Therefore, this phenomenon is interesting to research, especially about economic, religious and regulatory aspects which are also interrelated with the dynamics of transactional communication that occur in the marriage process.

It turns out that the phenomenon of contract marriage does not only occur in Indonesia but also in other countries both inside and outside the Southeast Asian region where the majority are Muslim. The practice of contract marriage in Malaysia is often interpreted wrongly as a form of protection for women and children for reasons of providing welfare, but this practice is more of a form of masculine domination (Mohamad, 2011). However, the practice of contract marriage is slightly different in the Sunni Islamic group in Saudi Arabia, which permits and legalises this temporary marriage and ends the marriage at a time agreed upon by both partners (Margalit, 2018). So, the phenomenon of contract marriage generally occurs in several Muslim countries, but its implementation varies and is based on different interpretations of Islamic law.

Contract marriages that occurred in the village of Cipanas, Bogor is highly interesting because it has an impact on improving the welfare of members of the village community. This was also conveyed by Aminah (2018) that economic pressure was indeed a factor that caused women involved in the practice of Kawin Kontrak to quit their education at high school level and try to make a living from this activity. Intermediaries or pimps are the main actors in the emergence of the phenomenon of contract marriages in the village, which lead to a person being economically secure. In other words, a contract marriage is considered to be a method to alleviate poverty. However, this has been met with strong opposition not only from a religious perspective but also from the political aspect, including the local government.

Previously, there had been several studies related to the phenomenon of contract marriages that occurred in the Puncak area, Bogor, West Java. The researcher looked at several previous studies related to this phenomenon talking about the phenomenon of the self-concept of contract marriage perpetrators, analysis according to the law, and its relation to prostitution and studies that talk about contract marriage and its relation to Islamic law (Stevani & Bahri, 2016; Wahab, Kustini, & Ali, 2018; Abdullah & Tridewiyanti, 2019; Ammar, 2020). Some of the research above focuses more on micro aspects and several regulations that discuss contract marriage. Meanwhile, matters related to the economic dimension, especially financial matters between the actors involved, have yet to receive attention.

This research is different because it focuses on transactional exchange processes, especially the financial aspect involving both parties. Therefore, the analytical tool used in this research is social exchange theory because this theory has several propositions that are considered relevant for analysing the dynamics of relationships between actors involved in contract marriage. Therefore, this study seeks to describe and analyse 'how the dynamics of contract marriage based on transactional communication are used as a strategy to encourage the creation of prosperity in the Cipanas village community?'

METHODOLOGY

This research was conducted using a qualitative approach. Creswell (2016) stated that in a qualitative approach, the researcher seeks to construct meaning related to phenomena, issues, and observed behaviour patterns from individuals and groups so as to be able to describe the complexity of the social or humanitarian problems being studied. The process of meaning and interpretation, which is part of the qualitative approach, makes it suitable for the use in analysing the topic of this research.

Another reason to use a qualitative approach compared to a quantitative approach because through a qualitative approach, researchers can provide an overview and interpretation of the issue of contract marriage in Cipanas Village, which is very sensitive, and not all people involved in this practice are willing to admit that the marriages they carry out are temporary. Therefore, a qualitative approach by maximising in-depth interviews and field observations is more appropriate to use in analysing the experiences of the individuals involved using phenomenological methods than if researchers use surveys from a quantitative approach.

The qualitative approach is also supported by the constructivist paradigm and the phenomenological method used in this study. Creswell (2016) explained how the perspective of the constructivist paradigm emphasises the development of meaning in the experiences of individuals, who always make efforts to understand the world in which they live and work. Meaning, experience, and individuals are also important elements in applying the phenomenological method. Littlejohn, Foss, & Oetzel (2021) stated that in phenomenology, individuals are seen as the main part of the communication process by showing individual perspectives and ways of providing understanding to the world through direct experience. Through the phenomenological method, researchers can explore how participants are involved in the practice of contract marriage and how they interpret it. Apart from that, researchers can also explore local cultural values, religious values, and economic contexts which also influence the practice of contract marriage. Finally, researchers can also be directly involved in the research process. This is necessary to build a sense of trust in the informants, especially on topics that are sensitive enough so that they can tell their experiences in their way. Therefore, this method was chosen for use in this research.

Furthermore, to obtain the data needed in this study, the researchers used several data collection techniques. Primary data were obtained by applying several techniques such as semi-structured in-depth interviews with informants and observations on the practice of contract marriages between actors and intermediaries. For secondary data, the researchers used literature reviews such as journal articles, books, and documents related to the role of intermediaries in encouraging contract marriages. The data collection process in this research was carried out over three months, starting from April to June 2023. In April, researchers focused on making initial observations about the situation and description of community life in Cipanas Village. They attempted to gain access to informants who would be involved in this research. Then, researchers conducted three sessions of interviews with 4 (four) informants from May till June 2023, which were also carried out in Cipanas Village, West Java. This is because researchers have difficulty getting a time match with each informant.

After that, the researchers also made one more visit in June to conduct observations related to the contract marriage procession that took place in Cipanas Village. This is because May-June is known as the 'Arab Season' in Cipanas Village, where tourists from Middle Eastern countries start to arrive and practice contract marriages with women from Cipanas Village. The data collection process carried out by the researcher also used an interview guideline that had been previously prepared. However, because the form of the interview conducted is semi-structured, the questions in the interview process can also develop along with the information shared by the informants with the researchers.

The informants selected by the researcher were considered capable of describing the research problem being studied. The informants consisted of an intermediary in the contract marriage (SA), a person engaged in contract marriage (A), the family of the said person (S), all three of whom are residents of Cipanas Village. In addition, a teacher, also a resident of Cipanas, who was not directly involved in the practice of contract marriages also became an informant (E). SA and A served as key informants and S and E as supporting informants, all of whom were important in the implementation of this research. The informants in this study are not described using their real names, and initials are used instead, in accordance with the ethical agreement between the researchers and the informants.

The unit of analysis is an important part of a study, because the unit of analysis is the source of the information obtained in the study. The unit of analysis, according to Sugiyono (2016), is a unit where the researchers will conduct the research, be it groups, individuals, or objects, to activities and events of individuals or certain groups. In this study, the unit of analysis was defined as individuals, namely intermediaries and contract marriage actors. They are also part of the residents of Cipanas Village, Puncak, who have a deep understanding of the topics related to this research.

After obtaining the data needed in the research, the researcher carried out the data analysis process to find certain patterns during the research process. Moleong (2017) defined that 'data analysis is a process of sorting and organising data into a pattern so that the researcher can find a theme and formulate it into a working hypothesis that has been suggested by the data obtained by the researcher'. In this study, the data analysis process was carried out in three stages, namely data reduction to simplify the data obtained, presentation of data by presenting

coding to obtain the essence of the facts from research findings, and finally interpreting data to draw conclusions to answer research questions. Through this open coding technique, the researchers identified several themes that are crucial to understanding in depth the phenomenon of contract marriage in Cipanas Village which is the subject of this study. These themes include transactional communication in contract marriage practices, the existence of contract marriages from the perspective of religion and state law, and the impact of contract marriage practices on the Cipanas Village Community.

The interpreted data must be checked again to ensure the validity and accuracy of the data obtained, as well as its reliability. Maxwell & Reyhold (2015) stated that validity refers to the credibility or accuracy of a description, conclusion and an explanation regarding the interpretation of research results. Therefore, researchers use data source triangulation techniques to ensure that the data and findings in this study are accurate and reliable. Creswell (2016) described how triangulation of data sources work, which emphasised examining evidence from various data sources to then construct a coherent justification. Therefore, the researcher connects and compares the patterns that the researcher has found in the data in the results of interviews with informants, observations made in the field, as well as literature studies that have been obtained during this research.

RESULTS AND DISCUSSION

The research findings show that contract marriage is a marriage that exists between a man, who generally comes from a Middle Eastern country, and a woman who comes from Cipanas Village, Puncak. This marriage is based on a contractual agreement in oral form, not in writing, and has a certain period of validity (a temporary nature). This contract agreement is cancelled unilaterally if the man commits a violation, such as harming the woman who has become his wife, either physically or spiritually.

In a contract marriage, the relationship is based on a mutually beneficial relationship in which the man must pay an amount of money known as the 'dowry' according to an agreement with the woman's party. The basic elements needed to be able to enter into a contract marriage are the following: dowry, location of the wedding, marriage guardian, witnesses, the presence of the family responsible for guarding and protecting from something unexpected such as domestic violence. The women in the practice of contract marriages indeed consider the benefits that will be obtained, the nature of which is monetary, by demanding a certain amount of money as dowry, monthly allowances and household equipment needs such as television, cell phone, refrigerator, motorbike and other items.

Meanwhile, the man demands the woman to agree to be a temporary wife in Indonesia and must act as a wife who loves and obeys her husband's wishes. If an offspring occurs from the marriage, there will be an additional financial agreement that binds the man. The strength of this marriage relationship places more emphasis on things that are materialistic and does not look at the depth of the relationship that is formed. Therefore, this material relationship doesn't have a legal basis that can bind marriage. In this case, the marriage is bound by a financial agreement agreed by both parties to determine the length of the marital relationship.

This contract marriage model is loaded with the values of social exchange that are mutually binding between the parties involved, because they benefit each other. West and Turner (2010) emphasised that individuals base their behaviour in relation to other individuals on the economic motive. Each individual will pay attention to the costs and rewards that will be obtained in the communication process that occurs. Social exchange theory is considered appropriate to use to explain the behaviour that arises from the exchange process that occurs (Budyatna, 2015). Contract marriages are considered highly attractive, because they are not only related to the economic dimension, but also related to the religious dimension because these marriages are supposedly based on Islamic values.

The failure of religion in binding contract marriages is due to the poverty experienced by most people in the Cipanas area, West Java. One of the causes of poverty that occurs in this area is the lack of potential resources that can be used to improve people's standard of living. Apart from that, the residents of Cipanas Village have low job diversification, most of whom work as farmers. The government's lack of concern in empowering the community adds to the worsening

poverty that occurs. This is also what causes contract marriage to become one of the alternatives chosen by most Cipanas Village residents to improve their welfare and standard of living.

The exchange process that occurs in a contract marriage begins with transactional communication that occurs in the negotiation process before arriving at an agreement. According to Aziz (2018) transactional communication focuses on the dynamics of communication that occurs between the sender and receiver of a reciprocal nature until an agreement is formed. Thus, transactional communication is a tool used in the negotiation process until an agreement is formed. Transactional communication has the assumption that the sender and receiver of messages reciprocally send and receive messages both verbally and nonverbally, which is similar to a negotiation process, to produce an agreed meaning.

Transactional communication begins with negotiations in which the woman demands a dowry with a predetermined nominal amount and the man agrees with the condition that the woman must be 'obedient and devoted' when she becomes a wife. The woman understands and knows that the prospective husband is already married and has a wife in Saudi Arabia. The relationship in this contract marriage appears as a transaction process that is achieved through a verbally agreed reciprocal process. This transaction process is not entirely limited to the decision to get married but also in determining other costs such as monthly allowances for the household and even costs of bearing and raising children.

The communication process both during the negotiations and post-negotiations went well and smoothly, because even though the Arabic men were not fluent in the Indonesian language and could only speak Arabic, the women, their families and intermediaries were generally proficient in Arabic - most residents of Cipanas Village being able to speak Arabic. In addition, communication between the woman and the man still goes well even though the contract marriage between the two has ended, because the man does not break the relationship, and usually maintains communication, so that the woman and her family still receive monthly allowances from the former husband.

The exchange process that occurs in a contract marriage has an economic dimension and is based on the rationality proposition (Homan, 1974), which explains how a person compares the amount of reward associated with the action to be taken by trying to maximise the benefits they will get, as is done by the woman and her family. Apart from that, the success proposition can also be seen from the emphasis on the benefits of the contract marriage process. This can be seen from the wife who feels that the amount of dowry she gets is quite large, and additionally, still receiving monthly allowances with a large nominal value, resulting in her being willing to do things that her contractual husband likes and desires. This clearly shows that contract marriages are very much based on transactional social exchange activities with an economic motive, especially for women. This transactional social exchange is based on a successful and rational proposition that is highly oriented towards the benefits obtained for both parties involved.

Negotiations involving transactional communication in contract marriages in Cipanas Village are based more on the financial capabilities of the man. The research results show that the agreed nominal amount is more flexible. This was stated by informant A that: "negotiations really depend on the country of origin of men from the Middle East, where if they come from the United Arab Emirates (UAE) they will spend more money than men from Yemen". So, in this way, the ongoing negotiation process is relative and it is rare that no agreement is reached. This shows that both parties have complementary needs and interests.

The social impacts arising from contract marriages can be considered as a solution to improve the welfare, not only of the families involved in contract marriages, but also the people of Cipanas Village. Residents of Cipanas Village, Puncak, live with the burden of economic difficulties, because government assistance is not equally received by villagers in need, and instead reaches villagers who are not in dire straits. The government, which is supposed to protect the underprivileged, instead makes policies that are considered to miss the target. The results of the research findings above also explain that the government provides assistance to villagers who are much better off than other villagers. In addition, jobs are also difficult to find due to low education, which results in contract marriages being a quick solution to improve the welfare of Cipanas Village residents.

The legality of a contract marriage is questioned both under religious law and state law. According to the parties related to contract marriages, a contract marriage is legal or allowed in

Islamic religious law, because according to Islam, it is better to be married than to commit adultery without being married. The marriage process also takes place at the Office of Religious Affairs (KUA) in Pacet, attended by guardians, witnesses and the bride's family, so that it is considered valid due to receiving legitimacy from the authorised religious institution.

However, not all Islamic jurists are willing to accept this as legal, in fact, many are of the opinion that this is illegal and even tends to be a covert form of prostitution. Referring to the science of social pathology, prostitution itself is seen by Rahayu (2018) as a social disease which is categorised as a structural deviation because individuals are consider having social influence from outside themselves which 'forces' them to carry out acts that violate social norms in society. In addition, contract marriages are also not legalised and recognised by the state.

This difference in interpretation occurs because the parties who agree with contract marriages are trying to legitimise the practice of contract marriages as legal, although in fact there are still many who oppose it because of differences in understanding. Meanwhile, the government is also unable to overcome the poverty issue of Cipanas Village, and due to the difficult economic conditions, those unable to bear the economic burden and wanting to get money quickly tend to enter contract marriages.

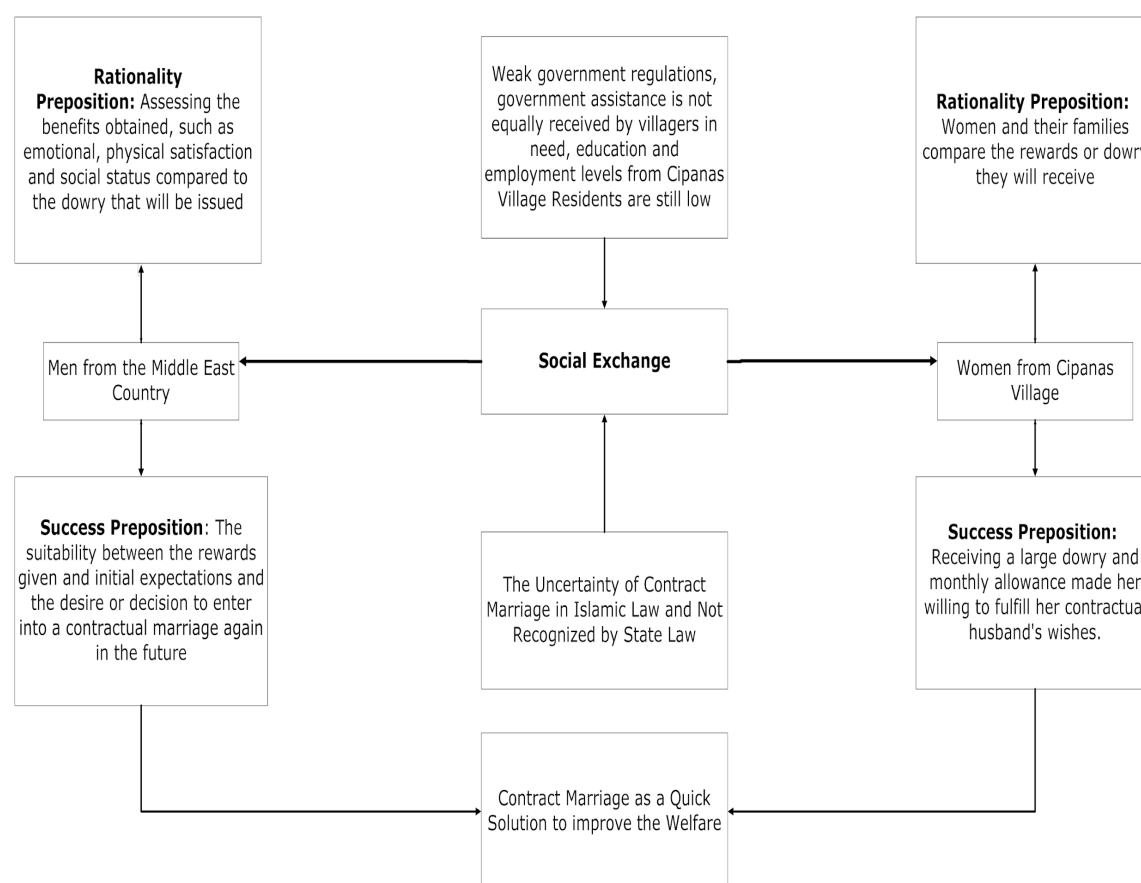


Figure 2. Model of Research Findings and Discussion
Source: Data Processed by Author (2024)

CONCLUSION

This transactional activity can be seen from the negotiation process in the form of exchange that occurs at the beginning, in which both women and men calculate the sacrifices they make and compare them with the benefits that each will get. Therefore, contract marriages are largely determined by an agreement regarding exchange values that have been agreed by both parties through a negotiation process. While the agreement is only through verbal exchange, it is still respected by both parties. Economic difficulties, especially those related to fulfilling the necessities of life experienced by the residents of Cipanas Village, occur because of limited

employment opportunities, most of whom work as farmers and caretakers of resort villas. In addition, the missed target in the distribution of aid from the government causes the level of welfare to also become unbalanced. Therefore, contract marriages are considered as a safety valve in the economic dimension, especially in terms of creating an improvement in living standards, because basically, they consider contract marriages to be legal and not in violation of religious laws, even though they are not necessarily recognised by the state.

On the other side, this study encourages the emergence of further research that focuses on- 1) legal perspective and cultural values of society regarding the phenomenon of contract marriage that includes the legal and moral responsibilities of those involved in contract marriage; 2) the role of the government and social institutions in the phenomenon of contract marriage. These two research proposals can be carried out through a qualitative approach but using different research methods such as: case study and ethnography. The purpose of using different methods is to gain understanding from more diverse perspectives.

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