



Marriage Counseling: A Pastoral Guidance for Contract Married Couples in Motoring Satu Village, Motoling District, South Minahasa Regency



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Abstract



Keywords

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The author grew up and was nurtured in Motoring Village, with its Christian population encompassing Protestant and Catholic believers. The community was tightly knit, upheld by robust kinship bonds, and upheld values of mutual support, "gotong-royong," and respect. The community encountered personal, familial, and societal challenges despite their mature and deep-rooted faith. The contentious issue of contract marriages arose, causing strife among the villagers. The Motoling villagers firmly believed contract marriages to be religiously and legally unlawful. However, instances persisted where contract marriages were established, typically lasting two years, especially involving men from the Philippines already married and women from Motoling. Despite the upheaval caused, these marriages proceeded. Recognizing the necessity, the church offered pastoral counseling, mainly targeting the couples involved, to prevent such occurrences in the future. Employing a literature review and conducting interviews with the contract marriage couple in Motoling Satu, the study highlighted the significance of pastoral guidance for contract marriage couples. The counseling aimed to imbue these couples with a comprehensive understanding of marriage's true essence and bolster their faith, enabling them to navigate challenges successfully. Interviews revealed that love united the contract marriage couple, although economic circumstances also played a role. Ultimately, the church's pastoral assistance was pivotal in guiding the couples toward a life built on spiritual and moral foundations and deterring the recurrence of contract marriages.

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1 Introduction

The occurrence of contract marriages in Motoling Satu village has led the community to question the meaning of these contract marriages. There is a polemic about the significance of marriage and the concept of contract marriages. Understanding marriage is inherent to humans and is considered sacred, where two individuals are united by law and applicable conditions to achieve a sacred purpose: establishing a happy and everlasting family, unrestricted by time or eternity. Marriage is legally considered valid if it follows the religious beliefs of the parties involved and is registered at the marriage registration office.

Upon closer examination, the purpose of marriage is genuinely noble – to form a happy, eternal, and everlasting family based on the belief in the Supreme God. Article 1 of Law Number 1 of 1974 states, "Marriage is a physical and spiritual bond between a woman and a man as husband and wife to form a happy and everlasting family based on the belief in the Supreme God."

Based on the formulation described in the aforementioned Marriage Law, marriage is not only based on a physical or spiritual bond alone but must be based on both – physical and spiritual aspects. Marriage is both a legal act and a religious act. It is considered a legal act because it has legal consequences; after marriage, rights, and responsibilities are imposed on the parties, the bride and groom. However, it is also a religious act because, in practice, the implementation of marriage is always aligned with the teachings of each religion and belief, as established by the predecessors who have provided regulations and procedures for conducting marriages ([Grossbard-Shechtman & Lemennicier, 1999](#)).

Genesis 2:18 states, "It is not good for the man to be alone." Many people adopt this concept and decide to get married. According to this verse, God created man and woman, one for the other, to complement each other. Marriage is a great gift from God. Marriage leads us into the mystery of "two becoming one flesh," a deep bond. Marriage is a divine response to the human need for companionship. When the first humans were created – Adam and Eve – the Hebrew term used in Genesis 2:18 is "corresponding to" or "face-to-face." This reveals that in an intimate relationship, both are united in an inseparable fellowship that satisfies the deepest longing in the human heart.

In essence, marriage is a process that continues the existence of human life from one generation to the next. Marriage also functions to regulate the relationship between men and women based on the principles of mutual assistance in the realm of love, affection, and respect. Christian marriage is about a commitment to hold onto the covenant of love made by husband and wife before God. This commitment points to God's covenant of love with His church. The Bible emphatically states that only death can separate the covenant of love between husband and wife. Hence, traditional wedding vows have the phrase "till death do us part." The death of a spouse ends the marriage covenant in this world, as affirmed by the Bible, because there will be no marriage in the resurrection (Matthew 22:30).

Contract marriage occurs when an agreement is reached between both parties. According to Article 1320 of the Civil Code, the valid conditions for an agreement include 1) Agreement of the parties involved; 2) Capacity to create a legal relationship; 3) A specific subject matter; 4) A legal cause.

Clauses (1) and (2) represent subjective conditions in an agreement. If they are not met, a contract can be voided. Clauses (3) and (4) are objective conditions. If they are not met, the agreement is null and void. Based on various definitions of marriage, it can be concluded that marriage is valid both legally and religiously. Looking at the practice of contract marriages, it is evident that the objective element of an agreement still needs to be fulfilled. Something that can be objectively agreed upon is usually related to tangible items, as stated in Article 1332 of the Civil Code, and marriage itself. Law Number 1 of 1974 concerning Marriage regulates the same matter following Article 29 paragraph (2), stating that an agreement cannot be approved if it violates religious laws and moral standards. Article 1337 of the Civil Code states that a legal cause is prohibited if it is forbidden by law or contrary to good morals and public order. Article 1335 of the Civil Code states that an agreement without a cause, or an agreement made based on a false or illegal cause, is not legally binding (Jacob, 2018).

The phenomenon of contract marriages cannot be separated from the influx of foreign tourists coming to Indonesia. The arrival of these tourists has both positive and negative impacts. The positive impact is the boost to the local economy in the tourism area. On the other hand, negative impacts such as social issues arise, including the practice of contract marriages and prostitution under the guise of tourism (Aditi, 2019).

The government has formulated strict regulations, but many parties disregard these laws. The term "contract marriage" has gained popularity, referring to marriages conducted for a specific duration. In this practice, the economic benefits and values of the marriage are prominent. However, this practice contradicts the principles of marriage law in Indonesia.

Contract marriages are conducted without proper registration, which contradicts the noble purpose of marriage – to create a harmonious Christian family based on Biblical principles. Furthermore, contract marriages do not abide by the principle of permanence, as a specific time frame limits them. Legally, contract marriages do not fulfill the objective criteria of a valid agreement, such as a lawful cause (Buckle et al., 1996).

Contract marriages contradict the Bible's teachings and violate the law, so the church must play an active role in pastoral care for couples involved in contract marriages. Although the lives of church members are not solely the responsibility of pastors, pastors play a crucial role in marriage ceremonies and, therefore, are responsible for the marital lives of their congregation. Pastors are tasked with nurturing spiritual lives and serving the congregation facing challenges.

Unlike previous studies focusing on legal regulations surrounding contract marriages, this study emphasizes pastoral counseling for contract marriage couples. This study aims to provide reference material and encourage churches to understand the importance of pastoral counseling for contract marriage couples.

Pastoral counseling involves two aspects – counseling and pastoral care. Counseling is a face-to-face relationship between two individuals, one seeking help and the other offering assistance. It can also involve a group seeking help and one or more individuals providing solutions. This study aims to explore the pastoral counseling process for contract marriage couples, both before and after the marriage, to promote a better understanding of the true meaning of marriage (DeLongis & Zwicker, 2017; Kelly, 2000).

In conclusion, this study intends to provide comprehensive insight into the role of pastoral counseling for contract marriage couples. The hope is that this research will aid church leaders and counselors in understanding their roles and assisting congregation members involved in contract marriages while preventing such marriages' recurrence.

2 Materials and Methods

The research employs a qualitative approach to investigate the phenomenon of contract marriages and the role of pastoral counseling in addressing this issue. Qualitative research aims to understand the holistic experience of research subjects through descriptive language and utilizing various scientific methods. This study's research approach is descriptive, focusing on obtaining information about contract marriage couples in Motoling 1 village and deeply comprehending the application of pastoral counseling.

The study incorporates a literature review and interviews as research instruments. Data is collected from published journals, literature, and the Bible, all relevant to the research problem. Additionally, an interview was conducted with a contract marriage couple (Serly et al. Interview, 2023). The research process involves

gathering information from various sources, analyzing the perspectives and views presented, and drawing objective conclusions.

3 Results and Discussions

Understanding the Significance of Christian Marriage: God's mandate to humanity includes the command to be fruitful and multiply, indicating the divine intention for marriage. The first institution established by God on Earth was the harmonious companionship between man and woman. This companionship is designed for them to fulfill God's plan of forming families based on obedience, submission, and love. Genesis 2:18 states, "It is not good that the man should be alone," emphasizing the complementary nature of men and women. Marriage is a profound gift from God, leading us into the mystery of becoming "one flesh." It is a gift that should be received with wisdom and nurtured with tenderness (Stutzer & Frey, 2006).

However, the foundation for Christian marriage goes beyond romantic feelings and attraction. While these are important, more is needed. The importance of romantic love should be considered within a broader perspective of marriage. Marriage is about more than romantic love; it involves deeper considerations. The tragedy of many families stems from a misunderstanding of the true essence of marriage. God created the first humans as a pair – male and female – bound by the institution of marriage, forming one family. The equality between man and woman is a reflection of being made in God's image, embracing equality in diversity. The biblical model of marriage stands in stark contrast to today's emphasis on romantic love and sexual attraction. While these elements are valuable, they cannot be the sole foundation of a marriage (Onsy & Amer, 2014; Tulloch et al., 2006).

3.1 Understanding marriage legally

Upon closer examination, the purpose of marriage is genuinely noble – to establish a happy, eternal, and everlasting family based on the belief in the Almighty. Article 1 of Law Number 1 of 1974 stipulated that "Marriage is a physical and spiritual bond between a woman and a man as husband and wife, with the purpose of forming a family (household) that is happy and everlasting based on the belief in the Almighty." (Abdurrahman, 2016). According to the formulation described in the Marriage Law above, marriage is not based solely on the physical or spiritual bond. Still, it must be based on both the physical and the spiritual. This is because marriage is fundamentally a legal act alongside a religious act. It is considered a legal act because it can have legal consequences. After the marriage is solemnized, rights and obligations arise for both parties, the couple. However, it is also considered a religious act because, in practice, marriage ceremonies are always conducted according to the teachings of each religion and belief system. The pioneers have provided regulations and guidelines for conducting marriages (Sukindar, 2020).

3.2 Understanding the meaning of contract

The term "agreement" in the context of a legal contract is synonymous with the term "contract" in English. The term "contract" has long been in Indonesian law and is not foreign. For example, Indonesian law's concept of "freedom of contract" is well-known. The terms "contract" and "agreement" are often mistakenly understood differently in business practices. Many business practitioners believe that these two terms have distinct meanings, while doctrinally, the Indonesian Civil Code (KUHPerdata) uses the terms "overeenkomst" and "contract" interchangeably for the same meaning (Purwosusilo, 2017). A contract, legally called an agreement, is a declaration of intention or mutual promise (promissory agreement) between two or more parties that can create, modify, or terminate legal relationships. "The parties involved in a contractual agreement have rights and obligations to perform or fulfill what has been stipulated in the contract agreed upon by the parties, usually concerning rights and obligations" (Fuady, 2016). Richard Burton Simatupang states, "A contract usually begins with discussions, introductions, and subsequent negotiations to refine possible scenarios. The contract is signed only when it is fully matured (complete and clear)" (Simatupang, 2003).

The term "contract" carries the following connotations: a. Contract law pertains explicitly to written agreements only. People often ask, "Where is the contract?" to inquire about a written contract. b. Contract

law is solely concerned with business agreements. c. Contract law only applies to international or multinational agreements or agreements with multinational corporations. d. Contract law only concerns agreements that both parties perform (Simatupang, 2003).

Following Articles 1233, 1234, 1314, 1236, 1239, and 1240 of the Indonesian Civil Code (KUHPerdata), the terms "contract" and "agreement" are synonymous and can be used interchangeably (Ricardo Simanjuntak). A contract is made by several parties who come to an agreement or are deemed to have reached an agreement, and the law acknowledges the rights and obligations arising from that agreement (Major, 2018). A contract is a tangible and observable event, whether in writing or not (Miru, 2017).

3.3 Understanding temporary marriage

Temporary marriage known in Arabic as "nikah mut'ah," is a compound term consisting of "nikah" (marriage) and "mut'ah" (temporary). Linguistically, "nikah" means "akad" (contract) and "what" (promise). In this context, "nikah" is understood as a contract. This term is combined with "mut'ah" (Sahfra, 2010). Definitively, "nikah mut'ah" means marriage with a specified time limit based on an agreement between the prospective husband and wife (Shihab, 2010). After the designated period ends, the couple can choose to extend or terminate the marriage as agreed upon initially. This defined period is the distinctive characteristic of "nikah mut'ah," setting it apart from a regular marriage.

Temporary marriage is a marriage in which a man marries a woman by providing a certain amount of property for a specific period. The marriage will end upon the expiration of the agreed-upon time, without the need for divorce or obligation to provide financial support, housing, or inheritance rights. Article 1332 of the Indonesian Civil Code (KUHPerdata) stipulates that something that can be agreed upon according to objective conditions is a tradable item. However, in the case of a Temporary marriage agreement, the object of the agreement is the marriage itself, limited by a timeframe. A time-limited marriage is not a tradable item. This violates the objective condition of an agreement, which requires a specific and determinable object. Another unmet objective condition is a lawful cause. The content of the Temporary marriage agreement fundamentally contradicts the agreements stipulated in the Civil Code, the Marriage Law (Article 1), and the Compilation of Islamic Law (Articles 2, 5, and 6). A cause is prohibited if it is prohibited by law or contrary to sound morality and public order. The content of the Temporary marriage agreement includes the duration of the marriage, compensation received by one party, rights and obligations of both parties, and other relevant matters.

When viewed from the Marriage Law, the practice of Temporary marriage directly contradicts Article 2, which contains the valid conditions for marriage: 1) A marriage is valid if performed according to the laws of each religion and belief. 2) Every marriage must be recorded according to the prevailing regulations.

According to Yuli Purnomosidi, a marriage based on an agreement regarding the duration of the marriage, commonly referred to as Temporary marriage, is not legally allowed or justifiable from a formalistic standpoint, as Indonesia is a rule of law country and must adhere to formalities. Therefore, as long as Temporary marriage is not regulated in laws such as the Marriage Law, Ministerial Regulations, or other regulations, it can be said that no marriage has taken place (Cuaca, 2020).

Temporary marriage is not a valid marriage because it is not based on the noble purpose of obeying God's command and forming a happy family. Instead, it is solely driven by economic or biological interests. Furthermore, Temporary marriage violates the stipulations of Article 2(2) of Law Number 1 of 1974 concerning Marriage. It is important to remember that Temporary marriage would also disadvantage any children born from such a marriage, as they would lack proper status or a genuine father (Cuaca, 2020).

3.4 Understanding pastoral care

The term "pastoral" originates from the Latin word "pastor," which means shepherd. Traditionally, this term refers to the duty of the Pastor to be a shepherd for the congregation, similar to tending to a flock. Practically, "pastoral" means caring for or nurturing (Van Beek, 2016). Someone with a pastoral nature acts like a shepherd, willing to care for, nurture, protect, and assist others (Effendi). Someone with a pastoral nature believes that this kind of work is what they "should" be doing and considers it their "responsibility and duty" (Van Beek, 2016).

Pastoral care is unique in Christianity, as it emphasizes the interconnectedness of our relationship with God (vertical) and our relationship with fellow humans (horizontal). Pastoral care can be seen through two approaches: Pastoral counseling, where Christian service involves the care of the soul (Cure of Soul), is also called pastoral counseling. Pastoral counseling has been widely applied to human life situations, aiming to alleviate or assist in times of confusion. Pastoral counseling involves actions taken on behalf of the church, directed towards healing, support, guidance, and peace for individuals facing significant and fundamental life issues (Clebsch & Jaekle, 1994).

Pastoral counseling is a branch of pastoral care that focuses on nurturing souls. The activity of nurturing souls, according to F. Haarsma, centers on individuals or small groups. This is the broader definition of pastoral counseling. In Latin, it's called "cura animarum," meaning spiritual nurturing or nurturing souls. In a narrow sense, pastoral counseling involves nurturing the spiritual well-being of groups that require specific attention, such as divorce victims (Haarsma, 2015). According to Engel (2016), if counseling is connected with pastoral care, it is not just about alleviating suffering but placing individuals in a relationship with the transcendent God and fellow humans. This involves growing and strengthening people spiritually, building and nurturing relationships, experiencing healing and growth, and restoring the connection with the transcendent God.

Pastoral counseling is an interpersonal relationship between a servant of God (Pastor, Evangelist, etc.) as a counselor and the counselee. The counselor guides the counselee into an ideal counseling conversation atmosphere (conducive atmosphere), allowing them to understand themselves truly, their problems, life circumstances, where they are, etc. This helps the counselee see their life's purpose about their responsibilities to God, striving to achieve that purpose with the strength and abilities provided by God.

In essence, pastoral care is a dynamic process of the meeting between the pastoral caregiver and the person being cared for, aiming to help them fully understand and experience their existence, utilizing available resources for physical, mental, spiritual, and social change, growth, and function. This dynamic process has five primary goals: 1) Transforming toward growth; 2) Achieving complete self-understanding; 3) Learning healthier communication; 4) Sustaining through difficulties; and 5) Eliminating dysfunctional symptoms.

4 Conclusion

Temporary marriage) is not recognized as valid in the Marriage Law and the Protestant Christian perspective. However, through pastoral care, the church is expected to serve the congregation, especially those facing marital issues related to temporary marriage. Pastoral care helps individuals cope with these issues and minimize their negative impact. Pastoral care should not alienate those engaged in temporary marriage but rather provide support and guidance to adapt to their situation and lead better lives. The church's role in pastoral care can help bridge the gap between their current situation and a more fulfilling, lawful marriage according to religious teachings and the law.


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