

## Research Article

# Traditional Marriage Culture Among People from Different Nationalities: A Study of Cultural Adaptation in the Gampong Iboih Community, Suka Karya District, Sabang City, Aceh Province

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**Abstract.**

A marriage between different nationalities is a marriage between two people residing in Indonesia who are subject to different laws due to differences in nationality, with one of the parties being an Indonesian citizen. The process of implementing marriages between nations often requires cultural adaptation. Cultural adaptation in traditional marriages between nations is a process in which couples from different cultures attempt to incorporate elements from their respective cultures into their marriage. This is an important step in understanding and respecting cultural differences, as well as ensuring that the marriage takes place in harmony. Apart from the many factors that support marriage between nations, various factors inhibit marriage between nations, obstacles, and problems that affect the harmony of relationships. Thus, this research aims to describe and analyze cultural adaptations to marriage between nations in the Gampong Iboih community, Suka Makmue District, Sabang City and analyze the supporting and inhibiting factors of marriage culture in the Gampong Iboih community, Suka Makmue District, Sabang City. The research uses a qualitative approach method and the nature of the research used is a descriptive analysis of research case studies. Data sources come from primary and secondary data, and data were analyzed using descriptive qualitative techniques through interviews, observation, and documentation. Interviews were conducted in Gampong Iboih, Suka Makmue District, Sabang City, Aceh Province. The informants in this research were members of community groups who carried out traditional marriages between nations. Results show that the cultural adaptation process resulting from marriage between nations takes the form of language/communication, wedding ceremonies, culinary traditions, and children's education. The supporting factors for marriage between nations include openness, tolerance between both parties, flexibility, education, and social support. Apart from that, several factors inhibit marriage between nations, namely different values and norms between husband and wife, citizenship and legal issues, and language differences.

**Keywords:** marriage of different nationalities, cultural adaptation

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## 1. Introduction

Cultural, traditional and religious diversity is a necessity of life, because every person or community definitely has differences and similarities. On the other hand, the plurality of cultures, traditions and religions is a wealth in itself for the Indonesian nation. However, if such conditions are not understood with an attitude of tolerance and mutual respect, then the plurality of cultures, religions or traditions will tend to give rise to conflict and even violence (violence). Marriage is a very important institution in society. Marriage is the legalization of a legal relationship between a man and a woman. Marriage is a sacred act for Muslim couples. Regulations regarding marriage, which is every person's human right, are known in unwritten law or customary law which determines that marriage is "legal rules that determine the procedures that must be followed, along with legal provisions that determine the legal consequences of the marriage".

In customary marriage law, a marriage is not only a matter of the two parties entering into the marriage, but also a matter of the surrounding community and their tribe. The aim of this traditional marriage is to give birth to a new generation with the same cultural background, so that the tribe and culture still feel their existence in line with the development of this increasingly modern era.

Marriages of different nationalities often cause difficulties, especially in the marriage registration process, both in the prospective husband's country of origin and in the prospective wife's country of origin. Mixed marriages are marriages between people who are subject to different laws in Indonesia. Different legal objectives arise due to differences in nationality, class position, customs and religion. Mixed marriages in the Marriage Law only emphasize marriages between Indonesian citizens and foreign citizens. In the context of the existence of mixed marriages, the author has a great interest in studying and analyzing various cases that often cause problems when the mixed marriage process occurs in Indonesia.

Sabang City is the westernmost region of the Republic of Indonesia. Geographically, Sabang City is located at coordinates 05<sup>o</sup> 46' 28" - 05<sup>o</sup> 54' 28" North Latitude (North) and 95<sup>o</sup> 13' 02" - 95<sup>o</sup> 22' 36" East Longitude (T). Sabang City borders the Malacca Strait in the north and east, the Strait of Bengal in the south and west next to the Indonesian Ocean.

Geopolitically, the city of Sabang is very strategic because it borders directly on other countries such as India, Malaysia and Thailand and is an international shipping route for ships entering and leaving Indonesian territory from the west.

One of the island destinations that is often visited by tourists is Weh Island, which is one of the areas in Aceh Province that has beautiful natural panoramas and underwater biodiversity. Geographically, this island is at the western tip of Sumatra, which is directly at the confluence of the Malacca Strait and the Indian Ocean, so it has a natural panorama that has the potential to be developed as an attractive tourist destination for tourists. The enormous potential for natural beauty has attracted the interest of both domestic and foreign tourists to come to the island. Then there is also one village that is often visited by tourists, this village is Iboih Village with beautiful underwater panoramas and unique landscapes as a result of tectonic and volcanic activity on Pulau Weh. This is what makes foreign tourists flock to the city of Sabang [1].

The visit of foreign tourists also brings a bond, where a marriage bond occurs. Mixed marriages are a very common marriage among the people of Sabang. However, people think that mixed marriages are not good and it is better to avoid them. In fact, if one of them marries a foreign citizen, there is a feeling of worry that harmony in the family will not be guaranteed, which could lead to divorce. People do not agree if their children marry people who do not have clear origins, they assume that foreign nationals have unclear origins. The reality that there are mixed marriages that occur in Sabang City is that some have positive impacts and negative impacts, but for the residents of Sabang City, mixed marriages have more of a negative impact, because foreigners who marry Indonesian citizens do not bring foreigners to follow the culture in Sabang City, however Indonesian citizens who are carried away by the flow of foreign culture.

The most important impact of mixed marriages in the city of Sabang is due to association, so that from this association we begin to get to know each other, then a feeling of liking and admiration arises, until finally the seeds of love grow which continue to the level of marriage.

Then the next impact is the wealth/financial factor. It is said to be the wealth factor because in the mixed marriages that occur in Sabang City, the fact is that Indonesian citizens are proud to marry foreigners. It is clear that there are a lot of mixed marriages occurring in Sabang City. Starting from relationships, professional factors, educational factors, from economics and business, to career development, but of the many factors that cause mixed marriages are factors because they really like, are happy, and ultimately fall in love. So it is from these factors that marriages occur in Sabang City [2]. Mixed marriages in Sabang City have become commonplace, so mixed marriages do not have that big of a problem. However, even though mixed marriages are commonplace, society considers that these marriages are not good, and it is better to avoid them.

## 2. The Concept of Inter-Nation Marriage

The definition of customary marriage according to custom in Indonesia in general is not only as a “civil alliance” but also a “customary alliance” and at the same time a “kinship and neighborly alliance”. So the occurrence of a bond does not only lead to civil relations, such as the rights and obligations of husband and wife, joint property, the position of children, the rights and obligations of parents. but it also concerns traditional, inheritance, kinship, kinship and neighborhood relations, as well as regarding traditional and religious ceremonies.

Marriage in the sense of “Traditional Engagement” is a marriage that has legal consequences regarding the customary law that applies in the community concerned. The consequences of this law have existed since before the marriage occurred, for example with the existence of a marriage relationship which is a “rasan sanak” (child-child, bujang-muli relationship) and “rasan tuha” (a relationship between the parents of the family of the prospective husband and wife). Thus, according to customary law, marriage can be a matter of relatives, family, alliance, dignity, or it can be a personal matter, depending on the structure of the society concerned [3].

Marriage is a matter of relatives, a family matter, a matter of society, a matter of dignity, and a personal matter. This means that marriage is a matter that has ties or relationships with society, dignity and personal matters, not just a matter between individuals who bind themselves to each other in a legal relationship, namely marriage. As Van Hollenhoven said, in customary law there are many legal institutions that relate to the world order beyond and above human capabilities. Marriage in the sense of a customary agreement is a marriage that has legal consequences for the customary law that applies in the community concerned [4].

Discussion of the subject of marriage law basically means discussing who can enter into a marriage with whom. The word who means that the only person who can enter into a marriage is a legal subject called a natural person.

In customary law, marriage is not only an important event for those who are still alive, but marriage is also a very meaningful event and is fully attended by and attended by the spirits of the ancestors of both parties. Thus, marriage according to customary law is a sexual relationship between a man and a woman, which carries a wider relationship, namely between groups of male and female relatives, even between one community and another. The relationships that occur are determined and supervised by the system of norms that apply in that society [5].

Ideal marriage is a form of marriage that occurs and is desired by society. A form of marriage that occurs based on certain considerations, does not deviate from the provisions of the rules or norms that apply in local society. According to Kartono, the definition of marriage is a social institution that is recognized in every culture or society. Even though the meaning of marriage is different, the practices of marriage in almost all cultures tend to be the same. Marriage refers to an event when a prospective husband and wife are formally brought together in front of a religious leader, witnesses, and a number of attendees and then officially ratified with ceremonies and rituals. -certain rituals.

Based on the various definitions of marriage above, it can be concluded that marriage is a spiritual and physical bond between a man and a woman as husband and wife which has legal force and is socially recognized with the aim of forming a family as a unit that promises to preserve culture and fulfill international needs. personal. Conditions for a Traditional Marriage In general, these conditions are implied in the Marriage Law and the KHI which are formulated as follows:

- a. The requirements for a prospective groom are: 1) Muslim 2) Male 3) Clear person 4) Can give consent 5) There are no obstacles to marriage
- b. The requirements for the prospective bride are: 1) Muslim 2) Female 3) Clear person 4) Can give consent 5) There are no obstacles to marriage

Valid marriage according to customary law for customary law communities in Indonesia in Generally, for religious adherents it depends on the religion adhered to by the indigenous community concerned [6].

This means that if it has been carried out according to the rules of religious law, then the marriage is valid according to customary law. Except for those who do not yet adhere to a religion recognized by the government, such as those who still adhere to old (ancient) religious beliefs such as “sipelebegu” (spirit worship) among the Batakatau people or the Kaharingan religion among the Dayak people of Central Kalimantan and others, then marriages carried out according to their customary/religious regulations are valid according to local customary law. The requirements for the validity of a marriage according to customary law for customary law communities in Indonesia in general for religious adherents depend on the religion adhered to by the indigenous community concerned [7].

If it has been carried out according to religious regulations then the marriage is legally valid according to custom. Marriage according to customary law is valid if it is

carried out according to religion and belief. It's just that even though it is legal according to the religion adhered to by the indigenous community, it is not necessarily legal to be an indigenous member of the community concerned. This is in accordance with the provisions of the Constitution (UUD) which provide freedom to continue a family in accordance with the provisions of each religion and belief and in accordance with the provisions of the Marriage Law (UUP) which confirms that a marriage is declared valid if it complies with the provisions of the religion or belief. remains the main benchmark.

In customary law (especially Aceh), the pillars and conditions of marriage are the same as those found in Islamic law, namely the presence of a prospective bridegroom, prospective bride, marriage guardian, witnesses and it is carried out through an Ijab Qabul. Meanwhile, what is meant by marriage conditions here are the conditions for the continuation of the marriage. According to customary law, basically the conditions for marriage can be classified into the following [8]:

a. Dowry

b. Remuneration for services in the form of labor (bride-service). Bride-service is usually a requirement in emergency situations,

c. Exchange of girls (bride-exchange)

In bride-exchange, usually a man who proposes to marry a girl is required to get another woman or another girl from the relatives of the girl he is proposing to so that she is willing to marry a man who is a relative of his future wife. Wedding ceremonies held by the people of Aceh contain various values that are good to preserve. Some of the values contained in this traditional ceremony are:

## 2.1. Traditional values

Traditional ceremonies carried out at weddings for the Acehnese people are a form of preserving tradition. This series of ceremonies contains certain symbols and meanings that represent the way they view the world and life in it. Some people, especially those who are not part of that culture, might think that the series of traditional ceremonies in Aceh are complicated and long. However, of course, this is not the case according to the people who adhere to that culture.

## 2.2. Religious values

The influence of Islam on Acehnese culture is very strong. This is reflected in views and behavior in life. Marriage is one of the teachings in Islam. So carrying it out is worship. Implementation of religious teaching values in building a good family (sakinah) can be done through marriage. Apart from that, marriage is also a means of implementing Islamic values in fostering relationships between relatives.

## 2.3. Social value

Marriage contains a social function, namely as a way in which the bond between a man and a woman is recognized by society. Apart from that, one of the goals of marriage for the Acehnese people is to expand their circle of relatives and strengthen existing relationships. In some areas this goal is different. In Aceh Tamiang the purpose of marriage is to expand the tribal system which is called “suku sakat yg sukar”.

## 3. The Concept of Inter-Nation Marriage

Article 57 of the Marriage Law states that mixed marriage law is a marriage between two people of different nationalities. From the definition of article 57 of the Marriage Law, according to Noek in Siahaan [9], the elements of mixed marriage can be described as follows:

- a. Marriage between a man and a woman;
- b. Due to differences in nationality;
- c. One of the parties is an Indonesian citizen.

The first element clearly refers to the principle of monogamy in marriage. The second element shows the differences in laws that apply to married men and women. However, these differences are not due to differences in religion, ethnicity, or class in Indonesia but due to a third element, namely differences in nationality. The difference in citizenship is not all foreign citizenship, but rather the fourth element that one of the citizenships is Indonesian citizenship. Strictly speaking, mixed marriages according to this law are marriages between Indonesian citizens and foreign citizens. Because of different nationalities, of course the laws that apply to them are also different [9].

Personnel status can be interpreted as legal regulations regarding a person (a person), namely legal rules that follow a person wherever that person is or wherever the person in question goes, so that the rules included in personnel status have a legal scope that is not limited to territory of a particular country. In the HPI, we see that there are 2 (two) conceptions regarding personnel status, namely: First, a broad conception, namely that what is included in personnel status is:

- a. In the field of individual law, such as the authority to have legal rights in general, the ability to carry out legal actions;
- b. In family law, this also applies to matters of guardianship and power of attorney;
- c. Inheritance in the broadest sense.

The second narrow conception is that what is included in personnel status is everything that is included in the broad conception of personnel status, except regarding inheritance. Mixed marriages entered into in Indonesia are carried out according to the Marriage Law and must fulfill the marriage requirements. Conditions for marriage include: the consent of both prospective bride and groom, permission from both parents/guardians for those under 21 years of age, and as stated in article 6 of the Marriage Law [10].

Since the enactment of Law no. 1 of 1974, legal unification has been created in the field of marriage law, but this does not rule out the possibility of mixed marriages between citizens of different countries. A mixed marriage is a marriage between two people who in Indonesia are subject to different laws, due to differences in nationality and one of the parties is an Indonesian citizen. The first thing that needs attention is that the formulation of marriage according to Law no. 1 of 1974 is limited to marriages between Indonesian citizens and foreign citizens, while marriages between Indonesian citizens who are subject to different religious laws do not constitute mixed marriages [11].

Before the enactment of Law no. 1 of 1974, the issue of mixed marriages is regulated in the GHR (Regeling op de Gemengde Huwelijken) Staatsblad 1898 Number 158, and based on the GHR that mixed marriages are marriages between people who in Indonesia are subject to different laws. Thus, what includes mixed marriages are:

- (1) International marriage;
- (2) Marriage between groups;
- (3) Marriage between places (between customs); And
- (4) Inter-religious marriage.



In the opinion of most legal and jurisprudential experts, what is meant by mixed marriage is a marriage between a man and a woman, each of whom is generally subject to different laws. Paying attention to the provisions of Article 57 of Law no. 1 of 1974, a mixed marriage is a marriage between two people who in Indonesia are subject to different laws due to differences in nationality and one of the married couples is an Indonesian citizen. Thus, it can be said that mixed marriages according to Law no. 1 1974 was an international mixed marriage.

In connection with the issue of differences in citizenship, based on Article 58 of Law no. 1 of 1974, people who enter into mixed marriages can obtain citizenship from their husband or wife, and can lose their citizenship, according to the methods specified in the law on citizenship (now Law Number 12 of 2006 concerning Citizenship of the Republic of Indonesia).

Mixed marriages give rise to civil relations which are part of the scope of international civil law, because mixed marriages contain foreign elements, namely there are two different nationalities. This foreign element is what makes the relationship international in nature, giving rise to international civil law relations. This mixed marriage will bring its own consequences, namely the application of the regulations of each legal system that apply to each party involved.

Before the enactment of Law no. 1 of 1974, then based on the GHR (S. 1898 No. 158), the wife follows the legal status of the husband and thus the wife follows the legal status of the husband's citizenship. This is stated in Article 2 of the GHR that a woman (wife) who enters into a mixed marriage as long as the marriage has not been dissolved, the woman (wife) is subject to the laws that apply to her husband, both public law and civil law. In international civil law, it is known that there are 2 (two) conceptions regarding the status of personnel, namely [12]:

1. A broad conception, namely:

- a. In the field of personal law, such as the authority to have legal rights in general and the ability to carry out legal actions;

- b. In family law, this is also the case in matters of guardianship and power of attorney; and

- c. inheritance in the broadest sense.

2. Narrow conception, namely everything included in the broad conception of personnel status, except regarding inheritance.

From these two conceptions (both broad and narrow), marriage is also included as a personnel status. The problem is that the law must be applied to the status of personnel in connection with legal events that fall within international private legal relations. Paying attention to legal concepts in international private law, there are 2 (two) schools or principles regarding law that apply to the status of personnel, namely:

1. The principle of personality, which determines that the personnel status of a person, whether an Indonesian citizen or a foreign citizen, is determined by national law. Thus, wherever a person is, national law applies.

2. The principle of territoriality, which determines that the law that applies to a person's personnel status is the law where that person is located or domiciled.

In relation to the applicable principles, the principles adopted in Indonesia are based on Article 16 of *Algemene Bepalingen (AB)*, which determines that for residents of the Dutch East Indies (Indonesian Citizens), the laws and regulations regarding a person's status and authority continue to apply to them when they are abroad. This provision applies according to personnel status which includes:

- a. Personal law, including family and marriage law
- b. Regulations regarding non-permanent objects.

Mixed marriage does not by itself cause the wife or husband to be subject to the law of the husband's or wife's citizenship, because in Article 58 of Law no. 1 of 1974 states that people of different nationalities who enter into mixed marriages can obtain the citizenship of their husband or wife and can also lose their citizenship according to the methods specified in the applicable citizenship law.

Based on Article 19 of Law no. 12 of 2006, a foreign citizen who is married to an Indonesian citizen, can also submit a statement of being an Indonesian citizen if the person concerned has resided in the territory of the Republic of Indonesia for a minimum of 5 (five) consecutive years or a minimum of 10 (ten) non-consecutive years, unless the acquisition of citizenship results in dual citizenship. Thus, citizenship status to become an Indonesian citizen as a result of marriage does not apply immediately, but is alternative, meaning that it can be used or not by the foreign citizen concerned. In accordance with the provisions contained in Law no. 1 of 1974 and Law no. 12 of 2006, it can be said that people who enter into mixed marriages have the right to freely determine their attitude in choosing their nationality. The existence of freedom for the parties, namely determining their nationality, creates the possibility of difficulties in determining the law that must be used if a legal event occurs, because based on Article 59 paragraph (1)

of Law no. 1 of 1974 stipulates that citizenship obtained as a result of mixed marriages or as a result of the dissolution of a marriage determines the law that applies to them both regarding public law and civil law.

One of the difficulties that can occur in relation to citizenship status as a result of mixed marriages, where one party (husband or wife) retains their original citizenship status is related to determining the citizenship status of their children. UU no. 1 of 1974 does not explicitly regulate the citizenship status of children whose parents have different nationalities. However, based on Article 4 of Law no. 12 of 2006 stipulates that in a marriage where one party (husband or wife) is an Indonesian citizen and the other party (wife or husband) is a foreign citizen, the child has the status of an Indonesian citizen [13].

Based on Article 6 of Law no. 12 of 2006, if there is a difference in the citizenship status of husband and wife in a marriage, it can happen that the child has dual citizenship status, but after the child reaches the age of 18 (eighteen) years or is married, the child must declare that they have chosen one citizenship. This statement to choose citizenship is submitted no later than 3 (three) years after the child turns 18 (eighteen) years or is married.

## 4. Methods

The approach used in this research is a qualitative approach and the nature of the research used is descriptive-analysis of research case studies in the community of Iboih Village, Suka Karya District, Sabang City. In other words, analytical descriptive research takes problems or focuses attention on problems as they exist when the research is carried out, the research results are then processed and analyzed to draw conclusions.

The qualitative approach aims to understand phenomena about what is experienced by research subjects, for example behavior, perceptions, motivations, actions, etc. holistically and by describing them in the form of words and language in a special natural context using natural methods [14]. Figure 1 is the photo of interview process.

## 5. Results and Discussion

1. Indonesian society and especially Aceh are not racist



**Figure 1:** Interview.

Based on the results of interviews with foreign nationals in Sabang, it can be seen that one of the reasons these foreigners enjoy establishing relationships with Indonesian people, especially Aceh, is because Indonesian people, especially Aceh, are not racist.

As we know, the majority of people in Aceh adhere to the Islamic religion, and foreign citizens who come to Aceh generally come from various religious backgrounds that are not Islamic. However, these foreign nationals never experienced religious violence during their time in Aceh. This encourages them to have a loving relationship with the Acehnese, and even start a family.

2. Indonesian society is very tolerant and open.

3. Various cultural customs and customs in Indonesia and social values in everyday cultural applications.

4. People easily get along and accept differences, including religion, ethnicity, culture and customs which provide a reason to unite.

## 6. Conclusion

In customary marriage law, a marriage is not only a matter of the two parties entering into the marriage, but also a matter of the surrounding community and their tribe. The aim of this traditional marriage is to give birth to a new generation with the same cultural background, so that the tribe and culture still feel their existence in line with the development of this increasingly modern era.

In Acehnese society the issue of marriage between men and women has very strong customs. The customs that apply do not deviate from the concept of understanding the Islamic religion, but the marriage customs that apply among the community are

in accordance with Islamic law. There are several stages carried out in the process of imagining the people of Aceh, especially the “Meulake Culture” of the people of Aceh Besar. Some of the stages carried out are *cah rhoet*, *peukong haba*, *meugatib*, *meukerija*: *intat linto*, *intat dara baro*. There are several reasons why foreign nationals like to build families with Acehnese, including; Indonesian society and especially Aceh is not racist, Indonesian society is very tolerant and open, the culture and customs are diverse in Indonesia and social values in everyday cultural applications, society is easy to get along with and accepts differences, both religion, ethnicity, culture and customs. make it a reason to unite.

There are several reasons why foreign nationals like to build families with Acehnese, including; Indonesian society and especially Aceh is not racist, Indonesian society is very tolerant and open, the culture and customs are diverse in Indonesia and social values in everyday cultural applications, society is easy to get along with and accepts differences, both religion, ethnicity, culture and customs. make it a reason to unite.

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