

Legal Conflict In Marriage Registration: Between Compliance With Regulations And Practices In Society (Analysis Of Unregistered Marriage Cases Based On The Perspective Of Law No. 1 Of 1974 And The Compilation Of Islamic Law)

Muhammad Adhitya Firdaus

UIN Antasari Banjarmasin, Indonesia

Email: m.adhitya24oct@gmail.com

Muhammad Sholeh Zuhdi Irfandi

UIN Antasari Banjarmasin, Indonesia

Email: zuhdiirfandi@gmail.com

M. Fahmi Al Amruzi*

UIN Antasari Banjarmasin, Indonesia

Email: fahmialamruzi61@gmail.com

ABSTRACT

Marriage is a sacred union desired by every married couple to build a household and have descendants. According to Article 2 paragraph 2 of Law Number 1 of 1974, a marriage is legally valid only when registered. This research analyzes the perspectives of Law Number 1 of 1974 and the Compilation of Islamic Law on unregistered marriages and their legal consequences using a library research and qualitative-statute approach.

Keywords: *marriages are not registered, Law No. 1 of 1974 and the Compilation of Islamic Law*

A. INTRODUCTION

Marriage is a crucial stage in life, generally desired by both men and women as a form of commitment to building a household. Beyond being an emotional bond, marriage represents the initial step in establishing a complete family, which will eventually lead to the birth of offspring as the next generation. However, a family cannot be formed merely through intention; it requires legal recognition. This process must be carried out in accordance with a set of legitimate provisions, both religious and state regulations.

Marriage is not merely a spiritual or religious institution; it is also a legal act that creates binding juridical consequences for the parties involved. Therefore, in conducting a marriage, prospective spouses must not rely solely on fulfilling religious requirements, but are also obligated to comply with all applicable provisions of positive law. In Indonesia, the legal

validity of a marriage is governed by Law Number 1 of 1974 on Marriage, which serves as the primary legal foundation and official guideline for the lawful execution of a marriage. This law explicitly regulates various essential aspects of marriage, ranging from administrative requirements to the legal consequences arising from the marital bond, thereby providing legal certainty for all citizens in exercising their right to marry.¹

According to the provisions of Article 1 of Law Number 1 of 1974 on Marriage, marriage is officially defined as "a physical and spiritual bond between a man and a woman as husband and wife, with the primary aim of forming a happy, harmonious, and lasting family or household, based on the values of the Almighty God." This legal definition firmly emphasizes that the essence of marriage should not be narrowly interpreted as a mere physical union, but rather as a complex unity encompassing multiple dimensions, namely: (1) the emotional dimension, involving mutual affection and understanding; (2) the spiritual dimension, which incorporates divine values; and (3) the dimension of shared responsibility between husband and wife in building a family life aligned with religious, legal, and social norms. Therefore, from the perspective of Indonesian law, marriage is regarded as a sacred and noble institution that unites both physical and spiritual elements in a strong and dignified bond.

With this understanding, marriage is a sacred bond between two individuals committed to building a life together as a family. Both partners are expected to complement each other, share responsibilities, and cooperate in managing various aspects of household life—ranging from finances and child education to social interactions. The primary goal is to establish a harmonious, prosperous, and sustainable family, with offspring recognized both legally and religiously. In this way, the next generation will be born into a strong marital bond, ensuring the continuity of family values from one generation to the next.²

A legally recognized marriage is one that is officially registered. According to Article 2 Paragraph (2) of Law Number 1 of 1974 on Marriage, "Every marriage shall be registered in accordance with the applicable laws and regulations."³

Marriage registration plays a vital role, as it serves as an official and legally binding document that holds strong legal authority in resolving various domestic disputes through

¹ Herni Widanarti, *Tinjauan Yuridis Terhadap Permohonan Pengesahan Perkawinan yang tidak Dicatatkan (Isbat Nikah)*, MMH, Jilid 42 No 2, 2013, page. 172.

² Wantjik Saleh, *Hukum Perkawinan Indonesia*, (Jakarta: Ghalia Indonesia, 1982), page.11

³ Article 2 Paragraph 2 of Law Number 1 of 1974 concerning Marriage

the judicial process in religious courts. In addition, marriage registration is also essential for fulfilling various administrative needs of the married couple and their children.⁴

Marriage registration is a form of official state administration that plays a crucial role in maintaining social order and promoting the social welfare of all citizens. This registration process involves the formal recording of every marriage that takes place, which is then documented in the marriage certificate book as an official state record. The marriage certificate is subsequently issued to each spouse as authentic proof. This document serves as valid and legally binding evidence, providing a legal basis for various matters related to marital status. The entire registration process is formally and systematically conducted by the Marriage Registrar (Pegawai Pencatat Nikah/PPN), an official appointed specifically to serve at the Office of Religious Affairs (Kantor Urusan Agama/KUA), the government institution authorized to handle the registration of marriage, divorce, and reconciliation, in accordance with applicable regulations.

Although the marriage certificate, marriage book, and marriage registration serve as evidence, these documents are neither the sole nor the primary determinants of a marriage's validity. The true determinant of a marriage's legitimacy lies in the fulfillment of religious legal requirements. The main issue arises when a marriage is not officially registered, making it difficult for authorities to monitor and coordinate such unions. This is because unregistered marriages are often conducted without the knowledge of relevant authorities or are known only to a limited number of individuals outside the formal mechanisms of the Office of Religious Affairs (KUA).

Marriages that are not conducted through official registration processes are generally officiated only by a religious leader, such as an ulama, ustaz, or community figure who acts as the officiant during the ceremony. Additionally, some marriages are performed solely based on local customs or traditions without the involvement of authorized state officials. In practice, such marriages are neither reported to nor registered with the relevant government institutions, such as the Office of Religious Affairs (KUA) for Muslim couples or the Civil Registry Office (KCS) for non-Muslim couples. As a result, these unregistered marriages do not possess legal validity under state law, even though they may be considered legitimate according to local customs or religious beliefs.

Marriages that are not conducted through official registration mechanisms are typically

⁴ Regina Hutabarat, *Asas asal Perkawinan di dalam Undang-undang no 1 Tahun 1974 tentang perjanjian perkawinan*, (Jakarta: Pustaka Ilmu, 1986) page. 58

officiated by a religious leader, such as an ulama, ustaz, or community figure who acts as the officiant during the ceremony. Additionally, some marriages are based solely on local customs or traditions without the involvement of legally authorized institutions or officials. In practice, such marriages are neither registered with nor reported to official authorities, such as the Office of Religious Affairs (KUA) for Muslim couples or the Civil Registry Office (KCS) for non-Muslim couples. Due to the absence of formal registration, these marriages do not hold legal validity as recognized by the state, even though they may still be considered legitimate according to local customs or the religious beliefs of the couple.

A marriage that fulfills all the essential elements and legal requirements under Islamic law but is not officially registered by the authorized institution in accordance with statutory regulations often leads to legal issues when claims regarding marital rights arise. The absence of official documentation issued by the competent authority makes it difficult to substantiate such claims, frequently resulting in legal disputes between the parties involved.

Marriage legalization (*itsbat nikah*) is a legal mechanism that provides protection for the validity of a marriage, as it ensures legal certainty regarding the marital status, the legitimacy of children born from the union, and rights to jointly acquired property within the household. Through *itsbat nikah*, all parties involved in the marriage receive official recognition and legal assurance from the state regarding their legal status.⁵

Itsbat nikah is an important legal mechanism that serves to provide official recognition of marital status, both for couples who were married in an unregistered (*sirri*) ceremony and for those whose marriages have been formally recorded. This process is particularly useful for completing the legal documentation of a marriage to meet various household administrative needs. When one spouse passes away, the *itsbat nikah* procedure can be initiated by the surviving spouse or their children, with the primary aim of protecting the legal rights of the wife and descendants. Legal recognition through *itsbat nikah* ensures the wife's inheritance rights to her husband's property and affirms the children's status as legitimate heirs entitled to the deceased father's estate. It also safeguards other related rights such as maintenance, custody, and various essential civil entitlements.

In Indonesia, the marriage registration process is carried out through the Office of Religious Affairs (*Kantor Urusan Agama/KUA*) at the sub-district level, following procedures and guidelines stipulated in the Decree of the Minister of Religious Affairs

⁵ Farida Nurun Nazah Husnia, *Kepastian Huum Itsbat Nikah Dalam Hukum Perkawinan*, (Jurnal Hukum Replik, Vol 6 No 2, 2018) page 241

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(KMA) Number 298 of 2003, later adjusted by Ministerial Regulation Number 477 of 2004, and subsequently updated by Ministerial Regulation Number 11 of 2007 concerning Marriage Registration. The implementation of marriage registration is supported by a strong legal foundation, as outlined in various statutory regulations, including the following:

- a) Law of the Republic of Indonesia Number 22 of 1946 in conjunction with Law Number 32 of 1945 concerning Civil Registration (NTCR).
- b) Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Government Regulation Number 9 of 1975 concerning Marriage.
- c) Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law.
- d) Article 5 Paragraph (1) of the Compilation of Islamic Law.
- e) Decree of the Minister of Religious Affairs of the Republic of Indonesia Number 289 of 2003 in conjunction with Ministerial Regulation of the Republic of Indonesia Number 477 of 2004, and Ministerial Regulation of the Republic of Indonesia Number 11 of 2007 concerning Marriage Registration.

B. METHOD

This study is a type of library research, a research method that focuses on data collection through various literature sources, where the research objects are derived from written materials such as books, academic journals, encyclopedias, newspapers, magazines, and other relevant documents. Based on this definition, the researcher will conduct an in-depth analysis of various literature sources, including classical and contemporary fiqh texts, scholarly journal articles, reference books, and other written materials deemed accurate and directly relevant to the issue of marriage registration—particularly when examined through the lens of Law Number 1 of 1974 on Marriage and the applicable provisions within the Compilation of Islamic Law.

This research employs a qualitative approach using the statute approach (legislative approach). The statute approach is a legal research method that considers various laws and legislative products as primary sources of analysis. This method focuses on examining the

prevailing positive law by conducting an in-depth study of various written legal instruments, including statutes, government regulations, and other implementing regulations, as the main foundation for normative legal research—particularly in relation to marriage law. In this context, the primary focus is on the legal aspects of marriage registration.

C. ANALYSIS/DISCUSSION

A. Law Number 1 of 1974 on Marriage

The enactment of Law Number 1 of 1974 on Marriage did not occur instantly, but rather resulted from a long process rooted in the pre-independence era and culminating in the ratification of this regulation. The main background behind the birth of this law was the strong push from various women's organizations advocating for gender equality within the institution of marriage. Female activists, in particular, sought to eliminate the practice of polygamy, which was seen as detrimental to women's rights. Their struggle became a crucial foundation in the development of a more equitable marriage law in Indonesia.⁶

With the enactment of the Marriage Law, several significant changes occurred in the following aspects:

- a) First, this law serves to provide protection and ensure equal rights and status for women within family life. In addition, it limits the absolute authority of the husband by requiring the wife's consent before engaging in polygamy, thereby preventing arbitrary actions. This achievement is the result of a long struggle by the women's movement since the 1950s, which ultimately materialized through the enactment of this law.
- b) The new policy eliminates the provision of allowances for second and subsequent wives of civil servants (PNS). Furthermore, the procedures for polygamy among civil servants are no longer as easy and straightforward as they were in the past.

The following are some of the legal provisions discussed in relation to this paper:

- Article 1:

Marriage is defined as a comprehensive bond, both physical and spiritual, between

⁶ Khiyaroh, *Alasan dan Tujuan Lahirnya Undang-Undang No 1 Tahun 1974 Tentang Perkawinan*, (Al-Qadha : Jurnal Hukum Islam dan Perundang-undangan. Vol.7 No 1, 2020), page 12.

a man and a woman as husband and wife, with the aim of building a happy and lasting family life, based on the principle of the belief in the One and Only God.

- Article 2 Paragraph (1):
A marriage is legally recognized if it is conducted in accordance with the laws and religious teachings or beliefs adhered to by the respective parties.
- Article 2 Paragraph (2):
Every marriage must be registered and recorded in accordance with the provisions of the prevailing laws and regulations.
- Article 3 Paragraph (1):
In principle, a man is permitted to have only one wife, and similarly, a woman is permitted to have only one husband in a marital union.
- Article 3 Paragraph (2):
Under certain conditions, the court may grant permission for a husband to have more than one wife, provided that the consent of all parties involved in the marriage is obtained.

B. Compilation of Islamic Law

The Compilation of Islamic Law (KHI) is a codification of positive law based on the primary sources of Islamic Sharia, namely the Qur'an and Hadith, serving as a guideline for judges in the Religious Courts when resolving various issues related to Islamic law. As a legally recognized legal instrument, the KHI was officially enacted through Presidential Instruction (Inpres) Number 1 of 1991 on June 10, 1991, forming the legal basis for the implementation of Islamic principles within Indonesia's judicial system. The following are the articles related to marriage registration in the KHI:

Article 5 Paragraph (1): In order to ensure order in marriages within the Muslim community, every marriage must be officially registered.

Article 5 Paragraph (2): The marriage registration referred to in paragraph (1) shall be carried out by a marriage registrar (Pegawai Pencatat Nikah), as regulated in Law Number 22 of 1946 in conjunction with Law Number 32 of 1954.

Article 6 Paragraph (1): To fulfill the requirements stipulated in Article 5, every marriage must be conducted before and under the supervision of a Marriage Registrar (PPN) as the

Article 6 Paragraph (2): A marriage conducted without the supervision of the Marriage Registrar shall have no legal validity.

The registration of marriage as stipulated in Article 2 of Law No. 1 of 1974 on Marriage, and reinforced in the Compilation of Islamic Law (KHI), functions as a comprehensive legal protection mechanism. The resulting marriage certificate not only serves as authentic proof of the legality of the marriage but also as a binding legal instrument that obligates the husband to fulfill his responsibilities in full. Specifically, this registration ensures the protection of the wife’s rights—such as financial and emotional support, proper residence, and protection from domestic violence—as well as the rights of children, including sustenance, education, and the recognition of legitimate lineage.

In cases of violations such as neglect of support, domestic violence, or illegal polygamy, the wife and children can use the marriage certificate as strong legal evidence to file claims in the Religious Court in order to demand their rights and seek state protection. Conversely, marriages that are not officially registered—although religiously valid—are not recognized by state law, thereby complicating efforts by the wife and children to prove the marital relationship when claiming inheritance rights, child support, or compensation. This is due to the absence of official documentation with evidentiary power as required under the Civil Procedure Code and the Law on Religious Courts.

1. Cases Of Unregistered Marriages

Unregistered marriages (commonly referred to as *nikah sirri*) have become a controversial yet increasingly prevalent social phenomenon in Indonesian society. This practice has emerged as a response to various complex social issues, one of the main driving factors being the lack of comprehensive sex education and limited access to reproductive health information among teenagers. As a result, there has been a rise in unplanned out-of-wedlock pregnancies. In such emergency situations, couples often resort to *nikah sirri* as a shortcut, viewing it as a moral responsibility to legitimize the pregnancy.

Ironically, although such marriages are considered religiously valid, they do not carry any clear legal standing within the Indonesian legal system. This legal ambiguity gives rise

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to numerous complex problems, especially concerning the protection of women’s and children’s rights resulting from these marriages.

Another contributing factor to the widespread occurrence of *nikah sirri* is the practice of early marriage, often justified by the desire to avoid committing adultery. However, these couples frequently do not meet the minimum legal marriage age as stipulated in Law No. 16 of 2019 on Marriage, which sets the minimum age at 19 for men and 21 for women.

The impacts of *nikah sirri* are severe. Data indicates a high rate of divorce due to the couple’s lack of readiness—particularly on the part of the husband, who often fails to take responsibility. What is even more concerning is that the wife and children, as the most vulnerable parties, are left without sufficient legal protection. They face significant challenges in accessing basic rights such as inheritance, child custody, and other administrative rights due to the absence of official legal documentation proving the marital status.⁷

The following is the data on the number of Marriage Validation Cases (*Itsbat Nikah*) handled by the Pelaihari Religious Court from February 2024 to January 2025.⁸ :

NO	2024/2025	Total Case
01	February	43
2	March	13
3	April	16
4	May	15
5	June	33
6	July	17
7	August	21
8	September	15
9	October	17
10	November	19
11	December	1

⁷ Accessed on monday 17 March 2025, 13.28 <https://www.detik.com/hikmah/khazanah/d-7748351/angka-nikah-siri-di-indonesia-meningkat-ini-kata-alissa-wahid>

⁸ Accessed on monday, 17 March 2025 , 13.48 <https://pa-pelaihari.go.id/>

12	Januari	23
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Based on the presented data, it can be seen that applications for *itsbat nikah* (marriage legalization) have remained consistently high each month, indicating the ongoing prevalence of unregistered marriages within society. This phenomenon reveals that many couples have entered into marriage without following the official registration procedures required by the competent authorities, thus necessitating a later legal determination in order to obtain formal recognition.

2. Marriage Registration from the Perspective of Law No. 1 of 1974 and the Compilation of Islamic Law.

A legal analysis of Marriage Law Number 1 of 1974 shows that Article 2 Paragraph 2 explicitly mandates the registration of all marriages in accordance with the prevailing laws and regulations. This provision is further clarified in the Compilation of Islamic Law (KHI), Article 5 Paragraph 1, which establishes marriage registration as an absolute requirement to maintain legal order within the Muslim community. Furthermore, Article 2 of the KHI details that the implementation of marriage registration must be carried out by the Marriage Registrar Officer (PPN) based on procedures outlined in Law Number 22 of 1946 in conjunction with Law Number 32 of 1954.⁹

Law Number 32 of 1954 serves as the primary legal foundation for the marriage registration system in Indonesia, firmly mandating that every couple register their marriage as part of state administration to ensure legal certainty regarding the validity of their marital status. This registration not only affirms the marriage's validity in religious terms but also strengthens its legal standing before the state. Moreover, it functions as a preventive legal instrument to avoid potential future disputes, such as inheritance claims, child custody issues, or the protection of civil rights of the spouses. Therefore, marriage registration is a fundamental step in guaranteeing the fulfillment of each party's rights and obligations in building a legally recognized family life.¹⁰

Once the marriage registration process has been officially completed, the Marriage

⁹ Compilation of Islamic Law, Article 5 Paragraphs 1 and 2.

¹⁰ Aisyah Ayu Musyafah, *Perkawinan Dalam Perspektif Filosifis Hukum Islam*, (Jurnal Crepido Vol. 2 No 2 2020), page. 120

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Registrar (PPN) at the Office of Religious Affairs (KUA) will issue essential documents, including a marriage certificate and marriage book, as authentic legal evidence of the validity of the marriage. These official documents, particularly the marriage certificate, serve as a strong legal basis for the married couple, especially when facing potential domestic issues in the future, such as domestic violence (KDRT), neglect of spousal responsibilities, or failure to fulfill the rights of the wife. In such legal situations, the wife has the full right to file a formal lawsuit with the Religious Court, where the marriage certificate will serve as a key piece of evidence in the legal proceedings. Therefore, the process of marriage registration not only provides formal legitimacy to a marital union but also functions as a vital legal instrument in protecting the rights of the wife and children, while ensuring the fulfillment of all applicable legal provisions related to rights and obligations within married life.

Islamic scholars explain that marriage registration is not considered one of the pillars (rukun) of marriage according to Islamic law, which leads many Muslims to believe that unregistered (*sirri*) marriages are permissible. This view arises because there is no explicit mandate in the Qur'an or Hadith requiring administrative registration of marriage. Therefore, to examine this issue more deeply from an Islamic legal perspective, the process of *ijtihad* is necessary — a method of deriving legal rulings through deep reasoning by scholars — to determine the legal status of marriage registration in the context of contemporary life. This *ijtihad* is crucial for bridging the universal principles of Sharia with the demands of modern administrative systems aimed at protecting the rights of spouses and families.

First, through the approach of *Qiyas* (analogical reasoning), unregistered (*sirri*) marriage is viewed as an issue not explicitly regulated by the primary Islamic texts (*nash syar'i*). In essence, marriage is a physical and spiritual contract between a couple to build a lasting family. The Qur'an, in Surah Al-Baqarah [2:282], emphasizes the importance of documenting agreements. In the context of marriage—which is a far more sacred bond than ordinary financial transactions—such documentation becomes even more essential. Textually, the act of registering a marriage is considered *sunnah* (recommended); however, according to *Usul al-Fiqh* as explained by Abdul Wahab Khalaf, the directive in that verse is mandatory (*wajib*), thus making marriage registration a legal obligation.

The second approach employs the method of *Al-Dzari'ah*, which determines Islamic legal rulings by considering the consequences of an action—if it leads to positive outcomes, it is permitted; but if it results in harm, it is prohibited. Given the various harms that may

arise from *nikah sirri* (unregistered marriage), particularly for the wife and children, scholars have engaged in *ijtihad* (independent legal reasoning) to establish a ruling on this issue, as there is no detailed explanation in the Qur'an or Hadith. In forming their stance, scholars apply the principle of *usul fiqh*: “*Dar’ul mafasid muqaddamun ‘ala jalbil mashalih*,” which means that preventing harm takes precedence over obtaining benefits. Therefore, scholars have concluded that the dangers posed by *nikah sirri* far outweigh any potential benefits it might bring.

The third method in determining Islamic law is the *Maslahah Mursalah* or *Istislah* approach, which is a methodology of *ijtihad* in which legal rulings are established based on considerations of public interest and universal good, even in the absence of specific textual evidence from the Qur'an or Hadith. Operationally, this method is implemented through a comprehensive analysis of various contemporary issues, viewed through the lens of the fundamental principles of Islamic law aimed at achieving *maslahah* (comprehensive benefit) and preventing *mafsadah* (harm or damage). In practice, scholars and *mujtahids* apply this method with great caution, carefully weighing all aspects of benefit and good that may result from a legal ruling, provided that such a ruling does not contradict the core principles of Islamic law and aligns with the *maqasid al-shariah* (the higher objectives of Islamic law), which include the protection of five fundamental elements: religion (*hifzh ad-din*), life (*hifzh an-nafs*), intellect (*hifzh al-‘aql*), lineage (*hifzh an-nasl*), and property (*hifzh al-mal*).

The fourth approach applies the ‘*Urf*’ method, which is the determination of Islamic law by taking into account local customs that are in harmony with sharia. When one spouse neglects marital obligations to the detriment of the other, the harmed party cannot pursue legal recourse due to the absence of a valid legal basis to protect their marital rights. The application of customary law is highly dynamic, evolving with societal developments, including in matters related to marriage registration. Public responses to *nikah sirri* also vary depending on the local values upheld—some communities permit it, while others strictly prohibit such practices.¹¹

3. The consequences of an unregistered marriage.

Many members of society choose not to register their marriages in accordance with the provisions of the law due to various practical obstacles. Some of the most common

¹¹ Islamiyati, *Pencatatan Pernikahan Sebagai Upaya Penanggulangan Nikah Sirri Dalam Hukum Islam (Analisa Terhadap Metode Penggalan Hukum)*, (Jurnal Masalah-Masalah Hukum, Vol. 39 No 3 2010), page 254-255.

reasons include the couple not meeting the legal age requirement, cases of elopement (marriage without family consent), polygamous marriages carried out without following

official procedures, and interfaith marriages that are not legally recognized. These specific circumstances often lead individuals to opt for unregistered (*sirri*) marriages, despite being aware that such marriages lack binding legal force.

A marriage that is not officially registered will not be recognized as valid by the state, resulting in various administrative difficulties for the wife and children, especially when dealing with official matters related to government institutions. Without a marriage certificate and marriage book as legal proof of a valid marriage, they will face obstacles in accessing various public services and legal rights. Considering these negative consequences, it is highly recommended to carry out marriages through the official procedures established by the state.

4. Cases of Unregistered (Siri) Marriages

According to the provisions of Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI), *siri* marriages or those not officially registered do not receive legal recognition from the state. Although they may be considered valid from a religious perspective, such marriages do not carry binding legal force. Religious validity alone cannot provide juridical protection for couples who choose the path of *siri* marriage.

The main consequence of an unregistered marriage is the inability to access official documents such as the Family Card (KK), a child's birth certificate, Identity Card (KTP), marriage book, and other essential administrative documents required to access public services.

The negative impacts of *siri* marriages are disproportionately borne by women. Women in unregistered marriages often lose legal protection regarding child custody, inheritance rights, and various other legal entitlements that should be granted under a legally recognized marriage. Without state recognition, a woman's legal position becomes very weak, as she lacks the legal instruments to assert her rights.

Socially, women in *siri* marriages often face discrimination and stigma, being labeled as unofficial wives or concubines, which lowers their social status in the community. Furthermore, in the event of divorce, a wife has no legal basis to claim marital property

division (harta gono-gini), as there is no authentic legal evidence of their marital status according to state law.¹²

D. CONCLUSION

Unregistered marriages give rise to a number of serious consequences, including difficulties in managing civil administrative documents, the increasing number of cases where husbands neglect their family responsibilities, and the lack of legal protection for wives. In addition, children born from such marriages often face issues related to unclear legal status, social discrimination in the form of negative stigma from the community, and various psychological impacts that can affect their mental development.

Unregistered marriages often occur due to limited understanding of sex education and marriage law, leading many couples to choose unregistered (*sirri*) marriages for various reasons—such as simply to avoid committing adultery, marrying at a young age before meeting the administrative requirements for official registration, pregnancy outside of marriage that compels them to take responsibility through marriage even if unrecorded, or a desire to practice polygamy without going through the proper legal procedures.

Marriage, in essence, is not merely about a sexual relationship; it is a sacred bond with a greater purpose—building a family founded on *sakinah* (tranquility), *mawaddah* (love), and *rahmah* (compassion). To realize this ideal household, a strong foundation is required, including mental and spiritual readiness, as well as knowledge of the rights and responsibilities within marriage. Marriage should not be motivated solely by the desire to avoid adultery or to fulfill biological needs, but must be based on sincere intentions and a noble purpose: to build a family life blessed by Allah. With a comprehensive understanding of the true meaning of marriage, husband and wife can create a prosperous and harmonious home life grounded in faith and piety.

¹² Liky Faizal, *Akibat Hukum Pencatatan Perkawinan*, (Jurnal Hukum Ekonomi Syariah ASAS, Vol 8, No 2, 2016) page 66.

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