

## The Dynamics and Legal Implications of Unregistered Marriages in Indonesia

Emilda Sonu<sup>1</sup>, Muhammad Iqbal<sup>2</sup>, Mohamad Subli<sup>3</sup>, Muhammad Sauki Alhabsyi<sup>4</sup>

### \*Correspondence:

Email:  
emildasonu61@gmail.co  
m

### Affiliation:

<sup>1</sup> Kepolisian Daerah  
Sulawesi Utara, *Indonesia*

<sup>2</sup> Institut Agama Islam  
Negeri Kendari, *Indonesia*

<sup>3</sup> Sekolah Tinggi Agama  
Islam Morowali, *Indonesia*

<sup>4</sup> Universitas Alkhairaat,  
*Indonesia*

### Article History:

Revised: 17 April, 2025

Revised: 29 May, 2025

Accepted: 28 June, 2025

### Keyword:

Unregistered marriage,  
*Nikah sirri*,  
Marriage registration.

### Abstract

Marriage in Islam is a sacred covenant that transcends mere personal or social contracts, emphasizing not only biological and emotional unions but also spiritual and legal ones. In Indonesia, despite the legal framework outlined in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), the phenomenon of unregistered marriages, known as *nikah sirri*, continues to be prevalent. These marriages, though religiously valid, lack legal recognition and raise concerns regarding the protection of women's and children's rights. This study explores the conceptual foundations and legal, sociological, and gender-related implications of *nikah sirri* in Indonesia. Using a qualitative, library-based approach, the research synthesizes Islamic legal theory, Indonesian family law, and socio-legal perspectives to assess the factors driving unregistered marriages, their legal consequences, and the alignment with *maqāsid al-sharī'ah*. The findings reveal that while *nikah sirri* is compatible with religious principles, it undermines the protection of key rights and contradicts both Islamic law and state law objectives. The paper advocates for stronger marriage registration enforcement and public education to bridge the legal gap between religious practices and civil law.

*Pernikahan dalam Islam adalah sebuah ikatan suci yang melampaui sekadar kontrak pribadi atau sosial, menekankan tidak hanya persatuan biologis dan emosional, tetapi juga persatuan spiritual dan hukum. Di Indonesia, meskipun terdapat kerangka hukum yang diatur dalam Undang-Undang No. 1 Tahun 1974 dan Kompilasi Hukum Islam (KHI), fenomena pernikahan yang tidak tercatat, yang dikenal dengan istilah nikah sirri, masih banyak ditemukan. Pernikahan ini, meskipun sah secara agama, tidak diakui secara hukum dan menimbulkan kekhawatiran terkait perlindungan hak-hak perempuan dan anak. Penelitian ini mengkaji dasar-dasar konseptual serta implikasi hukum, sosiologis, dan gender dari nikah sirri di Indonesia. Dengan menggunakan pendekatan kualitatif berbasis pustaka, penelitian ini menyintesis teori hukum Islam, hukum keluarga Indonesia, dan perspektif sosiologi legal untuk menilai faktor-faktor yang mendorong pernikahan tidak tercatat, akibat hukumnya, serta kesesuaiannya dengan maqāsid al-sharī'ah. Hasil penelitian menunjukkan bahwa meskipun nikah sirri sesuai dengan prinsip agama, pernikahan ini melemahkan perlindungan hak-hak penting dan bertentangan dengan tujuan hukum Islam dan hukum negara. Tulisan ini mengusulkan penguatan penegakan pendaftaran pernikahan dan pendidikan publik untuk menjembatani kesenjangan hukum antara praktik agama dan hukum sipil.*

## INTRODUCTION

Marriage holds a central place in Islamic teachings as a sacred covenant (*mithāq ghalīẓan*) that unites a man and a woman not only biologically and emotionally, but also spiritually and legally (Ghazaly et al., 2022). In Islam, marriage (*nikāḥ* or *tazwīj*) is more than a personal or social contract—it is a divine institution established to preserve human dignity, morality, and lineage (Syarifuddin, 2006). The Qur'an emphasizes the tranquility, affection, and compassion inherent in marital relations, as reflected in Surah Ar-Rūm (30:21), where God states that He created spouses from among humans themselves so that they may find serenity in one another, and that He placed between them love and mercy.

Within the Indonesian legal framework, the sanctity of marriage is reaffirmed through Law No. 1 of 1974 on Marriage, which defines marriage as a physical and spiritual bond between a man and a woman, aimed at establishing a happy and eternal household based on the belief in the Almighty God (Asnawi & Nawawi, 2022; Baihaqi; Tutik Titik Triwulan; Musadad, 2024). In line with this, the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) further underscores that marriage is a binding contract in obedience to God's commands. Despite these robust legal and theological foundations, a significant gap remains between formal legal standards and the lived experiences of many Muslims in Indonesia.

A notable manifestation of this gap is the persistent practice of unregistered marriage (*nikah sirri* or *perkawinan di bawah tangan*), which continues across various socioeconomic strata. These marriages are typically solemnized according to Islamic legal procedures—fulfilling the essential elements and conditions (*rukun* and *syarat*)—but are not officially recorded by the state (Miqat et al., 2021; Prakoso, 2024; Setiawan et al., 2023). According to Article 2 of the 1974 Marriage Law, a marriage is legally valid if it is conducted in accordance with religious principles; however, paragraph (2) stipulates that the marriage must be registered with the relevant state institution to obtain legal recognition.

The continued prevalence of *nikah sirri* raises important legal, social, and gender-related concerns. Legally, unregistered marriages often leave women and children vulnerable in matters such as inheritance rights, legal identity, guardianship, and divorce proceedings (Ariyanti & Putra, 2024; Syahril & Hasan, 2025; Zaenurrosyid et al., 2021). Sociologically, despite their apparent conformity with Islamic principles, these marriages often escape state regulation and public accountability. Religiously, while they may fulfill the technical requirements of Islamic jurisprudence (*fiqh*), contemporary fatwas—such as Fatwa No. 10/2008 issued by the Indonesian Ulema Council (Majelis Ulama Indonesia, MUI)—declare them impermissible when they result in harm (*maḍarat*), emphasizing that registration is essential to prevent social injustice (Nawir et al., 2024; Wazzan et al., 2024).

The dichotomy between religious validity and legal illegitimacy reflects broader tensions between traditional Islamic legal interpretations and the goals of *maqāṣid al-sharī'ah* (higher objectives of Islamic law). According to Al-Ghazālī and other classical scholars, the core objectives of Islamic law include the protection of religion (*dīn*), life (*nafs*), intellect (*'aql*), lineage (*nasl*), and wealth (*māl*) (Bukido et al., 2025; Harisudin & Choriri, 2021). Unregistered marriages often undermine these protections,

particularly with regard to lineage and the rights of women and children, thereby failing to uphold the ethical foundations of Shariah.

Scholarly literature also highlights that the normalization of *nikah sirri* is driven by multiple factors, including economic hardship, legal constraints (especially regarding polygamy), cultural pressures, and lack of legal awareness (Arhaj et al., 2025; Firdaus et al., 2025; Jumarim et al., 2024; Nurozi et al., 2022). While often rationalized as a religiously acceptable practice, such marriages contribute to legal ambiguity and social precarity (Kosasih, 2021; Subeitan et al., 2025). The absence of state documentation not only weakens women's bargaining power in family matters but also undermines the authority of formal legal institutions (Fadila et al., 2024; Izudin, 2023; Rahmi et al., 2025).

This study, therefore, undertakes a comprehensive literature-based analysis of unregistered marriage practices in Indonesia, particularly within Muslim communities. By synthesizing insights from Islamic legal theory, Indonesian family law, sociological research, and gender studies, this paper seeks to critically explore the conceptual foundations, driving factors, and normative debates surrounding *nikah sirri*. The objective is to provide a scholarly framework that informs both legal discourse and policy formulation in addressing this complex and growing phenomenon.

## METHODS

This study employs a qualitative, library-based research design aimed at analyzing the phenomenon of unregistered marriage (*nikah sirri*) among Indonesian Muslims through a comprehensive review of normative, legal, and conceptual sources. Unlike empirical field studies, this approach relies entirely on the analysis of secondary data and authoritative texts, without direct observation or interaction with research subjects. Library research is particularly appropriate for socio-legal issues, as it enables researchers to critically examine and interpret theoretical frameworks, legal regulations, and religious doctrines in depth (Creswell & Poth, 2016; Emery et al., 2005).

The study adopts a normative-juridical and conceptual approach. The normative dimension focuses on examining legal norms, statutory laws, and authoritative fatwas, such as Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (KHI), and Fatwa No. 10 of 2008 issued by the Indonesian Ulema Council (MUI). These documents provide the legal foundations for understanding the requirements and implications of marriage registration in Indonesia. The conceptual approach, on the other hand, explores broader theoretical issues related to the objectives of Islamic law (*maqāṣid al-sharī'ah*), the sociological impact of *nikah sirri*, and the intersection of religion and state authority (Budianto, 2020; Dobinson & Johns, 2017).

Data for this study are derived exclusively from secondary sources, which include: (1) Primary legal materials such as the Qur'an, Hadith, national legislation (e.g., Law No. 1 of 1974), the Compilation of Islamic Law, and formal fatwas that establish the religious and legal framework governing marriage in Indonesia. (2) Secondary academic materials, including scholarly books, journal articles, legal commentaries, research reports, and academic theses, which provide context, interpretation, and critical analysis of the primary texts. These materials help frame

*nikah sirri* as a multidimensional issue involving legal pluralism, gender relations, religious authority, and state governance (Yin, 2018).

The main method of data collection is documentary analysis, involving a structured and critical reading of legal texts, religious sources, and academic literature. This includes content analysis to identify relevant themes and legal principles, comparative analysis to examine differences between religious and state legal frameworks, and thematic synthesis to integrate key ideas across disciplines such as Islamic law, sociology, and gender studies (Dobinson & Johns, 2017).

Data are analyzed using a descriptive-analytical technique, where selected sources are categorized thematically, interpreted critically, and synthesized to generate a coherent and comprehensive understanding of the research problem. This approach supports the construction of theoretical arguments and legal interpretations that are well-grounded in established literature.

As a non-empirical study, this research does not involve human participants and is therefore exempt from ethical clearance. Nonetheless, all academic conventions are upheld, including transparency, accurate citation, and scholarly integrity. By employing this rigorous qualitative method, the study aims to contribute to the academic discourse on Islamic family law, legal reform, and the protection of women's and children's rights in Indonesia's pluralistic legal landscape.

## RESULT AND DISCUSSION

### ***The Phenomenon of Unregistered Marriage among Indonesian Muslims***

Unregistered marriage, colloquially known as *nikah sirri*, refers to marital unions that are deemed religiously valid yet lack legal acknowledgment due to the absence of official civil registration. Linguistically, *sirri* denotes secrecy or concealment; thus, *nikah sirri* implies a marriage performed in secrecy. In legal discourse, it describes a form of marriage recognized in Islamic law but unrecognized by the state due to its failure to meet formal administrative requirements (Sapriadi et al., 2025; Wazzan et al., 2024).

While Islam acknowledges the legitimacy of marriage upon fulfillment of its legal and religious prerequisites, contemporary Islamic legal scholars argue that such acknowledgment does not negate the necessity of formal documentation. In Indonesia, Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) mandate marriage registration to protect the rights and welfare of spouses and offspring. Despite these regulations, the persistence of *nikah sirri* reveals an ongoing conflict between religious practices and state legal requirements (Aprilianto et al., 2024; Zaenurrosyid et al., 2021).

The phenomenon of *nikah sirri* is largely influenced by socio-cultural and economic factors, including bureaucratic complexities, polygamous arrangements, economic hardship, lack of legal awareness, and prevailing social norms. In many cases, individuals deliberately circumvent legal mechanisms to avoid administrative burdens or to conceal polygamous unions. This practice, referred to in jurisprudential terms as "legal smuggling", reflects the intentional evasion of formal regulations to secure personal or religious objectives (Afda'u, 2025; Tumiwa et al., 2025).

From a *maqāṣid al-sharī'ah* (objectives of Islamic law) perspective, an unregistered marriage contravenes key principles of Islamic family law. These principles prioritize the preservation of religion, life, intellect, lineage, and property. The lack of documentation undermines these goals by placing women and children in vulnerable legal positions, limiting their access to inheritance, social services, and legal recourse in cases of abandonment or abuse (Faisal, 2020; Miqat et al., 2021).

Legally, unregistered marriages pose significant challenges. According to Article 2 of Law No. 1 of 1974, a marriage is considered valid if conducted according to religious law and is legally binding only upon registration with civil authorities. The KHI reiterates this necessity, particularly in Articles 5 and 6, which stipulate that every marriage must be conducted under the supervision of and recorded by an authorized marriage registrar. Unregistered marriages are thus excluded from state recognition, weakening the enforceability of marital obligations such as alimony, inheritance, and child legitimacy (Bilalu et al., 2025; Yetta et al., 2024).

Ethically and sociologically, *nikah sirri* is classified as a form of applied ethics since it intersects with religious, moral, and legal norms. It reveals the tension between individual autonomy in religious practices and the societal need for legal order and protection. Women involved in such unions frequently face legal disadvantages, particularly in cases of divorce or the death of a spouse, where claims for inheritance or custody are difficult to pursue without a legal marriage certificate (Mursyid et al., 2024).

In many Muslim communities in Indonesia, including both rural and urban contexts, *nikah sirri* continues to occur with increasing frequency. Among the driving factors are legal ignorance, economic hardship, extramarital affairs, domestic violence, and sociocultural acceptance of unofficial marital arrangements. Munasir & Assa'idi (2020) highlight that unregistered marriages often stem from an inadequate understanding of marital obligations, fear of losing widows' pensions, polygamy without spousal consent, and parental anxiety over premarital intimacy.

The implications of *nikah sirri* are far-reaching. Legally unrecognized children may struggle to obtain birth certificates, access education, or claim paternal inheritance. Spouses lack legal standing in disputes over property or custody. Furthermore, the secrecy of these marriages contradicts the Islamic requirement for public acknowledgment of marital bonds, which serves to protect all involved parties and uphold communal ethical standards (Sumiarni, 2024).

Although marriage registration is not a requirement for religious validity, it becomes obligatory when stipulated by law in accordance with the Islamic legal maxim, "The ruler's command removes dispute." Therefore, in the modern state context, registration serves not merely as a bureaucratic formality but as a legal necessity to safeguard public welfare and individual rights (Asnawi & Nawawi, 2022; Rosyadi et al., 2025).

The literature reflects a consensus that while unregistered marriage may fulfill religious criteria, it is increasingly incompatible with the objectives of contemporary Islamic governance and legal protection in modern Indonesia. Religious leaders, legal scholars, and policymakers thus advocate for marriage registration not only as a legal duty but as a moral imperative aligned with both Islamic ethics and national law.



### ***The Legal Consequences of Unregistered Marriages in Indonesia***

In Indonesia, marriage is a legal and religious institution that must comply with both state law and religious norms. The legal framework surrounding marriage is explicitly articulated in Law No. 1 of 1974, which stipulates in Article 2(2) that "every marriage shall be recorded according to the regulations in force." This requirement is further reinforced by Government Regulation No. 9 of 1975, which details the procedures for marriage registration, particularly for Muslim and non-Muslim citizens. Under this regulation, Article 2 explains that marriages performed in accordance with Islamic principles must be registered with the Office of Religious Affairs (*Kantor Urusan Agama*), while those performed according to other religions or belief systems must be registered at the Civil Registry Office (Nurozi et al., 2022).

Indonesia's legal history shows that the obligation to register marriages dates back to Law No. 22 of 1946, which regulated the registration of marriage, divorce, and reconciliation. This was later supplemented by Law No. 32 of 1954, which extended the mandate of the previous legislation to cover all of Indonesia. Both laws emphasize that marriages conducted without the oversight of an official marriage registrar are considered violations and may incur penalties (Ariyanti & Putra, 2024; Sumiarni, 2024). As stated in these laws, marriages conducted without registration are not legally recognized, and thus, the rights of women and children in such unions are not protected by law.

The Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI), which serves as a codification of Islamic family law in Indonesia, also affirms the importance of marriage registration. It asserts that official registration under the supervision of a religious marriage registrar is essential for ensuring legal clarity and societal order. According to KHI, only marriages recorded by a registrar produce a legally valid marriage certificate, which becomes the basis for the recognition and enforcement of rights related to inheritance, custody, and alimony (Bilalu et al., 2022).

Unregistered marriages, commonly referred to as *nikah sirri*, pose significant legal and social risks. From a legal standpoint, such marriages are deemed invalid by the state, which means that spouses, especially wives, and children born from the union cannot claim legal entitlements such as alimony, inheritance, or identity documentation. Children may face difficulties in obtaining a birth certificate, which is crucial for accessing education, healthcare, and civil rights (Rahmi et al., 2025; Setiawan et al., 2023). Moreover, the wife may be left without legal recourse in cases of divorce, abandonment, or domestic violence.

The penal consequences for not registering a marriage are explicitly stated in Government Regulation No. 9 of 1975. Parties who fail to report their intention to marry, or who conduct the marriage outside the presence of a registrar, may be subject to a fine of up to IDR 7,500. Moreover, registrars who fail to fulfill their legal duties—such as conducting background checks, verifying legal impediments, announcing marriage intentions, and preparing marriage certificates—may be penalized with imprisonment of up to three months or fined an equivalent amount (Firdaus et al., 2025; Rosyadi et al., 2025; Syahril & Hasan, 2025). These sanctions

are intended to enforce compliance with marriage laws and uphold administrative integrity.

From the perspective of Islamic jurisprudence, while marriage registration is not explicitly mandated in the Qur'an or Hadith, the practice aligns with the principles of *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*) and preservation of rights (*ḥifẓ al-ḥuqūq*). Scholars argue that registration serves the broader public interest (*maṣlaḥah*) by ensuring legal certainty and social welfare (Aprilianto et al., 2024; Setiawan et al., 2023). Therefore, although registration may be an administrative measure, its legal and ethical implications are deeply rooted in both Islamic legal theory and the normative framework of the Indonesian state.

The dual legal system in Indonesia—where state law and religious law interact—places significant importance on the registration of marriages. While the religious validity of a marriage may be recognized by religious leaders, without state recognition through registration, the marriage lacks legal enforceability. This dualism often creates confusion among couples, particularly in rural or traditional communities where unregistered marriages are more prevalent.

In conclusion, unregistered marriages not only violate Indonesian statutory law but also contradict the ethical objectives of Islamic law. As such, they should be discouraged on both legal and moral grounds. The legal consequences of these marriages are far-reaching and affect not only the couple but also their offspring and extended families. Ensuring the registration of all marriages is crucial for legal protection, social recognition, and the realization of justice in both religious and civil domains. Strengthening awareness and enforcement mechanisms is essential to mitigate the prevalence of *nikah sirri* and its associated harms.

### ***The Dynamics and Legal Implications of Unregistered Marriages in Muslim Communities***

Unregistered marriages, commonly referred to as *nikah sirri* in Indonesia, continue to raise significant concerns in both legal and socio-religious discourse. While such marriages fulfill basic Islamic requirements—such as the presence of a guardian (*wali*), witnesses, and a marriage contract (*akad*)—they remain outside the scope of formal legal recognition (Aprilianto et al., 2024; Sapriadi et al., 2025). The Indonesian legal system, particularly through Law No. 1 of 1974 on Marriage, has firmly established the principle that every marriage must not only comply with religious norms but also be registered with state authorities to obtain legal standing. Article 2(2) of the law mandates that "every marriage shall be registered in accordance with the prevailing laws and regulations," underscoring the state's role in legitimizing marital unions beyond mere religious affirmation. This stipulation is operationalized further by Government Regulation No. 9 of 1975, which outlines the technical procedures of marriage registration, including notification, execution in the presence of a marriage registrar, and the formal issuance of a marriage certificate (Afda'u, 2025; Setiawan et al., 2023). Moreover, for Muslim citizens, the obligation to register is reinforced by Law No. 32 of 1954 on the Registration of Marriages, Divorces, and Reconciliation, which explicitly requires all Islamic marriages to be recorded by the Office of Religious Affairs (Kantor Urusan Agama, or KUA).

Despite these robust legal frameworks, the practice of unregistered marriage persists widely across various regions, often due to a mixture of cultural, religious, and structural factors. Many couples perceive religious solemnization as sufficient for a valid union and view civil registration as either a secondary formality or an unnecessary bureaucratic burden. In some cases, the practice is driven by intentional avoidance of legal scrutiny, especially in instances of polygamy or underage marriage, which are either restricted or prohibited by national law. In rural or economically marginalized areas, limited access to civil registry offices, the costs associated with formal ceremonies, and administrative hurdles further discourage marriage registration (Arhaj et al., 2025; Zaenurrosyid et al., 2021). These structural challenges contribute to a growing legal dualism in which religiously valid but legally invisible marriages exist alongside fully sanctioned civil unions.

The socio-legal consequences of unregistered marriages are particularly severe for women and children. Without legal documentation, spouses—especially wives—cannot claim marital rights such as inheritance, maintenance, or joint property claims. Children born from such unions face challenges in obtaining birth certificates, which are essential for accessing education, healthcare, and state services. This lack of legal identity not only undermines the principle of legal protection but also perpetuates social exclusion and economic vulnerability. Furthermore, when disputes arise—such as divorce, child custody, or inheritance—legal proceedings become convoluted, as the absence of formal marriage records limits judicial authority. According to Prakoso (2024), this ambiguity often results in women being unable to pursue claims in religious courts, leaving them with no legal recourse. In this context, *nikah sirri* functions as a practice that inadvertently erodes the rights it intends to protect under religious law, particularly when interpreted in isolation from civil obligations.

From the perspective of Islamic jurisprudence, marriage registration is not traditionally mandated; however, contemporary scholars argue that it serves a critical function aligned with the objectives of Islamic law (*maqāṣid al-sharī'ah*), namely, the preservation of lineage (*nasab*), protection of rights (*ḥuqūq*), and prevention of harm (*darar*). Modern legal interpretations increasingly advocate for registration as a form of public interest (*maṣlaḥah mursalah*), which legitimizes the involvement of the state in personal and family matters for the sake of justice and order. As Rahmi et al., (2025) and Setiawan et al. (2023) note, aligning religious practices with state regulation is not only a legal necessity but also a religiously justifiable and ethically sound measure to prevent exploitation, neglect, and legal uncertainty.

The legal penalties for conducting unregistered marriages are codified in several statutes. Government Regulation No. 9 of 1975 provides for fines of up to Rp. 7,500 (a symbolic amount in current value) for couples who fail to notify marriage registrars or conduct the ceremony without their presence (Afda'u, 2025; Firdaus et al., 2025). More significantly, marriage registrars who violate procedural norms—such as failing to investigate marital impediments, improperly documenting unions, or skipping mandatory waiting periods—may be subject to criminal sanctions, including imprisonment of up to three months. Although enforcement of these provisions remains inconsistent, the legal architecture underscores the importance of formalization in upholding legal certainty and protecting citizens' rights.



Culturally, unregistered marriages often reflect a dichotomy between state law and local customs. In many traditional communities, religious authority holds precedence over civil regulation. Local religious leaders may validate marriages without requiring formal documentation, thus reinforcing the perception that legality lies in religious compliance rather than legal conformity. Sapriadi et al. (2025) observe that this normative dualism creates parallel systems of legal consciousness, wherein individuals may comply with one system while disregarding the other. Consequently, public education campaigns, religious engagement, and bureaucratic reforms are essential to bridge the normative gap between Islamic legitimacy and civil legality.

In addressing the challenges posed by unregistered marriages, an integrative approach is required—one that combines legal reform with religious, cultural, and institutional engagement. Facilitating easier access to marriage registration, reducing associated costs, training religious leaders in legal awareness, and promoting public understanding of the legal and ethical importance of documentation are crucial steps. Ultimately, unregistered marriages not only jeopardize the legal rights of vulnerable individuals but also undermine the broader goal of legal uniformity and social justice within a pluralistic legal framework. The registration of marriages, while often perceived as a bureaucratic formality, plays a pivotal role in safeguarding individual rights, ensuring social recognition, and fulfilling both legal and religious obligations in contemporary Muslim societies.

## CONCLUSION

Unregistered marriages, or *nikah sirri*, present a significant legal and ethical challenge within Indonesia's dual legal system, where religious and state laws intersect. Although such marriages fulfill religious criteria, they lack legal recognition, which leads to various socio-legal risks, particularly for women and children. This practice, driven by socio-cultural, economic, and legal factors, undermines the protection of fundamental rights, such as inheritance, custody, and legal identity. The study concludes that stronger enforcement of marriage registration laws and increased public awareness are essential to address these challenges. Legal reforms should prioritize the integration of religious practices with state regulations to ensure the protection of individual rights, social justice, and the ethical goals of Islamic law.

## ACKNOWLEDGMENT

This study was made possible by the invaluable contributions of various scholars, researchers, and legal experts in the fields of Islamic law, family law, and gender studies. We would like to extend our gratitude to the academic and religious institutions that provided essential resources and insights. Special thanks go to the reviewers and colleagues for their constructive feedback and to the individuals whose research and legal writings shaped this study. The support and encouragement from family and colleagues have also been a source of motivation throughout this research process.

## REFERENCES

- Afda'ul, F. (2025). The Legal Protection for Children Outside Registered Marriage. *UNISKA LAW REVIEW*, 5(2), 154–172. <https://doi.org/doi.org/10.32503/ulr.v5i2.6971>
- Aprilianto, D., Na'imah, F. U., Fauzi, A., & Maknuun, L. Il. (2024). The Controversy

- of Child Marriage Culture in The Perspective of Maqāṣid al-Usrah: A Case Study of The Authority of Lebe' in Brebes. *Al-Manahij: Jurnal Kajian Hukum Islam*, 18(2), 199–218. <https://doi.org/10.24090/mnh.v18i2.11554>
- Arhaj, M. F., Nasibah, A. A., Aisyah, S. N., Ajijah Nugraha, N. Z., Putri, M. A., & Supriyadi, T. (2025). Religious Marriage and Its Impact on Family Economic Rights in Islamic Law and Positive Law in Indonesia. *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora*, 4(3), 145–156. <https://doi.org/10.55606/jurrish.v4i3.5680>
- Ariyanti, C. Y., & Putra, N. D. (2024). The Unregistered Child Marriage on Lumbang Society Norm Perspective Legal Pluralism. *International Journal of Law Dynamics Review*, 2(1), 35–44. <https://doi.org/10.62039/ijldr.v2i1.32>
- Asnawi, H. S., & Nawawi, M. A. (2022). *Dinamika hukum perkawinan di Indonesia: tinjauan hukum keluarga Islam terhadap legalitas perkawinan kepercayaan penghayat*. Bildung.
- Baihaqi; Tutik Titik Triwulan; Musadad, A. K. A. M. bin S. M. G. (2024). Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya. *J. Islamic L.*, 5, 242.
- Bilalu, N., Bukido, R., Subeitan, S. M., & Zakariah, A. A. (2025). Reevaluating Inheritance Distribution in Indonesia: The Role of Hibah as a Preventive Measure. *Al-Istinbath: Jurnal Hukum Islam*, 10(1), 378–406. <https://doi.org/10.29240/jhi.v10i1.12530>
- Bilalu, N., Jamal, R., Harun, N., & Subeitan, S. M. (2022). Compilation of Islamic Law as Judge's Consideration at a Religious Court in North Sulawesi, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(2), 1–23. <https://doi.org/http://dx.doi.org/10.22373/sjhk.v6i2.12441>
- Budianto, A. (2020). Legal research methodology reposition in research on social science. *International Journal of Criminology and Sociology*, 9(1), 1339–1346.
- Bukido, R., Muslihin, M. A., & Karimullah, S. S. (2025). Family Economic Empowerment Strategies in Gangga II Village: A Maqashid Shariah Perspective. *Al-Mujtahid: Journal of Islamic Family Law*, 5(1), 1–12. <https://doi.org/10.30984/ajifl.v5i1.3438>
- Creswell, J. W., & Poth, C. N. (2016). *Qualitative inquiry and research design: Choosing among five approaches*. Sage publications.
- Dobinson, I., & Johns, F. (2017). Legal research as qualitative research. *Research Methods for Law*, 18–47.
- Emery, R. E., Sbarra, D., & Grover, T. (2005). Divorce mediation: Research and reflections. *Family Court Review*, 43(1), 22–37. <https://doi.org/https://doi.org/10.1111/j.1744-1617.2005.00005.x>
- Fadila, S. N., Nursari, N., & Mukhlas, O. S. (2024). Dinamika Politik Hukum Poligami Dalam Undang-Undang Perkawinan: Tantangan Dan Implikasinya Terhadap Sistem Hukum Indonesia. *Qanuniya: Jurnal Ilmu Hukum*, 1(2), 34–43. <https://doi.org/10.15575/qanuniya.v1i2.955>
- Faisal, A. (2020). Reproduction of Unregistered Polygamous: Unregistered Marriage Services and Marriage Simplification. *Al-Ulum*, 20(2), 542–560. <https://doi.org/10.30603/au.v20i2.3459>
- Firdaus, M. A., Irfandi, M. S. Z., & Al Amruzi, M. F. (2025). 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). *JOURNAL OF ISLAMIC AND LAW STUDIES*, 9(2), 451–466. <https://doi.org/doi.org/10.18592/jils.v9i2.17846>
- Ghazaly, A. R., Reza, F., & T, L. (2022). *Fiqh Munakahat* (F. J (trans.); 10th ed.). Kencana.
- Harisudin, M. N., & Choriri, M. (2021). On the legal sanction against marriage registration violation in Southeast Asia countries: A Jasser Auda's Maqasid Al-Shariah perspective. *Samarah*. <https://doi.org/10.22373/sjhg.v5i1.9159>
- Izudin, M. (2023). *Dinamika Atas Perlindungan Hukum Terhadap Anak Yang Lahir Di Luar Perkawinan*. Penerbit Adab.
- Jumarim, Muhsin, I., & Huda, M. C. (2024). The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 27–52. <https://doi.org/10.19105/al-lhkam.v19i1.10522>
- Kosasih, K. (2021). Dinamika Pelaksanaan Syariah, Perkawinan dalam Kontestasi Negara dan Agama. *Harmoni*, 20(2), 330–338. <https://doi.org/10.32488/harmoni.v20i2.516>
- Miqat, N., Ikbali, M., Fadjar, A., Korompol, R. R., Bakhtiar, H. S., & Syamsuddin, A. S. P. (2021). The Validity of Marriage Agreement Regarding Properties in Unregistered Marriages. *Yustisia*, 10(2), 291–305. <https://doi.org/doi.org/10.20961/yustisia.v10i2.48751>
- Munasir, & Assa'idi, S. (2020). The Reconstruction of Marriage Law in Classic Fiqh Perspective: The Case of Unregistered Marriage in Indonesia. *International Journal of Pharmaceutical Research*, 12(04). <https://doi.org/10.31838/ijpr/2020.12.04.612>
- Mursyid, S., Bilalu, N., & Subeitan, S. M. (2024). Navigating Custody: The Impact of Religious Court Judges on Interfaith Family Dynamics. *Al-Mujtahid: Journal of Islamic Family Law*, 4(1), 34. <https://doi.org/10.30984/ajifl.v4i1.3039>
- Nawir, A., Suarning, S., Aris, A., & Haq, I. (2024). Comparative Analysis of The Family Law Systems in Indonesia and Saudi Arabia in The Context of Unregistered Marriage: Maqashid Al-Syari'ah Perspective. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, 6(4), 1075–1084. <https://doi.org/doi.org/10.56338/ijhess.v6i4.5772>
- Nurozi, A., Munita Sary, B., Fatiyyah Nuraziimah, M., Walijah, N., & Achmad, M. (2022). Establish Family Card Towards Unregistered Marriage Couple (Implications of Law No. 1 Of 1974 And Compilation of Islamic Law). *KnE Social Sciences*, 219–227. <https://doi.org/10.18502/kss.v7i10.11360>
- Prakoso, A. F. (2024). Protecting Women's Rights in Unregistered Marriages: A Critical Examination of Islamic Jurisprudence and Modern Legal Practices. *Journal of Islam and Law*, 1(1).
- Rahmi, N., Warman, A. B., & Effendi, A. (2025). Building Legal Compliance: A Study on the Practice of Unregistered Marriages in Tanjung Raya Subdistrict, Agam Regency, West Sumatra, Indonesia. *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 9(1), 416–437. <https://doi.org/doi.org/10.22373/sjhg.v9i1.28306>
- Rosyadi, I., Fuad, H. Z., & Zaimuddin, A. B. (2025). Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory. *Al-*

- 'Adalah, 22(1), 147–180. <https://doi.org/doi.org/10.24042/adalah.v22i1.22779>
- Sapriadi, S., Hannani, H., & Fikri, F. (2025). The Controversy of Unregistered Marriage Trends from the Perspective of Maqa'sid Mukhallaf: Preventing Underage Marriage in Wajo Regency. *Al-Adalah: Jurnal Hukum Dan Politik Islam*, 10(2), 367–382. <https://doi.org/doi.org/10.30863/ajmpi.v10i2.9035>
- Setiawan, P. J., Nugraha, X., Dewi, D. A. G. S., & Diaz, M. R. (2023). Juridical Implications of Unregistered Marriage Against Legal Protection in the Domestic Violence Law. *Media Iuris*, 6(3), 457–478. <https://doi.org/10.20473/mi.v6i3.43219>
- Subeitan, S. M., Patrajaya, R., Isima, N., Khair, A., Habibie, R. A., Ahmad, S., Angelia, N. M., Suradilaga, A. S., Sukti, S., Norhadi, M., Nurpahsari, Lisnawati, & Bukido, R. (2025). Pengantar Hukum Indonesia. *Penerbit Az-Zahra Media Society*.
- Sumiarni, E. (2024). Historical Study of Marriage Law Between the Norms and the Problematics. *Revista de Gestão Social e Ambiental*, 18(5), 1–19. <https://doi.org/10.24857/rgsa.v18n5-012>
- Syahril, M. A. F., & Hasan, N. (2025). The phenomenon of inner marriage from the perspective of national marriage law and protection of women. *Priviet Social Sciences Journal*, 5(7), 11–19. <https://doi.org/10.55942/pssj.v5i7.403>
- Syarifuddin, A. (2006). *Hukum Perkawinan Islam di Indonesia: Antara Fiqih Munakahat dan Undang-Undang Perkawinan*. Prenada Media.
- Tumiwa, A. J., Taufik, M., & Sidqi, I. (2025). Marriage Identity Forgery in Indonesia: Legal Consequences and Systemic Loopholes Perspective. *Antmind Review: Journal of Sharia and Legal Ethics*, 2(1), 12–25. <https://doi.org/10.63077/x4qfqf57>
- Wazzan, R. K., Luth, T., Widhiyanti, H. N., & Sulistyarini, R. (2024). Itsbat Nikah: Legalizing marriage outside the record in Indonesia. *International Review of Social Sciences Research*, 4(2), 29–45. <https://doi.org/10.53378/353057>
- Yetta, Y., Rajafi, A., & Subeitan, S. M. (2024). Understanding the Implications of Marriage Law Amendments: Marriage Dispensation Cases in Indonesian Religious Courts. *Al-Istinbath: Jurnal Hukum Islam*, 9(1), 121. <https://doi.org/10.29240/jhi.v9i1.8979>
- Yin, R. K. (2018). *Case study research and applications*. Sage Thousand Oaks, CA.
- Zaenurrosyid, A., Kahfi, A., & Syafa', A. (2021). The Problem of Underhand Marriage (Sirri) in Coastal Java Pati. *Al-Manhaj: Journal of Indonesian Islamic Family Law*, 3(1), 81–105. <https://doi.org/10.19105/al-manhaj.v3i1.4212>