SIRRI MARRIAGE FROM THE PERSPECTIVE OF ISLAMIC LEGAL PHILOSOPHY

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Abstract
This research aims to describe the study of Islamic legal philosophy regarding unregistered marriages, with the problem of how to carry out unregistered marriages, the factors that influence them, and how Siri marriages are according to the review of Islamic legal philosophy, to describe the implementation of unregistered marriages and the factors that influence them, as well as analysis of Islamic legal philosophy on the implementation of unregistered marriage laws. This research is library research with sources from literature that talk about unregistered marriages and Islamic legal philosophy. Research shows that the factors that influence unregistered marriages are religious factors, not having the approval of parents, economics, muamalat, infidelity, and polygamy. From a juridical perspective, a review of Islamic philosophy states that the legality of a marriage is as stated in Article 2 paragraph (2) of Law No. 1 of 1974 concerning marriage, that every marriage is registered according to the applicable laws and regulations. In the compilation of Islamic Law, article 5 paragraph 10 also requires that every marriage that takes place be recorded to ensure marital order for the community. Based on the study of ushul fiqh, registration of marriages or marriages, apart from guaranteeing legal certainty for husband and wife couples, it is also necessary to pay attention to the Maqashidu Syari’ah aspect (purpose of law) in Islam, namely that marriages or marriages that are not registered will cause a lot of harm or harm to husband and wife couples. the results of the marriage as well as for parties related to the marriage.

Keywords: Islamic Law, Perspektive, Philosophy, Sirri Marriage
Abstrak
Penelitian ini bertujuan untuk mendiskripsikan tentang kajian filsafat hukum Islam perhadap ikah siri, dengan permasalahan bagaimana pelaksanaan nikah siri, faktor yang mempengaruhinya, serta bagaimana nikah siri menurut tinjauan filsafat hukum Islam, dengan tujuan untuk mendikripsikan pelaksanaan nikah siri dan faktor yang mempengaruhinya, serta analisis filsafat hukum Islam terhadap pelaksanaan hukum nikah siri. Penelitian ini adalah penelitian library research dengan sumber dari keputusan yang berbicara tentang nikah siri dan filsafat hukum Islam. Penelitian menunjukkan bahwa faktor yang mempengaruhi nikah siri adalah faktor agama, tidak direstui orang tua, ekonomi, muamalat, perselingkuhan, poligami. Secara yuridis tinjauan filsafat Islam bahwa legalnya suatu perkawinan adalah sebagaimana tercantum pada pasal 2 ayat (2) Undang-undang No.1 Tahun 1974 tentang perkawinan bahwa tiap-tiap perkawinan dicatatkan menurut peraturan perundang-undangan yang berlaku. Dalam kompilasi Hukum Islam demikian juga, pada pasal 5 ayat 10 yang mengharuskan agar setiap perkawinan yang dilakukan dicatat agar terjamin ketertiban perkawinan bagi masyarakat. Secara kajian ushul fiqh Pencatatan Pernikahan atau perkawinan selain menjamin kepastian hukum bagi pasangan suami isteri, perlu juga diperhatikan aspek Maqashidu Syari’ah (tujuan hukum) dalam Islam, yaitu Pernikahan atau perkawinan yang tidak tercatat akan menimbulkan banyak mudharat atau keburukan bagi pasangan suami isteri, hasil dari perkawinan tersebut serta bagi pihak yang terkait dengan perkawinan tersebut.

Kata Kunci: Filsafat, Hukum Islam, Perspektif, Nikah Siri

A. Introduction
Marriage is a sacred bond between a man and a woman, to build a happy home. The recommendation for marriage is contained in the Qur'an and hadith which means that a man who can marry should marry, to avoid the temptation of Satan, and help so that they can marry. Marriage is a very noble way to organize life, household and offspring, marriage also aims to maintain honor and obtain peace. Therefore, to make a family last, each partner must maintain the principles of marriage¹. Marriage in the Islamic view is a strong bond or mitsaqon ghalizdan, which is considered valid if it fulfills the pillars and conditions². Many problems arise when marriage becomes a family, so as time goes by, a legal solution to marriage problems is required. Therefore, apart from the pillars and conditions that have been determined in religion for carrying out a marriage, marriage registration is an obligatory part to avoid difficulties in the future.

In practice, marriages that take place in Indonesia do not always refer to existing marriage laws regarding marriage registration. When a marriage is not officially registered, it results in an unregistered marriage or a private marriage. This kind of marriage gives rise to many problems. The problems caused by unregistered marriages will have an impact on unregistered marriage couples, especially women, but even though it is known that unregistered marriages have many negative consequences, this
phenomenon continues. Moving on from this background, the author will discuss unregistered marriages, problems, and their impact on the family.

The problem in this research is: Why can unregistered marriages give rise to problems in the household? This problem is explained in the problem question, namely: How is an unregistered marriage implemented, what factors influence the occurrence of an unregistered marriage, and what is the review of unregistered marriage from the perspective of Islamic Legal Philosophy? To describe and analyze the factors and Islamic philosophical review of unregistered marriage.

Literature Review

The phenomenon that is happening now is that many women use a guardian with the services of another person, a kiai or KUA employee, not on behalf of the institution, but purely on personal behalf. A kiai or KUA employee was asked for a short time as the guardian of a woman who was about to get married, and the marriage took place, while the woman still had a guardian who was supposed to marry her (actually).

Meanwhile, if the meaning of unregistered marriage is in the second sense as above, namely a private marriage, meaning that the marriage is not reported and recorded by the official institution that has the authority to regulate marriage, namely the KUA, then the legal status is Islamically valid as long as it meets the requirements and pillars of marriage. The word siri which means secret in Islamic law means hidden from the knowledge of many people, so in Indonesia, a siri marriage means one that is not registered by the state. Thus, it can be understood that the unregistered marriage which is understood in Indonesian society as a private marriage contains the meaning: a marriage contract in which both bride and groom are equally inclined not to present other people as witnesses, the marriage will not be announced (celebrated), it will not be registered. Officially, both parties (husband and wife) live under the same roof hidden (away from the crowd).

Therefore, if there is testimony or witnesses in a marriage, it indicates that the marriage is openly not hidden, which will automatically affect whether or not the marriage contract is valid. Islam does not recognize the existence of the institution and system of unregistered marriage, the term unregistered marriage exists in Indonesia, which means getting married without registering the marriage at an official marriage institution regulated by the state, namely the KUA. This unregistered marriage in Indonesian society is no stranger and is understood in two forms, namely, first, marriage without a legal guardian on the part of the bride, and secondly, it is understood as a private marriage, in the sense of marriage in the sense of marriage without any registration from an official state

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6 Sobari, “Nikah Siri Dalam Perspektif Islam.”
8 Sobari, “Nikah Siri Dalam Perspektif Islam.”
11 Masduki and Zaini, “Nikah Sirri Perspektif Yuridis Dan Sosiologis.”
institution (KUA).

The presence of a prospective husband, 2), the existence of a prospective wife, 3). Marriage Guardian, 4). two witnesses and 5). Qobul's consent. The prospective bride and groom in the marriage process are very decisive, if one of the bride and groom does not agree to the marriage, then the marriage cannot take place, as regulated in the law on marriage. Therefore, if the marriage is without the consent of the bride and groom, the marriage is invalid. If a guardian forces a prospective bride to marry, the woman may complain to a judge to annul the marriage.

B. Research Method

The research is descriptive and analytical library research. Data obtained from books, scientific journals, and other sources will be analyzed in detail to obtain accurate conclusions. The analysis technique in this research is deductive analysis. Research to describe the study of Islamic legal philosophy regarding unregistered marriages, with the problem of how to carry out unregistered marriages, the factors that influence them, and how Siri marriages are according to the review of Islamic legal philosophy, to describe the implementation of unregistered marriages and the factors that influence them, as well as analysis of Islamic legal philosophy on the implementation of unregistered marriage laws. This research is library research with sources from literature that talk about unregistered marriages and Islamic legal philosophy.

C. Results and Discussion

a. Factors Affecting Siri Marriage

Siri marriage \(^{13}\) is an existing phenomenon that is motivated by different cases. Several factors that make someone enter into an unregistered marriage are:

1. Religious Factor \(^{14}\): This factor is often used as an excuse, because the majority of Indonesia's population is Muslim, so marriages are often carried out according to the rules of the Islamic religion, and assume that the marriage is valid because it meets the requirements and pillars of marriage. Therefore, they think there is no need to register their marriage with the state, in this case, the Religious Affairs Office (KUA). In fact, in Islam, it is recommended to record an aqad, as well as register a marriage because marriage is an activity.

2. Muamalat \(^ {15} \), as also in debt and receivable agreements which are muamalat activities. There is also a person's religious understanding that assumes that all affairs of a religious leader or kiayi are a reference, therefore in matters of marriage it is also the same, if the marriage has been married by a kiayi it is valid and does not need to be recorded at the KUA.

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3. Factors that are not approved by parents\textsuperscript{16}. An unregistered marriage is carried out because it is not approved by the parents of both parties or only one party. Many factors make parents not approve of their child’s marriage, no matter how children convince their parents, parents still do not approve of their child’s marriage, so in such circumstances, the child takes the route of unregistered marriage, under the pretext of avoiding adultery and slander, without thinking about its consequences of their actions.

4. Economic Factors: This factor is due to avoiding the burden of costs and complicated administrative procedures, this is often done by immigrants who do not have a Resident Identity Card (KTP)\textsuperscript{17}. It can also happen to couples who want to get married with good intentions without any other intentions, but their economic situation does not allow them to take care of a marriage certificate or marriage registration, so they choose to marry in a serial manner or privately. In contrast to the case of someone entering into an unregistered marriage because of low income, low income is a consideration for someone to enter into an unregistered marriage. Someone may enter into an unregistered marriage to increase their standard of living to a more decent and stable life or raise their social standing, even if they are used as a second or third wife. Therefore, the orientation of this kind of marriage is material, the sacred element of a marriage is not their reference.

5. Polygamy factor\textsuperscript{18}. Siri marriage is a reason when someone wants to have polygamy for their reasons. Some carry out unregistered marriages because they feel they have a lot of wealth, while they have a wife, so carrying out polygamy procedurally according to marriage law and registering the marriage is considered complicated. There are also unregistered marriages carried out when someone famous wants to be polygamous, or a public figure so as not to be in the spotlight or widely reported in the media.

6. The factor of an illicit relationship (infidelity)\textsuperscript{19}. Siri marriage is carried out by someone who has an official husband or wife, but they want to remarry someone else, for the reason that there is no compatibility in the household, there is no happiness in the household, so they want to find another partner. Under the pretext that rather than committing adultery, it is better to get married even without official registration at a state institution. Siri marriage is considered to be a solution to justify the forbidden relationship between the two of them and to avoid committing adultery.

In Indonesia, at least unregistered marriages are categorized into four groups according to their triggers\textsuperscript{20}, namely:

a. Conflict with the rules of positive law, meaning that a Siri marriage is carried out to avoid complicated procedures related to administrative matters, for example, marriage problems with citizens of other countries, age factors, etc.

\textsuperscript{20} Anggia and Nadya, “Legalitas Penerbitan Kartu Keluarga Dalam Perkawinan Siri.”
b. Psychological factors\textsuperscript{21}, psychologically a person has met the requirements for marriage, but the studies have not been completed, so psychologically a person will not feel truly independent, even though economically and with parents there are no problems. Usually, they will make a promise in a serial marriage that they will not have children before they finish their studies so that they can focus on their studies and not be hindered from socializing with their friends.

c. Economic factors, economic factors usually make unregistered marriages a way to ease the burden of costs incurred for official marriage registration.

d. Tradition factors, hereditary traditional factors which assume that unregistered marriages are normal, commonplace, practical, and economical, so they feel that there is no need to legalize them by registration by the state. Generally, this occurs in remote rural areas, or marginalized groups who undergo unregistered marriages a matter of which is normal, underage marriage is also common, what is important is the status as a wife\textsuperscript{22}.

Of the existing factors, the economic factor is the most dominant factor that causes someone to enter into an unregistered marriage, unregistered marriage is considered a way that can make it easier to overcome the economic difficulties of the perpetrator of an unregistered marriage, unregistered marriage is also expected to raise social status\textsuperscript{23}. In reality, a Siri marriage means that the marriage is not registered with the state, and this will have complicated impacts in the future, instead of solving problems, especially economic problems, but instead add to the problems\textsuperscript{24}.

b. Review of Islamic Legal Philosophy

1. Juridical Studies

In article 1 of Law No. 1 of 1974 concerning marriage and article 3 of the Compilation of Islamic Law (KHI)\textsuperscript{25} is the creation of a family (household) that is sakinah, mawaddah wa rahmah, happy, and eternal. The goals of marriage as mentioned above can be achieved influenced by several factors. Among the factors that influence the achievement of the goal of a peaceful marriage, one of them is the legality of the State.

The state's legal\textsuperscript{26}y regarding marriage is as stated in Article 2 paragraph (2) of Law No. 1 of 1974 concerning marriage, that every marriage is registered according to the applicable laws and regulations\textsuperscript{27}. In the compilation of Islamic Law, likewise, article 5 paragraph (10) requires that every marriage that takes place be recorded to ensure orderly marriages for the community. Therefore, as authentic proof that the marriage has been registered, there is a Marriage Book issued by the authorized agency, namely the Religious Affairs Office (KUA) for Muslim citizens and the Civil Registry Office for


\textsuperscript{24} Kharisudin, “Nikah Siri Dalam Perspektif Kompilasi Hukum Islam Dan Undang-Undang Perkawinan Indonesia.”


non-Muslim citizens.

Registration of marriages and marriage certificates owned by husband and wife is like a driving license for car or motorbike drivers\(^{28}\). Therefore, this permit will create a sense of security for motorists, without worrying about being raided or ticketed by traffic police\(^{29}\). Likewise, married couples who have a marriage certificate will carry out their marriage and household safely without being overshadowed by worry about raids or suspicion from neighbors who think they are cohabiting\(^{30}\).

Marriage registration and marriage books essentially aim to provide legal certainty and protection to both husband and wife\(^{31}\). Apart from that, marriage registration also provides legal certainty and protection for children born from the marriage, as well as legal certainty and protection regarding the consequences caused by the marriage itself, regarding the rights and obligations of each husband and wife, as well as inheritance rights for the children of his parents.

The government regulates marriage registration by the epistemology of Islamic law\(^{32}\) using the istishlah or maslahat method, as Theo Huijber stated, legal politics aims not only to guarantee justice but also to create peace of life by maintaining legal certainty and to handle real interests in life together, concretely. Therefore, marriage registration must be acceptable to all parties because it has a solid foundation in the form of mashallah murlah\(^{33}\).

2. **Ushul Fiqh Study**

Marriage or marriage registration Apart from ensuring legal certainty\(^ {34}\) for married couples, it is also necessary to pay attention to aspects of Maqashidu Syari'ah (legal objectives) in Islam. In the Maqashidu Sharia concept, everything done by humans is expected to always contain benefits (goodness) for humans themselves and the humans around them. On the other hand, anything that is done by humans that causes harm (badness) that has an impact on themselves or other people must be avoided.

Unregistered marriages or marriages will cause any harm or bad things to the husband and wife, the results of the marriage, and the parties related to the marriage\(^ {35}\). Therefore, the obligation to register a marriage as a formal legal requirement in a marriage is an action that is by ethical and legal principles and is recommended because it brings benefits to all parties, both husband and wife, children born as a result of the marriage, and all parties involved in the marriage.

The above matter by the maqashid of Sharia is benefit or goodness because the benefit will be realized if it contains four aspects\(^ {36}\), namely:
1. The initial goal of the Shari'a is the benefit of humans in this world and the hereafter.
2. Sharia is something that is understood

\(\text{\(^{28}\) Gunawan, “Nikah Siri Dan Akibat Hukumnya Menurut UU Perkawinan.”}
\(\text{\(^{29}\) Bambang Ali, “Perkawinan Sirri Ditinjau Dari Hukum Islam Dan Hukum Positif.”}
\(\text{\(^{33}\) Supriyadi, “Perkawinan Siri Dalam Perspektif Hukum Di Indonesia.”}
\(\text{\(^{34}\) Rahajaan, “Legalitas Pernikahan Siri Di Indonesia.”}
\(\text{\(^{35}\) Rahmiyati, Rahmi, and Nadiyah, “Siri Marriage Practices In Makmur Village Community, In Gambut, Banjar District.”}
\(\text{\(^{36}\) Supraptiningsih Umi, “Pro and Cons Contestation on The Increase of Marriage Age In Indonesia,” Samarah: Jurnal Hukum Keluarga Dan Hukum Islam 5, no. 1 (2021): 233–51, https://doi.org/10.22373/sjhik.v5i1.9136.}
3. Sharia is a law of taklifi that must be carried out
4. the Shari'a aims to bring humans under the protection of the law.

Meanwhile, to realize this benefit, five main elements must be fulfilled:

First: Maintaining religion, in the case of marriage, registering the marriage means having believed and obeyed Allah's commands as stated in Qs: al-Baqarah: 289

"O you who believe, if you do mu'amalah, not in cash for a specified time, you should write it down. And let a writer among you write it correctly. . ."

Likewise in Surah al-Nisa' verse 59

"O you who believe, obey Allah and obey His Messenger and the ulil amri among you"

"O you who believe, if you do mu'amalah, not in cash for a specified time, you should write it down. And let a writer among you write it correctly. . ."

Second: guarding the soul, By registering a person's marriage in the records of an official government institution, the husband and wife get clear status as husband and wife as proven on a certificate or marriage certificate book. Therefore, married couples will feel calm without worrying about people's suspicions or accusations, because they do not have proof of their marriage. Third: protecting offspring, children born from marriage will have clear status and the person responsible for them. Because children born from unregistered marriages or unregistered marriages only have a civil relationship with their mother.

Fourth: Maintaining common sense, couples who have registered their marriage with an official institution will be more careful in their actions, because they are bound by marriage. In contrast to couples who do not have an officially registered bond, they may act in ways that are not by norms that violate the legal marriage bond. Fifth: Protecting assets, Assets in marriage are officially regulated by law so that if a divorce occurs or something that violates marital norms, both parties can claim their rights by applicable laws.

Thus, it can be understood that in the concept of maqashidu sharia in Islam, it is hoped that everything that humans do cannot be separated from the benefit (goodness) for humans themselves and those around them. Therefore, anything that causes harm (badness) must be avoided. A marriage that is not registered with an official institution will cause a lot of harm (badness) for the husband and wife as well as for parties related to the marriage, especially children as a result of a marriage.

38 Muhammad and Dodon.
40 Dian and Siti, “Integrated Marriage Itsbat in Jambi City : Analyzing the Problems behind Its Implementation.”

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38 Muhammad and Dodon.
40 Dian and Siti, “Integrated Marriage Itsbat in Jambi City : Analyzing the Problems behind Its Implementation.”
In connection with the above, the obligation to register a marriage as a formal juridical requirement is an action that is by the principles of legal ethics, and brings benefits to all parties, especially both husband and wife and their future fiancés. If this is not the case then there will be too many harms and problems that occur with unregistered marriages or marriages without being registered with an official institution.

c. Problems of Siri Marriage and its Impact.

Every marriage and household will have problems that accompany it, but as long as the marriage is carried out legally and correctly according to religion and law, then these problems will be able to be resolved legally, herein lies the difference between a legal marriage according to the law with a Siri marriage. Problems that arise in unregistered marriages cannot be resolved legally. Honestly, it must be admitted that unregistered marriages are vulnerable to problems, both internal and external, among these problems are:

1. Family problems
   a. Marriage is carried out without parental consent or vice versa due to parental coercion, this will backfire, and there will be a cold war within the family. The decision to have an unregistered marriage without blessing parents or the parents' decision to force their children to have unregistered marriages will create disharmonious communication between children and parents. Disappointment will occur in the family, not only parents but also in other siblings.

   b. Affair.

   An unregistered marriage carried out because of infidelity will make problems more complicated, the main problem is with the legal wife of the man who entered into an unregistered marriage. Negative assessment from the environment towards a woman who has an unregistered marriage because of infidelity. It is the opposite of the purpose of the unregistered marriage that the couple pursued. Initially, the unregistered marriage was intended to avoid adultery and inner peace, but instead, it backfired and caused inner stress.

   c. Polygamy.

   Polygamy carried out by carrying out unregistered marriages is also a problem in itself, the label of women taking other people's husbands is always directed by society at women who want to be polygamous. Society cannot understand that women are victims and need protection. What happens is a negative view which becomes a psychological burden on women, not men.

   d. Different religion

   Siri marriages are often carried out by couples of different religions. When someone wants to convert to Islam, they choose a Siri marriage to legalize marriage only within the Islamic religion. This will be a problem for their children in the future.

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41 Syukri and Vita, “Problematika Nikah Sirri Dan Akihat Hukumnya Bagi Perempuan.”
42 Masduki and Zaini, “Nikah Sirri Perspektif Yuridis Dan Sosiologis.”
43 Hafas, “Pernikahan Sirri Dalam Perspektif Hukum Islam Dan Hukum Positif.”
46 Hafas, “Pernikahan Sirri Dalam Perspektif Hukum Islam Dan Hukum Positif.”
47 Rahbari, “Marriage, Parentage and Child Registration in Iran: Legal Status of Children of Unmarried Parents.”
2. Economic Problems

Usually, Siri marriages are carried out to lighten a person's economic burden, it is hoped that Siri marriages will bring improvements to a person's (women's) economic life. There is a problem if an unregistered marriage is carried out with a man who has a legal wife, like it or not, the economy also has to be limited and shared, it does not rule out the possibility that after an unregistered marriage, a woman will have to be more active and have more activities to earn her own money. meet daily needs.

3. Legal Problems

Legally, unregistered marriage is a violation of the law. Because it has violated the legal provisions of Law No. 1 of 1974 which states that marriage is valid if it is carried out according to the laws of each religion and belief. Furthermore, Article 2 (1) "Every marriage is recorded by applicable laws and regulations". This problem occurs among women and children. Women who are in unregistered marriages, as religiously valid wives, cannot claim any rights, including spiritual and physical support, inheritance rights, the right to complain if violence occurs in the household, or the right to ask for other legal protection.

4. Social and Psychological Problems

When a husband and wife live in the same house and cannot show an official marriage certificate, not all people will understand, people will ask why they have to have an unregistered marriage, and why they have to do it in secret. These questions will become the subject of gossip in society, which will make it difficult for unregistered married couples to adapt to the environment, difficult to open up to society, which ultimately makes the couple isolated, this situation will have an impact on the psychological condition of the couple, especially Woman.

5. Religious Problems

In Islam, unregistered marriage in the sense that fulfills the requirements and harmony of marriage, but is not recorded in state documents, then according to Islam it is valid, However, this unregistered marriage has many negative impacts, it seems that unregistered marriages carried out by various groups today seem to be undertaken only to find a solution to mere sexual desires. If a negative opinion like this has been formed in society, then it is the same as a negative opinion towards Islam because religiously their marriage is legal, but this legality brings greater harm.

The explanation above illustrates the many problems that arise with the occurrence of unregistered marriages which have become a current phenomenon, something that according to religion is legal, but in practice, this legality has many negative effects on the side of women, families, and society. Islamic law does not explicitly regulate the registration of marriages, but it must be linked to how much attention Islam pays to the recording of every aqad muamalah (debt sale and purchase). If only muamalah matters are recorded, why is a matter as important and sacred as marriage not officially registered? Even though marriage is different from buying and selling, it is implicitly analogous to the existence of obligations and rights between the two parties transacting in the contract.

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48 Paijar, “Problematika Pasca Nikah Siri Dan Alternatif Penyelesaiannya.”
49 Lathifah, Briliyan, and Anwar, “Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period.”
Meanwhile, the impacts resulting from the practice of unregistered marriage are broadly: legal impacts and social impacts.  

1. Legal impact.  

Siri marriages according to religion or custom are considered valid, but the marriage is without the knowledge and supervision of the marriage registrar's staff, therefore it has no legal force. Marriage registration aims to make the marriage clear to those concerned and to the community, in addition to it aims to create marital order in society, as an effort to protect the sanctity of marriage. The consequences of a marriage that does not have legal force are as follows:

a. The wife is not considered a legal wife, as a result, the husband has legal freedom, including if there is a possibility that the husband will deny the marriage, or the husband remarries another woman, then the woman cannot claim anything.

b. The wife cannot obtain legal protection if violence occurs in the household as stated in Law no. 23 of 2004 concerning Domestic Violence, because legally husbands are free from responsibility.

c. The wife does not have the right to receive any property in the event of a divorce. If possible, the wife gets her husband's property, it is merely a gift from the husband, not based on the distribution according to the rights that should be obtained.

d. The wife is not entitled to maintenance and inheritance rights if her husband dies.

e. All legal impacts that are the burden of the wife also apply to children born from an unregistered marriage.

Thus, children born from unregistered marriages have the consequence of only having a civil relationship with the mother and are not entitled to education costs, living costs, and inheritance rights from their father. If this is the case, then all the consequences of an unregistered marriage are borne by the woman because the marriage has no legal force for the woman (wife), but there are still women who do not know the impact of this unregistered marriage.

2. Social impact.

The social impacts caused by the practice of unregistered marriage:

a. Women who become wives will find it difficult to socialize with society, the notion of living in the same house without a valid marriage bond is a negative image attached to women who have unregistered marriages.

b. Women are always in a disadvantaged position, because they are not legally recognized, plus the psychological burden of society's views that position women unfairly, not to mention when their husbands treat them unfairly.

c. The social burden mentioned above will affect the child's soul, the child will feel left out of society when his or her status as a biological child is questioned. Because the child's status is legally illegitimate, one day the child's father may deny that the child is a biological child.

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50 Rahajaan, “Legalitas Pernikahan Siri Di Indonesia.”
52 Lathifah, Briiliyan, and Anwar, “Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the Covid-19 Pandemic Period.”
53 Lathifah, Briiliyan, and Anwar.
55 Isnaini, “Perkawinan Siri Dalam Perspektif Hukum Islam, Hukum Positif Dan Hak Asasi Manusia.”
Socially, women are the ones who are in a very disadvantaged position, because unregistered marriages are a social reality in society, various reactions and responses from society will arise towards unregistered marriage couples\textsuperscript{56}. The existing reactions and responses are an obstacle for unregistered marriage families. If unregistered marriage families do not have strategies to maintain the family, then the reactions and responses of the community will contribute to the breakdown and even separation of these unregistered marriage families.

D. Conclusion
Siri marriage in terms of Islamic religious law is valid because it fulfills the pillars and requirements of marriage. Siri marriage is under state law, so it is invalid because it is not registered with the authorized state institution. Judging from the benefits and disadvantages of unregistered marriage, there are more disadvantages, especially for women who are in a very disadvantaged position both morally and materially. Considering that a law or rule is created and enforced to regulate the life and benefit of the community, the legal law of unregistered marriage in religion carries more dominant implications of harm.

Thus, the author thinks that for life in Indonesia, looking at the benefits and principles of benefit and harm, unregistered marriage is makruh (prohibited), in certain cases, it can be haram. The wisdom of prohibiting unregistered marriages is to protect the purpose of marriage itself, namely a household that is harmonious, safe, peaceful, and legal in religious and state terms.

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Conflict of Interest
The author declares that he has no financial or personal relationships that may have improperly influenced him in writing this article.

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\textsuperscript{56} Syukri and Vita, “Problematika Nikah Sirri Dan Akibat Hukumnya Bagi Perempuan.”


