

Perceptions of Portibi District Religious Affairs Office Employees Regarding Population Administration in Unregistered Marriages

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Abstract

Unlawful marriages that do not follow official procedures at the Office of Religious Affairs (KUA) are still common in the Portibi District. This practice creates obstacles in issuing Family Cards (KK) and creates legal uncertainty for couples and family members. A lack of understanding of legal procedures is a major contributing factor. This study aims to analyze the perceptions of Marriage Registrars at the Portibi District KUA regarding the issuance of KKs for couples who marry unlawfully. This research employs a descriptive qualitative approach. Primary data were obtained from employees of the KUA Portibi Subdistrict, while secondary data were collected from books, journals, government publications, observations, and document studies. Data analysis was conducted through data reduction, data presentation, and inductive conclusion drawing. The findings reveal that most KUA employees in Portibi perceive population administration as a fundamental aspect of marriage implementation in accordance with existing laws and regulations. They believe that unregistered marriages create various adverse consequences, such as difficulties in recording the birth of children, obtaining population documents, and accessing the legal rights of spouses and children. However, employees also recognize that social, economic, and cultural barriers continue to contribute to the persistence of unregistered marriages among specific segments of the community. The study concludes that the perceptions of KUA Portibi employees are generally consistent with current regulations, emphasizing the importance of marriage registration as part of the population administrative order and legal protection for citizens. These findings are expected to serve as a foundation for improving public awareness and education about the importance of marriage registration, as well as for strengthening KUA's role in enforcing population administration policies.

Keyword: Perception, Employees of The Office of Religious Affairs, Unregistered Marriage

Abstrak

Pernikahan di bawah tangan yang tidak melalui prosedur resmi di KUA masih sering terjadi di Kecamatan Portibi. Praktik ini menimbulkan kendala dalam penerbitan Kartu Keluarga (KK) serta menimbulkan ketidakpastian hukum bagi

pasangan dan anggota keluarga. Kurangnya pemahaman terhadap prosedur hukum menjadi faktor utama. Penelitian ini bertujuan menganalisis persepsi Pegawai Pencatat Nikah KUA Kecamatan Portibi terhadap penerbitan KK bagi pasangan yang menikah di bawah tangan. Penelitian ini menggunakan pendekatan deskriptif kualitatif dengan sumber data primer didapatkan dari Pegawai Kantor Urusan Agama Kecamatan Portibi dan data sekunder diperoleh dari buku, jurnal, publikasi pemerintah, dan sumber lain yang relevan. Teknik pengumpulan data melalui wawancara, observasi, dan studi dokumen. Analisis data dilakukan dengan langkah reduksi data, penyajian data, dan penarikan kesimpulan secara induktif. Hasil penelitian menunjukkan bahwa sebagian besar pegawai Kantor Urusan Agama Kecamatan Portibi memiliki persepsi bahwa administrasi kependudukan merupakan aspek fundamental dalam pelaksanaan perkawinan sesuai peraturan perundang-undangan. Mereka memandang bahwa perkawinan yang tidak tercatat menimbulkan berbagai dampak negatif, seperti kesulitan dalam pencatatan kelahiran anak, kepemilikan dokumen kependudukan, serta akses terhadap hak-hak hukum pasangan dan anak. Namun demikian, para pegawai juga menyadari bahwa masih terdapat kendala sosial, ekonomi, dan budaya yang menyebabkan sebagian masyarakat memilih melaksanakan perkawinan secara tidak tercatat. Penelitian ini menyimpulkan bahwa persepsi pegawai Kantor Urusan Agama Kecamatan Portibi secara umum selaras dengan regulasi yang berlaku, yaitu menekankan pentingnya pencatatan perkawinan sebagai bagian dari tertib administrasi kependudukan dan perlindungan hukum warga negara. Temuan ini diharapkan menjadi dasar bagi upaya peningkatan sosialisasi dan edukasi masyarakat tentang pentingnya pencatatan perkawinan serta penguatan peran Kantor Urusan Agama dalam penegakan administrasi kependudukan.

Kata Kunci: Persepsi, Pegawai Kantor Urusan Agama, Perkawinan Tidak Tercatat

A. Introduction

Marriage is a social necessity,¹ and its registration is a crucial element of Indonesian family law. According to Law No. 1 of 1974 and the Compilation of Islamic Law, marriage registration is mandatory to protect the rights of spouses and children, provide legal certainty, and serve as a basis for the distribution of property, inheritance rights, and parental responsibilities.² Furthermore,

¹ Mustafid, *Hukum Keluarga: Perkawinan Dalam Islam Dan Adat* (Kota Kupang: Tangguh Denaya Jaya, 2023), hlm. 5.

² Mardani A, *Hukum Perkawinan Di Indonesia: Tinjauan Teoritis Dan Praktis* (Jakarta: Pustaka Hukum, 2020). hlm. 25.

registration also serves to prevent unregistered polygamy, which can be detrimental to one of the parties.³

Marriage registration, as stipulated in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), is not merely an administrative formality, but an effort to achieve justice and legal certainty within the family. Through registration, the rights and legal status of spouses and children are protected, including inheritance rights and legal recognition. From an Islamic perspective, marriage registration is beneficial because it facilitates the legal and orderly resolution of cases such as divorce.⁴

An unregistered marriage, also known as an underhand marriage or sirri marriage, is a marriage conducted according to religious or customary law but not officially registered with the Office of Religious Affairs (KUA) for Muslims or the Civil Registry Office (KCS) for non-Muslims.⁵ Article 2, paragraph 2 of Law Number 1 of 1974 concerning Marriage states that "every marriage must be registered according to the prevailing laws and regulations." This means that registration is an administrative requirement for obtaining legal recognition of the marriage.⁶ Meanwhile, Article 5 of the Compilation of Islamic Law states: "To ensure orderly marriages for the Muslim community, every marriage must be registered."⁷

Unregistered marriages have serious legal consequences for the husband, the wife, and any children born to them, as they lack the legal force of proof. Consequently, it is difficult for the wife and children to obtain civil rights such as inheritance rights, maintenance, and legal status. Failure to register demonstrates a gap between positive law and public legal awareness. Article 26 of the Civil Code stipulates that only those who have a legal relationship with the testator may

³ Husni M, *Kompilasi Hukum Islam: Antara Teori Dan Praktik* (Yogyakarta: Laksana, 2019). hlm. 54.

⁴ Nindi Aliska Nasution, "Fenomena Pencatatan Perkawinan Bagi Janda Di Kua Kecamatan Tanah Tumbuh Kabupaten Tanjung Jabung Ditinjau Dari Hukum Keluarga", *Jurnal Al-Maqasid: Jurnal Ilmu Kesyarifan Dan Keperdataan*, Vol. 9, No. 2 (2023), hlm. 210.

⁵ Reza Pahlevi Nurfaiz And Fakhry Fadhill, *Perkawinan Tidak Tercatat Dan Implikasinya Terhadap Hak-Hak Isteri Dan Anak Di Kecamatan Kemiri Kabupaten Tangerang*, Vol. 01 (2023). hlm. 53.

⁶ *Undang-Undang Ri No. 1 Tahun 1974 Tentang Perkawinan & Khi Cet. Ii* (Bandung: Citra Umbara, 2013). hlm. 28.

⁷ Abdurrahman, *Kompilasi Hukum Islam Di Indonesia* (Jakarta: Akademika Pressindo, 2010). hlm. 91.

inherit”.⁸ Therefore, children born of unregistered marriages have inheritance rights only if they receive legal recognition from their parents.⁹

Endang explained that unregistered marriages create legal uncertainty and place women in a vulnerable position, both legally and socially¹⁰. Umar also explained that marriage confirmation is often used as a last resort for couples to obtain legal recognition, but this process cannot replace registering a marriage from the outset.¹¹

Unregistered marriages are often influenced by traditional customs, economic constraints, limited access, polygamy, and premarital pregnancies, as well as the assumption that religious validity is sufficient without state registration.¹² In the Portibi District, some couples still obtain Family Cards even though they have not officially married at the Office of Religious Affairs (KUA), in violation of national law. This phenomenon indicates that society prioritizes religious legitimacy over administrative validity. This study aims to analyze the views of Portibi KUA employees regarding the process, policies, and factors influencing the issuance of Family Cards for couples in unregistered marriages.

B. Research Methods

This research is a qualitative descriptive study using primary data collected from employees of the Portibi District Religious Affairs Office. Secondary data sources were obtained from books, journals, government publications, and other relevant sources. Data collection techniques include interviews, observations, and document studies. Furthermore, a qualitative descriptive analysis was conducted to provide a comprehensive picture of the Portibi District Religious Affairs Office's perceptions regarding population administration for unregistered marriages. The qualitative method used in this study is very appropriate, as the research focuses on understanding employees' perceptions of the Religious Affairs Office's population administration for unregistered

⁸ Bachruddin, *Kupas Tuntas Hukum Waris Kuhperdata* (Yogyakarta: Divisi Buku Digital Pt Kanisius, 2021). hlm. 71.

⁹ Adriana Sahal, “Pembagian Harta Warisan Akibat Perkawinan Yang Tidak Tercatat Menurut Hukum Positif”, *Justicia Journal*, Vol. 13 No. 1 (2024), hlm. 4.

¹⁰ Endang Prasetyawati, *The Meaning Of “Un-Recorded Marriage” In The Perspective Of The Marriage Law*, Vol. 39 (2023). hlm. 121.

¹¹ Umar Faruq, “Isbat Nikah Perspektif Maqosid Syariah”, *Jurnal Hukum, Politik Dan Ilmu Sosial*, Vol. 2, No. 2 (2024), hlm. 342.

¹² Indra Krestianto Et Al., “Optimalisasi Pencatatan Perkawinan Untuk Mewujudkan Kepastian Hukum”, *Jurnal Pendidikan Indonesia*, Vol. 6 Nomor 8 (2025). hlm. 141.

marriages. This approach allows researchers to gain an in-depth understanding, direct experience, and insight into the social context behind the problem.

C. Discussion and Research Results

Population and Marriage Administration

Population administration is a series of activities in population registration and civil registration that guarantee ownership of official identity (KTP, KK, birth/death certificate, divorce certificate/marriage certificate), and serve as the basis for granting public rights and services. In Indonesia, the implementation of population administration is regulated by Laws and Regulations, including the Population Administration Law and related PP. It is subject to the dynamics of authority division between the central and regional governments, which can create coordination challenges.¹³ Population administration is also a system expected to fulfill citizens' administrative rights in public services. In addition, it aims to maintain population records in a fair and nondiscriminatory manner through the active involvement of the government and regional governments.¹⁴

Population administration aims to ensure that every individual has the right to participate in population data collection fairly and without discrimination, through quality public services. In addition to raising public awareness of their responsibilities, this administration also provides national statistical data to support development policies and planning at various levels. Based on Law Number 23 of 2006, population documents are authentic evidence issued by authorized institutions, including Population Biodata, Family Cards, National Identity Cards (KTP), Population Certificates, and Civil Registration Certificates as stipulated in Article 59.

Marriage registration is an administrative process carried out by authorized state officials to provide legal certainty regarding the marital status of a married couple. In Indonesian positive law, a marriage is valid if it satisfies two elements: a religious element performed in accordance with the relevant religious laws, and an administrative element recorded by the state. This is emphasized in Article 2, paragraph 2, of Law Number 1 of 1974 concerning marriage, which states that every marriage must be registered in accordance with applicable laws

¹³ Sekretariat Negara Republik Indonesia, *Undang-Undang Republik Indonesia Nomor 23 Tahun 2006 Tentang Administrasi Kependudukan*.

¹⁴ Sri Sudono Saliro, *Analisis UU No. 23 Tahun 2006 Terhadap Pelayanan Pencatatan Kelahiran Oleh Pemerintahan Desa: Implementasi, Tantangan, Dan Faktor Pendukung*, Vol. 4 No. 1 (2025). hlm. 31.

and regulations.¹⁵ This registration serves to produce authentic evidence in the form of a legally binding marriage certificate.¹⁶

Normatively, marriage registration has several main objectives: providing legal certainty regarding marital status, guaranteeing legal protection for husbands, wives, and children, and serving as a population-administration instrument that supports the national legal order. Marriage registration serves as a legal control mechanism by the state over its citizens' civil relations, as well as authentic evidence for future legal purposes such as divorce, inheritance, and child recognition.¹⁷ The phenomenon of unregistered marriages often arises from cultural and economic factors and a lack of public legal awareness, so the government needs an integrated approach to socialization and legal services.¹⁸

Regarding the provision "must be recorded" in Article 5, Paragraph (1) of the Compilation of Islamic Law (KHI), this is intended to ensure orderly marriages among the Muslim community. Based on this principle, every Muslim in Indonesia should be aware that marriage registration is crucial, as it is not only a religious mandate issued by Allah SWT but also recognized and enforced as positive law in Indonesia. Thus, marriage registration has binding and coercive power, so it must be obeyed and implemented by all Muslims.¹⁹

Marriage registration is carried out by a Marriage Registrar (PPN) in accordance with applicable laws and regulations. The procedures for carrying out this registration are guided by Government Regulation Number 9 of 1975, Article 10, paragraph (3), which states that the Marriage is to be performed before the registrar and witnessed by two witnesses. Marriage registration is categorized as an essential event in population administration, as explained in the General Explanation number 4 letter b of Law Number 1 of 1974 concerning Marriage,

¹⁵ Hengki Januardi, "Perkawinan Janda Tanpa Akta Cerai", *Journal Al-Ahkam*, Vol. Xxi No. 1 (2020). hlm. 120.

¹⁶ Gede Pupung Januartika, Komang Febrinayanti Dantes, And I Nengah Suastika, "Tinjauan Yuridis Terhadap Perceraian Tanpa Akta Perkawinan Ditinjau Dari Undang - Undang Nomor 16 Tahun 2019 (Studi Kasus Pengadilan Negeri Singaraja)", *Jurnal Komunitas Yustisia*, Vol. 5, No. 3 (2022), hlm. 178.

¹⁷ Soerjono Soekanto Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali, 1985). hlm 192.

¹⁸ Tulus Prijanto, "Tinjauan Dan Pandangan Hukum Terhadap Perkawinan Yang Tidak Tercatat Pemerintah Serta Dampaknya Secara Ekonomi", *Jurnal Ilmiah Edunomika*, Vol. 5, No. 2 (2021), hlm. 702.

¹⁹ Nurhaliza Nurhaliza Any, Suryani Hamzah, "Efektivitas Pencatatan Perkawinan Dalam Pasal 2 Ayat 2 Undang-Undang No. 1 Tahun 1974 Di Kantor Urusan Agama (Kua) Batukliang Kabupaten Lombok Tengah", *Private Law*, Vol. 1 Nomor 3, hlm. 404.

which states that the registration of each Marriage has the same status as the registration of other vital events in a person's life, such as birth and death, which is proven by a certificate or official deed entered into the state registration list.²⁰

Perceptions of Marriage Registrars at the Office of Religious Affairs regarding Unregistered Marriages

Marriage registration in the Islamic context is not explicitly regulated in the texts. However, from a beneficial perspective, marriage registration is crucial. Administrative requirements related to marriage are regulated in Law Number 1 of 1974 and the Compilation of Islamic Law. The purpose of marriage registration is to establish order in marriages within society, including those conducted under Islamic law.²¹

Religious Affairs Office staff generally understand that unregistered marriages can negatively impact individual rights, such as inheritance rights and child recognition. They recognize the importance of official registration to provide legal certainty. Religious Affairs Office staff tend to view unregistered marriages as a social problem that has the potential to cause community conflict. This can affect relationships between families and communities and increase the government's administrative burden in law enforcement. Many staff at the Religious Affairs Office face challenges in encouraging people to register their marriages. Several influencing factors include a lack of community understanding, parental customs/wishes, lack of approval, costs, and social stigma associated with the administrative process.²²

Religious Affairs Office staff feel the need to educate the public about the importance of marriage registration, provide solutions (e.g., duplicate marriage certificates if archives exist), or direct them to isbat/administrative corrections if the data is incomplete.²³ They strive to raise awareness of the legal benefits of registered marriages, including legal protection for spouses and children.

²⁰ M. Anshari Mk, *Hukum Perkawinan Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2015). hlm. 147.

²¹ Abu Yazid Adnan Quthny, Ahmad Muzakki, And Zainuddin, "Pencatatan Pernikahan Perspektif Hukum Islam Dan Undang-Undang Nomor 1 Tahun 1974", *Asy-Syari'ah : Jurnal Hukum Islam*, Vol. 8, No. 1 (2022), hlm. 40.

²² Wahyuni Risma, Hamzah Vensuri, And Hengki Januardi, "Problematisasi Perkawinan Tidak Tercatat Di Kantor Urusan Agama (KUA) Lin-Tau Buo Kabupaten Tanah Datar Provinsi Sumatera Barat", *Qiyas : Jurnal Hukum Islam Dan Peradilan*, Vol. 7, No. 1 (2022), hlm. 321. <https://ejournal.iainbengkulu.ac.id/index.php/qiyas/article/view/6617>.

²³ Nadia Hastiani And Fitria Olivia, "Penerapan Sanksi Pegawai Pencatat Perkawinan Terhadap Perkawinan Sah Yang Tidak Dicatatkan", *Jca Of Law*, Vol. 1 No. 2 (2020). hlm. 63.

Religious Affairs Office staff have varying approaches to handling unregistered marriages; some may be more proactive in seeking solutions, such as facilitating the administrative process, while others may be more skeptical if people show no interest in registering their marriages.

A secret marriage is a marriage that is religiously considered valid or carried out, but is not officially registered with a marriage registration agency (such as the Office of Religious Affairs (KUA) or a civil registration agency), as regulated by Law Number 1 of 1974 concerning Marriage.²⁴

In practice, unregistered marriages are not considered a serious issue in society because they are considered religiously valid without registration with the Office of Religious Affairs (KUA). This practice is even seen as a shortcut for couples who are not ready or facing legal obstacles, and because religious figures often carry it out, it has become a socially accepted custom, thus decreasing awareness of the importance of marriage registration. Based on Presidential Regulation Number 96 of 2018, couples in unregistered marriages can still obtain a Family Card (KK) to protect their children and support national population data collection.²⁵

The government's continued facilitation of civil registration for those engaged in unregistered marriages is seen as reinforcing the practice and creating a contradiction between the administrative needs of the Civil Registration Office (Dukcapil) and the provisions of national marriage law. The use of a Statement of Absolute Responsibility (SPTJM) as a substitute for a marriage certificate adds to the complexity of verification because it is not authentic evidence, leading to concerns that it will reduce public awareness of the importance of official registration. KUA officials are also concerned about the legal status of children born of unregistered marriages regarding inheritance rights, birth certificates, and guardianship; some are pragmatic and assist with basic document processing, while others emphasize the need to enforce registration regulations to prevent abuse.

The Role and Efforts of the Office of Religious Affairs in Handling Unregistered Marriage Cases

²⁴ Nur Aisyah, "Pandangan Hukum Islam Terhadap Perkawinan Dibawah Tangan", *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, Vol. 5, No. 2 (2018), hlm. 259.

²⁵ Aliyah Abdul Basit Sahrudin, "Tinjauan Yuridis Pemerian Kartu Keluarga (Kk) Bagi Pasangan Pernikahan Siri", *Jurnal Privat Law Fakultas Hukum Universitas Mataram*, Vol. 4 (1) (2024). hlm. 109.

The Religious Affairs Office, as the technical implementing agency of the Ministry of Religious Affairs at the sub-district level, plays a primary role in handling unregistered marriages. It is responsible for ensuring that every Muslim marriage is conducted in accordance with applicable law, with official registration resulting in a marriage certificate as authentic proof.²⁶ The Religious Affairs Office also plays an active role in providing public education and guidance on the importance of marriage registration, the legal consequences of unregistered marriages, and the administrative procedures required before a marriage takes place.²⁷

The Office of Religious Affairs also acts as a facilitator of the marriage confirmation process, collaborating with judicial institutions to provide legal certainty to couples who have married in unregistered marriages.²⁸ The Office of Religious Affairs also oversees the registration and implementation of marriage contracts to prevent practices that place marriages outside the state system. The Office of Religious Affairs' efforts to address and prevent unregistered marriages are as follows:

First: The Office of Religious Affairs conducts religious education programs and family law outreach for prospective brides and grooms, as well as the wider community, to raise awareness of marriage registration.²⁹ Second: The Office of Religious Affairs collaborates with local governments, the Population and Civil Registration Office, religious leaders, and community organizations to facilitate early detection of marriage registrations.³⁰

Third: The Office of Religious Affairs assists with administrative and data verification when couples file for marriage confirmation at the religious court and register their marriage in accordance with the court's decision. Fourth: Provides

²⁶ Syukron Hady, Marluwi Marluwi, And Ardiansyah Ardiansyah, "Penerapan Sistem Informasi Manajemen Nikah (Simkah) Studi Kasus Kua Nanga Pinoh Perspektif Pma Nomor 20 Tahun 2019", *Al-Usroh*, Vol. 1, No. 2 (2021), hlm. 160.

²⁷ Ikram Makalalag, "Peran Kator Urusan Agama Dalam Menanggulangi Praktik Nikah Siri Di Kecamatan Wenang" (Institut Agama Islam (Iain) Manado, 2024). hlm. 45.

²⁸ Universitas Batam, Riau Et Al., "Sidang Itsbat Bagi Pasangan Nikah Siri Ditinjau Dalam Perspektif Hukum Islam", *Jurnal Ilmiah Hukum Dan Hak Asasi Manusia*, Vol. 2, No. 2 (2023), hlm. 65.

²⁹ Benyamin, "Peran Kantor Urusan Agama (Kua) Dalam Upaya Menanggulangi Pernikahan Sirri Di Kota Bandar Lampung", *Jurnal Al Wasith: Jurnal Studi Hukum Islam*, Vol. 5 No. 2 (2020). hlm. 40.

³⁰ Muhammad Zainullah And Ahmad Suryono, "Sinkronisasi Simkah Dan Pencatatan Pendaftaran Perkawinan (Studi Putusan Nomor:1428/Pdt.G/2021/Pa.Jbr)", *Indonesian Journal Of Law And Justice*, Vol. 1 No. 4 (2024), hlm. 9.

consultation on the legal consequences of unregistered marriages and on steps to regularize marital status.³¹

Analysis of Unregistered Marriages from the Perspective of Islamic Law and Positive Law

According to classical and contemporary Islamic jurisprudence, a marriage is considered valid if all the pillars and requirements of marriage are met, namely the presence of a guardian, two witnesses, the *ijab qabul* (consent), a dowry, the presence of a qualified husband and wife, and the absence of sharia-compliant impediments. Therefore, from a religious perspective alone, if all the pillars and requirements are met, the marriage contract can be considered valid.³² However, in contemporary Islamic jurisprudence, registration is considered essential for the benefit and certainty of lineage, as unregistered marriage carries significant risks for the husband, wife, and children, resulting in social, psychological, and economic losses.³³

From the perspective of the *mursalah* (consensus) principle, unregistered marriages can be seen as a harmful practice because they undermine legal certainty for wives and children, particularly in matters of lineage, inheritance, and livelihood protection. Therefore, the correlation between administrative mechanisms and rights protection is crucial from a modern Islamic legal perspective.³⁴ Within the context of the Shafi'i school of thought and Indonesian Islamic jurisprudence (*fiqh*), there is a discussion of the renewal of the marriage contract (*tajdid akad*) for couples in unregistered marriages, namely, repeating or re-registering the contract to create legal certainty and achieve the *maslahah* (benefit).

From an Islamic legal perspective, a secret marriage contract is valid if it fulfills the pillars and requirements, but registration, announcement, and certainty of lineage and social rights are part of the *Maqasid Syariah* to protect lineage, the wife's honor, and the status of the child. In the context of Indonesian positive law, registration of marriage is an essential requirement for

³¹ Mahmud Huda And Noriyatul Azmi, "Legalisasi Nikah Siri Melalui Isbat Nikah", *Jurnal Hukum Keluarga Islam*, Vol. 5 Nomor 2 (2020). hlm. 109.

³² M. Thahir Maloko, "Nikah Sirri Perspektif Hukum Islam", *Jurnal Sipakalebbi*, Vol. 1 Nomor 2 (2015), hlm. 7.

³³ Syafira Aulia Nurrahmah And Ummu Sa'Adah, S.Th.I, M.Si., "Pernikahan Siri Dalam Perspektif Maslahah Mursalah", *Al-Muttaqin: Jurnal Studi, Sosial, Dan Ekonomi*, Vol. 6, No. 1 (2025), hlm. 92.

³⁴ Munawir Munawir And Akhmad Kamil Rizani, "Urgensitas Sanksi Nikah Siri Perspektif Istihsan Dan Maslahat", *Jurnal Ilmu Syariah Dan Hukum (Jisyaku)*, Vol. 1, No. 2 (2022), hlm. 209.

administrative validity as regulated in Article 2 paragraph (2) of Law Number 1 of 1974. Kharisudin emphasized that an unregistered marriage has no legal force; even if valid from a religious perspective, it is not recognized by state law and does not entail administrative consequences.³⁵

The absence of marriage registration under positive law has various legal consequences, particularly for women and children born from the marriage. In this context, the wife lacks legal protection regarding her right to maintenance or to joint property, while the child has only a civil relationship with the mother and her mother's family. Basri and Soiman emphasized that unregistered marriages result in children not being legally recognized, thus impacting the child's civil rights, particularly regarding inheritance and legal identity.³⁶

Indonesian positive law also provides a remedial mechanism for couples who have married religiously but have not yet registered their marriage, namely through the marriage confirmation (isbat nikah) as regulated in Article 7 paragraph (2) of the Compilation of Islamic Law (KHI). The marriage confirmation serves to validate marriages conducted without prior legal registration. Nafik and Taufik explain that the marriage confirmation (isbat nikah) is a legal path for couples in unregistered marriages to obtain state recognition and protection of their civil rights. Thus, positive law not only emphasizes the importance of registration as a legal requirement but also provides a legal solution to accommodate the social reality of people who still practice unregistered marriages.³⁷

D. Conclusion

Employees at the Portibi District Religious Affairs Office view unregistered marriages as a violation of positive law, with negative consequences, particularly in population administration and in legal protection for spouses and children. While unregistered marriages are valid under religious law if they meet the requirements for marriage, they lack the force of law because they are not officially registered. Consequently, couples with unregistered marriages face obstacles when processing population documents, such as Family Cards, Birth

³⁵ Kharisudin Kharisudin, "Nikah Siri Dalam Perspektif Kompilasi Hukum Islam Dan Undang-Undang Perkawinan Indonesia", *Perspektif*, Vol. 26, No. 1 (2021), hlm. 56.

³⁶ Momon Umar Basri, "Dampak Hukum Perkawinan Siri (Tidak Dicatatkan) Terhadap Perlindungan Anak Dalam Tinjauan Hukum Positif", *Jurnal Al Wasith*, Vol. 2, No. 1 (2017). hlm. 139.

³⁷ Moh Nafik And Abdullah Taufik, "Legalitas Perkawinan Tidak Tercatat Dan Korelasinya Dalam Isbat Nikah (Perspektif Hakim Pengadilan Agama Dan Pejabat Kua Kota-Kabupaten Kediri)", *Mahakim: Journal Of Islamic Family Law*, Vol. 8, No. 1 (2024), hlm. 78.

Certificates, and other legal documents. In response, the Portibi District Religious Affairs Office plays an active role in providing outreach, providing guidance, and facilitating the implementation of marriage confirmations (isbat nikah) to legalize unregistered marriages. Thus, the perception of Religious Affairs Office employees emphasizes the importance of marriage registration as a basis for orderly population administration and legal guarantees in accordance with Islamic law and positive law in Indonesia.

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