

The problems of siri marriage for couples who have not married according to the law in marriage legal perspective

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ABSTRACT

The purpose of this research is to find out the problems that occur in couples who are not legally married according to the law in the perspective of marriage law in Indonesia. The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem according to the research title. The data used is secondary data consisting of primary legal materials in the form of Law no. 1 of 1974, KHI (Compilation of Islamic Law), and secondary legal materials in the form of books, journals and writings related to research titles. The problem for anyone who enters into a marriage even though it is with religiously valid pillars and conditions but not registered causes more disadvantages than advantages. As a result of unregistered marriages, there will be difficulties in processing important letters as administrative requirements in civil affairs. In addition, it is not legally recognized because it does not give rise to civil relations as husband and wife.

ABSTRAK

Tujuan penelitian adalah untuk mengetahui problematika yang terjadi bagi pasangan yang belum menikah secara sah menurut undang-undang dalam perspektif hukum perkawinan di Indonesia. Jenis Penelitian dalam tulisan ini adalah normatif dengan pendekatan perundang-undangan dan konseptual. Sedangkan spesifikasi penelitian adalah deskriptif analitis yaitu menjelaskan tentang permasalahan sesuai dengan judul penelitian. Data yang digunakan data sekunder yang terdiri dari bahan hukum primer berupa UU No. 1 Tahun 1974, KHI (Kompilasi Hukum Islam), dan bahan hukum sekunder berupa buku-buku, jurnal-jurnal dan tulisan-tulisan yang berhubungan dengan judul penelitian. Problematika bagi siapa saja yang melakukan perkawinan walau dengan rukun dan syarat yang sah secara agama namun tidak didaftarkan lebih banyak menimbulkan kerugian dibanding dengan keuntungannya. Akibat dari Pernikahan Siri tersebut akan menemui kesulitan dalam mengurus surat-surat penting sebagai syarat administrasi dalam keperdataan. Disamping itu, tidak diakui secara hukum karena tidak menimbulkan hubungan keperdataan sebagai pasangan suami istri.

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I. INTRODUCTION

Marriage for Muslims is an inner and outer bond between a man and a woman as husband and wife based on a marriage contract regulated in law with the aim of forming a *sakinah* family or a happy household according to Islamic law. Marriage is a very strong bond or *mitsaqon ghalidhan* to obey Allah's commands and carry them out as worship (KHI, Article 2). Humans by nature are social creatures. According to Herimanto (2016), humans need each other and must socialize with other humans because humans cannot meet their own needs. This is because humans cannot meet their own needs. Therefore, to maintain the sanctity of the marriage institution, marriage or marriage for Muslims is only valid if it is carried out according to Islamic law and its existence needs to be protected by state law. In the perspective of positive law in Indonesia, marriage for Muslims, besides having to be carried out according to Islamic law, every marriage must also take place in the presence of and be recorded by the Marriage Registrar in accordance with the applicable laws and regulations. Marriages that are not carried out in accordance with these provisions do not have legal force (Article 2 of Law No.1/1974 in conjunction with Article 2 (1) PP. No.9/1975).

According to Law Number 1 of 1974 concerning Marriage, that marriage is required so that humans have legitimate offspring and families to lead a happy life in this world and the hereafter, under the auspices of love and the pleasure of God. As stated in Article 1 of Law Number 1 of 1974 concerning Principles of Marriage which states that Marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in the One Almighty God.

A marriage's said to be valid if it fulfills the pillars and conditions. Meanwhile, according to Article 2 of the Marriage Law, these are written as follows:

1. Marriage is legal, if it is carried out according to the laws of each religion and belief;
2. Every marriage is recorded according to the applicable laws and regulations.

In practice, in Indonesia there are not a few people who carry out the Siri Marriage, this Siri Marriage is a marriage carried out by Muslims in Indonesia, where the marriage fulfills both the pillars and the conditions of marriage. So that this makes some couples choose to justify their relationship, there are those who take steps to marry unregistered marriages, marriages that take place without being registered or registered with marriage registrars as regulated and determined by Law No. 1 of 1974 about marriage.(Khatimah, 2021)

The word siri itself comes from the Arabic word *sirrun* which means secret. So, when combined between the word marriage and the word sirri, it can be interpreted linguistically with a secret marriage, that is, not shown. In this case, marriages are carried out secretly and not widely known by people or the local government, that is, they are not recorded according to the rules in the Marriage Law (Islami, 2017). So that if a marriage is not registered, then the husband and wife do not have authentic evidence that they have carried out a valid marriage in the perspective of National Marriage Law. As a result, when viewed from a legal aspect, the marriage is not recognized by the government, so it has no legal force. So in this case it is necessary to review whether Siri Marriage is still valid as a whole.(Syamdan & Purwoatmodjo, 2019)

In marriage, pillars determine a legal act, especially regarding whether the marriage is legal or not from a legal perspective, both jurisprudence and civil law. An act of marriage law is declared valid if all the pillars are fulfilled and the act is invalid if one or more pillars are left behind.

The pillars of marriage include (Compilation of Islamic Law or KHI):

- (1). There are grooms and brides
- (2). The female guardian
- (3). Two witnesses
- (4). Agreement and Acceptance (*Ijab and Qabul*)

As for unregistered marriage, it is a marriage carried out in the presence of a guardian and two fair witnesses as well as a consent qabul, but this marriage is not registered at the Office of Religious Affairs (KUA). When viewed from the legal aspect, this marriage is a valid marriage. It is said that because marriage fulfills the terms and conditions. What is meant by conditions is

something that must exist in a marriage or marriage but does not include the essence of the marriage itself. If one of the conditions of the marriage is not met, then the marriage is invalid (Soemiyati, 2007). In fact, the problem in unregistered marriages is related to the legal consequences that occur, for example on marital assets and the legal status of a person in marriage. (Aristoni & Abdullah, 2016)

An Unregistered marriage will have an impact on his wife and children. Their position is very weak before the law. For a wife, she is not considered a wife, because she does not have a marriage certificate, she is also not entitled to maintenance and inheritance in the event of a divorce or her husband dies. Tragically the child that was born was also not considered legitimate. So what is meant by unregistered marriage here is a marriage that is legally religious but not recorded in the state registry. (Khatimah, 2021) (Syamdan & Purwoatmodjo, 2019)

In reality, not all Indonesian Muslims comply with the provisions of these laws and regulations, so that there are still among the Muslim community for various reasons doing private marriages, in the sense that these marriages are not recorded by the authorized official for that purpose. This kind of phenomenon in our society is better known as Siri Marriage or Siri Marriage or another term also called Underhand Marriage. (Devy & Rizqi, 2018)

In Indonesia, it is generally considered that the law of origin of marriage is mubah (Basyir, 2010). This is heavily influenced by the opinion of Syafi'iyah scholars. In order to find out more clearly the status of each marriage law in accordance with the conditions al ahkam al khamsah, the meaning is the five assessments which are called norms or rules in Islamic teachings which cover the entire environment and life, the following will be briefly examined:

1. Performing a legally obligatory marriage
2. Doing a legal marriage *sunnah*
3. Performing marriages that are unlawful
4. Doing a marriage that is considered *makruh*
5. Doing marriages which law is permissible

Thus, the law of Siri Marriage basically cannot be separated from the category of marriage law, namely sometimes obligatory, *sunnah*, *makruh* and *sunnah*. Meanwhile, the condition of "siri" in the sense that it was not held and recorded before the PPN is not a factor causing the validity of the marriage. There are many reasons why this Siri Marriage can happen to couples or other people who have not married according to the regulations or marriage law. (Hijawati & Rizayusmanda, 2021)

If conditions such as Siri Marriage are related to the provisions of marriage law in Indonesia, it is certainly not in line with the spirit of the Indonesian positive legal provisions which stipulate that marriages must not only be carried out legally according to religious procedures but must also be registered by an authorized official (Article 2 paragraph (1) and (2) Law No. 1 of 1974, jo. Article 4 and Article 5 paragraph (1) and (2) KHI. The problem is, how is the application of marriage law to the Indonesian Muslim community, and what is the position of Siri Marriage in the perspective of Indonesian positive law? This is the problem for couples or anyone who enters into a marriage with valid pillars and conditions religiously but is not registered through the Marriage Registrar (KUA) according to the law from the marriage legal perspective.

For this reason, in this journal the author takes a discussion of the problems of Siri Marriage faced by married couples who have not married before in terms of marriage law, with this journal it is hoped that this journal can add to the understanding for young couples who want to get married so that they are better prepared both physically, mental, material, and knowledge to carry out legal marriages in a legal perspective to reduce the phenomenon of Siri Marriage in Indonesia in general and Muslims in particular.

II. RESEARCH METHODE

The type of research in this paper is normative with a statutory and conceptual approach. While the specification of the research is analytical descriptive, namely explaining the problem

according to the research title. The data used is secondary data consisting of primary legal materials in the form of Law no. 1 of 1974, KHI (Compilation of Islamic Law), and secondary legal materials in the form of books, journals, thesis, documents, relevant literature and writings related to research titles.

The technique of collecting legal material is done by studying library books to obtain secondary legal material which is done by taking an inventory and studying and quoting from books, articles and related laws and regulations. After the legal material is collected, it is recorded, summarized and reviewed according to the problem. Then, when legal material is collected, a qualitative analysis is carried out, namely a discussion that is carried out by combining literature research as well as interpreting and discussing. (Purwati, 2020)

Seeing the nature of this research, the method to be used is a qualitative method. The focus of this type of qualitative research is to gain a deeper understanding behind the phenomena that have been successfully recorded in relation to the problems surrounding Siri Marriage. In order to understand more deeply and thoroughly, it is clearly not enough to just see a causal relationship between the several variables proposed, but a deeper meaning and understanding of the views of life and character of the Siri Marriage perpetrators must be explored so that a deeper understanding of the questions asked in this study (Varma, 2010).

III. RESULT AND DISCUSSION

3.1. The Factors Causing The Siri Marriage

The phenomenon of underhand marriage or unregistered marriage for Muslims in Indonesia is still quite a lot. It is not only carried out by the lower class of society, but also by the middle and upper class of society. The practice of unregistered marriages in Indonesia has existed since the pre-independence era until now and is even predicted to never end or be complete until the end of the world (Ikhtiarina et al., 2020). This condition occurs due to several factors behind it. Of course, to find out how big the percentage of unregistered marriages is and what factors trigger the occurrence of unregistered marriages, it still requires careful research. However, in general Siri Marriage can be caused by several factors, as below (Muzajin, 2011)(Riyanto, 2018):

1. Lack of Community Legal Awareness

There are still many in our societies who do not fully understand the importance of registering marriages. Even if in reality the marriage is registered at the KUA, some of them may just go along with it; regard it as a tradition commonly practiced by the local community; or the registration of the marriage is only seen as a matter of administration; has not been accompanied by full awareness of the beneficial aspects of the marriage registration.

2. The Apathy of Some People towards the Law

There are some people who are indifferent to the provisions of the regulations concerning marriage. Such apathy is indeed a major obstacle to the implementation of law enforcement. Because what couples do, especially if they are public figures, will usually be emulated by those who idolize them. Therefore, the phenomenon of Siri Marriage should not become something that is commonplace and free without burden for the Indonesian people who are currently trying to position the rule of law.

3. Unclear Marriage Registration Provisions

As we know, the provisions of Article 2 of Law No. 1/1974 are the main principles of a valid marriage. Article 2 of the Marriage Law consists of 2 paragraphs. Legal phrases are designated in paragraph (1). So, this article cannot be used as a cumulative condition for the validity of marriage. This article can be used as a cumulative requirement for legitimacy of marriage. From the legal facts and/or legal norms, actually it is enough to become a basis for Muslims to be obliged to register their marriage. However, this provision contains weaknesses because the article has multiple interpretations and is also not accompanied by sanctions for those who violate it. In other words, the provisions for registering marriages in the law are not strict.

That is why in recent years the government has drafted a Draft of Law on Applied Law for the Religious Courts in the Field of Marriage which has not yet been passed in parliament. In the bill, the obligation to register marriages is explicitly formulated and accompanied by clear sanctions for those who violate them.

3.2. The Legal Position of Siri Marriage in The Perspective Of Marriage Law

The siri marriage from the point of view of applicable law in Indonesia is a marriage that is carried out not in accordance with the provisions of the applicable laws and regulations. As we understand that based on the provisions of Article 2 paragraph (1) and (2) of Law No.1/1974 Jo. Article 4 and Article 5 paragraphs (1) and (2) KHI, apart from having to carry out a marriage legally according to religious law, must also be registered by an authorized official. Thus, in the perspective of legislation, this marriage is legal but it has no legitimacy. (Muzajin, 2011) (Riyanto, 2018)

For Indonesian Muslims, there are two main requirements that make their marriage have legitimacy according to positive law, namely: first, marriage must be carried out according to Islamic law, and second, every marriage must be registered. Marriage registration is carried out by PPN (Marriage Registrar) in accordance with Law No. 22/1946 jo. Law No. 32/1954. The failure to fulfill the provisions in paragraph (1) as one of the two conditions referred to in Article 2 of the Marriage Law does not make a marriage valid or invalid. However, making marriage has no legitimacy and no legal force. As for the cancellation of marriages, it is based on articles 70 to 76 of the Compilation of Islamic Law.

However, if the provisions of the article are still understood as alternative conditions, then the marriage is considered valid even though it is only carried out according to religious law and is not registered at the KUA. Legal issues regarding the legitimacy of an unregistered marriage will always become a prolonged polemic if the provisions of the law itself do not regulate it explicitly. In the sense that the obligation to record must be expressly stated and accompanied by sanctions for those who violate it.

Concerning the legal position of Siri Marriage, if a woman performs Siri Marriage with a man, it means that the marriage is not registered at a marriage registration institution, so such marriage is deemed not in the eyes of the law and therefore does not create civil relations as husband and wife according to law or Marriage Law.(AW & Fitria, 2010)

For Muslims, the importance of recording itself actually has a strong Islamic legal basis considering that marriage is a noble contractual bond and is a high-level legal act. That is, Islam views marriage as more than just an ordinary contractual bond. In Islam, marriage is a very strong agreement (mitsaqan ghalidhan). It is very wrong if marriages for Muslims are not recorded in accordance with applicable legal provisions. Whereas ordinary agreements, for example debts and credits in banking institutions or buying and selling land, for example, need to be recorded, why are marriage bonds which are noble agreements allowed to go on without being recorded by an authorized official? It is an irony for Muslims whose religious teachings promote order and regularity but they ignore it.(Muzajin, 2011)(Riyanto, 2018)

Even for those who are Muslim, based on Article 6 paragraph (1) of the Compilation of Islamic Law (KHI) it is regulated that every marriage takes place before and under the supervision of a marriage registrar. Then, in Article 6 paragraph (2) KHI it is emphasized that marriages carried out outside the marriage registrar do not have legal force.

For proof of marriage, Article 7 paragraph (1) KHI stipulates that marriage can only be proven by a marriage certificate drawn up by a marriage registrar. For this reason, this Siri Marriage is of course very detrimental to the couple, because it has no legal force and cannot be proven by a marriage certificate. Thus, if the law orders marriages to be recorded, then it is obligatory for Muslims in Indonesia to comply with the provisions of the law. (Riyanto, 2018)(Muzajin, 2011)

The meaning of the obligatory syar'i itself is an order from Allah SWT which, if abandoned, will cause insults according to religious teachings. Marriage for Muslims is a necessity and it is

something that is true. Because marriage is a truth (haq) in Islam, it is necessary to have a nizham or legal system that regulates it. In this case, there is Law no. 1 of 1974 which was issued by the Government of Indonesia to be implemented in people's lives, to properly regulate public relations in carrying out a marriage bond. (Susanto, 2007).

The purpose of this law is to provide legal certainty for the people of Indonesia, especially those related to marriage and all the legal consequences it brings. (Erma, 2017)

Thus the position of a marriage will be protected by law starting from the implementation to the resulting consequences. It's different if the marriage is not in accordance with the applicable regulations, then its position in the eyes of the law is deemed to have never existed, even the legal consequences that arise also do not apply to the couple, where the consequences of not being registered are very detrimental to the couple carrying out the siri marriage. However, if it has been registered with the KUA, then the legal consequences will apply to both partners in order to avoid things that are not wanted by both partners. And if something unexpected happens, even though it is not expected, such as divorce, domestic violence, polygamy and other consequences, then there is already a law that regulates this procedure, namely the court will provide protection for both partners in dealing with these problems, especially for the victim if there is domestic violence, so that the perpetrators are not arbitrary in committing criminal acts and harming other parties.

3.3. The Problems Of Siri Marriage in the Perspective of Marriage Law

Problematic comes from the English word "*problematic*" which means problem or problem. Problematics comes from the word problem which can be interpreted as a problem or problem. There is also the Big Indonesian Dictionary, the word Problematics means still causing problems; things that still cause a problem that still can not be solved.

According to Suharso (2009), what is meant by problematic is a gap between expectations and reality that requires a resolution or solution. So the problem in this case is interpreted as something that hinders the achievement of the goals of the marriage itself. The problem itself is an obstacle or problem that must be solved, in other words, the problem is a gap between reality and something that is expected properly, in order to achieve maximum results. It must be admitted that The siri marriage is very prone to conflict, both internal conflicts within the household and external conflicts related to law and society.

These problems include. (Gunawan, 2017):

1. Family Problems.

Conflicts in the family that are faced can occur due to:

- a) The siri marriage is not done with the consent of the parents or vice versa, namely because of coercion from the parents
- b) The siri marriage which took place before the legal marriage contract was due to being pregnant out of wedlock or pregnant as a result of promiscuity and so on, so that the family would look down on it and have no self-esteem and would often be ostracized.
- c) The siri marriage was carried out due to different religions, so that the family of one of the couples whose children changed religions would be disappointed and most of them no longer cared.

2. Economic and Study Problems

This economic problem usually accompanies students who, without their parents knowledge or consent, carry out Siri Marriage. They have to find their own expenses to meet their daily needs. This will certainly interfere with the smooth running of his studies. But economic problems are not entirely a factor causing the occurrence of unregistered marriages. Because marriages are carried out at the KUA are free. And only marriages that are carried out outside the Office of the KUA require funds in accordance with statutory provisions.

3. Legal Problems

Legal problems in Siri Marriage are more dominant on the part of women and children. As a wife who is legally religious, a wife cannot claim the right to support physically and spiritually,

the right to inherit in the event of a divorce, the right to complain in the event of domestic violence who will ask for a marriage book as proof, or the right to legal protection if left without a message.

4. Social and Psychological Problems.

Living in the same house without having a marriage certificate is something that not everyone can understand. Various prejudices from society will trigger social instability. Village officials also had difficulty recording family status because written evidence could not be shown.

5. Religious Problems.

The case of Siri Marriage actually strengthens the public opinion that Siri Marriage is an alternative if someone wants to have a husband and wife relationship in a *halal* way. Given the many negative impacts, the role of religious leaders should be to provide an understanding that Siri Marriage is not a positive thing, especially for women. The phenomenon that is happening now is that the siri marriage is pursued by various groups with the impression that they only want to find a solution to their unstoppable sexual desires. If people realize that siri marriage is legal religiously, it doesn't mean they only care about religious recognition, but also state recognition, because the obligation of the state is to comply with the rules which are written so there are no problems in the future.

The legal position of siri marriage in positive law, has weak legal force, even legally it can be said that both parties do not have binding legal force. However, unregistered marriages are still considered valid from a religious perspective if the pillars and conditions have been fulfilled, but this contract can have an impact or adverse legal consequences on both parties, especially the wife and children.(Awaliah et al., 2022)(Devy & Rizqi, 2018)

3.4. The Solution of the Siri Marriage Problems in the Perspective of Marriage Law

In order for us to avoid the problem of Siri Marriage, then we should have an official marriage that is registered at the KUA (Office of Religious Affairs), where the task of recording is carried out by the PPN or called the Marriage Registrar to avoid problems and conflicts as has been explained in the discussion of The Problems of Siri Marriage above, so that the problem will not be prolonged in the household. Marriage registration is so important in every marriage implementation that has been mentioned in Law no. 1 of 1974 in article 2 and also the Compilation of Islamic Law Article 5, makes marriage registrars have to work more in helping prospective brides complete the marriage requirements so that they can be registered. KUA as an implementing agency in certain circumstances due to the vast area and administrative order that needs to be assisted in services by the sub-district Office of Religious Affairs both in marriage, divorce, divorce and reconciliation services as well as Islamic religious guidance in general, an auxiliary official is formed called Assistant for Marriage Registrar (P3N).(Iskandar, 2016)(Mukhamad, 2022)

Another finding is that the basis for the judge's consideration in applying the marriage dispensation is due to worry and fear of slander, due to the many harms or negative impacts that arise if the marriage dispensation is not granted. This is much better than the unregistered Siri Marriage.(Syuib & Filzah, 2018)

Then what if you have already married siri for couples who have not married , what should be done? In the event of such an incident, the government as law enforcement in the Marriage Law provides a solution to the couple. The only way to overcome the problems that have occurred is to take advantage of the opportunities that exist to eliminate almost all the weaknesses and threats that will arise, namely registering a marriage with *Itsbat Nikah* or Marriage Validation. (Syuib & Filzah, 2018)(AW & Fitria, 2010)

So someone who submits a Marriage *Itsbat* has the purpose that the marriage he is carrying out gets authentic evidence in the form of a Quote of the Marriage Validation and gets legalization both in formal juridical terms and among the wider community.(Oe, 2013)

Marriage Validation according to the Decree of the Chief Justice of the Supreme Court of the Republic of Indonesia Number KMA/032/SK/2006 concerning Guidelines for the Implementation of

Duties and Administration of Courts is the validation of a marriage that has been carried out according to Islamic religious law, but is not recorded by the KUA or PPN authorities.

Itsbat Nikah also means a method or means of determining the validity of a marriage that has not been registered at the local KUA, in accordance with the provisions of the applicable law relating to marriages carried out in court. The 2010 Religious Court Administration Technical Manual explains that itsbat Nikah is a statement regarding the validity of marriages held based on religion and not recorded by the authorized PPN. (Supreme Court, Administrative and Technical Guidelines for Religious Courts, Book II, Jakarta, 2010, p.147).(Oe, 2013)(Mukhamad, 2022)

Marriage can only be proven with a marriage certificate made by a Marriage Registrar. In the event that marriage cannot be proven by a marriage certificate, the marriage itsbat can be submitted to the Religious Court. The reasons or conditions for obtaining a Marriage Validation (*Itsbat Nikah*) as explained in the Compilation of Islamic law Article 7 paragraph (3), namely:

- (a) There is a marriage in the framework of divorce settlement;
- (b) Loss of Marriage Certificate;
- (c) There is doubt about whether or not one of the conditions of marriage is valid;
- (d) The existence of marriages that occurred before the enactment of Law No. 1 of 1974 and;
- (e) Marriages conducted by those who do not have marital obstacles according to Law No. 1 of 1974;

That is, if one of the five reasons can be used, then the application for marriage legalization can be submitted to the Religious Court. Because in this discussion the focus is more on Siri Marriage couples who have not married, the conditions have been met, namely on point (e) to get a Marriage Itsbat. As for the legal basis taken by the judge in granting the Marriage Itsbat Case in point (e), because this article applies in general to all private marriages, both those that took place before 1974 or after 1974 as long as they fulfill the pillars and conditions of marriage. However, the judge must be careful in examining and deciding the case of Marriage Validation, the judge must know the reasons behind the parties or the married couple not getting a marriage book.(Mukhamad, 2022)

If the cause is due to problems with the cost of registering marriages for those who can't afford it or those who live in remote areas that are not covered by the KUA (Office of Religious Affairs) this reason is still understandable and becomes material for the judge's consideration. Apart from basing it on juridical law, judges in examining and deciding applications for Marriage Validation also prioritize other aspects such as sociological and philosophical considerations because judges in resolving or deciding cases submitted to them must pay serious attention to living law values in society, in addition to normative law so that the decision is appropriate and fulfills a sense of justice.(Ditbinbapera, 1993)(Oe, 2013).

The presence of the Islamic Law Compilation which is applied law in the Religious Courts and the Islamic Law Compilation has accommodated Islamic law as an integral part of the National Law. The Compilation of Islamic Law is a living law (living law) in the midst of Muslim society, therefore in daily practice several parts of Islamic civil law such as marriage, inheritance, waqf, have been in force and practiced for a long time by Indonesian people who are predominantly religious. Islam. By looking at the reality, many people apply for Marriage Validation at the Religious Courts with the excuse of taking care of their child's birth certificate, because they want to register for school, for children who want to register for the civil servant examination, or the TNI/POLRI and so on.(Ditbinbapera, 1993).

Seeing this fact, for reasons of benefit for legal certainty, by imposing a Marriage Validation, they will get a marriage certificate, besides that it is also to provide legal protection for their children born from the marriage, because the children have done nothing wrong so their status needs to be protected. .

The Compilation of Islamic Law Article 7 paragraph 3 letter (e) provides an opportunity for the Panel of Judges to grant the application for Marriage Validation even though the marriage is not registered after the issuance of the Marriage Law as long as the legal rules are in accordance with

religious law. To convince the Panel of Judges that the marriage has been carried out in accordance with the provisions of Islamic law, then in the verification stage the Panel of Judges will order the Petitioner to present witnesses at the time the marriage ceremony was even carried out until the priest is presented at the trial so that it is proven that the terms and pillars of marriage are fulfilled and the marriage is valid according to religious law.

As for The siri marriage, so far it really depends on the judge's discretion. For example, unregistered married couples who already have children and want official approval, usually the judge looks more at the benefit of the couple. In an application for Marriage Validation, those who have the right to submit are husband or wife, their children, marriage guardians, and parties with an interest in the marriage.

Based on the conditions for Marriage Validation as mentioned above, it can be concluded that not all marriage events can be sanctioned by the religious court, meaning that the Petition for Marriage Validation submitted through the religious court, after going through the trial process, it turns out that the conditions as mentioned have been legally fulfilled, the panel of judges will grant the application for the Marriage Determination, but on the contrary if the conditions as mentioned above are not fulfilled then the Judge will legally reject Petition for Marriage Validation because it is not in accordance with the existing legal regulations, but it can also happen the other way around where the Assembly will grant the request if the Council The judge has logical arguments in his considerations such as psychological, sociological, or other considerations which, if not granted, will cause harm to the parties or their families, for example by not granting the request of the Prosecutor. Marriage protection will make the fate of a person or their child will have difficulty in obtaining a birth certificate and so on. (Oe, 2013)

During the trial stage then Judge will decide whether the application for Marriage Validation is granted or rejected. (Rasyid, 2002). Therefore, for those of us who want to get married, we have to think more about this, so that there are no problems with the law in dealing with Siri Marriage.

IV. CONCLUSION

The Problems of Siri Marriage for couples who do not registered their married according to the law in the perspective of marriage law has more disadvantages than advantages. The consequences of this Siri Marriage are very detrimental to both couples because they are not legally recognized or are considered non-existent in the eyes of the law, therefore they do not create civil relations as husband and wife according to the law or the Marriage Law. This is especially true for women because legally, a wife is not considered a legal wife, she is not entitled to an inheritance if her husband dies, and she is not entitled to joint assets if there is a separation. Likewise, children born from unregistered marriages are considered by state law as children out of wedlock. Even for these families, there will be difficulties in processing important letters as administrative requirements in civil affairs. Therefore, it is recommended that new couples who wish to marry should not carry out the Siri Marriage so that adverse things do not occur in household life, especially considering that the impact that occurs from the perspective of marriage law is very clear and clearly does not take sides for the couple and their offspring. It would be better if the marriage was registered with the KUA so that the marriage is considered valid and has legal force both from a religious standpoint and also according to national law or marriage law that applies in Indonesia.

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