

THE PROBLEMS OF SIRI MARRIAGES AND THEIR INFLUENCE ON FAMILY RESILIENCE IN CREATING A SAKINAH HOUSEHOLD

**Illy Yanti, Maryani, Ongky Alexander, M.Willy Akbar,
Setly Selvayuneida Rikki Arisandi**

Universitas Islam Negeri Sulthan Thaha Saifuddin Jambi, Indonesia

Illyyanti@uinjambi.ac.id, maryani@uinjambi.ac.id ongkynhu@gmail.com

M.willy.akbar@gmail.com setlyselvayuneida@uinjambi.ac.id

rikkiarisandi25@gmail.com

Abstract

<i>Article History</i>	<i>Unregistered marriage (nikah siri) remains a significant</i>
<i>Received :27-07-2026</i>	<i>issue in Indonesian society because the absence of official</i>
<i>Revised :01-09-2026</i>	<i>marriage registration can create legal uncertainty and</i>
<i>Accepted :20-09-2026</i>	<i>threaten family resilience, particularly regarding the</i>
Keywords:	<i>protection of women's and children's rights. Although</i>
<i>Problems of Siri</i>	<i>such marriages may fulfill the requirements of Islamic</i>
<i>Marriages;</i>	<i>law, the lack of state recognition can affect the fulfillment</i>
<i>Family Resilience in</i>	<i>of family responsibilities and the establishment of a</i>
<i>Creating;</i>	<i>sakinah household characterized by tranquility, harmony,</i>
<i>Sakinah Household;</i>	<i>and mutual care. This study aims to analyze the problems</i>
	<i>associated with unregistered marriages and their</i>
	<i>influence on family resilience in creating a sakinah</i>
	<i>household from the perspectives of Islamic law,</i>
	<i>Indonesian positive law, and family welfare. This</i>
	<i>research employs a normative-juridical and sociological</i>
	<i>approach. Data were collected from primary legal</i>
	<i>materials, including relevant legislation, as well as books</i>
	<i>and scholarly journal articles on Islamic jurisprudence,</i>
	<i>unregistered marriage, and family resilience. The data</i>
	<i>were analyzed deductively, with conclusions drawn</i>
	<i>through inductive reasoning. The findings reveal that</i>
	<i>unregistered marriages can weaken family resilience</i>
	<i>across legal, economic, social, and psychological</i>
	<i>dimensions. The absence of official marriage</i>
	<i>documentation may complicate the protection of wives'</i>
	<i>rights, the fulfillment of financial obligations, children's</i>
	<i>civil documentation, and the resolution of family disputes.</i>
	<i>These conditions can generate insecurity, social pressure,</i>
	<i>and conflict within the household. The study concludes</i>
	<i>that marriage registration, responsible fulfillment of</i>
	<i>marital obligations, and protection of women and</i>
	<i>children are essential to strengthening family resilience</i>
	<i>and realizing a sakinah household.</i>

Introduction

Marriage is a (prophetic practice) observed by human beings. Humans were not created by Allah without purpose; rather, their existence holds profound significance intended to bring peace to the lives of His servants in this world. Islam views the marital bond as a solemn and robust covenant a sacred, transcendent union. It is not merely a civil arrangement or a standard contract; it is a bond that sanctifies the physical union between husband and wife as a dignified human sexual relationship, and is therefore regarded as an act of worship.

Islam views (unregistered marriage) as acceptable under certain conditions, considering it a reasonable option in situations where fulfilling the requirements for an official marriage is difficult or impossible. However, emphasis is placed on the importance of ensuring fairness toward the wife and any children born of such a union. Conversely, some religious scholars reject *nikah siri*, deeming it incompatible with Islamic teachings; they argue that a marriage must be legally recognized by the state and meet the specific criteria established within Islam. They often contend that a legally recognized marriage affords better legal and social protections for the couple and their offspring. It is important to note that practices and perspectives regarding can be influenced by the cultural, social, and legal contexts of specific communities.

Individuals are advised to seek a proper understanding of Islamic teachings and consult with trusted religious scholars before making decisions regarding marriage, including considering the Islamic perspective on (unregistered marriage). Islamic jurists have detailed the procedures for conducting a marriage, ranging from the essential prerequisites and pillars to the initial stages such as the proposal and the marriage contract and concluding with the (wedding feast). The latter serves to publicly announce and inform others that a marriage has taken place. These are the procedures commonly discussed in various jurisprudence texts; when fully observed, the marriage is considered valid, along with the associated legal consequences.

Individuals are advised to seek a proper understanding of Islamic teachings and consult with trusted religious scholars before making decisions regarding marriage, including considering the Islamic perspective on (unregistered marriage). While Islamic jurists have established the procedures for conducting a marriage, under positive law, the requirements outlined by these jurists do not carry legal force until the marriage is officially registered. Couples who comply with these registration regulations are issued a marriage certificate. This mandatory registration is reinforced by various ancillary requirements such as those concerning civil administration, children's birth certificates, education, and employment all of which necessitate the presentation of a marriage certificate, as does the process of obtaining a divorce. These regulations are designed to ensure that marriage registration is carried out by everyone who marries; from the standpoint of public interest, this serves to create an organized system of state administration regarding family matters, while for the public, it ensures security and convenience in administrative dealings with the state that require the submission of a marriage certificate.

The Marriage Law stipulates that a marriage is valid if it complies with the requirements of the respective religions and beliefs of the parties involved, and further mandates that the marriage be registered. Similarly, under the Compilation

of Islamic Law, a marriage is valid if it complies with Islamic religious law, with the registration requirement serving to ensure marital order within the Muslim community. Based on these two sets of regulations, it is evident that a marriage must be registered to maintain marital order in society; while a marriage may be considered valid from a religious standpoint, the failure to register it affects its status as a recognized marriage.

Family resilience is directly linked to the effort to establish a (harmonious and tranquil) household. A household is not merely one that never experiences conflict; rather, it is a family capable of managing conflict, fulfilling rights and obligations, fostering communication, maintaining affection, and resolving issues based on religious values and principles of justice. Consequently, it is important to examine whether the condition of an unregistered marriage supports the formation of a household or, conversely, acts as a factor that increases vulnerability in that process.

Unregistered marriages entail issues that can potentially affect various aspects of family resilience. These issues encompass legal certainty, the protection of women and children, the provision of financial support, asset management, social relationships, psychological stability, and the family's ability to maintain harmony.

Under Article 2, Paragraph 1 of the Marriage Law, a valid marriage must satisfy the substantive requirements of the parties' religion or belief and must be officially registered. In principle, an unregistered marriage fails to meet one of these requirements—specifically, registration. However, from a human rights perspective, the practice of is not contrary to the law. Nevertheless, such marriages have negative consequences for family stability and the lives of the couple involved, particularly for the wife and children. In the practice of , the woman cannot legally claim her rights as a wife if they are violated by her husband, as the marriage lacks formal legal recognition. Furthermore, administrative processes such as obtaining an Identity Card , Family Card, passport, or child's birth certificate cannot be completed due to the absence of official marriage documentation, such as a marriage certificate or marriage book.

Research Methods

This study employs a combined normative-juridical and sociological research method, examining the law as a system of norms and statutory regulations while also analyzing the phenomenon from a sociological perspective within the context of societal life, specifically focusing on the issues arising from the practice of (unregistered marriage). Data sources include primary legal materials (statutes), Ushul Fiqh (principles of Islamic jurisprudence), books, and scholarly journals. Data analysis is conducted deductively, followed by the drawing of conclusions through inductive reasoning.(Suteki, 2021)

Discussion

Unregistered Marriage in Islamic Law

Siri marriage is a marriage carried out by the bride and groom, marriage guardians, witnesses but is not published to state institutions, in this case the Marriage Registrar or the Religious Affairs Office . Therefore, unregistered marriages are not recognized by the state and have no legal force.

According to Mahmud Syaltut, is a type of marriage in which the contract is concluded without the presence of witnesses, is not publicized, and is not officially registered. The couple lives in secrecy, such that no one other than the two of them is aware of the union. Jurists agree that such a is invalid because it fails to meet one of the essential conditions for a valid marriage: the presence of witnesses. (Umam, Chaerul, 2023)

According to Masjfuk Zuhdi, the practice of (unregistered marriage) emerged following the enactment of Law No. 1 of 1974 concerning Marriage. Such marriages are conducted outside the provisions of the marriage law; because they do not comply with the law, they are considered "unofficial" (and consequently lack legal consequences specifically, they do not receive legal recognition or protection. Fundamentally, an unregistered marriage is the opposite of a marriage conducted in accordance with the law with the latter referring to marriages regulated by the Marriage Law.

In Islam, marriage is theologically defined as a solemn and sacred bond. From this perspective, marriage encompasses not only social and legal dimensions but also a highly significant aspect of worship. Consequently, Islam mandates that marriages be publicly announced to forestall accusations and secure social recognition. Modern scholars have begun to emphasize the importance of marriage registration within the framework of *maqashid al-shari'ah* (the objectives of Sharia), specifically to safeguard the public interest and prevent harm, particularly to women and children.

This refers to a marriage conducted in accordance with both Islamic religious law and national law. To understand the specific nature of (unregistered marriage), consider the following: first, the marriage fails to meet the essential pillars and conditions prescribed by Islamic law specifically the marriage contract involving the prospective husband, prospective wife, marriage guardian, and two witnesses. Second, the marriage fails to meet government-mandated requirements for establishing legal certainty, namely the presence of a Marriage Registrar during the solemnization of the marriage contract. Third, the marriage does not include a (wedding reception) an event intended to publicly announce to the community that the couple has become husband and wife. (Sunarti 2001)

There is legal opposition in Indonesia to establishing (unregistered marriage) as a formal legal norm. The grounds for this opposition are, firstly, socio-religious and cultural in nature. This refers to religious practices that have long been deeply rooted within the Indonesian Muslim community particularly among *Nahdlatul Ulama* adherents where is not viewed as taboo but rather as an established tradition. scholars oppose the proposed legal changes because the social reality does not align with the new regulations, which conflict with their religious traditions. The challenge of altering such societal traditions is not new; the Prophet Muhammad faced similar difficulties when transforming Arab customs regarding practices such as alcohol consumption, usury-based transactions, male-only inheritance, polygamy, and the like.

he Prophet gradually sought to address this area—an approach mirrored by the programs of certain Religious Courts aimed at legally validating marriages that, at the time they were contracted, already met the essential pillars and conditions of marriage under (Islamic jurisprudence). The Religious Courts need only verify the identity of the marriage guardian, the witnesses, and the details of

the dowry . Once these elements are proven in court and found to comply with religious requirements, the marriage is officially validated. Consequently, the sudden proposal to criminalize (unregistered marriage) conflicts with the state's established theory and practice specifically the Religious Courts' approach of aligning such matters with Islamic principles. At the very least, the method of formalizing laws in Indonesia particularly Islamic law follows the Prophet's example of (gradual implementation). Fundamentally, any law intended to alter Arab societal traditions required a prior process of socialization. It appears that the government failed to undertake this step, causing the proposal to criminalize to face fierce opposition from conservative groups, such as Nahdlatul Ulama.

Secondly, regarding the reason based on religious conviction, this refers to the belief held by the general Indonesian Muslim population that (unregistered marriage) constitutes a valid marriage procedure. This conviction is particularly strong among Nahdlatul Ulama scholars who adhere to the Shafi'i school of jurisprudence . This is because NU follows religious practice guidelines derived from the Shafi'i school, and the Shafi'i school neither prohibits nor addresses the requirement of marriage registration. In matters of religion specifically (Islamic jurisprudence) NU scholars do not deviate from established Shafi'i rulings whenever such rulings exist; where a specific ruling is absent, the matter is linked to existing provisions within the school. This sufficiently illustrates the strength of their adherence to the Shafi'i school. Consequently, it is logical that there is opposition to the proposal to criminalize those who enter into as doing so would explicitly conflict with the Shafi'i school.(Alfin and Busyro 2017)

The third reason concerns the relevant legislation and the Compilation of Islamic Law. Specifically, neither Law No. 1/1974 nor the KHI explicitly prohibits (unregistered marriage). In fact, as indicated by the previously cited articles, these legal instruments actually create opportunities for to occur. In other words, since the enactment of Law No. 1/1974, has effectively been recognized by the law a stance subsequently reinforced by the KHI, which implies no prohibition against the practice. The practice of (judicial confirmation of marriage) in Indonesia's religious courts whereby is formally recognized, often prior to divorce proceedings further demonstrates that such marriages are not actually prohibited under Islamic law. This is also supported by initiatives in various religious courts to confirm marriages that, at the time they were contracted, fulfilled the essential pillars and conditions of marriage according to (Islamic jurisprudence). The religious courts need only verify the identity of the marriage guardian , the witnesses, and the dowry . Once these elements are proven in court and found to comply with religious requirements, the marriage is formally confirmed. Consequently, proposals to criminalize those who enter into clearly conflict with the legal theory and state practice—specifically that of the religious courts currently in place.

Siri Marriage in Positive Law

Essentially, an "unofficial marriage" refers to a marriage between Muslims that fulfills the essential pillars and conditions of marriage under Islamic law but is not registered with the Marriage Registrar, as mandated by Law No. 1 of 1974 concerning Marriage. Substantively, such a marriage is valid provided it meets the requirements of Islamic law; however, from a formal legal standpoint, it fails to

satisfy the requirements stipulated in the Marriage Law.

From the perspective of "Living Law," the persistence of (unregistered marriage) demonstrates that the law truly alive within society is not always identical to the law codified in statutes. In many instances, people prioritize their deeply held religious values over state-mandated administrative procedures. This situation reveals that public legal consciousness is shaped by various factors, including religious understanding, social traditions, the level of legal literacy, and the collective experiences evolving within specific communities. Nevertheless, the prevalence of Living Law in the practice of is not without its challenges. When a marriage remains unregistered, various legal consequences may arise particularly regarding the proof of the marital union, the protection of women's rights, the administrative status of children, and the resolution of family disputes. (Soleman et al. 2026)

To be legally valid under both civil and religious regulations, a marriage must be registered with the Office of Religious Affairs under the Ministry of Religious Affairs. Marriage registration serves to safeguard the rights and obligations of the parties involved (both husband and wife) as established by law arising from the marital bond. Marriage laws and the Compilation of Islamic Law (KHI) provide a more detailed explanation of (Islamic jurisprudence) principles. This includes provisions regarding marriage registration—an aspect not explicitly addressed in traditional literature Article 5, paragraph (1) of the KHI stipulates that, to ensure order in marriages within the Muslim community, every marriage must be registered.

Islamic marriage law is an integral part of Islamic Sharia and cannot be separated from the Islamic faith. Within Muslim society, religious norms are implemented through fundamental rules known as Islamic marriage Sharia. Allah mandates that Muslims observe Sharia rules in their personal, social, and civic lives particularly regarding marriage. Establishing Islamic marriage law within Indonesia's positive legal system required a process of formulating these principles into statutory legislation. This formulation was the result of a concerted effort by the Muslim community to secure the status of Islamic marriage law as binding legislation within the Indonesian legal framework a challenging endeavor that took a considerable amount of time.

Several Islamic marriage regulations have become part of Indonesia's positive legal system, including: first, Law Number 1 of 1974 concerning Marriage; second, Law Number 7 of 1989 concerning Religious Courts; third, Government Regulation Number 9 of 1975 regarding the Implementation of Law Number 1 of 1974 concerning Marriage; and fourth, Government Regulation Number 45 of 1990 concerning Marriage and Divorce for Civil Servants. The efforts of the Muslim community to establish Islamic marriage regulations as part of the normative law within Indonesia's positive legal system should not be underestimated; while the legal status of Islamic marriage is already normatively robust within various aspects of social life, the challenge lies in translating this into real-world practice specifically, embodying it through noble conduct that pleases Allah. (Dhifah, Ramadhan, and Jabilirrohman 2025)

Under Law Number 1 of 1974, is defined as a form of marriage that is valid according to religious law but invalid from the perspective of state administration because it is unregistered. Registration is not merely a technical procedure; it

serves to provide legal protection for the wife and children and safeguards other civil rights. Consequently, the state emphasizes the importance of registration as an element of legal order, aiming to ensure certainty, protection, and justice for the couples involved in such marriages.

Normatively, the practice of (unregistered marriage) meets the requirements for a valid marriage under Article 2, Paragraph (1); however, it fails to satisfy the requirement of Article 2, Paragraph (2) because the marriage is not registered with the Office of Religious Affairs . Consequently, such marriages are deemed not to meet the administrative requirements established by the state. This gives rise to problematic legal consequences, particularly regarding the legal status of the wife and children: the wife lacks the legal standing to formally claim her rights as a spouse, and children born of the union may lack a recognized civil legal relationship with their father.(Arifin and Moesa 2025)

The Compilation of Islamic Law which serves as the state's positive legal framework for Muslims in Indonesia does not recognize the term (unregistered marriage). The KHI distinguishes only between registered marriages and unregistered marriages. Under the prevailing Indonesian regulatory system, constitutes a marriage lacking legal standing, meaning it does not comply with existing statutory regulations. This position is based on Law No. 1 of 1974 concerning Marriage (Article 2, paragraphs 1 and 2) in conjunction with Article 4 of the KHI, which stipulate: (1) A marriage is valid if performed in accordance with the laws of the respective religions and beliefs of the parties involved. (2) Every marriage must be registered in accordance with prevailing statutory regulations. Furthermore, Article 5, paragraphs (1) and (2) of the KHI state: (1) To ensure marital order within the Muslim community, every marriage must be registered. (2) The registration of marriage referred to in paragraph (1) is to be carried out by a Marriage Registration Official, as regulated by Law No. 22 of 1946, Law No. 32 of 1954, and Law No. 1 of 1974. Indeed, the registration of marriage with the Office of Religious Affairs (KUA)—as mandated by Article 2, paragraph (2) of the Marriage Law in conjunction with Article 5, paragraphs (1) and (2) of the KHI is a requirement for the legal validity of a marriage under Indonesian positive law, rather than merely an administrative formality.

This statement is based on Article 81 of the Civil Code , which stipulates that no religious ceremony may be conducted until both parties have proven to their religious official that the marriage has already taken place before the Civil Registrar. The aforementioned statement is further reinforced by Government Regulation No. 9 of 1975 issued to implement Article 3, paragraphs (1), (2), and (3) of the Marriage Law as follows: (1) Any person intending to enter into marriage must notify the Registrar at the location where the marriage is to take place of such intention. (2) The notification referred to in paragraph (1) must be made at least 10 (ten) working days prior to the marriage taking place. (3) Exceptions to the timeframe specified in paragraph (1), based on compelling reasons, may be granted by the Sub-district Head (Camat) on behalf of the Regent

A marriage must not only be solemnized in accordance with religious law but also registered with the competent authority to be legally valid under state law meaning it complies with existing legislation and possesses verifiable legal standing. Consequently, from a legal standpoint, an unregistered marriage lacks legal force. Such marriages have legal repercussions regarding the parties' access

to public services provided by competent authorities; the individuals involved do not receive the appropriate legal protection or services. Their marriage is not recognized in civil registries, and their children cannot obtain birth certificates, among other issues. In short, unregistered marriages entail significant disadvantages for society and the nation, whereas registering a marriage yields far greater benefits for the community and the country. (Zakaria and Saad 2021)

He Issues Surrounding Marriages

Refers to a marriage conducted in full compliance with the essential elements and conditions required by Islamic religious law, yet the marriage is not registered in the official marriage records at the Office of Religious Affairs, nor does it involve a government-issued marriage certificate or deed.

Children begin to face difficulties when their parents divorce or one of them passes away, or when the father or his family refuses to acknowledge the child; consequently, the mother and child struggle to secure their rights or fail to obtain them altogether resulting in the loss of essential means of support. Although the child's relationship with both parents is recognized and valid under Islamic Sharia, it cannot be legally acknowledged as a civil relationship with the biological father under state law.

The formal legal consequences include the fact that an unregistered marriage is not legally valid, even if it was conducted in accordance with the parties' respective religious rules and beliefs. Such a marriage lacks legal protection because it has not been registered with the Office of Religious Affairs or the Civil Registry Office. If a child is born of such a marriage, the child is legally the sole responsibility of the mother; there is no legal relationship with the father, and the father cannot be held accountable. Furthermore, the child is not entitled to inherit from their own father.

Ali Uraidy outlines the legal consequences of marriages (unregistered marriages), including: 1) The lack of definitive legal standing regarding the marriage's validity, meaning that if a husband violates his wife's rights, she cannot legally enforce those rights; 2) The marriage contract is often difficult to prove legally, and the couple cannot demonstrate that they are a legally recognized union under either Islamic law or state law; 3) Other interests of the couple regarding their domestic life cannot be safeguarded; 4) The absence of proof of marriage complicates matters such as obtaining an Identity Card, Family Card, passport, or birth certificate; 5) marriages tend to give one partner particularly the husband greater leeway to neglect his obligations and even create a potential for domestic violence; 6) Such marriages can adversely affect the psychological well-being of the wife and children, leaving them feeling uneasy and unsettled; and 7) marriages can compromise interests related to religion, life, intellect, lineage, and property.

The primary impacts of this practice include: psychological issues (affecting mental well-being), where partners and children experience discomfort due to the lack of proof of legal marriage, leading to feelings of inferiority and social pressure; issues regarding the child's identity (affecting lineage), where the child lacks a valid birth certificate because the parents do not possess a marriage book, thereby hindering access to education and other administrative services; and inheritance issues (affecting property rights), where the ambiguous legal status of the marriage results in the child or partner lacking legal standing in the distribution

of the estate. (Syukri Fathudin AW dan Vita Fitria)

While an unregistered marriage may not have immediate, obvious repercussions, it can lead to severe consequences particularly regarding the husband's position. In this arrangement, the husband often stands to gain significant advantages: he retains the freedom to marry again, given that the union lacks legal recognition; he can evade or entirely neglect the financial support legally owed to his wife and children; and he avoids the complications associated with inheritance and the division of marital assets. These factors should be carefully considered by anyone contemplating an unregistered marriage, especially the woman involved.

In practice, many women view (unregistered marriage) as a sign of a man's willingness to commit to a serious relationship even if that commitment is often fleeting. In reality, however, the nature of this type of marriage entails gender-based inequity, as women face a higher risk of suffering losses and encountering various problems over time.

Unregistered marriages often referred to as an result in detrimental consequences, particularly for the woman and any children born of the union. In the event of a divorce, the wife and children lack strong legal protection because the marriage was never recorded in government administrative systems. This means a husband can simply divorce his wife as he holds the prerogative to do so without the safeguards that accompany a legally registered marriage. Consequently, such marriages can lead to significant harm, as the state does not officially recognize or document the union.

In contrast, the male party bears no burden; even if a husband abandons his wife or neglects his rights and obligations in an unregistered marriage, there are no legal avenues to hold him accountable. This is because, under prevailing laws, the marriage is unregistered and thus lacks legal protection. In some instances, a husband may refuse to take responsibility, merely enjoying the company of his wife for a time akin to the saying "discarded once the sweetness is gone." Regarding the status of a woman divorced after such a marriage, while she is effectively a divorcee in reality, there is no authentic or concrete evidence to prove that she had ever entered into a marriage.

Regarding the issues surrounding the phenomenon of (unregistered marriage) in society, family conflicts can arise from situations such as: marriages entered into without parental consent (or conversely, under parental coercion), infidelity, polygamy, or interfaith unions. There are also economic and academic challenges; financial difficulties often plague university students who enter into without their parents' knowledge or approval, as they must independently cover their daily living expenses—a situation that inevitably disrupts their academic progress. Legal issues primarily affect the woman and any children involved. As a wife recognized only under religious law, she cannot claim rights to financial and emotional support, inheritance in the event of divorce, legal recourse for domestic violence, or legal protection if she is abandoned without notice. The fact that the husband remains beyond the reach of the law creates a significant opening for domestic abuse; such violence frequently occurs in physical, psychological, economic, or sexual forms.

Social and psychological issues arise here. Cohabiting without a marriage certificate is a situation not everyone accepts; societal prejudices can trigger social

instability. Village officials also face difficulties in recording family status because no written proof can be presented. This situation can lead to adjustment difficulties. The Issues Surrounding (Unregistered Marriage) and Its Legal Consequences for Women.

The surrounding environment impacts psychological well-being, particularly for women. Regarding religious issues, cases of (unregistered marriage) within the context of polygamy often involving religious scholars and public figures reinforce the public perception that such marriages are a viable alternative for engaging in lawful marital relations or practicing polygamy. Given the numerous negative consequences, religious leaders ought to convey that is not a positive practice, especially for women. The current phenomenon sees people from various walks of life resorting to seemingly just to satisfy unbridled sexual desires. If such negative public opinion regarding takes hold, does this not effectively translate into a negative perception of Islam itself.(Widodo and Fitria 2010) Its impact on the resilience of a (harmonious and peaceful) family.

Family resilience can be fostered when individuals are better prepared for marriage. In the context of family resilience which signifies a stable state a family can build the readiness required of individuals prior to marriage encompasses spiritual, emotional, social, financial, and physical aspects, as well as reaching adulthood.

From a psychological perspective, a wife and children may face insecurity, anxiety, conflict, or social pressure due to the unregistered status of the marriage. Such circumstances can affect communication between the husband and wife, as well as the family's ability to foster a calm and harmonious atmosphere. Socially, families formed through marriages (unregistered religious marriages) may encounter stigma or negative perceptions from the community. This social pressure can impact the family's relationship with their surroundings and potentially even trigger internal conflict if the situation is not managed well. A crucial aspect is the fulfillment of family rights and obligations. A peaceful and harmonious household is determined not only by the religious validity of the marriage but also by how well the husband and wife discharge their responsibilities regarding financial support, protection, affection, education, and the care of family members. When these rights and obligations are properly fulfilled, family resilience is strengthened.

Families face various obstacles, hurdles, and disruptions. First, threats to the family can arise from both internal and external sources, potentially undermining domestic unity; external threats include social issues, third parties, and environmental factors. Second, families face challenges stemming from external attitudes such as those of third parties. Third, there are internal obstacles behaviors by family members that create friction or hinder harmony, such as disputes and arguments among them. Fourth, families encounter external disruptions outside behaviors aimed at intervention, such as interference in household affairs. (Ridho, n.d.)

Resilience comprises four key elements: adaptation, bouncing back, transformation, and strategy. Adaptation is the ability to adjust to various conditions, including difficult situations. Bouncing back refers to the capacity to

recover after experiencing a crisis. Transformation signifies the ability to learn from a crisis in order to face future challenges. Meanwhile, strategy is the ability to determine the right course of action to confront and anticipate potential crises.

The purpose of forming a family is to ensure survival and well-being. Family resilience refers to the ability to effectively organize and manage family life in accordance with religious values, thereby creating a family characterized by tranquility and happiness. Law Number 52 of 2009 further defines family resilience and well-being as a state in which a family possesses the skills, intelligence, and fortitude to manage itself effectively, resulting in a harmonious family capable of enhancing both physical and spiritual happiness.

In building a household, a wife must be aware of her personal rights and obligations, understand the strengths and weaknesses of both partners, and comprehend her own roles and duties. She must carry out her responsibilities with sincerity and a sense of responsibility, while seeking the pleasure of Allah SWT. Islam places great importance on family life by establishing rules and religious laws that are fair, flexible, and wise. If these guidelines are followed faithfully and honestly, conflict will be avoided. Life will proceed in peace and tranquility a peace experienced not only by the family itself but also by the surrounding community

Domestic harmony refers to a family environment characterized by a strong religious life, mutual care, a warm atmosphere, mutual respect, an understanding of each other's strengths and weaknesses, and mutual understanding. Harmony also encompasses the understanding and fulfillment of each family member's rights and obligations, thereby fostering a sense of security, comfort, and peace for every member of the family.

From the perspective of Islamic family law, family resilience is measured not only by the continuity of the marital relationship but also by the quality of interactions and the well-being of family members. The practice of (unregistered marriage) has consequences for children, economic costs, and family resilience. Family resilience generally encompasses several dimensions. First is physical resilience; this relates directly to material aspects specifically, the basic needs that must be adequately met in daily life.(Nita 2026)

Ensuring the availability of all necessary physical resources can mitigate issues related to material conditions within the family. Consequently, a favorable environment in this regard fosters a prosperous and happy family while strengthening its physical resilience. Second is social resilience; currently, families involved in (unregistered marriages) often feel awkward when interacting with the wider community, sometimes facing ridicule from neighbors or acquaintances. This contrasts with the 1990s, when such marriages were commonplace, allowing couples to interact with society without feeling self-conscious. Third is psychological resilience; maintaining mental resilience is essential for a family to navigate the problems that arise, manage emotions effectively, formulate sound plans for each family member, and ensure mutual care and attention. (Arsyad, 2020)

Conclusion

(Unregistered marriage) is a practice valid under Islamic law; however, it lacks legal standing within Indonesia's positive legal system because it is not officially recorded by the state. Establishing a harmonious household through this type of marriage requires significant strength and patience from the couple. The practice gives rise to various serious issues, particularly regarding legal protections for women and the children born of such unions. Women lose their rights to financial support, shared marital assets, and inheritance, and lack a legal basis to seek justice in cases of domestic violence. Children born of unions face legal ambiguity, difficulties in obtaining birth certificates, and significant psychological impacts.

BIBLIOGRAPHY

- Alfin, A., & Busyro, B. 2017. Nikah Siri dalam Tinjauan Hukum Teoritis dan Sosiologi Hukum Islam Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 11(1), 61–78.
- Arifin, S., & Moesa, A. M. 2025. Tinjauan Yuridis terhadap Status Anak dari Nikah Siri dalam Perspektif Hukum Islam dan Hukum Positif. *Jurnal Hukum Lex Generalis*, 6(6). <https://doi.org/10.56370/jhlhg.v6i6.1262>
- Arsyad, A. 2020. Evolusi Problem Sosial Nikah Siri: Rekonseptualisasi Hukum Perkawinan Dalam Islam. *Jurnal Sipakalebbi*.
- Dhifah, M. A., Ramadhan, S. L. F., & Jabilirrohman, Z. 2025. Problematika Nikah Siri Dalam Prespektif Hukum Positif Dan Islam. *Jurnal Al-Wasith : Jurnal Studi Hukum Islam*, 10(2), 419–429. <https://doi.org/10.52802/wst.v10i1.1794>
- Nita, M. W. 2026. Stres Parenting Dan Dampaknya Terhadap Ketahanan Keluarga Dalam Perspektif Hukum Keluarga Islam. *Islamic Law Journal*, 4(2), 12–20.
- Ridho. (n.d.). Perkawinan Anak Dan Pengaruhnya Terhadap Ketahanan Keluarga (Studi Pada Masyarakat Kabupaten Gayo Lues). *Ahkamul Ushrah: Jurnal Hukum Keluarga Dan Peradilan Islam*.
- Soleman, A., Sanaba, M. G., Djalal, M. A., & Abubakar, F. 2026. Nikah Siri dalam Analisis Pluralisme Hukum dan Living Law Perspektif Maqashid Syariah. *Seikat: Jurnal Ilmu Sosial, Politik Dan Hukum*, 5(4), 3068–3080.
- Sunarti. 2018. *Studi ketahanan keluarga dan ukurannya: Telaah kasus pengaruhnya terhadap kualitas kehamilan*.
- Tarmizi, T. 2016. Dampak Nikah Siri Dalam Pembentukan Keluarga Sakinah. *Istinbath: Jurnal Hukum*, 13(2), 327–360.
- Umam, Chaerul,. 2023. *Nikah di Bawah Tangan; Prakkrik Nikah Siri*.
- Widodo, S. F. A., & Fitria, V. 2010. Problematika Nikah Siri Dan Akibat Hukumnya Bagi Perempuan. *Jurnal Penelitian Humaniora*, 15(1). <https://doi.org/10.21831/hum.v15i1.5030>
- Zakaria, E., & Saad, M. 2021. Nikah Sirri Menurut Hukum Islam Dan Hukum Positif. *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam*, 20(2), 249–264.