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MASNUN TAHIR'S VIEW ON THE SOCIOLOGICAL CONSTRUCTION OF THE PHENOMENON OF *NIKAH SIRI* IN INDONESIA

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ABSTRACT

This qualitative study aims to identify the thoughts of Masnun Tahir, a professor of Islamic civil law, on the causes of the phenomenon of unregistered marriages (*nikah siri*). Primary data was obtained from Masnun Tahir's scientific journal articles. This study uses Soerjono Soekanto's theory of legal effectiveness as a perspective. The results of the study show that, according to Masnun Tahir, the phenomenon of *nikah siri* is influenced by a low understanding of the law, weak law enforcement, the dominance of cultural norms over state law, and limited access to fair and affordable legal facilities. The findings of this study contribute to the importance of preventive strategies against the complexity of sociological factors causing the rampant cases of *nikah siri*.

Keywords: *Masnun Tahir, Islamic Law, Nikah Siri, Legal Effectiveness.*



A. Introduction

Once again, the world of marriage is being stirred up by the discourse on unregistered marriages (*nikah siri*). One of the main reasons people choose not to register their marriages is because of the complicated procedures and high administrative costs. In this case, a response from the government or state is actually very much needed by the community. However, it cannot be denied that unregistered marriages are also often chosen by men who want to practice polygamy. Usually, unregistered marriages are used as a solution to avoid various official requirements, such as asking for permission from the first wife, civil servant status, or simply so that the relationship is not known to many people (often referred to as having a mistress). Furthermore, there are also those who enter into unregistered marriages as a way to legalize relationships that should be prohibited, assuming that unregistered marriage is better than adultery. Secret marriages conducted without the consent of the first wife are often driven by the dissatisfaction or personal desires of the man, but are justified by religion (Deceptive Debauchery, 2024).

The high number of *nikah siri* in Indonesia has various legal and social consequences that need serious attention. One of the main impacts is the weak legal protection for women involved in such marriages. Without official registration, wives have no legal rights to their husband's inheritance if he dies, and may lose their rights to joint property in the event of divorce (Siti Musdah Mulia, 2018). Furthermore, children born from unregistered marriages only have a legal relationship with their mother, so their rights to their father, such as legal recognition and inheritance rights, are limited (M. Syukri Albani, 2021). Therefore, the government needs to take concrete steps to simplify marriage registration procedures and reduce administrative costs in order to encourage people to get legally married. This will enable women and children to obtain better legal protection, while minimizing the negative impact of unregistered marriages.

The Prophet did not approve of secret marriages, even though during his lifetime and the early days of Islam, marriages were not recorded as written evidence. This is understandable because at that time, writing instruments and literacy were very limited, and the tradition of writing had not yet developed in society. At that time, the Prophet's role as imam and caliph was considered sufficient to determine the validity of a marriage, so there was no need to record marriages. The emergence of the hadith of the Prophet instructing the announcement of marriages was motivated by the practice of holding a form of entertainment to announce marriages, and such actions were approved by the Prophet. The entertainment held as a means of announcing a marriage was based on the conditions and customs of the communal Arab society, therefore its contextualization from simply giving an announcement is a form of writing in the present day (Masnun Tahir, 2011).

The announcement is made through a Walima celebration, which in the traditional context of Arab society serves as a means of publicly informing that a marriage has taken place legally. However, in the modern context, this function is also realized in written form, such as wedding invitations (Sadia Saeed, 2019). However, in reality, many people are not deterred by the requirements for marriage, especially the age requirement, and ultimately enter into *nikah siri*. In addition, there are also husbands who want to practice polygamy and enter into unregistered marriages because of the requirements mentioned above.

Furthermore, it is very rare for women to willingly give permission or consent for their husbands to remarry or practice polygamy, even if the requirements mentioned above are met. There are still wives who object to giving their consent for their husbands to remarry. Therefore, husbands who desperately want to have children, or whose wives suffer from physical disabilities and are unable to fulfill their obligations to their husbands, resort to secret marriages or unregistered marriages. They are not satisfied or bored with their wives. Because husbands cannot obtain their wives' consent, or do not have the heart or courage to ask for it, they resort to unregistered marriages (Addin Daniar Syamdan C Djumadi, 2019). Many young Muslims choose secret marriages to avoid adultery, which is considered a grave sin in theology. They consider that *nikah siri*, although not legally valid under state law, is morally better than having extramarital relations (Nadia Sonneveld, 2021).

The approach to *nikah siri* can be understood through two main perspectives, namely Islamic law and positive law. In the view of Islamic law, unregistered marriages are considered valid as long as they fulfill the pillars and requirements of marriage, which include the presence of a guardian, two witnesses, *ijab qabul*, and dowry. This is confirmed in the hadith of the Prophet ﷺ: "A marriage is not valid without a guardian and two fair witnesses." (HR. Abu Dawud, No. 2085). However, Indonesian positive law stipulates that every marriage must be registered in accordance with Law No. 1 of 1974 concerning Marriage, specifically Article 2 paragraph (2), which states that marriage registration is required for it to have legal force. In this case, supporters of unregistered marriages argue that registration is not a requirement for validity in Islam. Meanwhile, those who oppose it argue that registration is important to protect the rights of women and children, as well as to comply with state regulations, as mandated in QS. An-Nisa' verse 59: "O you who believe, obey Allah and obey the Messenger (His) and those in authority among you (QS. An-Nisa': 59). Marriage registration is a strategic step in ensuring legal certainty for women and children, particularly in terms of access to economic rights, inheritance, and social protection (Julie Macfarlane, 2012).

One of the methods used in researching unregistered marriages is a qualitative approach to understand social and cultural phenomena in detail, depth,

and comprehensively. Here are some ways that can be done using a qualitative case study approach. This case study is used to learn more about what *nikah siri* is in a more specific context, such as in indigenous cultures or certain communities. Interviews are used to collect data on anything related to *nikah siri* from sources who have knowledge or experience of this phenomenon (Laela Royana, 2023). The following are some of the objectives of research on unregistered marriages: To identify factors that may influence the occurrence of unregistered marriages from social, economic, religious, legal, and other perspectives. To describe the process and practice of unregistered marriages, including the requirements, rituals, and parties involved, as well as to analyze the implications and consequences of *nikah siri* themselves.(Muhammad Ilyas, 2025)

This qualitative study aims to identify the thoughts of Masnun Tahir, a professor of Islamic civil law, on the causes of the phenomenon of unregistered marriages (*nikah siri*). Primary data was obtained from Masnun Tahir's scientific journal articles. This study uses Soerjono Soekanto's theory of legal effectiveness as a perspective.

Previous similar research on *nikah siri* was conducted by Syukri Fathudin and Vita Fitria, who concluded that secret marriages were entered into by couples because there were things that made it impossible for them to marry formally, and there were several factors behind secret marriages. for this reason, *siri* marriages are seen as a shortcut that can be easily taken to legitimize a husband and wife relationship.(Syukri Fathudin & Vita Fitria, 2020). In their research, Saudiq Noer Firdaus, Fadil, and Moh Thoriquddin concluded that the impact of unregistered marriages on children and wives in the village of Bangsal, Bangsali subdistrict, Jember Regency, according to the theory of *Maqashid al-syari'ah*, is that by registering marriages, households become peaceful and tranquil and the five elements of life, namely religion, soul, wealth, intellect, and offspring, are preserved. (Sauqi Noer Firdaus et al., 2021) Then Bunyamin Alamsyah and Sigit Somadiyono concluded in their research on the criminal law of unregistered marriages that criminal sanctions for unregistered married couples have not been fully enforced, which has resulted in the ineffectiveness of preventing unregistered marriages.(Alamsyah & Somadiyono, 2022) The ineffectiveness of law enforcement against unregistered marriages is also reflected in the weak application of criminal sanctions, which allows this practice to continue without clear legal consequences. (Al-Sharmani, 2014).

Zakiyatul Ulya concluded from her research on lecturers in the Islamic family law study program who agreed and disagreed with the policy of recording unregistered marriages in family cards from a maslahah perspective. Lecturers who agreed argued that the policy did not contradict sharia law because marriage registration was only an administrative act and did not affect the validity of the marriage. Meanwhile, lecturers who disagree argue that the policy contradicts

Islamic law because it does not protect the parties involved, which will then lead to the proliferation of unregistered marriages, the harm of which is greater than the benefits. (Ulya, 2023). Research on unregistered marriages in a village from a historical perspective by Thriwaty, Ekawati, Nurmala, and Aida found that unregistered marriages in the village of Warurejo, which were once marriages between people of the same ethnicity who shared the same fate of migrating to the Wirurejo area, based solely on biological needs, are now conducted solely for financial gain. It is not only poverty that influences this, but also external factors, namely the desire to be rich and to have more than enough. For this reason, unregistered marriages are now based on economic motives that are leading to monetization. (Thriwaty et al., 2022) Economic motives in the practice of unregistered marriages are growing stronger, where marriage is no longer based solely on social needs, but has shifted to become a financial strategy that promises personal gain (Kathryn, 2923).

The novelty of this study lies in its holistic assessment of the legal, social, and economic impacts of *nikah siri*, which combines Islamic law and positive law perspectives in greater depth. This study highlights the complexity of *nikah siri* practices, not only as a practical solution for couples facing administrative obstacles, but also as a social phenomenon involving gender, child protection, and monetization dimensions in society. In terms of theoretical urgency, this study contributes to the Development of understanding about the relationship between Sharia values and state regulations, particularly in the modern context. Meanwhile, in practical terms, the results of this study are relevant in encouraging the government to take strategic steps in formulating policies that support effective marriage registration, in order to protect the rights of women and children, and reduce the negative impact of unregistered marriages on society. The position of custody rights for children born from *nikah siri*, with reference to Islamic law and the decision of the Constitutional Court. This study emphasizes the importance of legal protection for children born from marriages that are not officially registered (Setiawan & Wahyu, 2022).

B. Law Effectiveness Factors

Legal material is the foundation of the legal system that applies in society. For the law to function properly, the legal material must reflect justice and be easily understood by the wider community. Soerjono Soekanto argues that the law should not only focus on formal justice, but also reflect deeper substantive justice. As explained in the journal Legal Effectiveness and Legal Functions in Indonesia, legal materials that do not pay attention to the social and cultural conditions of society tend to fail to be implemented, because people do not feel connected to these norms (Orlando, 2022). Therefore, it is important to involve the public in the law-making process, so that existing norms can be relevant to their values and needs. The

urgency of public involvement in the drafting of laws and regulations, emphasizing that public participation is a vital component in creating a just and optimally functioning legal system (Jaroenjitt & Kudngaongarm, 2023). Good law enforcement is strongly influenced by the professionalism of law enforcement officers. Without the presence of law enforcement officials who are competent and have integrity, the law will only be an ineffective rule. The Journal of Law Enforcement Professionalism on the Determination of New Investigation Warrants explains that the low quality of law enforcers and political influence on the legal process can undermine public confidence in the legal system (Silalahi & Tajudin, 2021). Therefore, comprehensive reform of law enforcement agencies is needed to ensure that the law is truly applied objectively, transparently and fairly. Law enforcers who are free from external influences can ensure true justice. The independence of the judiciary is a key prerequisite in realizing the rule of law and justice. In a democratic legal system, the independence of judges is an essential principle that demands that judges are free from political intervention or external pressure, and make decisions purely based on facts and applicable legal provisions (Nurmansyah, 2024).

Legal culture refers to the way people view the law and the extent to which they comply with applicable norms. Soerjono Soekanto emphasized that the law will only be effective if people have high legal awareness. In the journal Legal Awareness and Legal Compliance, he states that the law is accepted by the community not only because of fear of sanctions, but because of the internalization of legal values in everyday life (Soekanto, 1977).

Legal awareness built through education, counseling, and examples from legal officials is very important so that the law can be respected and carried out voluntarily. Therefore, the development of legal culture is one of the main factors in increasing the effectiveness of law in society. Legal culture has certain common boundaries with political culture, because the activities of the state, the subject of political relations are included in the scope of legal relations. Legal culture also functions together with moral culture, aesthetics, religion, and other types of culture. The role of legal culture in people's lives is very diverse. Legal culture is a typical form of harmonious human development through which general social progress is achieved (Mamasharifovna, 2021).

Legal facilities, such as judicial infrastructure and information technology, play an important role in supporting the implementation of the law. Without adequate facilities, the law will be difficult to implement efficiently and transparently. In the journal The Role of Information Technology in Improving the Efficiency and Effectiveness of Law Enforcement, it is explained that the use of technology in the legal process can accelerate case settlement, reduce bureaucracy, and increase transparency and accountability in the justice system (Dede et al., 2022).

With good facilities in place, law enforcement will be faster and more

accessible to the wider community, thereby increasing the effectiveness of the law itself. Therefore, the development of a legal culture that is resilient and able to adapt to modern society and ensure the development of harmonious laws (Zion, 2023).

In this study, the effectiveness of the law above will be used as a theory of analysis of the subject matter of the study, namely to identify and explore the effectiveness of law on four indicators, namely legal material, law enforcement, legal culture and legal facilities which are the subject matter of this study.

C. Anthropological Discourse of *Nikah Siri*

Nikah siri, from the word "siri" which means "secretly" or "not openly", refers to a form of marriage that is performed in accordance with the provisions of Islam. However, this marriage is not recorded in government administration, such as the Office of Religious Affairs (Maloko, 2024a). The process of *nikah siri* is only carried out on the obligatory or pillars of marriage, while the sunnah of marriage is carried out, specifically regarding announcing the marriage or what is commonly called walimah or wedding celebration, thus the people who know about the marriage are also limited to certain circles (Arsal, 2012). And as a result of the *Siri* marriage, there will be difficulties in taking care of important documents as a requirement for administration in the civil service. In addition, it is not legally recognized because it does not create a civil relationship as a married couple (Idris et al., 2023a).

In Islamic teachings, marriage is a sacred bond between a man and a woman that is seen as an act of worship. Its main purpose is to build a loving family, preserve offspring, and maintain personal honor. In order for a marriage to be considered valid according to sharia, a number of conditions must be met such as the consent of the bride and groom, the guardian of the woman, the dowry, and the presence of two fair witnesses. After marriage, couples have an obligation to respect, provide for, and protect each other. Someone who plans for a future with a partner they respect greatly will be viewed more positively on assessments of personality and behavioral traits than someone who plans for a future with a partner they do not respect as much (Clyde et al., 2021).

Meanwhile, *nikah siri* is a form of marriage that follows the provisions of Islam but is not officially registered with a state institution. Although religiously valid if the conditions of marriage are met, this marriage does not receive legal recognition in Indonesia. As a result, women and children from *siri* marriages often do not receive legal protection, whether in terms of maintenance, inheritance, or other social rights. In the concept of Islamic law, although *nikah siri* is allowed, there is still a great responsibility for the husband towards his wife and children. Islam also encourages marriages to be publicly announced and officially recorded to avoid legal problems and protect the rights of the parties involved (Hardiyatullah, L Sepiyah Nuriskandar & Nurman, 2023).

Historical evidence that existed during the time of Caliph Umar bin Khaththa ra explained: Abi Zubair al-Makki reported that Umar ibn Khathab attended a wedding which was not witnessed except by the bride and groom, then Umar said, this is an unrecorded marriage and I do not allow it, and if it happens then I will demand stoning (Bagas et al., 2024).

Nikah siri in the Indonesian legal framework occupies a unique but problematic position. On the one hand, it is considered valid according to Islamic law if it fulfills the terms and conditions of marriage. However, within the framework of Indonesian positive law, nikah sirri has no formal legality because it is not registered by the state. This absence of registration has many legal and social impacts, ranging from the non-recognition of marital status in official documents, to children who do not obtain birth certificates.

The state through legislation emphasizes the importance of registration as a form of legal protection, while religion emphasizes the importance of openness and announcement to avoid social harm. Thus, nikah sirri is the intersection between the religious validity of the contract and the administrative invalidity of the state, requiring an integrative approach between sharia law and state law (Maloko, 2024b). Legally, nikah siri is an incomplete legal act because it is not officially recorded in government records. Children born from siri marriages are considered unable to be legalized by the state through birth certificates. Therefore, every citizen is obliged to register their marriage with the KUA (Br Pinem, 2025).

Masnun Tahir argues that marriage registration is not merely an administrative matter, but rather an important instrument for realizing social justice. According to him, Islam was revealed to protect five basic things (*al-daruriyyat al-khamsah*), one of which is protecting offspring (*hifzh al-nasl*). According to Tahir's analysis, unregistered marriages often violate the protection of offspring because children born from such marriages do not have strong legal legitimacy to claim their rights. Therefore, Tahir believes that obeying state regulations regarding marriage registration is part of carrying out religious commands because it aims to prevent harm (*sad al-dzari'ah*).

The practice of *nikah siri* which is closed in nature, has the potential to cause slander and exploitation of women, which is very much against the principles of justice in Islam.⁴ Perspectives of Islamic Law and History Marriage in Islam is mitsaqan ghalizha or a very strong agreement. It is not merely a social contract, but a form of worship that aims to build a family that is sakinah, mawaddah, wa rahmah (Tahir, 2024).

Based on the description above, it can be concluded that nikah siri is a marriage that is declared religiously valid, but is not officially recognized by the state because it is not recorded in the administrative system. This condition raises a number of legal and social issues, especially regarding the protection of women's and children's rights. Therefore, legal marriage registration is crucial to ensure legal

certainty and protection. Islam itself recommends transparency in marriage to avoid harm. Therefore, a synergy between religious provisions and state regulations is needed so that marriage is not only legal, but also legitimized by law. One of them is by socializing the simulation method, so that people can be interested in increasing awareness of the rule of law and religious provisions.

As well as to prevent the falsification of the identity of someone who will *nikah siri*, marriage registrar employees have a preventive mission that has been outlined in the legal basis of article 6 of PP no. 9 of 1975, as well as affirmation of marriages that must be in accordance with legal and religious procedures, to obtain legal recognition and protection from the state (Windiani, 2016).

D. Masnun Tahir's View on the Complexity of Sociological Factors in *Nikah Siri* and Their Solutions

The practice of secret marriage or *nikah siri* in Indonesia reflects a complex problem that stems from various factors, both structural and cultural. From an economic perspective, many couples choose this route because they cannot afford the cost of an official marriage, which is considered expensive and burdensome. On the other hand, people's legal awareness is still low, so state registration is not considered important as long as the marriage is religiously valid.

The disparity between state and religious law also exacerbates the situation, as people tend to prioritize religious legitimacy over formal legality. Weak law enforcement, both because of the lack of sanctions and the lack of supervision from the authorities, provides free space for perpetrators of *nikah siri*, including those who have personal interests such as polygamy without the permission of the first wife. As in the case of a member of the police conducting a secret marriage with the aim of having more than 1 wife, this certainly violates the provisions of article 4 of the Indonesian republic police regulation number 6 of 2018, and number 9 of 2010 concerning procedures for marriage, divorce, and family planning (Zetria & Taufika, 2022).

In addition, cultural values and social pressures encourage the practice as a way of preserving the family's good name in certain situations, such as pregnancy outside marriage. The inefficiency of the legal system and limited access to community-friendly legal facilities further reinforce the reasons behind the prevalence of *siri* marriage.

According to Soerjono Soekanto's sociological construction of law, this problem cannot be separated from the weakness of uncommunicative legal materials, the low integrity of law enforcers, the unformed legal culture of the community, and inadequate legal infrastructure - all of which are serious obstacles to the effective application of marriage law in Indonesia (Idris et al., 2023b).

As for the obstacles experienced by the authorities, one of which is experienced by judges when faced with requests for marriage dispensation, the existence of these requests makes imperfections in the legislation which, if seen, has not achieved the expected effectiveness (Putra & Fitriyah, 2024).

Problematic factors in nikah siri according to Masnun Tahir, there are several main factors that make secret marriages problematic. (1) Loss of Protection of Women's and Children's Rights, Masnun Tahir emphasizes that secret marriages often result in uncertainty regarding the legal status of wives and children. As a result, women lose their rights to financial support, inheritance, and legal protection, while children are at risk of not receiving administrative recognition from the state. (2) Dominance of a Formal Fiqh Approach without Consideration of Maslahah. He criticizes the view that focuses only on fulfilling the pillars and requirements of marriage according to fiqh, while ignoring the broader social impact. According to him, this narrow understanding has the potential to cause harm even though the marriage contract is considered valid according to religion. (3) Abuse of Secret Marriage for Personal Gain, Masnun Tahir also highlights that secret marriages are often used as a means to legalize polygamy without the first wife's consent, avoid legal responsibility, or hide relationships from the public. This practice contradicts the values of justice and responsibility in Islam. (4) Conflict between Religious Law and State Law, *nikah siri* exist in a gray area between Islamic law and positive law. Masnun Tahir sees this conflict as a source of confusion for the community, because the state requires registration, while some people feel that religious legitimacy alone is sufficient.

Masnun tahir's solution to secret marriages as a solution, Masnun Tahir offers a *maslahah* (benefit) approach that balances Islamic law and state law. (1) Prioritizing the principles of *maslahah* and prevention of *mudarat*, Masnun Tahir emphasizes that the main objective of Sharia law is to protect human welfare. Therefore, a marriage is not only valid according to Islamic law, but must also guarantee justice, legal certainty, and social protection. (2) Encouraging Marriage Registration as a Social Obligation, he views marriage registration not as a determinant of the validity of the contract, but as an important instrument for protecting family rights. In the context of modern society, registration is part of *maqāṣid al-syarī'ah*, particularly in protecting offspring (*hifz al-nasl*). (3) The Synergistic Role of the State and Ulama, Masnun Tahir emphasizes the need for cooperation between the state and religious leaders in providing legal and religious education to the community. Ulama play a role in clarifying the understanding of fiqh, while the state ensures a fair and accessible legal system. (4) An Educational Approach, Not Merely Repressive instead of relying solely on sanctions, Masnun Tahir encourages a persuasive and educational approach so that the public understands the negative impacts of unregistered marriages and the importance of marriage registration.

The following is an analysis of the factors of nikah sirri according to Masnun Tahir which has been linked to the four discussions of legal effectiveness

1. Legal Material Factors

Legal substance relates to the content and substance of laws and regulations governing a particular area of law. In marriage law, legal substance includes provisions regarding the obligation to register marriages at the Office of Religious Affairs or the Population and Civil Registration Office.

If legal substance is not clearly formulated and optimally disseminated to the public, the law will be difficult to understand and comply with. Public misunderstanding of the content of regulations can lead to low levels of legal compliance, either due to ignorance or because the rules are considered irrelevant to their needs. Therefore, the formulation of legal substance that is communicative, accessible, and contextual is an important requirement for achieving legal effectiveness (Soekanto & Soerjono, 2005).

2. Law Enforcement Factor

Law enforcement factors relate to the role of officials and institutions that have the authority to enforce the law. Law enforcement officials are important actors in ensuring that legal rules are not only normative but also applied in practice. The effectiveness of the law is greatly influenced by the firmness, integrity, and consistency of law enforcement officials in carrying out their duties. If law enforcement is weak or incomplete, the law will lose its coercive power and authority in the eyes of the public. This condition opens up opportunities for the public to avoid formal legal provisions, so that the law only functions as a written text without significant social impact (Sari, 2022).

3. Cultural factors Society

Legal culture relates to the attitudes, values, and legal awareness of the community towards applicable laws. In Indonesia's pluralistic society, religious values and social norms often serve as the main reference for action, including in matters of marriage. Some people believe that a religious marriage is sufficient, even if it has not been legally registered. This view reflects a low level of legal awareness and shows that state law is still considered secondary. According to Soerjono Soekanto, low legal awareness among the community is one of the biggest obstacles to the effective implementation of law, making legal culture an important pillar in realizing the effectiveness of law.

4. Legal Facility Factor

Legal facilities include the means and infrastructure that support law enforcement, such as administrative systems, service procedures, costs, and access to legal institutions. The availability of adequate legal facilities that are easily

accessible and do not burden the community will encourage effective law enforcement.

Conversely, legal facilities that are bureaucratic, slow, and expensive can hinder the application of the law. In the context of marriage law, the economic limitations of the community and the difficulty of accessing marriage registration services can affect the level of legal compliance. Therefore, the effectiveness of the law is highly dependent on the availability of legal facilities that support the practical implementation of the law in the community (Huda, M. M., 2022).

These four factors of legal effectiveness are interrelated and complementary. If one factor does not function properly, the overall effectiveness of the law will be disrupted. This theoretical framework provides a conceptual basis for understanding that the success of marriage law is not only determined by written rules, but also by the surrounding social conditions. This view is in line with the findings of Siti Musyarofah (2020), who asserts that a lack of understanding of the law at the community level and unequal access to formal legal services can increase the space for informal practices in marriage, including unregistered marriages (Siti Musdah Mulia, 2018). In addition, the effectiveness of the law also requires an approach that is not only normative, but also sociological and practical, through legal socialization, strict law enforcement, and improvement of public facilities and services (Musyafah, 2020).

From the results of the above analysis, it can be emphasized that the factors of nikah sirri according to Masnun Tahir have been linked to four discussions regarding legal effectiveness, namely that material factors, law enforcement factors, community cultural factors, and legal facility factors are interrelated and also complementary, without one of these factors the effectiveness of the law will be chaotic. *Nikah siri* a marriage that is legalized by religion, if it fulfills the conditions of marriage. But nikah sirri is not officially recognized by the state or religious institutions. However, this actually causes complex problems in family life. *Nikah siri* can cause instability in the family, endanger the rights of husband and wife and children, and other social problems. Therefore, it is necessary to take action or efforts to increase awareness and compliance with the law. Especially regarding applicable marriage regulations.

With such laws in place, it is certain that the husband or wife and their children are protected. Therefore, there needs to be cooperation between the government, the community and religious institutions to increase awareness and compliance with marriage regulations. If this can go well, then a harmonious family can be created (Yusuf, 2019).

Reinforcing the legal factors of nikah sirri above, research from Endang Zakaria and Muhammad Saad, namely the factors of *nikah siri* are the lack of awareness and understanding of the law in society, as well as the apathy of some people towards the law, the provisions of marriage registration that are not firm,

and the difficulty of polygamy permits.

From the conclusion of this research, it can illustrate that the existence of marriage law can have a good impact on everything. As well as the importance of the role of the government to maximize its role and efforts in strengthening the marriage law (Zakaria & Saad, 2021b).

E. Conclusion

This study concludes show that, according to Masnun Tahir, the phenomenon of *nikah siri* is influenced by a low understanding of the law, weak law enforcement, the dominance of cultural norms over state law, and limited access to fair and affordable legal facilities. The findings show that the practice of *nikah siri* is not solely chosen for practical reasons to avoid official procedures, but also reflects an imbalance between religious law and state regulations, which ultimately has serious consequences, especially for women and children who are potentially deprived of their legal rights.

This study contribute to the importance of preventive strategies against the complexity of sociological factors causing the rampant cases of *nikah siri*. This study still has limitations in terms of geographical coverage and data representation, and therefore does not fully describe the variations in secret marriage practices throughout Indonesia, these findings can serve as a conceptual basis for further studies in the field of family law, while also encouraging the need for more geographically and methodologically extensive research and concrete efforts by the government to simplify marriage registration, improve access to inclusive legal services, and strengthen collaboration between state law and religious law through legal education and the active involvement of community leaders.

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