

THE PROBLEM OF FAMILY RESILIENCE AGAINST REPEATED SIRI MARRIAGES IN THE CASE OF VICKY PRASETYO

Muhammadiyah's Perspective and Indonesian Positive Law

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Abstract: *This study examines the family resilience challenges posed by repeated informal marriages (nikah siri) using the case of Vicky Prasetyo as a focal example. The research aims to explore the perspectives of Muhammadiyah and Indonesian positive law regarding these challenges. The method employed is a qualitative content analysis of normative texts to identify the main challenges and responses related to family sustainability within the context of repeated nikah siri. The results reveal significant legal, social, and religious tensions that complicate the protection and welfare of families involved. Muhammadiyah emphasizes the importance of lawful marriage procedures to safeguard family stability, while Indonesian positive law categorically regulates marriage legality but faces enforcement limitations especially in informal marriage cases. The discussion highlights the gap between religious-social norms and statutory law, urging integrated efforts to address family vulnerabilities due to repeated nikah siri. This study contributes to a deeper understanding of legal-religious dynamics influencing family resilience in Indonesia.*

Keywords: *Family Resilience; Unregistered Marriage; Majelis Tarjih and Tajdid Muhammadiyah; Indonesian Positive Law.*

Introduction

The phenomenon of unregistered marriage (*nikah siri*) in Indonesia, particularly repeated unregistered marriages, was a complex issue that raised academic concerns due to the accompanying social, legal, and psychological implications.¹ The issue

¹ Aiz Budhi Donny Adhiyasa, "Terungkap, Alasan Vicky Prasetyo Nikah Siri dengan Kalina Oktarani," *Viva News&Insight*, 2021
<<https://www.viva.co.id/showbiz/gossip/1356896-terungkap-alasan-vicky-prasetyo-nikah-siri-dengan-kalina-oktarani>> [diakses 10 Maret 2021].

of repeated unregistered marriages involving public figures such as Vicky Prasetyo attracted widespread public attention and provoked deep academic unease.² The phenomenon of unregistered marriages, or marriages not recorded by the state within the context of Indonesian positive law, posed significant challenges to family resilience and stability. Such cases demonstrated a complex conflict between religious norms, positive law, and social realities, which made family resilience especially vulnerable among couples who repeatedly engaged in unregistered marriages. This situation invited in-depth studies on how religious perspectives, particularly those of Muhammadiyah one of the largest Islamic organizations with a normative role understood and responded to unregistered marriages.³

From the perspective of positive law, the lack of marriage registration generated problems regarding civil rights and family protection, which should have been guaranteed by the state.⁴

According to data collected by various institutions, the phenomenon of unregistered marriage in Indonesia remained very high and widespread nationally. The 2012 census by the Women's Empowerment NGO (Pekka) reported that around 25% of Indonesian society married through unregistered marriages, lacking state documentation.⁵ Provinces such as East Nusa Tenggara (NTT) had unregistered marriage rates of 78%, followed by Banten (65%) and West Nusa Tenggara (NTB) at 54%. Data from the Bogor Regency Central Statistics Agency (BPS) in 2023 showed that only

² Nur Faizah, M. Zamroni, dan Dhofirul Yahya, “Kedudukan Hukum Anak dari Hubungan Nikah Siri Berdasarkan Kompilasi Hukum Islam,” *Indonesian Journal of Law and Justice*, 2.4 (2025), 12 <<https://doi.org/10.47134/ijlj.v2i4.4133>>.

³ Muhammad Wahdini, Kata Kunci, dan Kalimantan Tengah, “PERSEPSI ULAMA MUHAMMADIYAH KALIMANTAN TENGAH TERHADAP PENGAKUAN KAWIN BELUM TERCATAT (Rekognisi Fatwa Majelis Tarjih Tentang Pencatatan Nikah),” *Online) Terakreditasi Nasional. SK*, XIV.1 (2022), 2549–4171.

⁴ Agus Pranoto, Lilik Andaryuni, dan Mukhtar Salam, “Problematisasi Pernikahan Siri Bawah Umur Di Kabupaten Kutai Barat,” *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory*, 3.2 (2025), 1099–1115 <<https://doi.org/10.62976/ijjel.v3i2.1086>>.

⁵ Tempo, “55 Persen Pasangan Suami Istri di Kabupaten Bogor Nikah Siri,” *4 Januari 2023 | 00.24 WIB*, 2023 <<https://www.tempo.co/arsip/55-persen-pasangan-suami-istri-di-kabupaten-bogor-nikah-siri-232983>>.

45.21% of married couples were officially registered, while the remainder were unregistered marriages.⁶

In 2023, the Coordinating Ministry for Human Development and Cultural Affairs (Kemenko PMK) confirmed that over 330,000 child and adolescent marriages not registered by the state occurred annually in Indonesia, most of which were unregistered marriages. This situation caused various legal vulnerabilities and issues of child and women's rights protection. The facts demonstrated that unregistered marriage was not merely a social phenomenon but also carried serious legal and humanitarian dimensions that impacted family resilience and child welfare.⁷

Unregistered marriage had captured the attention of many researchers from legal and Islamic religious perspectives. From Islamic law, unregistered marriage was considered valid if it met the marriage's pillars and conditions, such as having a guardian (*guardian*), an offer and acceptance (*solemnization of a marriage*), and two witnesses, despite lacking administrative state registration (Ghufron & Nur Isyanto, 2016). However, from the standpoint of Indonesian positive law, marriages not registered at the Office of Religious Affairs (KUA) or civil registration offices led to legal conflicts and uncertainties over marital status, affecting the civil rights of wives and children, including inheritance, alimony, and legal protection.⁸

Previous studies highlighted various reasons behind the practice of unregistered marriage, including social stigma against women marrying late, poverty, and the desire to avoid legal procedures perceived as complicated (socio-economic factors). Other studies emphasized the negative impacts of unregistered marriage on women

⁶ D N Pratiwi dan R Nuraeni, "Pola Komunikasi Pelaku Nikah Sirri Di Kecamatan Telagasari Karawang The Communication Pattern Of Sirri Marriage In Telagasari Sub-District Karawang District," *Proceeding of Management*, 10.4 (2023), 277–78 <<https://openlibrarypublications.telkomuniversity.ac.id/index.php/management/article/download/20826/20105>>.

⁷ Nur Faizah, M. Zamroni, dan Dhofirul Yahya.

⁸ Kemenko PMK, "Kemenko PMK Tanggapi Serius Perkawinan yang Tidak Tercatat Negara," 21 Aug, 2023, 2023 <<https://www.kemenkopmk.go.id/kemenko-pmk-tanggapi-serius-perkawinan-yang-tidak-tercatat-negara>>.

and children, ranging from vulnerability to domestic violence, unclear legal status, to risks of losing civil rights.⁹

The difference between previous research focuses and this study lay in addressing family resilience issues connected to repeated unregistered marriages, specifically those involving the public figure Vicky Prasetyo, who exemplified this practice. Earlier studies tended to examine formal legal or general socio-cultural aspects, whereas this research positioned family resilience as the central analysis by focusing on Muhammadiyah's views and Indonesian positive law to understand the problems arising from repeated unregistered marriages.¹⁰

This study offered novelty in several aspects. First, it concentrated on repeated unregistered marriage cases, which practically caused different family vulnerabilities compared to single unregistered marriages. Second, it comprehensively explored the religious organization Muhammadiyah's theological and social perspectives on unregistered marriage, which previous studies had scarcely addressed in depth. Third, the study juxtaposed Muhammadiyah's views with Indonesian positive legal regulations to identify conflicts, synchronization, and legal implications for family resilience. Fourth, it positioned family resilience as a key aspect in evaluating the challenges of unregistered marriage, an area rarely emphasized in prior empirical and normative literature.¹¹

Research Objectives and Problem Formulation. The study aimed to examine the problems of family resilience due to repeated unregistered marriages, using the case of Vicky Prasetyo. The research formulated specific questions: What were Muhammadiyah's views on repeated unregistered marriages, especially concerning family resilience? How did Indonesian positive law regulate and respond to the practice of repeated unregistered marriages? What impacts did repeated unregistered marriages have on family resilience in the

⁹ Djumadi Purwoatmodjo Addin Daniar Syamdan, "Aspek Hukum Perkawinan Siri Dan Akibat Hukumnya," *Notarius*, 12.1 (2019), 452–66.

¹⁰ Addin Daniar Syamdan.

¹¹ Qurrotul Ayuni, Yoyo Hambali, dan Suprihatin Suprihatin, "Faktor-Faktor Penyebab Praktik Nikah Siri Di Desa Cibuntu Kecamatan Cibitung," *MASLAHAH (Jurnal Hukum Islam dan Perbankan Syariah)*, 14.1 (2023), 15–24 <<https://doi.org/10.33558/maslahah.v14i1.7088>>.

analyzed case? How did Muhammadiyah's views and positive law synchronize or conflict in handling repeated unregistered marriages? ¹²

This research intended to provide paradigm and policy recommendations to strengthen family resilience in facing the problems of repeated unregistered marriages while contributing to the development of family law harmonizing religion and state. The study was essential given that unregistered marriages, lacking official registration, caused many legal and social problems threatening family resilience, the smallest social unit and fundamental pillar of society. The legal uncertainty of marital status impacted civil rights and protections for women and children, potentially provoking family disintegration, poverty, and social injustice. ¹³

Moreover, the repeated unregistered marriage case involving a public figure like Vicky Prasetyo opened broader public and academic discourse on how religious and state legal solutions could synergize to protect families and society. The research was also relevant to national development goals, specifically realizing strong and legally protected *sakinah mawaddah warahmah* families. ¹⁴

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ
مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ.

"Dan di antara tanda-tanda kekuasaan-Nya ialah Dia menciptakan untukmu istri-istri dari jenismu sendiri, supaya kamu cenderung dan merasa tenteram kepadanya, dan dijadikan-Nya di antara kamu rasa kasih dan sayang..." (QS. Ar-Rum: 21). ¹⁵

Normatively, the Qur'an commanded humans to marry with clear, valid, and protected bonds, as stated in Allah's word: *"And among His signs is that He created for you from yourselves mates that you may*

¹² Mochammad Agus Rachmatulloh et al., "Faktor-Faktor Yang Mendorong Praktik Nikah Siri Dalam Konteks Sosial Modern," *SAMAWA: Jurnal Hukum Keluarga Islam*, 4.2 (2024), 065–076 <<https://doi.org/10.53948/samawa.v4i2.135>>.

¹³ Aisyah Arsyad, "Evolusi Problem Sosial Nikah Siri: Rekonseptualisasi Hukum Perkawinan Dalam Islam," *Jurnal Sipakalebbi*, 4.1 (2020), 306–31 <<https://doi.org/10.24252/jsipakalebbi.v4i1.14600>>.

¹⁴ Arsyad.

¹⁵ Nurun Nisaa Baihaqi, "Tafsir Ayat-Ayat Pernikahan Dalam Al-Qur'an," *Ibn Abbas*, 5.2 (2023), 240 <<https://doi.org/10.51900/ias.v5i2.19771>>.

find tranquility in them, and He placed between you affection and mercy..." (QS. Ar-Rum: 21).

Invalid or unregistered marriages could disrupt this purpose. Prophet Muhammad SAW also taught the importance of proper marriages that fulfilled requirements to obtain blessings and avoid harm (Hadith narrated by Bukhari and Muslim). Muhammadiyah, in its fatwa, rejected unregistered marriage because it could cause harm to women and administrative disorder detrimental to families.¹⁶

Based on the above explanations, it was important to conduct a thorough and comprehensive study on the problems of repeated unregistered marriage in relation to family resilience, while formulating solution recommendations referring to Muhammadiyah's views and Indonesian positive law to academically and practically contribute to strengthening harmonious, just, and protected family life.¹⁷

Family Resilience

Family resilience is the ability of a family to remain harmonious and strong in the face of life's challenges, encompassing physical, psychological, social, and spiritual aspects. According to Frankenberger, family resilience (*family strength or family resilience*) is a condition of sufficient and continuous access to income and resources that can meet various basic needs, such as food, clean water, health care, educational opportunities, housing, time for community participation, and social integration.¹⁸

Family resilience indicates a stable condition in which a family's basic needs are met without shortages, allowing the family to develop physically, socially, and psychologically. This includes fulfilling family roles, functions, and duties, as well as social interactions within the family and the broader community, enabling families to better face

¹⁶ Nabil Hukama Zulhaiba Arjani et al., "Pernikahan dalam Islam Membina Keluarga yang Sakinah Mawaddah dan Rahmah," *Ikhlās: Jurnal Ilmiah Pendidikan Islam*, 2.1 (2024), 140–50 <<https://doi.org/10.61132/ikhlas.v2i1.292>>.

¹⁷ Nabil Hukama Zulhaiba Arjani et al.

¹⁸ Khasnah Syaidah, Siti Rohmah, dan Tomi Hendra, "Pencegahan Kekerasan terhadap Anak: Sebuah Perspektif Psikologis tentang Ketahanan Keluarga," *Indonesian Journal of Counseling and Development*, 6.1 (2024), 46–59 <<https://doi.org/10.32939/ijcd.v6i1.3623>>.

life's challenges and pressures. In Islam, family resilience is crucial as the foundation of a community and a sustainable civilization.¹⁹

Prof. Amany Lubis of the Indonesian Ulema Council (MUI) emphasized that maintaining family resilience is a prerequisite for the strength of Muslims and their ability to maintain national civilization. The Quran, such as Surah At-Tahrim verse 6, emphasizes the family's responsibility to maintain harmony for the sake of salvation in this world and the hereafter. Ibn Kathir's interpretation of the Quran demonstrates that religious education is key to family resilience.²⁰

Numerous verses also emphasize the role of husband and wife in creating a peaceful, loving, and compassionate family. The Prophet's hadith, such as "*Khoirukum khoirukum li ablihi*," teaches the importance of a good attitude toward the family as a form of resilience. The husband, as leader, and the wife, as manager of the household, together safeguarding the children's future, is an implementation of this hadith. Scholars, including those from Nahdlatul Ulama (NU) and the Indonesian Ulema Council (MUI), emphasize family resilience as the foundation for community and national development, through education on Islamic values and morals to prevent social problems such as divorce and family conflict.²¹

Prof. Amany highlighted the importance of maintaining psychological aspects and the impact of technology on family harmony through education based on the Quran and Sunnah. Scholars also emphasize the Islamic principle of *wasathiyah* (*moderation*) to strengthen communication, harmony, and commitment within the family to create a healthy and productive family.²²

¹⁹ Prianggi Amelasasih dan Awang Setiawan Wicaksono, "Pendampingan Ketahanan Keluarga Ibu Pelaku Usaha Desa Surowiti," *Consilience: Jurnal Penelitian dan Pengabdian Masyarakat*, 1.2 (2023), 63 <<https://doi.org/10.30587/jc.v1i2.6250>>.

²⁰ Heny Mustika Dewi dan Moh Amin Tohari, "Peran Ketahanan Keluarga Di Masa Pandemi Covid-19," *KHIDMAT SOSIAL: Journal of Social Work and Social Services*, 2.2 (2021), 113–21 <<https://jurnal.umj.ac.id/index.php/khidmatsosial/article/view/14122%0Ahttps://jurnal.umj.ac.id/index.php/khidmatsosial/article/download/14122/7354>>.

²¹ Junaidi, "Ketua MUI: Menjaga Ketahanan Keluarga Penting untuk Membangun Umat Islam yang Kuat," *08/11/2023 19:53*, 2023 <<https://mui.or.id/baca/berita/ketua-mui-menjaga-ketahanan-keluarga-penting-untuk-membangun-umat-islam-yang-kuat>>.

²² Muhammad Fazil, "Ketahanan Keluarga Sebagai Fondasi Masyarakat Sejahtera," *Jurnal Tabqqa: Jurnal Ilmiah Pemikiran Hukum Islam*, 19.1 (2025), 107–13 <<https://doi.org/10.61393/tahqqa.v19i1.285>>.

Unregistered Marriage

Unregistered marriage is a marriage legally performed according to Islam because it fulfills the pillars and requirements of marriage, namely the presence of the prospective bride and groom, a aguardian, two male witnesses, and the *ijab qabul* (*consent agreement*). However, it is not officially registered with the Office of Religious Affairs (KUA) or another state institution and therefore does not have the force of law.²³

The Qur'an emphasizes the importance of a valid marriage contract in Surah An-Nur verse 32:

وَأَنْكِحُوا الْأَيَامَىٰ مِنْكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ إِنْ يَكُونُوا فُقَرَاءَ يُعْهِمُ اللَّهُ
مِنْ فَضْلِهِ وَاللَّهُ وَاسِعٌ عَلِيمٌ

*In the name of Allah, the Most Gracious, the Most Merciful "And marry those among you who are single..." (Surah An-Nur: 32).*²⁴

This emphasizes the importance of marriage in accordance with Islamic law. Regarding the pillars of marriage, the hadith of the Prophet Muhammad (peace be upon him) explains: *"Marriage is not valid without a guardian."* (Narrated by Ahmad and Abu Dawud) and The Prophet Muhammad (peace be upon him) said, *"Any woman who marries without the permission of her guardian is invalid."* (Narrated by Abu Dawud and Tirmidhi). Another hadith states that two male witnesses as witnesses to a marriage are a requirement for a valid marriage (Narrated by Bukhari and Muslim).²⁵

The majority of scholars agree that a secret marriage that meets the requirements and pillars of marriage is valid according to Islamic law because it follows the provisions of *fiqh*. As explained by the

²³ Rhamuddin Madah Rahmatan, Dewi Rahayu, Nurhikmah Sani, M.Ridho Pratama, "Penanaman nilai pendidikan keluarga menurut al- qur'an surat at -tahrir: 6 tentang pendidikan keluarga," *Journal of Applied Transintegration Paradigm*, 4.1 (2024), 25–37.

²⁴ Jumli Sabrial dan Irmayanti, "Konseling Keluarga Perspektif Q.S At-Tahrir Ayat 6 (Tafsir Al-Misbah, Ibnu Katsir, Kementerian Agama RI)," *Conseils : Jurnal Bimbingan dan Konseling Islam*, 4.2 (2024), 31–40 <<https://doi.org/10.55352/bki.v4i2.1027>>.

²⁵ Zulkifli Reza Fahmi, "Peran Suami dan Istri dalam Rumah Tangga Islam: Telaah Pandangan Syekh Nawawi Al-Bantani dalam Kitab 'Uqudu-l-lujain,'" *AL-MAQASHIDI: Journal Hukum Islam Nusantara*, 6.2 (2023), 134–48.

Indonesian Ulema Council (MUI) and the Hanafi scholars, as long as there is a guardian, witnesses, and the consent of the marriage, the marriage is valid even if it is secret and unregistered. However, there are differing opinions regarding the confidentiality of unregistered marriages.²⁶

Imam Malik argues that marriages performed secretly (not announced) are invalid and must be annulled, as an absolute requirement for a valid marriage includes announcement (*i'lan*). Meanwhile, Imams Abu Hanifah, Shafi'i, and Ibn Mundzir argue that the presence of two witnesses is sufficient for announcement and therefore no further public announcement is required; unregistered marriages in this context remain valid. The Indonesian Ulema Council (MUI) asserts that unregistered marriages are valid according to religion but are forbidden if they cause harm (*murah*), particularly if they are not officially registered, which can lead to legal and social issues, such as inheritance rights and child protection. From a legal perspective in Indonesia, Law²⁷

Number 1 of 1974 concerning Marriage requires marriages to be officially registered at the Office of Religious Affairs (KUA) to receive legal recognition. Therefore, unregistered marriages are invalid under positive law. The lack of registration creates potential legal and social risks, such as difficulties obtaining birth certificates, inheritance, and the status of a marriage that is not recognized by the state despite being valid according to religion.²⁸

A siri marriage is a marriage that is religiously valid if it meets the requirements and pillars, based on evidence from the Quran and Hadith that emphasize the importance of a guardian and witnesses. However, the total secrecy of a siri marriage without announcement has given rise to differing opinions among Islamic scholars, and under

²⁶ Udji Asiyah et al., *Ketahanan Keluarga Multi Perspektif*, Delta Pijar Khatulistiwa, 2022, VII.

²⁷ Anisa Anisa et al., "Pendidikan Al-Qur'an Dalam Membangun Ketahanan Keluarga Muslim Persepektif Surah At-Tahrim Ayat 6 Dalam Tafsir Ibnu Kastir," *Al-Bayan: Jurnal Ilmu al-Qur'an dan Hadist*, 8.1 (2025), 1–25 <<https://doi.org/10.35132/albayan.v8i1.1175>>.

²⁸ Muhammad Khairan Arif, "Moderasi Islam (Wasathiyah Islam) Perspektif Al-Qur'an, As-Sunnah Serta Pandangan Para Ulama Dan Fuqaha," *Al-Risalah*, 11.1 (2020), 22–43 <<https://doi.org/10.34005/alrisalah.v11i1.592>>.

Indonesian law, a siri marriage is not recognized without official registration, thus potentially causing harm.²⁹

The phenomenon of public figures engaging in multiple siri marriages, such as the hoax claim that Vicky Prasetyo has married 24 times, requires serious examination from a sharia perspective and the public interest. Repeated siri marriages without official registration can have serious social and legal repercussions and must be avoided to fulfill the principles of Maqasid Sharia.³⁰

Marriage registration is essential to protect the rights of all parties and ensure justice. Therefore, it is recommended that siri marriages be officially registered to avoid negative impacts while fulfilling religious and legal requirements. This is also in line with the principles of Maqasid Sharia, which safeguard the well being of the family and children.³¹

The Muhammadiyah Tarjih and Tajdid Council

This council was established in 1927 with the primary task of conducting in-depth studies of Islamic teachings and producing fatwas and decisions that serve as references for Muhammadiyah members. The main products of the Tarjih and Tajdid Council are: Tarjih Decisions: The results of deliberations that have binding legal force for the Muhammadiyah community. Tarjih Fatwas: Responses to contemporary religious questions, serving as practical guidance for the community. Tarjih Discourse: A space for developing new religious ideas in response to the times. Muhammadiyah, as one of the oldest and largest Islamic organizations in Indonesia, continues to strive to play a role in advancing the country.³²

This organization faces the inevitable demands of change due to the impact of globalization. According to (Abu Amar, 2018), globalization has had a significant impact on various aspects of life, including social, economic, and cultural aspects. In response,

²⁹ Addin Daniar Syamdan.

³⁰ Winch Herlena dan Muhammad Muads Hasri, "Tafsir Qs. An-Nur 24:32 Tentang Anjuran Menikah (Studi Analisis Hermeneutika Ma'na Cum Maghza)," *Jurnal Tafsire*, 9.1 (2021), 122–38 <<https://doi.org/10.24252/jt.v9i1.30989>>.

³¹ La Ode Ismail Ahmad, "WALI NIKAH DALAM PEMIKIRAN FUQAHA DAN MUHADDITSIN KONTEMPORER," *Jurnal Al-Maiyyah*, 8.1 (2015), 41–78.

³² Atus Soliha Imro dan Humaidi Nurul, "Konsep Manhaj Tarjih dan Tajdid dalam Perspektif Muhammadiyah," *Al-Afkar: Journal for Islamic Studies*, 7.4 (2024), 1215–25 <<https://doi.org/10.31943/afkarjournal.v7i4.1111.The>>.

Muhammadiyah continues to strive to adapt and update its approach to advancing society, while maintaining Islamic values and principles.

One example of Muhammadiyah's efforts to address the impacts of globalization is through education, where the organization continuously strives to improve the quality of education to meet the demands of the times. As a modern Islamic organization, Muhammadiyah carries out the mission of Islamic da'wah, upholding the concept of *Islam rahmatan lil alamin* (a blessing for all the worlds) and adhering to a moderate and inclusive vision of Islam.³³

According to the General Chairman of Muhammadiyah, Haedar Nashir, Muhammadiyah is often referred to as the largest modern, reformist, and progressive Islamic organization in Indonesia and the world. The organization was founded with the vision of purifying Islamic teachings from deviant practices and upholding pure Islamic principles. It aims to improve the education and welfare of Muslims, as well as fight for the independence of the Indonesian nation.

The Islam embraced by Muhammadiyah can be described as progressive, modern, moderate, and pure, based on the Quran and Hadith. Muhammadiyah's understanding of Islam prioritizes progressive values to create a superior civilization for humanity. In Muhammadiyah's view, humans are caliphs on earth who have a significant role in developing Islamic thought in harmony with the *sunnatullah (the divine law)*.³⁴

Thus, Islam encourages humans to carry out their duties in caring for and managing this world as a trust from Allah SWT, as well as a field of charity in the afterlife. The reality on the ground is that not all Muhammadiyah members share the same views regarding Islam as the organization adheres to. This is due to various factors, such as differences in background, political obstacles, and social limitations.³⁵

However, it is important to remember that Muhammadiyah, as the largest organization in Indonesia and the world, plays a vital role

³³ Abu Amar, "Nilai Islam Wasathiyah-Toleran dalam Kurikulum Madrasah Aliyah Program Keagamaan," *Jurnal Cendekia*, 10.02 (2018), 196–212 <<https://doi.org/10.37850/cendekia.v9i01.46>>.

³⁴ Musaddad harahap Lina Mayasari Siregar dan Irwan Saleh Dalimunthe, "Al-Mutharahah: Jurnal Penelitian dan Kajian Sosial Keagamaan Menyingkap Kurikulum Pendidikan Islam Berbasis Program Islam Wasathiyah," *Al-Mutharahah: Jurnal Penelitian dan Kajian Sosial Keagamaan*, 19.2 (2022), 299 <<https://doi.org/10.46781/al-mutharahah>>.

³⁵ Max ki, *Muhammadiyah: Pengertian, dan Sejarah Perkembangannya*, 2023.

in supporting and advancing moderate and inclusive Islam. In the context of Indonesia's diverse society, Muhammadiyah plays a vital role in developing Islamic communication abroad and fostering social development. The organization also participates in interfaith dialogue with other religious communities in Indonesia, promoting tolerance, cooperation, and inclusivity.³⁶

Thus, Muhammadiyah represents a moderate and inclusive Islam that can interact harmoniously with other religions in Indonesia. The desire to promote religious perspectives and understandings aligned with the Quran and Sunnah, as the motto of the Muhammadiyah movement, places the role of the Majelis Tarjih and Tajdid as a very central and fundamental institution within Muhammadiyah. In its efforts to achieve renewal, Muhammadiyah certainly adheres firmly to its established methodology. The methodology of tarjih and tajdid (reform and reform) is a process within Muhammadiyah based on methods to introduce new perspectives aligned with the Qur'an and Sunnah into various aspects of community life.³⁷

This applies not only to religion but also to education, politics, social issues, economics, and other aspects. Therefore, the relevance of laws produced within Muhammadiyah is always independent as a consequence of the tarjih and tajdid within Muhammadiyah.³⁸

The methodology of tarjih and tajdid in Muhammadiyah is created with the aim of actualizing Islam as a whole, as part of its determination to realize Islam as a blessing for the entire universe, in accordance with Muhammadiyah's ideals of achieving a state of completeness and justice.³⁹ Thus, the Muhammadiyah Tarjih and Tajdid Council serves as a crucial ijtihad institution that strives to safeguard and purify Islamic teachings while simultaneously aligning

³⁶ M Hasnahwati, Romelah, & Nur Hakim, "KONSEP KEAGAMAAN MUHAMMADIYAH DALAM ISLAM BERKEMAJUAN: TINJAUAN MANHAJ TAJDID, TARJIH DAN PENDIDIKAN MUHAMMADIYAH," *Jurnal Panrita*, 3.1 (2022), 40–49.

³⁷ Mas Mansyur, "Mas Mansyur RUH PENGKADERAN GURU BERKEMAJUAN DI Mas Mansyur," 2001, 1–13.

³⁸ A Nur Rohman, "Hukum Islam dan Perubahan Sosial: Dinamisasi Perkembangan Metode Ijtihad Muhammadiyah," *Syakhsia*, 22.1 (2021), 85–98.

³⁹ Heriyanto, "Thematic Analysis Sebagai Metode Menganalisa Data Untuk Penelitian Kualitatif," *Anuwa*, 2.3 (2018), 317–24.

religious practices with current developments through fatwas derived from in-depth study and critical consideration.⁴⁰

Positive Law in Indonesia

A siri marriage is a marriage conducted according to Islamic law and is legally valid, but not officially registered or documented in the country through the Office of Religious Affairs (KUA) or other authorized agency. Under Indonesian positive law, specifically Law Number 1 of 1974 concerning Marriage, every marriage must be registered to be legally recognized by the state. Article 2 of the Marriage Law states that a marriage is valid if it is conducted according to the laws of each respective religion, but every marriage must be registered according to applicable laws.⁴¹

Therefore, a siri marriage has no formal legal force and is considered invalid under state law because there is no marriage certificate or official document as proof of the marriage's legality.⁴² The legal impact of this lack of registration is significant, especially for the wife and children of a siri marriage. A siri wife does not receive the same legal protections as a wife in a legally registered marriage. For example, rights related to inheritance, joint property upon divorce, and recognition of children are severely weakened or not recognized.⁴³

Children born into unregistered marriages are legally equal to illegitimate children, so their lineage and inheritance rights to their father are not recognized without strong evidence other than a registered marriage. The practice of repeated unregistered marriages, such as that practiced by public figure Vicky Prasetyo, poses potential legal violations that require careful consideration.⁴⁴

The Marriage Law stipulates monogamy as a primary principle, so remarriage without the permission of the first wife or without

⁴⁰ Max ki.

⁴¹ Addin Daniar Syamdan.

⁴² Novendawati Wahyu Sitasari, Fakultas Psikologi, dan Universitas Esa, "Mengenal Analisa Konten Dan Analisa Tematik."

⁴³ E. Fahmi Al-Amruzi, "Pencatatan Perkawinan Dan Problematika Kawin Siri," *Ulumul Syar'i: Jurnal Ilmu-Ilmu Hukum dan Syariah*, 9.2 (2021), 1–18 <<https://doi.org/10.52051/ulumulyari.v9i2.79>>.

⁴⁴ Eza Aulia dan Dara Quthni Effida, "Kodifikasi Hukum Islam di Indonesia dalam Perspektif Kepastian Hukum," *Ius Civile: Refleksi Penegakan Hukum dan Keadilan*, 2.2 (2018), 34–48.

proper legal procedures can lead to criminal offenses such as falsification of documents or unauthorized marriages, which threaten legal and moral aspects of society. Repeated unregistered marriages, especially when hidden, disadvantage the legitimate wife and contradict legal norms requiring registration and court approval for polygamy.⁴⁵

This situation of repeated unregistered marriages critically highlights the contradiction between religious law and positive law in Indonesia.⁴⁶ Religiously, a marriage is considered valid if it meets the pillars and requirements of the religion, but state-sanctioned marriages lack legal force without registration. This creates a legal gray area that becomes the basis for controversy and legal vulnerabilities for the perpetrators and related parties, including unclear legal status for wives and children, as well as potential conflicts of interest and abuse of the unregistered marriage system.⁴⁷

Thus, in a sharp and critical manner, positive law in Indonesia strictly requires official registration as a prerequisite for the validity of a marriage under the state law, and repeated unregistered marriages violate state regulations, which can have criminal and social implications.⁴⁸ The case of Vicky Prasetyo serves as a crucial example of the problematic legal protection of unregistered marriages in Indonesia and demonstrates the need for a broader understanding of the legal consequences and protection of the rights of all parties involved.⁴⁹

⁴⁵ Maulana Ira M. Irsyad Arifin, "Eksistensi Hukum Ekonomi Syariah Dalam Hukum Perdata," *Lentera: Indonesian Journal of Multidisciplinary Islamic Studies*, 3.2 (2022), 87–102 <<https://doi.org/10.32505/lentera.v3i2.3536>>.

⁴⁶ Dedi Susanto, Risnita, dan M. Syahrani Jailani, "Teknik Pemeriksaan Keabsahan Data Dalam Penelitian Ilmiah," *Jurnal QOSIM Jurnal Pendidikan Sosial & Humaniora*, 1.1 (2023), 53–61 <<https://doi.org/10.61104/jq.v1i1.60>>.

⁴⁷ ISMELIA FATHONAH, "ANALISIS HUKUM POSITIF DAN HUKUM ISLAM TERHADAP JUAL BELI PAKAIAN BEKAS IMPOR," *file:///D:/JURNAL%20FIQH%20EKONOMI/bekas.pdf*, 2020.

⁴⁸ Putri Wahidah Luthfiyani dan Sri Murhayati, "Strategi Memastikan Keabsahan Data Dalam Penelitian Kualitatif," *Jurnal Pendidikan Tambusai* 8, no. 3 (2024): 45315–28.

⁴⁹ Maria Sesilia et al., "Bedah Fenomena LGBT Ditinjau Menurut Pendekatan Socio Legal dan Eksistensinya dalam Hukum Positif di Indonesia," *Indonesian Journal of Law and Justice*, 1.3 (2024), 1–13.

Methods

The research method used in this study is a qualitative content analysis of normative texts with the aim of identifying the main challenges and responses related to family continuity in the context of repeated unregistered marriages. This research is qualitative, descriptive-analytical, focusing on an in-depth understanding of normative documents and research findings related to unregistered marriages.⁵⁰

Primary data sources consist of research articles, policy documents, statements by the Muhammadiyah Tarjih and Tajdid Council regarding unregistered marriages, and Positive Law in Indonesia. Data were collected through a literature review using a purposive sampling technique, selecting relevant and credible articles and normative texts for analysis.⁵¹ The data collection procedure included an inventory of materials related to marriage law, family law, and inheritance law, including: Primary data, namely authoritative legal materials such as Islamic law, the Compilation of Islamic Law, and applicable laws and regulations. Secondary data, in the form of sources that explain primary materials, such as legal textbooks, theses, journals, and legal seminar publications. Tertiary data, which provides explanations and guidance related to primary and secondary materials, such as legal dictionaries, magazines, and online sources, as well as relevant non-legal sources.⁵²

Data processing was carried out by carefully reading and reviewing the contents of normative texts to identify key themes related to the challenges of family resilience due to repeated unregistered marriages.⁵³

⁵⁰ Alfinno Hibatillah Hasanin, "Studi analisis pernikahan siri dibawah umur dalam perspektif hukum positif dan hukum islam," 2025.

⁵¹ Rizky Robby Handoko Putro dan Muhammad Kurniawan Budi Wibowo, "Proses Pembagian Warisan Perspektif Hukum Islam dan Kompilasi Hukum Islam The Process of Inheritance Distribution from the Perspective of Islamic Law and Compilation of Islamic Law," 30.2 (2024), 153–61.

⁵² Dhanny Safitri, Akhmad Saufi, dan Dwi Putra Buana Sakti, "Penerapan Analisis Konten Kualitatif Pada Studi Revisit Intention Wisatawan Muslim Ke Lombok Dalam Konteks Pariwisata Halal," *Jmm Unram - Master of Management Journal*, 11.4 (2022), 308–20 <<https://doi.org/10.29303/jmm.v11i4.740>>.

⁵³ Nazarudin, Achmad Abubakar, dan Halimah Basri, "Nikah Sirri dan Problematikanya," *Innovative: Journal Of Social Science Research*, 3.3 (2023), 4736–50 <[1144 MASADIR, Volume 05, Nomor 01, April 2025](http://j-</p></div><div data-bbox=)

Data validity was checked using source triangulation techniques by comparing and confirming information from various research sources and normative documents.⁵⁴ The data analysis method employed thematic content analysis to systematically categorize and interpret the text content to uncover the challenges and responses to the issue of family resilience in repeated unregistered marriages. The analysis was conducted using a qualitative descriptive approach, detailing and comprehensively describing the related legal and social dynamics. A comparative approach was used to compare opinions and regulations to determine the strongest position based on cause-and-effect analysis and consistency of legal principles.⁵⁵

Secret Marriage According to Muhammadiyah and Indonesian Positive Law

In the context of unregistered marriage, the existence of unregistered marriage was met with varied responses from different groups. The first group argued that secret marriage was valid according to religion because it fulfilled the conditions and pillars of marriage. Meanwhile, the second group stated that unregistered marriage was a marriage that administratively left legal issues unresolved before the law. The third group held the opinion that marriage must be registered. The first opinion was supported by the Indonesian Ulema Council (Indonesian Council of Ulama (MUI)). The second opinion was generally held by judges in Religious Courts. Meanwhile, the third was upheld by the Muhammadiyah Tarjih Council.⁵⁶

The term unregistered marriage or secret marriage had been known among scholars, at least since the time of Imam Malik bin Anas. However, the unregistered marriage understood in the past had

[innovative.org/index.php/Innovative/article/view/2215%0Ahttp://files/2596/Na zarudin et al. - 2023 - Nikah Sirri dan Problematikanya.pdf](http://innovative.org/index.php/Innovative/article/view/2215%0Ahttp://files/2596/Na%20zarudin%20et%20al.%20-%20Nikah%20Sirri%20dan%20Problematikanya.pdf)>.

⁵⁴ Dhimas Nur Muhammad, "Pembagian Waris Terhadap Ahli Waris Pada Pernikahan Poligami," *Jurnal Kajian dan Pendidikan Kewarganegaraan*, 1.2 (2022), 1–19 <<http://jurnal.anfa.co.id/index.php/civilia/article/view/158%0Ahttp://jurnal.anfa.co.id/index.php/civilia/article/download/158/154>>.

⁵⁵ Wawan Gunawan Abdul Wahid, "Pandangan Majelis Tarjih Dan Tajdid Muhammadiyah Tentang Nikah Sirri Dan Itsbat Nikah: Analisis Maqashid Asy-Yari'Ah," *Musawa Jurnal Studi Gender dan Islam*, 12.2 (2013), 215 <<https://doi.org/10.14421/musawa.2013.122.215-236>>.

⁵⁶ Wahid.

a different meaning compared to the present one. In the past, unregistered marriage referred to a marriage that fulfilled the elements or pillars and conditions of marriage according to Islamic law, namely the presence of the male and female spouses, the solemnization of a marriage performed by the guardian and the groom, witnessed by two persons, and a request to keep the marriage secret or not to disclose it publicly to society. Consequently, there was no public announcement (*I'lanun nikah*) in the form of a wedding feast (*walimatul 'ursy*) or other forms.⁵⁷

The issue raised was whether a marriage kept secret and unknown to others, yet fulfilling all elements and conditions, was legitimate. As for the unregistered marriage known to contemporary Indonesian society, it referred to a marriage conducted by a guardian and witnessed by witnesses but not recorded before official marriage registration officers either at the Office of Religious Affairs for Muslims or the Civil Registry Office for non-Muslims. As a result, it had no official marriage certificate issued by the government. Such marriages were known among the public not only as unregistered marriage but also as “*marriages under the hand*” (*underhand marriage*). From Muhammadiyah’s perspective, unregistered marriage was prohibited due to the harm it caused to women. Muhammadiyah forbade unregistered marriage because marriage should bring comfort.⁵⁸

Furthermore, legally unregistered marriage was harmful to women because it was not officially recorded. Muhammadiyah emphasized that all transactions, including marriage, must be documented. Marriage should be publicly announced because unregistered marriage tended to be concealed.

Regarding marriage registration, initially Islamic law did not concretely regulate it. During the time of the Prophet Muhammad (PBUH) and his companions, marriage registration was not known. A marriage was considered valid if it fulfilled the elements and conditions. To inform the community, the marriage solemnization was announced publicly, often through a *walimatul 'ursy*.

Several verses and hadiths of the Prophet (PBUH) included the following: The meaning of the verse: “*O you who believe, when you deal*

⁵⁷ *Ibid*, Hal, 221.

⁵⁸ Ariyanti S Yatiti et al., “Analisis Hukum Terhadap Penetapan Dispensasi Perkawinan Dipengadilan Agama Gorontalo,” 4.6 (2025), 8868–78.

with each other for a fixed term, write it down." (QS. Al-Baqarah Ayat 282). The hadith meaning: *"Announce the marriage and beat the drum."* (Narrated by Ibn Majah from Aisyah). The hadith meaning: *"Hold a wedding feast (walimah), even if it is only by slaughtering a goat."* (Narrated by Bukhari from Abdurrahman bin Auf).

Thus, registering marriage contained benefits or public welfare (*maslahah*) greatly advantageous for society. Conversely, if marriage was not clearly regulated by legislation and not registered, it was prone to misuse by parties who married only for personal gain, to the detriment of others, especially wives and children.

The basis for Islamic law determination is public welfare, which is one of the principles of Islamic legal rulings, as mentioned in a fiqh maxim meaning that government actions guarantee the interests and welfare of its people. Based on this principle, Muhammadiyah members were legally obliged to register their marriages. This was further reinforced by the Muhammadiyah Personality Charter, as decided at the 35th Muhammadiyah Congress, affirming that one characteristic of Muhammadiyah is to respect all laws, regulations, and legitimate state philosophies.

The term Secret Marriage did not exist in Indonesian positive law nor in the Civil Code. Secret Marriage was only found within Islamic scholarship to refer to a marriage conducted secretly. The word *sirri* originated from Arabic, and etymologically it meant secret (*secret marriage*). According to the Maliki fiqh terminology, Secret Marriage was a marriage in which the husband instructed the witnesses to keep the marriage secret from his wife and the public.

Marriage registration was the administrative process of recording a marriage, carried out by marriage registration officers based at the Office of Religious Affairs in the areas where the prospective spouses practiced Islam, and at the civil registry office for non-Muslims.

In the Indonesian context, Secret Marriage was often understood in two (2) ways: A marriage conducted by a woman without a guardian (guardian). This marriage usually occurred because the woman's guardian disapproved of her marriage to the prospective husband, thus the marriage was conducted through informal illegal institutions such as a rogue Qadi/judge. The marriage law did not explicitly regulate the matter of a guardian in marriage, although the guardian was a pillar (*essential element*) required in marriage. The marriage law only regulated the conditions of marriage, as stated in

Articles 6–7 of the Marriage Law. The legal provision requiring marriage registration was found in: a. Law Number 16 of 2019 on Marriage, Article 2 paragraph (2): “Every marriage shall be recorded according to the applicable laws and regulations.” b. Government Regulation Number 9 of 1975 on the Implementation of Law Number 16 of 2019 on Marriage, Articles 2 to 9.

However, implicitly, the Marriage Law regulated this matter in Article 2 paragraph (1), which read, “Marriage is lawful if it is conducted according to the laws of each respective religion and belief.” The wording of this article thus also regulated the issue of a marriage guardian, which was an element/pillar of marriage, because this article included legal aspects of marriage.

Meanwhile, the Compilation of Islamic Law (Kompilasi Hukum Islam) explicitly regulated the pillars of marriage in Article 14, comprising the prospective husband, prospective wife, two witnesses, a marriage guardian, and the *ijab qabul* (offer and acceptance). The marriage guardian was specially regulated in Articles 19 to 23 of the Compilation of Islamic Law.

A marriage conducted solely fulfilling religious norms. As regulated in Article 2 paragraph (1) of the Marriage Law, the marriage had fulfilled religious conditions and pillars as regulated in Islam, but it did not meet legal norms because it was not recorded by the marriage registration officer as required by Article 2 paragraph (2) of the Marriage Law. Various factors caused someone not to register their marriage with the registration office, considering the fees too high, or fearing that a government employee would be found violating disciplinary rules preventing civil servants from marrying more than once, or fearing discovery by the current spouse.

From the marriage aspect, Secret Marriage remained valid according to Islamic sharia provisions if it fulfilled religious norms as intended in Article 2 paragraph (1) of the Marriage Law. However, since the State was not involved by failing to register the marriage with the marriage registration officer, the State regarded such marriage as violating applicable laws, resulting in no legal protection granted by the State to the parties (no legal protection). If one day one spouse harmed the other, their dispute could not be resolved legally.

The term Secret Marriage became well known among Indonesian society after the enactment of the Marriage Law. Another term for

Secret Marriage was “*under-the-table marriage*,” meaning a marriage carried out without complying with the procedures stipulated by law.

The procedures set by law were regulated in Article 2 paragraphs (1) and (2) of the Marriage Law, stating: (1) Marriage is lawful if conducted according to the laws of the respective religion and belief. (2) Every marriage shall be recorded according to the prevailing laws and regulations. (3) Marriages considered *sirri* were those that had not yet held the *walimatul ury* (wedding party).

Even if the marriage had fulfilled both religious and legal norms as stipulated in Article 2 of the Marriage Law above, the Compilation of Islamic Law addressed marriage registration in Article 5 as follows: To ensure orderly marriage for the Muslim community, every marriage had to be recorded. The marriage registration in paragraph (1) was conducted by marriage registration officers as regulated in Law Number 22 of 1946 in conjunction with Law Number 32 of 1954.

Furthermore, Article 6 of the Compilation of Islamic Law elaborated: To fulfill the provisions in Article 5, every marriage must be conducted in front of and under the supervision of a marriage registration officer. Marriages conducted outside the supervision of a marriage registration officer had no legal force.

Abdul Gani Abdullah stated that to determine whether a marriage contained any *sirri* element, one could look at three indicators which must always accompany a legal marriage. If any one of these factors was not met, the marriage could be identified as a *sirri* marriage: a. The legal subjects of the marriage contract, consisting of the prospective husband, prospective wife, and two witnesses. b. Legal certainty of the marriage, meaning the presence of a marriage registration officer at the time the marriage contract was conducted. c. *Walimatul ‘arasy*, which was a condition deliberately created to proclaim publicly that the prospective husband and wife were officially married. This third indicator contained the philosophical essence of the hadith of Prophet Muhammad, which meant: “*Announce this marriage, hold it in the mosque, and celebrate it with drumbeats*” (HR. At-Tirmidzi from Aisyah RA).

There were several weaknesses caused by failure to fulfill legal norms in a marriage, as follows: If disharmony occurred within the household, the party who felt disadvantaged could not claim their rights through State power, i.e., through the judiciary. Thus, the

marriage parties were subject to a lawless situation, typically favoring the male party, while the wife became the victim. Children would face difficulties obtaining birth certificates or other official documents if the parents lacked official proof of marriage. Other civil claims, such as inheritance rights, required resolution through courts if spouses had no official marriage documentation, so Secret Marriage marriages should be avoided.

The consequences of the unregistered marriage for the parties, especially the wife, children and assets obtained from the unregistered marriage from the perspective of Indonesian positive law

The consequence of secret marriage carried out by the parties involved, namely the husband and wife, was detrimental to the wife and the children born from that marriage because The marriage does not have legal certainty due to the marriage not being registered with the State. According to Article 2 paragraph (2) of Law Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage, juridically the children born from such unions did not receive legal protection (*No Legal Protection*). Therefore, these children required birth certificates for prerequisites such as school enrollment, but the father's name was not included because the parents did not possess proof of marriage in the form of a marriage certificate parents' marriage certificate.⁵⁹

Moreover, children born from secret marriage were also not entitled to inheritance. The legal consequence for the wife was that her rights did not receive legal certainty from the State, such as the right to obtain joint property from the marriage if the husband refused to provide it.

According to Mardani, the purpose of marriage registration was to provide legal certainty and protection for the parties entering into marriage and for their children, so the State, as the organization overseeing all its citizens, would grant authentic evidentiary power proving the occurrence of marriage, enabling the parties to defend the marriage before anyone in court. Unregistered marriages brought

⁵⁹ Nasikhin Nasikhin, Raharjo Raaharjo, dan Nasikhin Nasikhin, "Moderasi Beragama Nahdlatul Ulama dan Muhammadiyah dalam Konsep Islam Nusantara dan Islam Berkemajuan," *Islamic Review: Jurnal Riset dan Kajian Keislaman*, 11.1 (2022), 19–34 <<https://doi.org/10.35878/islamicreview.v11i1.371>>.

negative impacts, including: The marriage lacked any legal force to protect the rights and fulfill the obligations of each party, including husband, wife, and children. Should a violation occur by one party, the aggrieved party could not legally claim any rights, and the party in breach was not legally obligated to be held accountable for what was done to the spouse.

In several countries, marriage registration was mandatory by law, such as in Pakistan, Tunisia, Iraq, Morocco, and Algeria. This highlighted the importance of registering marriage as mandated by the government to attain legal certainty. Another analysis identified factors explaining why marriage registration was overlooked by the ulama in the early Islamic period: A prohibition from Prophet Muhammad SAW against writing anything other than Qur'anic verses to avoid confusion with the Qur'an, thereby limiting the development of writing culture at that time. Reliance on memory (*Memorization*), possibly because marriage issues were not considered difficult to memorize. The customary reception rituals were regarded as sufficient witnesses alongside *shar'i* witnesses to marriage. The impression that early Islamic marriages rarely occurred between different regions.

The fundamental indication for registering marriage was actually based on surat al-Baqoroh ayat 282 which was analogized with the obligation to record debts, as both shared the same rationale concerning transactions broadly understood as muamalah.

Muhammadiyah's view on repeated unregistered marriages, especially in the context of family resilience

Muhammadiyah firmly rejected the practice of unregistered marriage because it contradicted the maqashid syariah that prioritized the welfare and legal protection of the family. The Majelis Tarjih dan Tajdid PP Muhammadiyah affirmed that marriage registration was an obligation that had to be fulfilled to provide legal certainty and protection of the rights of spouses and children. In the context of repeated nikah siri, Muhammadiyah considered this practice to have a very high potential to damage family resilience because: The absence of marriage registration caused legal uncertainty detrimental to the

wife and children, including their rights to maintenance and inheritance.⁶⁰

Repeated unregistered marriage, could generate internal family conflicts, disharmony, and even social and psychological neglect. The marriage registration process aimed to eliminate slander within society, which clearly disappeared when a marriage was conducted as *siri*.

Muhammadiyah through its internal policy even terminated employees who married but did not register their marriages, signaling a firm stance against unregistered marriage. Thus, unregistered marriage, especially when conducted repeatedly, was not only a practice that deviated from Indonesian positive law but also from sharia objectives aimed at realizing harmonious and legally protected harmonious family. Empirical research related to repeated unregistered marriage revealed systemic and psychological impacts that harmed family resilience, including: The emergence of disputes, tension, and shame among family members, which limited social relationships due to stigma and the uncertain status of family members. Children and wives experienced injustice and neglect of their rights, especially concerning maintenance and legal recognition, resulting in uncertainty about the children's future.

The parent-child relationship became strained, and wives did not receive their rights as in officially registered marriages. Often, repeated *nikah siri* was driven by economic factors and convenience without document processing at the KUA, but the consequence was the vulnerability of families to prolonged fractures. Repeated *nikah siri* was not only problematic from religious and social perspectives but also posed a serious challenge to the implementation of positive law in Indonesia, which mandated marriage registration as a primary requirement for the validity of marriage (Law No. 1 of 1974): The practice of repeated unregistered marriage, violated Article 2, paragraph (2) of the Marriage Law requiring marriage registration as a form of state protection for families. This legal incongruity caused family members, especially wives and children, to be in a legally weak position without rights recognized by the state. Cases of repeated unregistered marriage, such as the celebrity case of Vicky Prasetyo,

⁶⁰ Bahar Agus Setiawan, "Manhaj Tarjih Dan Tajdid: Asas Pengembangan Pemikiran dalam Muhammadiyah," *Tarlim: Jurnal Pendidikan Agama Islam*, 2.1 (2019), 35 <<https://doi.org/10.32528/tarlim.v2i1.2068>>.

attracted attention because they showed how this legal void significantly impacted family stability and resilience. Muhammadiyah, as a modern Islamic organization, endeavored to bridge positive law and Islamic values by rejecting the practice of unregistered marriage to maintain family welfare and social order.

Muhammadiyah's view rejected repeated *nikah siri* because it contravened the objectives of Islamic law that ensured the protection and resilience of families. Repeated unregistered marriage destructively affected family harmony, the rights of wives and children, and contradicted Indonesian positive law, which obligated marriage registration. Therefore, Muhammadiyah emphasized the importance of marriage registration to build family resilience both religiously and legally while safeguarding the welfare of the wider community.

Indonesian positive legal regulations regulate and respond to the practice of repeated unregistered marriages

Indonesian Positive Legal Regulations on Repeated Unregistered Marriages: The Status of Unregistered Marriages in Positive Law. An unregistered marriage is a marriage performed according to religious law without official state registration. Law No. 1 of 1974 concerning Marriage, specifically Article 2 paragraph (1), stipulates that a marriage is valid if conducted according to the laws of each respective religion. However, Article 2 paragraph (2) states that every marriage must be officially registered. Unregistered marriages are therefore not recognized by the state and have no formal legal force.

This places unregistered marriages within the realm of religious law but not state law. Absence of Specific Regulations for Repeated Unregistered Marriages. Indonesian positive law does not explicitly regulate the phenomenon of repeated unregistered marriages. Article 26 of the Marriage Law addresses the annulment of marriages that do not comply with procedures, but does not stipulate provisions for repeating unregistered marriages as a legal formality. As a result, repeated unregistered marriages create legal uncertainty and are prone to serious problems for families.

The Legal Impact of Repeated Unregistered Marriages on Families. The practice of repeated unregistered marriages can negatively impact family resilience. These impacts include family discord, tension between family members, feelings of neglect, and discomfort in social interactions. Wives in repeated unregistered

marriages lack equal legal rights, such as the right to maintenance, inheritance rights, and recognition of children, creating social and legal vulnerabilities within the family. Muhammadiyah considers unregistered marriages to be religiously valid only if they meet the requirements and pillars of Islamic marriage.

However, the organization also emphasizes the importance of officially registering marriages as an effort to protect the rights of women and children. Muhammadiyah warns that without registration, various adverse legal consequences, particularly for women and children, will occur, potentially undermining family resilience and leading to social injustice. Muhammadiyah supports the harmonization of religious and state law so that unregistered marriages can receive formal legal recognition for the protection of sustainable families.

The public case of Vicky Prasetyo, who underwent repeated unregistered marriages, illustrates the real problems of this practice: unclear legal and social status, leading to family conflict, uncertainty about the rights of wives and children, and psychosocial stress. This legal inaccuracy has the potential to undermine the foundation of family resilience due to the lack of legal protection for vulnerable family members. Existing regulations in Indonesia fail to comprehensively anticipate and regulate this phenomenon, necessitating legal and policy studies, as well as preventive and repressive measures to strengthen family protection and the rights of family members in the context of repeated unregistered marriages.

Indonesian positive law recognizes only registered marriages, thus, repeated unregistered marriages lack legal recognition and create uncertainty and injustice in family rights. The absence of specific regulations for repeated unregistered marriages weakens legal protection for wives and children and has the potential to undermine family resilience. Muhammadiyah's perspective emphasizes that marriage registration is key to protecting family rights and resilience, so unregistered unregistered marriages should be avoided, even if they are religiously valid. The case of Vicky Prasetyo illustrates how repeated unregistered marriages can lead to serious legal and social problems, demonstrating the urgent need for regulatory reform to address this phenomenon for stronger and more equitable family resilience.

The Impact of Repeated Unregistered Marriages on Family Resilience in The Cases Analyzed

Repeated unregistered marriages have serious and complex impacts on family resilience, which can be analyzed from social, psychological, economic, and legal perspectives. These impacts not only impact the individuals who marry unregistered but also the structure and function of the family as a social institution. Social and Psychological Impacts.

Repeated unregistered marriages create tension and conflict within the family, which can undermine household harmony. Families become uncomfortable, feel ashamed, and even alienate family members from their social circle. Relationships between family members become strained, including between husband, wife, and children, due to feelings of emotional neglect and disrespect. Children in families with a history of repeated unregistered marriages often experience uncertainty in their social and emotional status, which impacts their psychological well-being, including feelings of neglect and a lack of social protection.

This disharmony threatens the resilience and stability of the family as the primary social unit. Economic Impacts. Repeated unregistered marriages are often practiced for administrative convenience and low cost, but as a result, the wife and children lack legal guarantees regarding economic rights, such as maintenance, inheritance, and management of joint assets. This lack of legal protection weakens the family's economic well-being and opens up room for husbands' arbitrary actions, which can increase economic instability. This uncertainty harms wives and children, thus eroding the family's economic resilience. Legal Impact and Rights Protection.

Unregistered marriages (*siri*) that are not registered according to positive law (Marriage Law No. 1 of 1974) have fatal legal consequences. The wife and children lack clear legal status and are not registered with the state, thereby depriving them of their constitutional rights. This results in weak protection, including rights to maintenance, inheritance, and even recognition of marital status, significantly weakening the family institution from a legal perspective. Legal conflicts and status uncertainty exacerbate the vulnerability of families in unregistered marriages. Muhammadiyah's View. From Muhammadiyah's perspective, repeated unregistered marriages are a serious problem that threatens family resilience.

Muhammadiyah emphasizes the importance of marriage registration for social protection and family harmony. The practice of repeated unregistered marriages is considered detrimental and contrary to the maqāsid (*objectives of sharia*), which prioritizes maslahat (*benefit*) and avoids mafsadah (*harm*). Muhammadiyah promotes legal and religious awareness so that unregistered marriages do not become a solution that undermines the resilience of families and the wider community. Repeated unregistered marriages create a fragile and unstable family environment, with ripple effects such as internal strife, psychological insecurity for family members, economic vulnerability, and legal conflicts that weaken the family's function as an institution.

The case of Vicky Prasetyo is a concrete example of how the practice of repeated unregistered marriages tests the limits of family resilience as a whole. Muhammadiyah's normative approach and Indonesian positive law must synergize in providing protection and solutions to maintain family resilience from the problems of repeated unregistered marriages.

Synchronization or Conflict Between Muhammadiyah's Views and Positive Law in The Context of Handling Repeated Unregistered Marriages

Muhammadiyah firmly supports the official registration of every marriage as a form of compliance with the maqashid sharia, which prioritizes the protection of lineage and descendants. A Muhammadiyah fatwa (*religious edict*) states that unregistered marriages are considered invalid because they are not officially registered, thus failing to provide legal certainty and protect the rights of wives and children. This is also supported by the Muhammadiyah Congress decision, which emphasized respect for legitimate state laws and regulations, namely the Marriage Law, which requires marriage registration. Similarly, Indonesian law requires every marriage to be registered with the Religious Affairs Office (KUA) to obtain legal certainty.

Unregistered marriages, including unregistered marriages, are not legally recognized, negatively impacting the legal standing of wives and children of such marriages, particularly in terms of inheritance rights and social protection. Despite the principled agreement regarding the necessity of marriage registration for the protection of

rights, conflict and tension arise when the practice of unregistered marriages remains widespread in society.

Unregistered marriages are often practiced for cultural, social, and economic reasons, such as avoiding complicated administrative procedures, cost issues, or discrepancies in age and status in legal documents. Muhammadiyah strongly opposes unregistered marriages, as they are considered to violate the objectives of sharia and have the potential to lead to slander and injustice, especially for women and children. In cases of repeated unregistered marriages, family vulnerability is greatly increased due to the lack of official registration that would facilitate legal and economic protection.

However, Indonesia's formalistic positive law sometimes struggles to control the phenomenon of unregistered marriages that occur outside of state oversight. Conflicts arise when positive law is perceived as less responsive to socio-cultural realities and pressing community needs, resulting in repeated unregistered marriages continuing as a quick and practical practice that creates new problems for family resilience. Repeated unregistered marriages have serious implications for family resilience.

On the one hand, Muhammadiyah, through its fatwa, aims to strengthen family resilience by demanding legal registration to ensure the protection of family members' rights. On the other hand, the practice of unregistered marriages actually weakens this protection, potentially exacerbating internal family conflict, administrative vulnerability for children, and uncertainty about the legal status of wives. The case of Vicky Prasetyo is a current example of how repeated unregistered marriages have created problems in legal recognition and family harmony, necessitating synergy between Muhammadiyah and the positive legal system to educate, supervise, and enforce regulations to maintain family resilience without ignoring societal realities.

Critically, the synergy between Muhammadiyah and positive law lies in the essence of family protection through marriage registration. However, conflicts arise from the gap between social norms and practices that ignore registration procedures. Addressing repeated unregistered marriages requires not only law enforcement but also a cultural and educational approach involving religious and community leaders to ensure family resilience, especially the rights of wives and children, holistically in accordance with religious values and state law.

Conclusion

The problematic family resilience to repeated unregistered marriages, as seen in the case of Vicky Prasetyo, demonstrates complexity at the normative and practical levels of social practice. From Muhammadiyah's perspective, repeated unregistered marriages are viewed as a practice that has the potential to weaken family resilience because they violate Sharia principles, which demand clarity and justice in marital relations. Meanwhile, Indonesian positive law formally regulates marriage to ensure the protection of rights and legal certainty for all parties. The findings of this study indicate that the discrepancy between the practice of repeated unregistered marriages and formal law creates legal and social vulnerabilities within families, which can negatively impact family harmony and sustainability.

Therefore, implementing socialization of positive legal values and moderate Islamic teachings from Muhammadiyah is crucial to raising public awareness of the consequences of repeated unregistered marriages. As a recommendation, there is a need to strengthen coordination between religious institutions and the government in providing education and legal assistance to the community so that the practice of unregistered marriages can be controlled and addressed wisely. This approach is expected to strengthen family resilience and encourage the fulfillment of family members' rights in accordance with religious norms and state law.

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