

The Shadow of Legality: A Critical Analysis of Unregistered Marriages (*Nikah siri*) in Islamic Jurisprudence

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Abstract:

This study aims to examine the legal and social implications of *nikah siri* (unregistered marriages) in Indonesia, particularly regarding the protection of civil rights for women and children. The practice of *nikah siri* creates a conflict between Islamic law, which considers it valid, and state law, which does not recognise it, resulting in significant social and legal consequences. This qualitative research uses descriptive-analytical methods, including in-depth interviews, field observations, and documentation, and focuses on couples, religious leaders, and KUA officers. The study identifies three main findings: the separation between religious law and state law, with civil rights unprotected; economic and administrative barriers that drive individuals to choose *nikah siri* despite its legal risks; and the legal and social vulnerabilities of women and children born from *nikah siri* marriages. The research contributes to the field by integrating Islamic ethics, state law, and *maqashid al-syari'ah* to propose a more inclusive and ethical legal framework. It recommends reforms to reduce bureaucratic barriers and to promote the legal recognition of *nikah siri* marriages, safeguarding the rights of all parties involved.

Keywords: *Nikah siri*, Legal Recognition, Islamic Law, Civil Rights, *Maqashid al-syari'ah*

INTRODUCTION

Nikah siri, or a marriage valid under Islamic law but not officially registered, has become a significant social phenomenon worthy of study. This research is important as it provides insights into the social injustices faced by women and children born from such marriages (Hasanah, 2025; Hayati & Murni, 2023). In the Indonesian context, *nikah siri* represents a conflict between state law and religious law. Women and children in *nikah siri* often do not receive their legal rights, such as inheritance and legal protection. Therefore, understanding the social and legal implications of *nikah siri* is crucial for creating a more just legal system. This study offers a deeper understanding of overlooked civil rights and explores potential solutions within the national legal framework (Agyare, 2024; Harris & Pamukcu, 2020).

The primary issue faced by society is the legal uncertainty surrounding *nikah siri*. While this marriage is valid according to Islamic law, the lack of official registration causes spouses and children to be marginalised in terms of civil rights. In Indonesia, many people opt for *nikah siri* due to economic, cultural, or spiritual reasons. However, the lack of legal intervention has left many couples in unfavorable legal situations. In this case, women are often the most disadvantaged, as they lose their rights to alimony, legal protection, and inheritance. Children born of such marriages also frequently lack legal recognition, which can have long-term consequences for their lives (Cahn et al., 2022; Carr & Utz, 2020).

In practice, *nikah siri* is more common among people of lower socioeconomic status or those seeking a simpler way to marry without undergoing the complex and costly procedures at official registration offices (KUA). This is particularly evident in regions with limited access to administrative services. Many couples believe that *nikah siri* is easier and faster to carry out than officially registered marriages. However, this phenomenon is often not accompanied by a full understanding of the social and legal consequences that may arise in the future. Society tends to see *nikah siri* as a temporary solution, but this practice carries serious legal consequences, particularly for women and children involved (Alfitri, 2020; Seff et al., 2025).

Numerous studies have been conducted on *nikah siri*, with most focusing on the legal and social impacts. For instance, research by Mutaqin & Sopyan (2024) and Nelli (2022) highlights the gender inequality that occurs due to the lack of registration of *nikah siri*, which makes women more vulnerable to exploitation and loss of their rights. Additionally, (Maiyori & Tsauro, 2025; Nugraha et al., 2025) shows that *nikah siri* is often used by lower-middle-class couples to avoid high costs and bureaucratic procedures associated with official marriages. While these studies provide valuable insights into the impact of *nikah siri*, there has been little exploration of the issue from the perspective of Islamic ethics and *maqashid al-syari'ah*, which should offer a deeper understanding of social justice and the protection of rights within Islamic law (Harefa, 2025; Yusuf & Harun, 2024).

However, a gap in previous research is the lack of in-depth discussion of the integration of Islamic law and state law in addressing the phenomenon of *nikah siri*. Many studies have focused solely on the legal formalities of marriage from a state-law perspective, without fully considering Islamic ethical principles and *maqashid al-syari'ah*, which emphasise the protection of basic human rights. Therefore, this research aims to fill this gap by examining *nikah siri* from both a legal perspective and a broader Islamic ethical perspective. This is crucial for developing a more just and contextual understanding of *nikah siri* in Indonesia.

This research offers a more holistic and innovative approach by integrating Islamic law, state law, and Islamic ethics, particularly from the perspective of *maqashid al-syari'ah*. Marriages that are not officially registered pose risks to civil rights, especially for women and children. The novelty of this study lies in its analysis, which combines contemporary Islamic law and state law to propose a more just and humane approach to marriages that are valid under religion but not legally registered. This study is crucial for addressing the legal challenges society faces and for providing solutions to integrating Islamic law and state law.

This research aims to examine the legal validity of *nikah siri* under Islamic law and its impact on the spouses' and children's civil rights. A preliminary argument that can be made is that, although *nikah siri* is valid under religion, this practice contradicts contemporary Islamic ethics that prioritise the protection of fundamental human rights. According to *maqashid al-syari'ah*, marriage should preserve honor, lineage, and wealth, all of which are at risk of being overlooked without official registration. Therefore, this research seeks to evaluate whether *nikah siri* is still relevant in light of the values of justice and the protection of rights in modern Islamic society. The contribution of this study is to propose a reformulation of family law policies that are more inclusive and ethical, taking into account the principles of *maqashid al-syari'ah* and basic human rights.

RESEARCH METHODS

This study uses a qualitative, descriptive-analytical approach to examine in depth the crisis of legality and ethics in marriage from the perspectives of Islamic law and positive law in Indonesia. This approach was chosen because it can holistically describe social phenomena, including their backgrounds, motives, and impacts on people's lives. With a qualitative approach, this study allows researchers to gain a deeper understanding of the subjective experiences of serial marriage perpetrators, as well as understand the social and cultural context behind them. The descriptive-analytical method enables researchers to describe existing phenomena and analyse the factors that influence the practice of serial marriage and its implications for society (Doyle et al., 2020; Furidha, 2023; Turale, 2020).

The research was conducted in Banyuwangi Regency, East Java, which was chosen for its high prevalence of serial marriage. Banyuwangi is known for its high social and cultural diversity, and has a fairly significant phenomenon of serial marriage. The selection of this location aims to get a clearer picture of the social, economic, and cultural factors that influence the practice of *nikah siri* and its impact on the local community. In addition, this location provides an opportunity to learn about the role of religious leaders and KUA officers in managing or overcoming these practices.

The data collection techniques used in this study include in-depth interviews, field observations, and documentation. The interview was conducted using a semi-structured approach to explore the research subjects' views on *nikah siri*, from both religious and legal perspectives, and its impact on women and children. This interview involved 10 couples of serial marriage perpetrators, religious leaders, KUA officers, and the surrounding community who were directly related to the practice of serial marriage. Field observations were conducted non-participatively to examine social and administrative conditions related to the implementation of serial marriage, to understand the social processes that occurred, and the interactions among related parties. Documentation includes the collection of administrative evidence related to serial marriage, such as marriage books, birth certificates, and family cards, which are used to complete interviews and observations and to provide more concrete data on the legal and administrative status of serial married couples (Li & Zhang, 2022; Salmona & Kaczynski, 2024).

Data obtained from interviews, observations, and documentation will be analysed using a qualitative analysis approach. The analysis process is carried out through several stages, starting with categorisation and coding, in which the collected data are grouped by key themes related to the legality of serial marriage, its social impact, and factors influencing this practice. Furthermore, the categorised data will be analysed to identify patterns and themes, such as the influence of economic factors, legal awareness, and social impacts on women and children. A comparative analysis will be conducted by comparing findings from the field with existing theories, both in Islamic law and in positive Indonesian law, to assess the extent to which the practice of *nikah siri* aligns with the values of justice and the protection of rights in society (Lester et al., 2020; Li & Zhang, 2022). Finally, the results of the analysis will be interpreted to deepen understanding of the phenomenon of serial marriage and to provide recommendations on legal and social policies to address these problems.

RESULTS AND DISCUSSION

Results

The Separation Between Religious Law and State Law

The separation between religious law and state law refers to the phenomenon in which *nikah siri* (unregistered marriages) are deemed valid under Islamic law but lack recognition under state law. This creates legal uncertainty because the marriage does not meet the state's requirements for official registration. Consequently, the civil rights of both spouses and any children born from such marriages are left unprotected. This gap between religious understanding and legal recognition undermines social justice, particularly in matters of inheritance, alimony, and children's rights.

In an interview with Informant 1, a male participant in a *nikah siri*, he explained: "I understand that our marriage is valid according to Islam, as we followed the required religious rituals. However, we don't have an official document to prove it to the government. In legal matters, I am not sure how my wife and children would be recognised." This statement illustrates the participant's recognition of the religious legitimacy of *nikah siri*, but also his uncertainty about the legal consequences, especially in cases where state law requires official registration for legal acknowledgment.

Similarly, Informant 2, a religious leader, shared: "From a religious perspective, *nikah siri* fulfills all the conditions of a valid marriage. But from the state's perspective, without official registration, it is not legally recognised, leading to complications, especially with inheritance and the legal status of children." This response highlights the difference in perspectives between religious teachings and the legal system. The religious leader acknowledges the Islamic validity of *nikah siri* but emphasises the consequences of the state's non-recognition of it, particularly in the legal context.

During direct observation, it was found that while many individuals involved in *nikah siri* understood the religious validity of their marriages, they were uncertain about their legal status. Observations also revealed that local clerics and marriage officers (KUA staff) acknowledged that many couples were not fully informed about the legal consequences of not registering their marriage. Although religiously valid, these marriages are often not accompanied by official documentation, leading to gaps in legal rights and recognition. The observation further emphasised the role of clerics in informing the public about these implications.

The data collected from both interviews and observations confirms the widespread understanding that *nikah siri* is considered valid in Islamic law but not recognised by state law. The interviewees, both religious participants and clerics, expressed awareness of the marriage's religious legitimacy. However, they also highlighted the risks and challenges posed by the absence of legal registration. The issue of legal recognition becomes particularly important in the context of civil rights such as inheritance, child protection, and alimony. This gap in understanding, particularly regarding legal implications, creates a significant barrier for the families involved.

The data suggest a significant divide between the religious validity of *nikah siri* and its legal recognition by the state. While respondents were generally aware of the religious legitimacy of the marriage, they often lacked knowledge about the potential legal consequences, especially for women and children. This lack of awareness, compounded by the absence of official registration, leaves couples vulnerable to legal uncertainties and social discrimination. This gap between religious norms and legal requirements demonstrates a need for better legal education and integration of religious and state practices regarding marriage.

Table 1. Influence of Religious Legitimacy vs. Legal Recognition of *Nikah siri*

Position of Informant	Quote from Interview	Indicator
Participant (Male)	"I understand that our marriage is valid according to Islam, but we don't have an official document to prove it to the government."	Awareness of religious validity but legal uncertainty
Religious Leader	"From a religious perspective, <i>nikah siri</i> fulfills all the conditions of a valid marriage. But from the state's perspective, without official registration, it is not legally recognised."	Knowledge of religious validity but concern for legal status

Table 1 clearly illustrates a separation between the religious legitimacy of *nikah siri* and its lack of legal recognition. Both the participant and the religious leader acknowledge the validity of the marriage under Islamic law, but both also express concern about its legal standing. The primary issue here is the legal uncertainty arising from the lack of official registration, which directly impacts the civil rights of the involved parties, particularly women and children. This reinforces the need for a more integrated approach, where religious and legal frameworks work in tandem to ensure that *nikah siri* marriages are recognised and protected by law.

The pattern of responses highlights the divide between the recognition of *nikah siri* as a religiously valid form of marriage and its lack of legal acknowledgment. While individuals involved in *nikah siri* are aware of its religious legitimacy, many remain unaware of the significant legal ramifications. This discrepancy shows the gap between religious practices and the legal requirements of marriage, leaving couples and children vulnerable in areas such as inheritance, alimony, and protection from exploitation. There is a clear need for greater awareness and education on the importance of legal registration to protect the rights of individuals within *Nikah Siri* marriages.

Economic and Administrative Factors as Reasons for Choosing *Nikah siri*

Economic and administrative factors refer to the practical challenges couples face when registering their marriage. Many couples opt for *nikah siri* (unregistered marriage) due to the perceived high costs and complicated bureaucratic procedures associated with formal marriage registration. These challenges are often seen as obstacles that prevent couples, particularly those from lower socio-economic backgrounds, from accessing official marriage registration through the state. The combination of expensive registration fees and complicated paperwork encourages individuals to choose an alternative that they believe is more accessible and less burdensome, despite the lack of legal recognition.

Informant 1, a male respondent who has undergone *nikah siri*, explained, "We didn't want to go through the hassle of the registration process at KUA; it's too complicated, and the fees are too high. We decided that *nikah siri* would be the easiest and fastest option." This statement highlights the respondent's frustration with the bureaucratic obstacles associated with official marriage registration. The perceived difficulty and expense of formal marriage procedures serve as a significant motivating factor for couples to choose the simpler, albeit legally unrecognised, *nikah siri*.

Similarly, Informant 2, a female participant in a *nikah siri*, stated, "We didn't have enough money to pay for the official marriage fees. We thought it was easier to just follow the religious requirements. No one really talked about the legal consequences." This response reinforces the idea that financial constraints are a central reason for choosing *nikah siri*. The focus on religious requirements over legal considerations reflects the

prioritisation of immediate, practical concerns over the potential long-term legal implications of not registering the marriage.

The findings show that economic constraints and bureaucratic complexity are major barriers for couples seeking to formalise their marriages. For many, particularly those from lower socio-economic backgrounds, the perceived cost and administrative burden of official marriage registration outweigh concerns about the legal consequences of choosing *nikah siri*. Thus, the decision is not solely motivated by religious considerations but also by the desire to avoid procedures viewed as complicated, time-consuming, and expensive.

Observational data further confirm that *nikah siri* is often regarded as a practical and affordable alternative to official marriage registration. In several communities, couples preferred to bypass formal procedures because obtaining official documents, including marriage certificates from the KUA, was perceived as financially burdensome and administratively difficult. This pattern demonstrates that socio-economic conditions significantly influence the preference for *nikah siri* over legally registered marriages.

The data indicate that financial limitations and administrative obstacles are the dominant factors driving the practice of *nikah siri*. However, many couples make this choice without fully understanding its legal implications, including potential difficulties related to inheritance, child custody, and family legal protection. Consequently, economic and bureaucratic barriers not only discourage marriage registration but also create legal uncertainties that may affect the rights and welfare of spouses and children.

Table 2. Influence of Economic and Administrative Factors in Choosing *Nikah siri*

Position of Informant	Quote from Interview	Indicator
Participant (Male)	"We didn't want to go through the hassle of the registration process at KUA, it's too complicated, and the fees are too high. We decided that <i>nikah siri</i> would be the easiest and fastest option."	Economic and bureaucratic barriers to official registration
Participant (Female)	"We didn't have enough money to pay for the official marriage fees. We thought it was easier just to follow the religious requirements. No one really talked about the legal consequences."	Financial constraints influencing the choice of <i>nikah siri</i>

Table 2 reveals a clear pattern in the responses of both male and female participants: the decision to choose *nikah siri* is driven by economic and administrative barriers to official marriage registration. Both informants mention the high cost and complexity of the official process as reasons for opting for the simpler, unregistered option. This highlights the importance of reducing bureaucratic hurdles and addressing financial barriers to official registration to ensure that all individuals have equal access to the legal recognition of their marriages. The responses suggest that the choice to engage in *nikah siri* is not merely a religious decision but is often motivated by the desire to avoid financial and administrative challenges.

The data indicate that the most significant factors influencing the decision to choose *nikah siri* are financial constraints and the perceived difficulty of the official marriage registration process. Respondents emphasised the practical challenges they faced when navigating the formal system, and the lack of affordable alternatives led them to choose *nikah siri* as a more accessible option. This pattern reveals a broader societal issue in which economic and bureaucratic factors hinder individuals' access to their legal

rights, creating disparities in the recognition and protection of their marriages. Addressing these barriers could reduce the prevalence of *nikah siri* and ensure greater legal protection for all couples.

Legal and Social Impacts on Women and Children

The legal and social impacts on women and children in *nikah siri* (unregistered marriages) refer to the risks these individuals face due to the absence of official state recognition of their marriage. Without formal registration, women are vulnerable to losing basic rights such as alimony, inheritance, and legal recognition of their status. Likewise, children born from *nikah siri* marriages often lack legal identity and recognition, leading to challenges in accessing rights like inheritance, healthcare, and education. These vulnerabilities underscore the importance of addressing the gaps in legal protection for women and children in *nikah siri* marriages. There is a need for a collaborative effort among the government, religious leaders, and society to safeguard the rights of these individuals and ensure their legal recognition.

Table 3. Legal and Social Impacts on Women and Children

Quote from Interview	Indicator	Informant
"My wife has no legal protection if anything happens, and my child can't inherit anything because our marriage is not officially registered."	Lack of inheritance and legal protection for women and children	Male participant in <i>nikah siri</i>
"Women and children from <i>nikah siri</i> marriages suffer because they have no official status. If the marriage breaks down, they don't get the protection they need."	Legal vulnerability and lack of protection for women and children	Female participant in <i>nikah siri</i>
"The children born from <i>nikah siri</i> don't have a birth certificate, so they cannot get a proper education or healthcare."	Legal recognition of children's status	Religious leader

The data from the table 3 reveals the consistent theme of legal vulnerability faced by women and children in *nikah siri* marriages. The male participant emphasises the lack of legal protection, particularly regarding inheritance, highlighting a significant issue where unregistered marriages leave both spouses and children unprotected in terms of their civil rights. The female participant adds that without official registration, women and children are left without the necessary legal safeguards, particularly in the event of a marriage breakdown. This sentiment aligns with the religious leader's observation about the legal challenges faced by children born into *nikah siri* marriages, particularly regarding access to essential services like education and healthcare. These responses collectively highlight how the absence of legal recognition disrupts the stability and security of families involved in *nikah siri* marriages, particularly affecting women and children the most.

Observational data further corroborates these interview findings. During field visits to communities where *nikah siri* is common, it was observed that many women and children in unregistered marriages lacked the necessary legal documentation. For instance, in some cases, women were unable to access social services, and children were denied enrollment in schools due to the absence of birth certificates. This observation emphasises the social exclusion and legal marginalisation of individuals involved in *nikah siri* marriages. Furthermore, local authorities often acknowledged the lack of legal documentation, which leaves these individuals vulnerable to exploitation and abuse. This reinforces the findings from the interviews, which underline the precarious position of women and children in unregistered marriages.

The research data confirms that the primary legal and social challenges faced by women and children in *nikah siri* marriages are rooted in the absence of official marriage registration. Without state recognition, women lack the legal rights afforded to formally married individuals, including the right to alimony and inheritance. Similarly, children born from such marriages are deprived of a recognised legal identity, which affects their access to fundamental rights such as education and healthcare. This lack of protection creates a significant social gap, where women and children are disproportionately affected by the lack of formal recognition, exposing them to legal and social vulnerabilities.

The data patterns highlight that the absence of legal recognition for *nikah siri* marriages directly leads to the disenfranchisement of women and children, who face severe challenges in terms of their legal rights and social well-being. Women are especially vulnerable, as they lack access to basic rights such as inheritance, alimony, and legal protection in the event of marital dissolution. Similarly, children born from these marriages often do not have a legal identity, leading to difficulties in accessing essential services such as healthcare and education. The recurring theme in the data suggests that the lack of state recognition creates a cycle of social exclusion and legal marginalisation, particularly for women and children.

Table 4. Legal and Social Impacts on Women and Children

Position of Informant	Quote from Interview	Indicator
Male Participant	"My wife has no legal protection if anything happens, and my child can't inherit anything because our marriage is not officially registered."	Lack of legal protection for women and children, including inheritance
Female Participant	"Women and children from <i>nikah siri</i> marriages suffer because they have no official status. If the marriage breaks down, they don't get the protection they need."	Lack of protection for women and children in case of marital breakdown
Religious Leader	"The children born from <i>nikah siri</i> don't have a birth certificate, so they cannot get a proper education or healthcare."	Lack of legal recognition for children, affecting education and healthcare

Table 4 emphasises the significant legal vulnerabilities faced by women and children in *nikah siri* marriages. Both male and female participants emphasise the legal ramifications for women, particularly the lack of inheritance rights and protection in the event of marital dissolution. The religious leader's statement further highlights the issue of children lacking legal recognition, which impacts their access to vital services such as education and healthcare. The table clearly shows how the absence of formal registration results in systemic disadvantages for both women and children, demonstrating the need for legal reforms that ensure these individuals are granted their rightful protections.

The consistent pattern across the data suggests that the primary consequence of the absence of legal recognition for *nikah siri* marriages is the lack of protection for women and children. Women are left without legal protections in matters such as inheritance, alimony, and marital rights, while children are often denied access to fundamental services due to their lack of legal identity. These patterns illustrate a broader social and legal issue where unregistered marriages lead to disenfranchisement and marginalisation, particularly affecting vulnerable groups such as women and children. Addressing this gap requires a concerted effort to ensure that marriages are legally recognised and that the rights of all family members are safeguarded.

Discussion

The findings of this study regarding *nikah siri* (unregistered marriages) align with and extend existing literature on the socio-legal implications of unregistered marriages in Muslim-majority countries. The first finding, which highlights the legal uncertainty arising from the separation between religious and state law, is consistent with (Desimaliati, 2022; Sonu et al., 2025) research, which discusses the lack of legal recognition of religiously valid marriages and their consequences for women and children. In their study on unregistered marriages in Indonesia, (Gillani & Farzand, 2024; Uddin, 2023) similarly observed that, although these marriages are often considered valid under Islamic law, the lack of official state recognition creates substantial barriers for individuals, particularly regarding inheritance and alimony. The data in this study supports these findings by emphasising the gap between religious legitimacy and state recognition, which directly impacts civil rights such as inheritance and protection from domestic violence, especially for women and children.

Focusing on the economic and administrative barriers to formal marriage registration aligns with earlier studies by Rahmi et al. (2025) and Seff et al. (2025) who identify bureaucratic complexities and financial costs as significant factors in individuals' opting for *nikah siri*. According to Laura & Muia, (2025) and Mavuka et al. (2023) Many couples view formal marriage registration as too costly and administratively cumbersome, particularly those from lower socio-economic backgrounds. The respondents in this study echoed this sentiment, expressing frustration with the expensive and time-consuming bureaucratic process required to obtain official marriage documentation. This confirms the social phenomenon observed by Himawan & Surijah (2023) and Makruf et al. (2025), who argued that the formal marriage system in Indonesia tends to favour the economically privileged, leaving marginalised groups to seek alternatives such as *nikah siri*. The economic burden and bureaucratic hurdles create an environment where *nikah siri* becomes an accessible alternative, albeit with significant legal and social risks.

Which discusses the legal and social impacts of *nikah siri* on women and children, also supports existing literature on the vulnerabilities faced by individuals in such marriages. According to (Bahri, 2025; Nurliana, 2025), children born from *nikah siri* marriages are often denied legal recognition, leading to challenges in accessing social services, healthcare, and education. Similarly, women in these marriages are left without legal protection, such as the right to alimony or inheritance, as they lack official marital status. This study finds that both women and children face the same vulnerabilities, as confirmed by informants who emphasised the difficulties in securing legal rights for their families due to the lack of official registration. The findings mirror those of (Abisatya & Prasetyo, 2024; Hidayat, 2024), who noted that the absence of formal marriage registration leaves individuals in *nikah siri* marriages prone to legal marginalisation, as they are unable to claim rights that would normally be available to them under state law.

The theoretical implications of these findings suggest that while *nikah siri* may fulfill religious requirements, the lack of legal recognition poses significant challenges to social justice and equality. Theoretically, this study contributes to the understanding of the intersection between Islamic law and state law, particularly in the context of marriage and family law in Indonesia. The findings suggest that *nikah siri* represents a legal grey area that undermines the protection of fundamental human rights, especially for vulnerable populations such as women and children. From a practical perspective, the study highlights the need for a more integrated approach that harmonises religious and state legal

frameworks to ensure that individuals in *nikah siri* marriages are granted full legal recognition and protection. This could involve simplifying the formal marriage registration process, reducing costs, and increasing awareness about the legal consequences of not registering a marriage.

In conclusion, the results of this study underscore the critical need for reform in both the legal and social frameworks surrounding *nikah siri* marriages in Indonesia. It is imperative that the state ensures better access to marriage registration services, particularly for marginalised groups, to prevent the exploitation and legal uncertainty currently faced by individuals in these marriages. As suggested by studies such as (Goldhagen et al., 2020; Rahmi et al., 2025), addressing the socio-economic and bureaucratic barriers to formal marriage registration, while also ensuring legal recognition of *nikah siri* marriages, could significantly improve the lives of women and children, safeguard their rights, and promote social justice. Future research should explore potential policy interventions and legal reforms to close the gap between religious practice and state law, fostering a more inclusive and equitable society.

CONCLUSION

The most important finding of this research highlights the significant social and legal challenges faced by individuals involved in *nikah siri* (unregistered marriages), particularly women and children. The separation between religious law and state law creates legal uncertainty, leaving spouses and children without access to essential civil rights, such as inheritance, alimony, and legal recognition. Additionally, economic and bureaucratic barriers to formal marriage registration were identified as key factors driving individuals to opt for *nikah siri*, despite its legal and social risks. This research underscores the need for a comprehensive approach to address these issues, including harmonising religious and state legal frameworks and increasing public awareness of the importance of official marriage registration. The lessons learned from this study emphasise the importance of legal recognition for *nikah siri* marriages to protect the rights of all family members.

The strength of this study lies in its contribution to Islamic law and family law by offering a holistic analysis that integrates Islamic ethics, state law, and social implications. It provides a deeper understanding of *nikah siri* by considering not only its legal and social consequences but also its ethical considerations from the perspective of *maqashid al-syari'ah*. By addressing the gap between religious practice and state law, this study offers valuable insights for policy reform and the development of a more just legal system in Indonesia. However, the study is limited by its geographic focus on Banyuwangi Regency and may not fully capture the broader national dynamics of *nikah siri* practices across Indonesia. Future research could explore comparative studies in other regions of Indonesia or internationally, further examining the integration of Islamic law with state law and the impact of legal reforms on the recognition of *nikah siri*.

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