

## The Phenomenon of Siri Marriage in Indonesia: A Review of Munakahat Fiqh

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### Abstract:

Unregistered (siri) marriage, which refers to a marriage that is religiously valid but not officially registered within the state administration, has become a significant phenomenon in Indonesia. This issue draws attention from both the perspective of Islamic law and the national legal system, due to the ambiguity surrounding the legal status of the wife and children born from a siri marriage, as well as the social impacts it generates. This study aims to analyze the phenomenon of siri marriage within the context of fiqh munakahat, utilizing an approach that integrates the study of Islamic law, positive law, and the social realities of Indonesian society. The research employs a qualitative method with an in-depth literature review of both classical and contemporary fiqh literature, as well as Indonesian legislation related to marriage. The findings indicate that, although siri marriage is religiously valid, it is inconsistent with national regulations that require marriage registration as a condition for legal validity.

### Keywords:

*Unregistered Marriage, Islamic Jurisprudence on Marriage, Islamic Law, State Law, Indonesia.*



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## INTRODUCTION

Marriage is a social and religious institution that has a central role in maintaining public order, forming families, and preserving cultural and spiritual values. In many civilizations, including in Muslim societies, marriage is seen as a sacred contract involving not only two individuals, but also the community and the legal order that governs it (Asriadi, 2022; Fitri et al., 2019). As an institution that has legal, moral, and spiritual dimensions, marriage is strictly regulated both by religious norms and by the positive legal system of the state (Ali & Puspita, 2023). Marriage is not just a biological relationship or a social contract, but it is a worship that is commanded by Allah and has high sharia values (Arifin, 2019). Fiqh munakahat, a branch of jurisprudence that regulates marriage law, contains the terms and principles of marriage, the rights and obligations of husband and wife, as well as provisions related to divorce and inheritance (Menne, 2017). Islamic law emphasizes the sacredness of the marriage contract, the responsibility of the husband and wife, and the protection of the family as the basic unit of society.

Meanwhile, the state is also interested in regulating marriage to ensure civil rights, legal

protection, and social stability. In Indonesia, Law Number 1 of 1974 concerning Marriage and Compilation of Islamic Law became the main legal basis in marriage matters for Muslims (Rodliyah, 2013). One of the important aspects of this regulation is the obligation to register marriages at the Religious Affairs Office so that it has legal force and is recognized by the state (Hudafi, 2020). In the midst of the existence of regulations that regulate marriage registration, the phenomenon of serial marriages is still widely found in Indonesia (Alfin & Busyro, 2017). Serial marriage is a legally valid marriage practice but is not officially recorded by the state. This phenomenon is not new and has been going on for quite some time, especially in areas with strong religious and customary values. Although on the one hand it is considered legal according to sharia, serial marriage often invites controversy due to its complex legal implications. The practice of serial marriage is often driven by various factors, including social conditions, family pressure, economic inability, and the desire to hide the relationship from the public (Dewi, 2025). In some cases, serial marriages are used as a quick solution in certain conditions, for example to avoid adultery or as a form of compromise against customary norms that prohibit formal marriage. These factors suggest that the decision to marry Siri is often pragmatic, not solely because of religious beliefs (Nawir, 2024).

In Islamic jurisprudence, as long as the conditions and pillars of marriage are met, namely the existence of a wali, ijab kabul, two fair witnesses, and dowry, then marriage is considered valid. There is no explicit requirement in the sharia to register a marriage in an official state institution. However, some contemporary scholars view that the registration of marriages is part of the *maslahah* (public good) that is important to ensure clarity of the law and prevent harm (Ardiansyah et al., 2025; Rahmatullah & Rahmatullah, 2021). Tension arises when state law considers marriage registration as a condition of legality, while some people still view that the origin of marriage is religiously legal, so it is enough. It is this tension that creates a legal vacuum, especially in cases of inheritance disputes, divorce, or the recognition of children born from serial marriages. In this case, state law and religious law have not been fully integrated in community practice. Serial marriages have many implications, especially for women and children. Without official registration, wives have no clear legal protections, such as rights to joint property, alimony, and protection from domestic violence. Children born from serial marriages also have difficulties in legal recognition, especially in terms of birth registration and inheritance rights. This condition makes women and children the most vulnerable parties in the practice of serial marriage.

Although the regulations on marriage registration are clear, in practice there are still many challenges in the field. Lack of public knowledge about the importance of marriage registration, weak supervision from the authorities, and cultural resistance are the main obstacles. In addition, not a few religious leaders have actually become perpetrators of serial marriage, which strengthens the legitimacy of this practice in society. The role of clerics and religious leaders is very important in shaping public perception of marriage. A textual and less contextual approach often leads people to ignore the importance of the formal legality of a marriage. Therefore, there needs to be a serious effort from scholars to promote the importance of recording marriage as a form of protection for *maqashid al-shari'ah*, especially in maintaining *nasab* and property. Given the ever-evolving social dynamics, the renewal of thought in *fiqh munakahat* is a must. Classical views that are normative need to be met with the socio-cultural reality of contemporary society (Marhumah, 2011; Wahid,

2014). Marriage registration, although not explicitly regulated in classical jurisprudence, can be considered as part of modern *ijtihad* that aims to safeguard the benefit of the *ummah* and provide stronger legal protection. Overcoming various problems caused by serial marriage, synergy between Islamic law and state law is needed (Aziz et al., 2024; Dina, 2025). This harmonization can be done through constructive dialogue between scholars, academics, policymakers, and the community. An integrative approach that does not negate the interplay between religious norms and state norms is essential to create a family law system that is comprehensive and responsive to the needs of society. Seeing the complexity of the problems arising from the phenomenon of serial marriage, especially in East Tanjung Jabung, Jambi, this research is very important to be carried out. An in-depth analysis of this practice in the context of jurisprudence and positive Indonesian law that can contribute theoretically and practically to the development of a more just and applicable family law system. The urgency of this research lies in the need for a more comprehensive understanding of how Islamic law can synergize with state law in the face of contemporary social challenges, especially in protecting vulnerable groups such as women and children in Muslim family structures.

## **METHOD**

This research uses a qualitative method with a library research approach. The main sources analyzed include classical *fiqh* books from major schools (Hanafi, Maliki, Syafi'i, dan Hanbali) and contemporary literature that discusses Islamic family law, both in the context of theory and practice in Indonesia (Bungin, 2007). In addition, relevant Indonesian positive legal documents, such as Law Number 1 of 1974 concerning Marriage and its derivative regulations, are also a source of analysis to find out how state regulations regulate the registration of marriages and related rights. Data was also obtained through studies of legal journals, reports of research institutions, and academic books that examine the phenomenon of serial marriage from various perspectives. The analysis was carried out with a descriptive-analytical approach to compare *fiqh* views with social practices in society and applicable laws and regulations.

## **RESULTS AND DISCUSSION**

Marriage is a fundamental institution in Islam that not only regulates the relationship between two individuals but also shapes the social and moral structure of society. In the Indonesian context, the practice of marriage does not solely follow the rules of classical *fiqh*, but also interacts with social norms, customs, and the positive legal system of the state. One phenomenon that reflects this complexity is serial marriage, which is a marriage that is legal according to religion but not officially recorded by the state. This phenomenon raises various legal, social, and gender justice problems and shows the tension between religious authorities and state regulations. Therefore, it is important to examine serial marriages from the perspective of *munakahat* jurisprudence and explore how the Islamic legal approach can be harmonized with the national legal system in an effort to provide comprehensive legal protection.

## Result

The findings of this study show that from the perspective of munakahat fiqh, a series marriage is still considered valid if it meets religious requirements such as the presence of a guardian, two witnesses, *ijab kabul*, and dowry. However, the absence of official registration in state institutions creates inequalities in legal protection for parties to marriage, especially women and children (Umar et al., 2025). Although fiqh does not explicitly require recording, the context of modern countries such as Indonesia demands formal legality to ensure civil rights are legally recognized, resulting in a shift in values from mere sharia compliance to broader social justice.

Research also found that serial marriage hurts society and the economy, especially for wives and children who do not have legal certainty. This ambiguous legal status creates difficulties in the management of inheritance rights, birth certificates, and access to other legal protections available to officially registered marriages (Alamsyah & Somadiyono, 2022). On the other hand, many serial marriage perpetrators come from vulnerable socio-economic backgrounds, and their decisions are often based on cost constraints, cultural pressures, or administrative barriers, which shows the society's weak understanding of the legal aspects of marriage.

Finally, this study emphasizes the importance of harmonization between Islamic law and state law through a contextual approach based on *maqashid al-shariah*. One of the proposed strategies is legal education to the public, regulatory reform that makes it easier to register marriages, and dialogue between scholars, academics, and policymakers to integrate fiqh values in the national legal system constructively. Thus, Islamic family law in Indonesia can maintain the integrity of sharia while responding to the socio-legal challenges of contemporary society.

## Discussion

Fiqh munakahat as a branch of jurisprudence that discusses the laws of marriage, provides a very clear normative framework regarding the validity of a marriage. In this context, serial marriage is included in the category of legally valid marriage if it meets the conditions and principles that have been outlined, namely the existence of *ijab kabul*, wali, witness, and dowry. This view provides a strong religious basis for Muslim societies to consider serial marriages as a form of fulfillment of religious obligations, even though they are not administratively recorded by the state.

Although in general fiqh recognizes the validity of serial marriage, there are differences of opinion between schools regarding the urgency of recording. For example, in the Shafi'i and Hanbali schools, recording or publication is considered important to avoid slander and ensure the validity of marriage in society. However, this recording is not used as a legal requirement for marriage, but as a complementary aspect that is recommended. This shows that Islamic law has flexibility, but still pays attention to the social context in determining the validity of a marriage contract. When serial marriages are faced with the legal framework of the state, especially in the context of Indonesia which uses a national legal system based on positive law, fundamental differences emerge. The state establishes marriage registration as a condition of formal legality that has implications for legal protection, inheritance rights, and recognition of the status of children. This is a point of tension

between fiqh norms and state regulations, because something that is religiously valid may not have legal force if it is not recorded by an official state institution.

Law No. 1 of 1974 concerning Marriage is the legal basis that regulates the administration of marriage in Indonesia. This law not only regulates whether marriage is legal from the point of view of state law, but also provides guarantees of protection for women and children. In this context, serial marriages are seen as problematic because they do not have administrative legal force, which means that they do not provide legal guarantees for the parties involved in the marriage.

The lack of registration of marriage has serious implications, especially for women and children. In many cases, women who are married in series have difficulty claiming alimony, joint property, and inheritance rights when divorce or death of their husbands occur. Children born from serial marriages often face administrative problems such as making birth certificates, recording genealogy, and legal recognition of their rights. This creates inequality and legal vulnerability for the groups that should be most protected. The phenomenon of serial marriage also cannot be separated from the socio-cultural context that surrounds it. In some communities, serial marriage is considered an alternative that is considered socially and religiously valid to avoid adultery or meet certain social pressures, such as arranged marriage, out-of-wedlock pregnancies, or second marriages. Patriarchal cultures, educational inequality, and limited access to state services also reinforce this practice as a pragmatic solution, although it carries long-term risks.

Series weddings are often considered cheaper and practical because they don't require official listing fees, high dowries, or large receptions. For some people, these costs are a barrier to getting married formally. Thus, a series marriage was chosen as a shortcut that allows a person to carry out the marriage quickly and without the administrative burden. However, these decisions are often made without considering the long-term risks to legal legitimacy and family welfare.

Although religiously legal, serial marriage is often viewed negatively by society because it does not provide clarity on legal and social status. The wife of the series is not formally recognized as a legal partner, which impacts social relations, including in extended family matters, children's education, and access to civil rights (Gunawan, 2013). This stigma also worsens women's bargaining position in the household, as it lacks strong legal protection. Serial marriages reflect a sharp gender inequality. Women are the most disadvantaged when marriage is not recognized by the state. When disputes or domestic violence occur, women often do not have legal access to claim their rights. Meanwhile, men can easily avoid legal liability on the basis of no official record. This injustice shows the importance of integration between religious law and the state in ensuring gender justice.

As time has evolved, many Muslim scholars and scholars have encouraged contemporary *ijtihad* efforts to respond to new challenges in family law. In the context of serial marriage, the idea of including recording as a complementary element that is mandatory in a beneficial manner, not just encouragement, arises. This argument is based on the principle of *maqashid al-shariah* (the purpose of Islamic law), which is to protect one's offspring (*hifz al-nasl*) and individual rights. Therefore, the renewal of fiqh law is important to ensure justice in a changing social context.

The government as the holder of administrative authority has the responsibility to create regulations that bridge the gap between sharia demands and social needs. In this case, a policy that encourages marriage registration without hindering the couple's good intentions to get married is important. For example, by simplifying procedures, subsidizing registration fees, or strengthening counseling on legal rights in marriage. Policies like this will help people comply with the rules without having to feel culturally or religiously alienated.

In addition to legal reform, an educational approach is also needed. Many couples marry in series because of ignorance of the legal and social impact of the marriage is not recorded. Therefore, the role of religious extension workers, community leaders, and educational institutions in providing a comprehensive understanding is crucial. Religious and social-based legal education needs to be integrated to create a collective awareness of the importance of administrative legality in marriage. Field studies show that the practice of serial marriage is more prevalent among people with low levels of education, limited access to state services, and the dominance of patriarchal systems. These cases illustrate the need for a non-normative but also pragmatic approach to policymaking. The state needs to pay attention to complex social dynamics and cannot rely solely on legal sanctions to limit the practice of serial marriage.

In an effort to realize an inclusive and just family law system, there needs to be collaboration between religious institutions, the state, and civil society. Religious institutions must be a bridge between Islamic doctrine and legal reality, while the state must accommodate religious values without neglecting the principle of human rights protection. This collaboration can create a legal model that is not only normatively valid but also practically effective.

The phenomenon of serial marriages reflects the tension between the legality of religion and the legal legitimacy of the state. In the context of Indonesia, which is multicultural and has a dual legal system, it is important to continue to develop an integrative approach that combines fiqh values, the need for legal protection, and social realities. This study shows that without adequate records, marriage even if religiously valid has the potential to create structural injustices. Therefore, contextual, fair, and participatory family law reform is an urgent need that cannot be postponed.

## CONCLUSION

The phenomenon of serial marriage in Indonesia is a complex issue, involving tensions between Islamic law, local traditions, and state regulations. Although religiously serial marriages are legal, the inconsistency with state regulations that require marriage registration creates legal uncertainty, especially related to the rights of wives and children born of the marriage. Therefore, it is important to continue to conduct dialogue between scholars, the government, and the community in order to find solutions that can harmonize Islamic law and state law, thereby creating a more fair and applicable family law system. Updates in regulations and a more contextual approach to social practices can be an important step in realizing better legal protection for all parties involved in marriage.

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