

## **The Strategies In Overcoming Unregistered Marriages (Nikah Siri) At The Office Of Religious Affairs In Kecamatan Kota Ternate Utara Based On Islamic Law Perspective**

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**Abstract:** The objectives of this research are as follows: 1) To analyze the underlying factors of unregistered marriages in Kecamatan Kota Ternate Utara; 2) To analyze the strategies for overcoming unregistered marriages at the office of Religious Affairs in Kecamatan Kota Ternate Utara. This research is qualitative research with juridical, sociological, and pedagogical approaches. The data sources for this research are the Religious Affairs Office (KUA) of Kecamatan Kota Ternate Utara and religious figures. The data collection methods used are observation, interviews, documentation, and reference tracing. Data analysis techniques include data categorization, reduction, grouping, arrangement, interpretation, verification, and conclusions. The research results are as follows: The practice of unregistered marriages in Kecamatan Kota Ternate Utara is still common to this day due to several factors, including the economic limitations of the community, low levels of education, a lack of legal knowledge, and an understanding of the importance of marriage registration. The strategies of KUA in addressing unregistered marriages in Ternate Utara include providing counseling on marriage registration and family happiness to prospective brides and guardians, as well as promoting the importance of marriage registration and its negative consequences for families, mothers, and children through seminars and prayer sessions organized by the Religious Affairs Committee through representatives of the subunit held within the community.

**Keywords:** Unregistered Marriages; Kota Ternate Utara

### **INTRODUCTION**

In recent years, there has been much discussion about unregistered marriages, which have become widespread in various electronic and print media. A marriage conducted without the consent of the bride's guardian is legally void. Some scholars have explained this by referring to QS "al-Baqarah/2:232" and reinterpreting the meaning

## *The Strategies in Overcoming Unregistered Marriages (Nikah Siri) at The Office of Religious Affairs in Kecamatan Kota Ternate Utara Based on Islamic Law Perspective*

of the guardian by considering both parties as representatives without the need for a blood relationship. This interpretation allows both parties to act as guardians, ultimately resulting in an unregistered marriage conducted without the knowledge of parents and siblings, as a guardian with no blood relation solemnizes the marriage.<sup>1</sup>

Indonesia is governed by the rule of law, where the law itself regulates every member of society. Essentially, humans are social beings who inherently seek to come together. Marriage is a ritual sometimes seen not only as a worldly social event but also as a sacred ceremony influenced by the mystical world, according to one's beliefs. It is human nature to live together. When a marriage takes place, there will be internal and external bonds between the bride and groom, and familial relationships will also emerge between the parents of both parties.<sup>2</sup>

"In the state's regulations, the Marriage Law explains that "marriage is a spiritual bond between a man and a woman as husband and wife to form a happy and eternal family based on the One Almighty God."

"A marriage not registered or recorded with the Department of Religious Affairs (KUA) is an unregistered marriage. In Islamic law, a clandestine marriage is considered valid if the legal requirements and conditions of marriage conduct it. However, it has yet to be officially recorded according to the established regulations. Therefore, the state does not recognize it when family issues arise until divorce occurs."

Most Indonesian society is still unaware of the laws regarding the registration of marriage, leading to some Indonesian citizens getting married without realizing the consequences of their unions. Married couples and households with a history of clandestine marriages are also commonly found in the researcher's area of residence, particularly in Kabupaten Kota Ternate Utara.

The database was obtained through information from Mr. Syukron Risno, an employee of the KUA (Office of Religious Affairs) in North Ternate, in November 2019. The local KUA collaborated with classroom space to facilitate the mass wedding ceremony activities. The implementation found that the number of couples recorded in a series of mass wedding ceremonies in one district (*kecamatan*) in Ternate Utara area contributed to approximately 16 couples. This figure may increase as registration time is limited due to suboptimal/non-fully active outreach to every citizen, especially to unregistered married couples or households.<sup>3</sup>

This number is quite surprising as it indicates that in the past, many residents of Tertante Utara Regency engaged in unregistered marriages from various backgrounds, which was revealed when the judges organized marriages for the contestants.

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<sup>1</sup>M. Thahir Maloko, "Nikah Sirri Prespektif Hukum Islam", *Sipakalebi*, Vol. 1 No. 3, (2014), p. 1.

<sup>2</sup>Mufsira, "Analisis Pelaksanaan Itsbat Nikah Terhadap Pernikahan Sirri di Pengadilan Agama Bantaeng", *Iqtishaduna*, Vol. 3 Nomor. 2, (2021), p. 1.

<sup>3</sup>Syukron Risno (32 years old), Marriage and Divorce Administration Staff of KUA Kecamatan Kota Ternate Utara, *Interview*, Ternate, 20 April 2020.

The issue of fraudulent marriages, which has become prevalent among a small segment of the population, particularly in Ternate Utara Regency, requires serious attention from stakeholders through efforts involving socialization, education, prevention, and intervention. However, the issue raises questions about whether there are penalties for those who engage in such deviant behavior or if they can be considered clandestine marriage participants.

Ideally, a valid marriage, according to Islam, is a marriage conducted based on the required conditions and essential elements of a valid marriage. However, this differs from the opinion or regulations regarding marriage in Indonesia, which states that every marriage must be registered, and a marriage not registered by the authorized institution means it is legally unrecorded.

In fact, not all Indonesian citizens, especially Muslim communities in North Ternate District, adhere to the marriage registration procedure. Most of the population in North Ternate District enters into marriages that are not officially registered with the competent authorities, such as the KUA.

## **THEORETICAL REVIEW**

### **Office of Religious Affairs (Kua)**

According to Sulaiman, the Department of Religious Affairs (KUA) is “the 'frontline' institution of the Ministry of Worship that directly deals with the lives of the community. Despite its limitations, KUA must serve various matters related to marriage, sponsorship, mosque welfare, and interfaith harmony”.<sup>4</sup>

The Office of Religious Affairs (KUA) is the main working unit of the Ministry of Religious Affairs that carries out various government tasks in Islam, serving as the primary unit that directly interacts with the community. Therefore, it is reasonable to consider the existence of KUA as highly important, aligning with the Ministry of Religious Affairs. The historical fact that the establishment of KUA occurred only ten months after the establishment of the Ministry of Religious Affairs on November 21, 1966, again highlights the strategic role of KUA. The presence of KUA has direct contact with the community, especially those in need of services in the field of Islam, as outlined in the Minister of Religious Affairs Regulation (PMA) No. 3 of 2016 concerning the Organizational Structure of the Religious Affairs Office in the District, which includes: 1) Administration (Registration, Verification, Marriage Registration, and Termination of Employment); 2) Family Development; 3) Mosque Growth; 4) Zakat Development; 5) Waqf Development; 6) Implementation of Hajj rituals; 7) Management of KUA areas and housing management.<sup>5</sup>

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<sup>4</sup> Sulaiman, “Problematika Pelayanan kantor Urusan Agama Anamuban Timur Nusa Tenggara Timur”, *Jurnal Analisa*, Volume XVIII, No. 02, July – December 2011, p. 247

<sup>5</sup> Peraturan Menteri Agama (PMA), *Tentang Organisasi dan Tata Kerja Kantor Urusan Agama Kecamatan*, RI No. 34 Tahun 2016.

## **The Concept of Marriage**

### a. Unregistered Marriage in Linguistic Terms

The term 'nikah siri' (unregistered marriage) originates from Arabic and has been adopted into Indonesian. In the al-Azhar dictionary, 'sirran' means 'secret.' In Arabic, the original phrase often used is 'alnikh' (marriage) and 'alsirr' (secret). In the Indonesian dictionary, the term 'nikah siri' contains the letter 'r,' which is interpreted as a marriage witnessed only by the couple and a single witness, without involvement from the Department of Religious Affairs (KUA), and according to Islam, it is considered valid.<sup>6</sup>

Abdul Gani explained that clandestine marriage is not under the maqasid al-shariah (objectives of Islamic law) because it neglects several Shariah objectives, including:

1. Marriage must be publicly announced, meaning everyone should know that the union between A and B is valid, preventing others from proposing to A or B. However, in clandestine marriages, it is always hidden from others, making the marriage between A and B uncertain.
2. Protection of Women's Rights In unregistered marriages, many women feel that their rights are violated because in divorce cases, women receive nothing from their former husbands;
3. For the welfare of men, there is more harm than good in unregistered marriages. For example, children born from clandestine marriages are more likely to be abandoned and face difficulties in education or finding employment because their parents do not have a marriage certificate. If their father passes away or divorces, these children lack the legal capacity to claim their father's inheritance.
4. In polygamous marriages, the consent of the first wife is required. Second and third marriages and marriages without the first wife's consent are often carried out in unregistered marriages, so the first wife is unaware that her husband has married another wife. They deceive their first wife, making marriages like these very difficult to obtain God's grace and blessings.<sup>7</sup>

Based on the division of the concept of unregistered marriage, Fauzil Adhim concluded that there are two prevalent conceptions of clandestine marriage in society: Firstly, unregistered marriage is a marriage that typically takes place within the community but is not registered with the Department of Religious Affairs. This marriage is still valid from a religious perspective but lacks formal legality that serves as protection in case issues arise. Secondly, clandestine marriage is a genuinely secretive marriage

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<sup>6</sup>Masturiyah, Nikah Siri; Prespektif Hukum Islam Dan Hukum Perkawinan Nasional, *Musawa*, Vol 12 No. 1 (Januari 2013), p. 48.

<sup>7</sup> Abdul Gani Abullah, *Himpunan Perundang-undangan dan Peraturan Peradilan Agama* (Jakarta : PT. Intermedia, 1991), p. 187.

conducted without a guardian or witness, and there is no 'walimah' (marriage feast) that serves as an announcement to the community.<sup>8</sup>

Evaluating the word 'Siri' (unregistered) means 'hidden cache' or 'not open.' Therefore, unregistered marriage means a marriage that complies with Islamic regulations but is not registered with the government (KUA) or a marriage that complies with Islamic regulations and is registered by signing the marriage documents but is not publicly celebrated through a Walimah (marriage feast).

## b. Unregistered Marriage in the Perspective of Islamic Law

### 1. The Views of Scholars

In Islam, marriage must comply with Shariah regulations, which means meeting the requirements and pillars stipulated in the Quran and Hadith or outlined in the jurisprudential legal documents. Marriage should be performed by a guardian or a guardian's representative and be witnessed by witnesses. Dogmatically, there are no specific Quranic texts or hadiths that regulate the registration of marriage. However, marriage registration is a requirement that should be accepted and fulfilled by anyone intending to marry.

Islam considers marriage to be more than just an ordinary union. Marriage is a firm covenant (*mitsaqan ghalidhan*). Therefore, the marriage contract is not a regular transaction (*mu'amalah*). Instead, it is a powerful agreement, as stated in the Quran: QS An-Nisa/4:21.

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنكُم مِّيثَاقًا غَلِيظًا

The Translation:

*"How will you take it back when one of you has already been intimate with the other as husband and wife, and they have taken from you a strong covenant."*<sup>9</sup>

In Islamic law, the requirement to record marriages to create a marriage certificate is analogous to recording financial transactions (*mudayyanah*), which are commanded to be recorded in certain situations. That is affirmed in the words of Allah in QS al-Baqarah/2:282:

*"O you who have believed, when you contract a debt for a specified term, write it down. And let a scribe write [it] between you in justice".*<sup>10</sup>

The above verse of Allah indicates that marriage is a firm covenant (*mitsaqan ghalidhan*). When marriage is seen as such a profound and robust bond, it must be recorded because it holds significant meaning in essence and implication. It is important to remember that even ordinary contractual agreements, such as financial

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<sup>8</sup>Muhammad Fauzil Adhim, *Indahnya Pernikahan Dini* (Jakarta; Gema Insani Press, 2002), p. 187-188.

<sup>9</sup> Kementerian Agama RI. *Al-Qur'an dan Terjemahnya* (Cet. I; Bandung: Syamil al-Qur'an, 2012), p. 286.

<sup>10</sup> Kementerian Agama RI. *Al-Qur'an dan Terjemahnya*, 2012, p. 186.

## *The Strategies in Overcoming Unregistered Marriages (Nikah Siri) at The Office of Religious Affairs in Kecamatan Kota Terante Utara Based on Islamic Law Perspective*

debts, require documentation, let alone the noble marriage covenant. Therefore, marriage registration is carried out by authorized officials.

According to Islamic law, an unregistered marriage is valid if it fulfills the requirements of a valid marriage (with a guardian, witnesses, *ijab qabul*, and dowry).<sup>11</sup> Scholars have different opinions on this matter. Most scholars consider this type of marriage valid but discouraged (*makruh*). It is valid and recognized in the religion because it meets the pillars and conditions of marriage and involves two witnesses, thus eliminating the element of secrecy. However, it is considered discouraged (*makruh*) due to the Prophet's command to announce marriages to the wider community to dispel any potential suspicions and false accusations, as he stated.

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْلِنُوا هَذَا الِ  
نِكَاحَ، وَاجْعَلُوهُ فِي الْمَسَاجِدِ، وَاضْرِبُوا عَلَيْهِ بِالْأُفُوفِ (رَوَاهُ التِّرْمِذِيُّ)<sup>12</sup>

The Translation:

*"It is narrated from Aisha (may Allah be pleased with her) that the Prophet Muhammad (peace be upon him) said: 'Display these marriages openly and perform them in the mosques, and beat the tambourines over them.'" (HR al-Tirmizi).*

The Maliki scholars consider this type of marriage invalid because the purpose of the marriage command is to inform, and this includes the legal requirements of marriage. According to the stronger opinion (*Rajih*), this marriage is valid because the conditions and pillars have been fulfilled, even if it is not publicly announced. The presence of a guardian and two witnesses transforms the nature of secrecy into something publicly known. The more people know, the better. Therefore, marriages should not be kept secret to avoid receiving gossip, unpleasant objections, and negative suspicions from others.<sup>13</sup>

In the public perception, unregistered marriages are often referred to as 'deceptive marriages,' which are more associated with marriages that do not have civil records (such as through the KUA) until the registration of the marriage in the state's marriage documents. As a result, both wives do not have marriage certificates from the authorities. This type of marriage often leads to various issues when conflicting interests arise, such as denial of the existence of the marriage. It is not uncommon for children born from such marriages to be unrecognized, and this can extend to inheritance disputes.<sup>14</sup>

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<sup>11</sup>Miftah Farid, *150 Masalah Nikah Keluarga* (Cet. I; Jakarta: Gema Insani Press, 1999), p. 54.

<sup>12</sup>Abu> 'I<sa> Muh}ammad Ibn 'I<sa> al-Tirmiz\i>, *al-Ja>mi' al-S}ah}i>h} Sunan al-Tirmiz\i>*, Juz 3 (Bairu>t: Da>r al-Fikr, 1938), p. 398.

<sup>13</sup>Ahmad Rofiq, *Hukum Islam di Indonesia* (Cet. II; Jakarta: Raja Grafindo, 1997), p. 70.

<sup>14</sup>Abdus Shomad, *Hukum Islam: Penormaan Prinsip Syariah dalam Hukum Indonesia* (Jakarta: Kencana, 2010), p. 309.

## 2. Marriage Without a Guardian or Witnesses

Unregistered marriage is a marriage celebrated by a husband and wife without the presence of a guardian and witnesses, or it may take place in front of a guardian without the knowledge of witnesses. Subsequently, the parties involved (the husband and wife) agree to keep the marriage secret.

According to the opinion of all fiqh scholars, marriages conducted in this manner are invalid because they do not meet the marriage requirements, such as the presence of a guardian and witnesses. Such marriages may even be considered a criminal act of Zina or ittikhaz (taking a woman or man as a pet to satisfy one's desires). However, if two witnesses are present during the event, accompanying both spouses. At the same time, the guardian is absent, and they agree to keep it secret from the public, the marriage is still invalid because the essential pillars of marriage have not been fulfilled.

This is under the hadith of the Prophet Muhammad (peace be upon him):

حَدَّثَنَا أَبُو ذَرٍّ أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ أَبِي بَكْرٍ حَدَّثَنَا أَحْمَدُ بْنُ الْحُسَيْنِ بْنِ عَبَّادِ النَّسَائِيِّ حَدَّثَنَا مُحَمَّدُ بْنُ يَزِيدَ بْنِ سِنَانَ حَدَّثَنَا أَبِي عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ،، لَا نِكَاحَ إِلَّا بِوَلِيِّ وَشَاهِدَيْ عَدْلٍ،،<sup>15</sup>

The Translation:

*"Abu Dhar Ahmad bin Muhammad bin Abi Bakr narrated to me from Ahmad bin Husain bin 'Abbad al-Nasai, from Muhammad bin Yazid bin Sinan, from his father, from Hisham bin 'Urwah, from his father, from 'Aisha: 'Aisha reported that the Messenger of Allah (peace be upon him) said, 'There is no marriage without a guardian and two just witnesses. (HR al-Baihaqi), No Hadis. 13719.*

The word 'La' in the above hadith indicates 'imperfect' and 'invalid.

Based on the explanation above, it can be concluded that a marriage without a guardian is a sham marriage. The individuals involved have disobeyed Allah and may be subject to punishment in this world. However, Islamic law has not determined the form and level of punishment for those who participate in marriages without guardians. Therefore, the matter of marriage without a guardian falls under the category of ta'zir, and the decision regarding the form and degree of sanctions is left entirely to the judge (qadliy). A judge may impose penalties such as imprisonment, exile, and so on for those who create marriages without a guardian.<sup>16</sup>

## 3. Marriage Without Being Registered by the Office of Religious Affairs (KUA)

Unregistered marriage is conducted by a loving couple without notification (registration) to the Department of Religious Affairs (KUA). However, this marriage has

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<sup>15</sup> Abu Bakar Ahmad bin al-Husein bin 'Ali al-Baihaqi, *al-Sunan al-Kubra*, Juz. 7 (Cet. III. Bairu>t: Da>r al-Kutub al-'Ilmiyyah, 1424 H), p. 202.

<sup>16</sup> M. Thahir Maloko, "Nikah Sirri Prespektif Hukum Islam", *Sipakalebi*, Vol. 1 No. 3, (2014), p. 5

fulfilled the elements of Islamic marriage, consisting of two spouses, two witnesses, a guardian, the marriage contract (*ijab kabul*), and the dowry (*mas kawin*).

Unregistered marriages are legally valid according to religious law but are not legally recognized under positive law (state law) by circumventing or ignoring certain applicable positive legal regulations, as explained in the demographic Marriage Law No. 1 of 1974. Article 2 of this law states that all marriages must be officially registered at the Office of Religious Affairs (KUA). Meanwhile, the institutions authorized to conduct marriages are the Office of Religious Affairs (KUA) for Muslims and the Civil Registry Office (Dinas Catatan Sipil or KCS) for non-Muslims.<sup>17</sup>

Therefore, marriages that are not registered with the Office of Religious Affairs have no legal value. Consequently, if the couple encounters issues related to family matters such as divorce, domestic violence, inheritance, custody disputes, and the like, the authorities at the Office of Religious Affairs and the Religious Court cannot make decisions or even entertain the claims of the two parties in question.<sup>18</sup>

## **RESEARCH METHODOLOGY**

The research is conducted in Akehuda Kota Ternate Utara. The research methodology employed in this study is as follows:

**Descriptive Research:** Descriptive research is a method aimed at depicting existing phenomena that occur in the present or past.<sup>19</sup> In descriptive research, there is no need for manipulation or management of behaviors. It is not intended to test specific hypotheses but to provide a straightforward description of a variable, phenomenon, or situation. While there are occasional instances where descriptive research aims to confirm hypotheses, this is uncommon. Typically, descriptive research is not designed for hypothesis testing.

**Case Study Research:** Case study research is an in-depth and detailed investigation into a specific organization, institution, or phenomenon. Regarding scope, case study research is usually limited to a narrow area or subject. However, in terms of the depth of research, case study research delves extensively into the subject matter.<sup>20</sup> Therefore, this study only describes the phenomena related to unregistered marriages within the Akehuda community in North Ternate City, but it is conducted systematically, factually, and meticulously.

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<sup>17</sup> Aḥmad bin'Umar bin 'Awaḍ al-Syāṭirī, *al-Yāqūt al-Nafīs* (Bairūt: Dār al-Fikr, t.th), p. 141.

<sup>18</sup> Nasiri, *Praktik Prostitusi Gigolo ala Yusuf al-Qardawi (Tinjauan Hukum Islam)*, (Surabaya: Khalista, 2010), p. 45-46.

<sup>19</sup> Nana Syaodih Sukmadinata, *Metode Penelitian Pendidikan* (Cet. III; Bandung: Remaja Rosdakarya, 2007) p. 59

<sup>20</sup> Suharmisi Arikunto, *Prosedur Penelitian: Suatu Pendekatan Praktik* (Cet. XIII; Jakarta: Rineka Cipta, 2006) p. 142



## RESULTS OF DISCUSSION

### Implementation of Unregistered Marriages

In the Islamic perspective, a valid marriage fulfills the pillars and requirements. Conversely, according to Indonesian law, a marriage is considered valid if registered with the competent authority. Many people still practice marriage without official registration at the Office of Religious Affairs (KUA), and it remains undisclosed or is known as an unregistered marriage. The head of the KUA explains: "Marriages of men and women are intentionally concealed or kept secret and not shared with others. Usually, there are issues and embarrassment surrounding this.

**Table: 4.3 The Marriage Confirmation (Isbat) Data of Kecamatan Kota Ternate Utara**

No.	Pemohon Isbat	Year			Total
		2019	2020	2021	
1.	Tarau	9	1	8	18
2.	Sango	5	6	4	15
3.	Tabam	6	2	4	12
4.	Tafure	7	6	8	21
5.	Tube	13	18	8	39
6.	Akehuda	8	6	0	14
7.	Dufa-Dufa	5	5	3	13
8.	Sangaji utara	7	9	2	18
9.	Sangaji	15	17	8	40
10.	Toboleu	5	7	1	13
11.	Kasturian	6	5	1	12
12.	Salero	4	5	1	11
13.	Soa-sio	9	6	1	16
14.	Soa	4	4	2	10
<b>TOTAL</b>		103	97	51	251

*Source: Data Profil KUA Kecamatan Kota Ternate Utara 2021.*

The data in the table above indicates that Kabupaten Kota Ternate Utara still has unregistered or unofficial marriages. That is evidenced by the number of people applying for marriage validation (isbatnikah). Applicants encounter many obstacles in pursuing their interests, especially in matters related to the state.

The information above is also supported by the number of isbat applicants in Kota Ternate Utara from 2019 to 2021: 103 in 2019, 97 in 2020, and 51 in 2021. Ternate

## *The Strategies in Overcoming Unregistered Marriages (Nikah Siri) at The Office of Religious Affairs in Kecamatan Kota Ternate Utara Based on Islamic Law Perspective*

Utara is one of the 14 districts under the jurisdiction of the district government. In terms of quantity, there has been a decrease.

Based on the interview results with the head of the KUA (Office of Religious Affairs) of Kabupaten Kota Ternate Utara, as explained by the head of KUA, the percentage of parishioners who are not yet registered or have not had their marriages recorded is 90% unregistered (secret), and 10% registered.”<sup>21</sup>

### **Factors Behind Unregistered Marriages in Kecamatan Kota Ternate Utara**

#### a. Economic Factors

One of the main factors is economic issues, primarily related to the cost. People may not afford the expenses of a wedding celebration, preparing a marital home, and sharing property. They may also lack the funds to register their marriage with the KUA. As a result, some members of the less affluent community disregard the aspect of legality.

#### b. Pregnancy Before Marriage

Family members and newlyweds may feel ashamed and reluctant to register their marriage with the Office of Religious Affairs (KUA) because their marriage history resulted from an unplanned pregnancy

#### c. Lack of Understanding and Awareness Among the Community About Marriage Registration

Another factor contributing to secret or unregistered marriages is the low recognition of marriage registration and the community's limited awareness. It seems that the marriage registration process is perceived as time-consuming.

#### d. Low Education Level

Some individuals involved in secret marriages have a low educational background, which limits their knowledge of the contractual aspects of marriage that should be documented.

#### e. Polygamy Permission Constraints

Individuals sometimes consider marrying again, but most wives disagree with this decision. They fear that their husbands will not be able to treat the next wife justly and prioritize her. Since the first wife's permission is one of the requirements for a man to practice polygamy, the reluctance or refusal of the first wife poses a significant obstacle. Particularly for civil servants (PNS), the desire for polygamy conflicts with the prevailing favorable laws.

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<sup>21</sup> H. Irham Ibrahim (52 years old). The Head of KUA Kecamatan Kota Ternate Utara, *Interview*, Ternate. 7 February 2022.

## Strategies to Overcome Unregistered Marriages at the Office of Religious Affairs in Kota Ternate Utara

Here are some strategies the Office of Religious Affairs (KUA) of Kabupaten Ternate Utara employs in addressing unregistered marriages. They involve counseling on marriage registration and promoting family happiness for prospective couples and parents. Education on the importance of marriage registration and the negative consequences of unregistered marriages in Kota Ternate Utara is also provided through seminars or readings organized by the district authorities for mothers and children."<sup>22</sup>

Based on interviews with these stakeholders, it is revealed that a significant portion of the community in Kota Ternate Utara is primarily engaged in farming and has attained only a high school diploma (SMA) education level. Consequently, the importance of marriage registration is emphasized, as many are unaware of it. Some may have completed only junior high school (SMP) and lack social exposure to KUA activities, highlighting the significance of marriage. These factors contribute to people's reluctance and indifference to registering their marriages.

Furthermore, filing for marriage confirmation (Isbath Nikah) is a solution to secret marriages, as stated by Irham Ibrahim. Isbath Nikah results from a marriage without registration or a marriage certificate. Isbath Nikah is a request for marriage confirmation submitted to the court to prove the marriage and obtain legal validity. The requirements the individual has to fulfill to marry include Submitting a marriage application to the local Inquisition and a certificate from the local Office of Religious Affairs (KUA) indicating that the marriage was not registered. A letter from the village or neighborhood chief confirming that the applicant has married. A certificate, a copy of the applicant's ID card (KTP), and payment for case processing."<sup>23</sup>

Furthermore, the Office of Religious Affairs (KUA) in North Ternate City, a primary concern for those resolving secret marriages, faces a shallow level of public awareness regarding the importance of marriage registration. People perceive the registration process as difficult and time-consuming. Nevertheless, the Head of the Office of Religious Affairs (KUA) admitted that they are making every effort to reach the neighborhoods with the support of the North Ternate City government. However, the results could have been more optimal. For instance, few people attended KUA's social service activities in the neighborhoods due to their busy schedules.

Based on the explanation above, the author believes that the activities of the Religious Affairs Office (KUA) in Kota Ternate Utara could be more effective in emphasizing the importance of marriage registration to prevent unregistered marriages. Especially for those living in remote areas with limited access to transportation, busy with their daily livelihoods, and lacking the time to attend. Therefore, it is unsurprising that some people still get married without registering. They may not be aware of the future consequences.

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<sup>22</sup> Sawia Patilow (33 years old). Penyulu, *Interviewee*, Ternate 16 February 2022

<sup>23</sup> H. Irham Ibrahim (52 years old). The Head of the Office of Religious Affairs (KUA) of North Ternate City. *Interviewee*, Ternate, February 7, 2022.

## *The Strategies in Overcoming Unregistered Marriages (Nikah Siri) at The Office of Religious Affairs in Kecamatan Kota Ternate Utara Based on Islamic Law Perspective*

The strategy of the Religious Affairs Office (KUA) will significantly impact the success or failure of the socialization of the 1974 Marriage Law in Kota Ternate Utara District. Therefore, the KUA needs to improve its public service to be more effective (simple, straightforward, transparent), efficient, responsive, and adaptive.

The performance of KUA in Kecamatan Kota Ternate Utara should adhere to the principles of professional public service, hoping to change the community's perception that marriage conducted at KUA takes a long time and is relatively expensive.

Based on the discussion above, according to the author, the policies of the Religious Affairs Office (KUA) in Kecamatan Kota Ternate Utara align with the law's purpose because the government has established these policies. According to the author, the KUA in Kota Ternate Utara District always respects the law when making policies. According to Dunn, To solve problems, there are several critical stages, including policy agenda setting, policy formulation, policy adoption, and policy implementation. In the agenda-setting stage, it is determined what public issues need to be addressed. The nature of the problem is determined through a procedure often known as problem structuring.

Nevertheless, the Religious Affairs Office (KUA) in Kecamatan Kota Ternate Utara continues to make efforts and organize awareness-raising events, providing the best possible services to the community about the importance of registering marriages at the KUA. They also conduct marriage registration and family happiness awareness programs through the Marriage Advisory, Guidance, and Preservation Board (BP4) at the Religious Affairs Office for prospective brides and grooms and their guardians.

## **CONCLUSION AND IMPLICATIONS**

### **Conclusion**

Based on the research findings, the conclusions of this study are as follows:

- a. The practice of unregistered marriages (*nikah siri*) in kecamatan Kota Ternate Utara continues to occur due to several factors, including the economic constraints faced by the community, low levels of education, and a lack of knowledge and understanding of the importance of marriage registration.
- b. The strategies employed by the Office of Religious Affairs (KUA) in addressing secret marriages (*nikah siri*) in Kota Ternate Utara District include conducting education sessions on marriage registration and family happiness for prospective brides and guardians, as well as raising awareness about the importance of marriage registration and its negative consequences on families, mothers, and children through seminars and religious gatherings organized by the Department of Religious Affairs through its representatives in the district, which are held within the community.

### **Implications**

- a. It is hoped that the community, especially those in Kota Ternate Utara District, particularly those who adhere to Islam, religious scholars, and government leaders, will continue to enhance positive activities based on Islamic law in various

community events, especially concerning Law No. 1 of 1974 on marriage. That is to ensure that the wider community has a better understanding of and complies with the essential points within the law, hoping to create a law-conscious society.

- b. It is encouraged for the community to be mindful of their marital status, as it has significant implications for the continuity of their lives and their descendants. They should recognize the importance of marriage registration and having a marriage certificate as authentic proof. It would be beneficial to change the community's mindset regarding understanding the difference between marriages registered at the Office of Religious Affairs (KUA) and those that are not registered. Marriage registration is crucial.
- c. The Office of Religious Affairs (KUA), especially in Kota Ternate Utara District, as government and community officials, should continually strive to provide the best possible public services to the community, especially in matters related to marriage certificate administration. They should also intensify their public awareness campaigns through religious gatherings, Friday sermons, and religious lectures so that the public understands the importance of marriage registration and the legal costs associated with marriage according to the law. That will help dispel misconceptions that marriage registration is expensive.
- d. It is recommended that the government intensify its efforts to raise awareness about the importance of marriage registration, reaching even the most remote villages. This way, all community members will be well-informed and aware of the significance of marriage registration. There should also be sanctions imposed on marriages conducted but not registered in specific institutions to discourage the community from violating the law.

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*The Strategies in Overcoming Unregistered Marriages (Nikah Siri) at The Office of Religious Affairs in Kecamatan Kota Ternate Utara Based on Islamic Law Perspective*

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