



Criminalization in Cases of Unregistered Marriages and Its Impact on the Protection of Women's Rights

Ainun Yasminnatul Mu'minah¹

¹ Universitas Islam Negeri Wali Songo, Indonesia

email: yasminnainun24@gmail.com¹

Article Info :

Received:

28-04-2026

Revised:

22-05-2026

Accepted:

24-05-2026

Abstract

The practice of unregistered polygamous marriages remains a persistent phenomenon in Indonesia despite the existence of legal provisions regulating the requirements and procedures for polygamy. Such marriages are commonly conducted without official registration and judicial authorization, creating legal uncertainty and potentially undermining the rights of women and children. This study aims to analyze the legal and sociological dynamics of unregistered polygamous marriages and examine the urgency of criminalization as a mechanism for protecting women's rights. The research employs a normative legal method using statutory and conceptual approaches. Legal materials were obtained through library research, including legislation, legal literature, and relevant scholarly studies. The analysis was conducted qualitatively using Progressive Legal Theory and Utilitarian Theory as analytical frameworks. The findings indicate that unregistered polygamous marriages persist due to interpretations that prioritize the fulfillment of classical Islamic legal requirements while disregarding marriage registration obligations under national law. Marriage registration serves as a crucial instrument for ensuring legal certainty and protecting women's rights. Criminalization is not intended to prohibit polygamy permitted under Islamic law but to prevent injustice, family neglect, and violations of women's rights while promoting substantive justice and broader social welfare.

Keywords: *Unregistered Polygamous Marriage, Criminalization, Women's Rights, Legal Protection, Marriage Registration.*



©2022 Authors.. This work is licensed under a Creative Commons Attribution-Non Commercial 4.0 International License.

(<https://creativecommons.org/licenses/by-nc/4.0/>)

INTRODUCTION

Marriage constitutes a fundamental legal and social institution that regulates family relations, determines the distribution of rights and obligations among family members, and provides legal certainty regarding personal status in many jurisdictions around the world. In contemporary legal discourse, the regulation of marriage has increasingly become intertwined with broader concerns regarding human rights protection, gender equality, and state responsibility in safeguarding vulnerable groups within family structures. The growing international emphasis on legal identity, civil registration, and access to justice has reinforced the importance of ensuring that marital relationships are formally recognized by the state, particularly in societies characterized by legal pluralism and the coexistence of religious and civil norms (Mahmood, 1987). Within the Indonesian context, marriage occupies a strategic position not only as a religious commitment but also as a legal institution governed by statutory regulations designed to ensure legal certainty and social order (Azwar, 2022). The enactment of Law Number 1 of 1974 concerning Marriage reflects the state's commitment to establishing a unified framework capable of balancing religious values, social interests, and legal protection for family members (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan). This regulatory framework places marriage registration at the center of legal recognition, creating an important intersection between administrative compliance and the realization of substantive rights.

Within this framework, previous studies have consistently demonstrated that unregistered marriages remain a persistent phenomenon despite the existence of mandatory registration requirements, revealing a complex interaction between religious legitimacy, cultural practices, and legal formalism (Liwa et al., 2022). Several scholars argue that unregistered marriages are frequently perceived as valid by communities because they fulfill religious requirements, even though they lack formal recognition under state law (Jahwa et al., 2024). Research has further shown that economic

constraints, limited legal awareness, and attempts to circumvent statutory restrictions on polygamy continue to motivate individuals to enter unregistered marital unions (Ferdiansyah, 2023). Beyond questions of legality, existing literature highlights that the consequences of unregistered marriages disproportionately affect women and children, particularly regarding access to maintenance rights, inheritance claims, marital property protection, and legal remedies in cases of family disputes (Hasan et al., 2022). Empirical findings also indicate that the absence of authentic documentary evidence often weakens women's bargaining position within both formal legal institutions and informal social structures, thereby reproducing patterns of vulnerability and exclusion (Ningrum, 2025).

Although the literature has generated substantial insights regarding the legal implications of unregistered marriages, significant conceptual and empirical limitations remain evident. Much of the existing scholarship concentrates on the validity of marriage under Islamic law, the civil status of children, or procedural mechanisms for marriage legalization through judicial processes (Hutapea et al., 2022). Other studies primarily examine the juridical consequences of marriage registration requirements without critically evaluating the broader relationship between criminal law intervention and the protection of women's rights (Anggraini et al., 2025). Research addressing domestic violence protection and family law enforcement has identified legal uncertainty arising from unregistered marital relationships, yet it often treats criminalization merely as a supplementary legal mechanism rather than an independent analytical issue (Setiawan et al., 2023). The emergence of debates surrounding the criminalization of unregistered marriages and unauthorized polygamy has therefore exposed an important gap in the literature concerning whether punitive legal approaches genuinely advance substantive gender justice or merely reinforce formal compliance with administrative norms (Rosyadi et al., 2025). This unresolved tension demonstrates the need for a more comprehensive examination that situates criminalization within broader discussions of legal protection, social justice, and women's rights.

The urgency of addressing this issue has intensified following recent developments in Indonesia's criminal law reform. The promulgation of Law Number 1 of 2023 concerning the Criminal Code reflects an expanding role of criminal law as an instrument of social regulation and protection of legal interests within society (Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana). Contemporary discussions increasingly focus on whether criminal sanctions should be employed to address practices that undermine legal certainty in family relations, particularly unregistered marriages and unauthorized polygamous arrangements (Hayah & Anwar, 2026). Proponents of criminalization maintain that stronger legal sanctions are necessary to prevent deliberate circumvention of marriage regulations and to protect women from structural disadvantages arising from undocumented marital relationships (Arief, 2017). Critics, however, question the legitimacy of extending criminal law into domains traditionally governed by religious and cultural norms, arguing that excessive penal intervention may generate new forms of legal and social exclusion (Ali, 2015). These competing perspectives reveal that the issue extends beyond administrative legality and enters the broader terrain of human rights protection, legal pluralism, and state accountability.

Against this backdrop, the present study positions itself at the intersection of family law, criminal law, and gender justice studies by examining criminalization not merely as a legal response to regulatory noncompliance but as a policy instrument whose legitimacy should be assessed through its capacity to protect vulnerable groups. The study adopts the perspective that legal regulation of marriage must be evaluated not only in terms of procedural legality but also in relation to its substantive impact on women's access to justice and legal protection. Drawing upon Progressive Legal Theory developed by Satjipto Rahardjo, the analysis emphasizes that law should function as a means of achieving social justice rather than merely enforcing formal rules. Simultaneously, the utilitarian perspective provides a framework for assessing whether criminalization produces broader social benefits by preventing harm and strengthening legal protection for women affected by unregistered marriages. Such an approach enables a more integrated understanding of the relationship between criminal sanctions, legal certainty, and the realization of gender-sensitive justice within Indonesia's plural legal environment.

This study therefore aims to analyze the legal basis for criminalization in cases of unregistered marriages within Indonesian positive law and to critically assess its implications for the protection of women's rights. The research seeks to contribute to ongoing scholarly debates regarding the appropriate boundaries of criminal law intervention in family relations while simultaneously examining whether criminalization can function as an effective mechanism for addressing gender-based vulnerabilities

arising from unregistered marital practices. By integrating family law analysis with perspectives from progressive legal theory and utilitarian jurisprudence, this study offers a multidimensional framework for understanding the relationship between legal enforcement and substantive justice. Methodologically, the research contributes by bridging doctrinal legal analysis with broader socio-legal considerations concerning women's rights protection. Ultimately, the study aspires to enrich contemporary discussions on legal reform by demonstrating how the effectiveness of criminalization should be measured not solely through compliance with legal norms but through its capacity to deliver meaningful protection and justice for women.

RESEARCH METHODS

This study employs a normative legal research design, which focuses on examining legal norms, principles, and doctrines governing unregistered marriages and criminalization within the Indonesian legal system. Normative legal research is particularly appropriate for investigating legal issues that require interpretation of statutory provisions and conceptual analysis of legal policies rather than the collection of field-based empirical data. The study adopts a statutory approach and a conceptual approach. The statutory approach is utilized to analyze relevant legal instruments, including Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019, Law Number 1 of 2023 concerning the Indonesian Criminal Code, and other related regulations governing marriage registration and family law. The conceptual approach is employed to examine the theoretical foundations of criminalization, women's legal protection, Progressive Legal Theory, and utilitarianism as analytical frameworks. Data sources consist of primary legal materials in the form of legislation and official legal documents, as well as secondary legal materials comprising scholarly books, peer-reviewed journal articles, legal commentaries, and previous studies relevant to unregistered marriages and women's rights protection (Arief, 2017).

The collection of legal materials was conducted through an extensive library research process involving the identification, selection, and review of authoritative legal and academic sources. Materials were selected based on their relevance to the research objectives, academic credibility, and contribution to contemporary discussions on marriage law, criminal law policy, and gender justice. The analysis was carried out using a qualitative descriptive-analytical method, whereby legal norms were systematically interpreted and critically evaluated through statutory interpretation and doctrinal analysis. The analytical process involved comparing existing legal provisions with theoretical perspectives derived from Progressive Legal Theory and utilitarian jurisprudence to assess the justification and effectiveness of criminalization in protecting women affected by unregistered marriages. To ensure analytical rigor, the study employed source triangulation across legislation, legal scholarship, and judicial developments, while maintaining consistency in legal interpretation and theoretical application throughout the analysis (Ali, 2015). This approach enables a comprehensive assessment of whether criminalization serves as an effective legal mechanism for advancing substantive protection of women's rights within Indonesia's plural legal framework.

RESULTS AND DISCUSSION

Legal and Sociological Dynamics of Unregistered Polygamous Marriages in Indonesia

The existence of unregistered polygamous marriages in Indonesia reflects the interaction between religious norms, social practices, and state legal regulations within a pluralistic legal system. From the perspective of Islamic jurisprudence, polygamy is generally recognized as a permissible marital institution provided that the husband is capable of maintaining justice among multiple wives (Wahbah az-Zuhaili, 2006). Indonesian national law adopts a different regulatory approach by subjecting polygamous marriages to substantive and procedural requirements, including judicial authorization and administrative registration (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan). This distinction demonstrates that the validity of a marriage under religious norms does not automatically produce legal consequences within the framework of state law. The persistence of unregistered polygamous marriages indicates that legal compliance remains influenced by competing normative understandings regarding the meaning and legitimacy of marriage.

A significant factor contributing to the continuation of unregistered polygamous marriages is the enduring perception that religious validity constitutes the primary determinant of marital legitimacy. Classical Islamic legal thought developed in a historical context in which marriage registration was not

an essential component of legal recognition, causing many communities to prioritize substantive religious requirements over administrative obligations (Mahmood, 1987). Similar tendencies can still be observed in contemporary Indonesian society, where certain individuals consider registration to be merely a bureaucratic formality rather than a legal necessity. Research on marriage concepts in Islamic and national law demonstrates that differences in normative interpretation frequently influence public attitudes toward marriage registration requirements (Jahwa et al., 2024). These circumstances create a legal gap between state expectations and social practices, particularly in relation to polygamous marriages conducted outside official procedures.

The development of Indonesian family law illustrates an increasing emphasis on legal certainty and the protection of rights through marriage registration. The enactment of the Marriage Law was intended to establish a unified legal framework capable of accommodating religious values while simultaneously ensuring legal protection for family members (Azwar, 2022). This objective is reinforced by the Compilation of Islamic Law, which explicitly requires marriage registration as a mechanism for maintaining order and protecting legal interests within marital relationships (Instruksi Presiden Nomor 1 Tahun 1991; Bisri, 2013). The legal distinction between registered and unregistered polygamous marriages can be observed in Table 1.

Table 1. Normative Differences Between Registered and Unregistered Polygamous Marriages

Aspect	Registered Polygamous Marriage	Unregistered Polygamous Marriage
State Recognition	Recognized	Not formally recognized
Marriage Certificate	Available	Unavailable
Judicial Authorization	Required	Generally absent
Legal Certainty	Stronger	Weaker
Protection of Rights	Legally enforceable	Limited enforcement

As illustrated in Table 1, registration functions not only as an administrative mechanism but also as a legal instrument that determines the enforceability of rights and obligations arising from marriage. The absence of registration frequently creates legal uncertainty regarding the status of spouses and the protection available to family members.

The normative findings further reveal that unregistered polygamous marriages are often associated with attempts to avoid legal procedures established by state regulations. Existing studies indicate that some individuals deliberately choose unregistered arrangements in order to circumvent requirements such as obtaining judicial approval or securing the consent of an existing spouse (Ferdiansyah, 2023). Such practices may be interpreted as a form of legal avoidance because they enable individuals to engage in polygamous relationships without being subjected to statutory oversight. The effectiveness of marriage law enforcement consequently becomes a crucial issue in evaluating the capacity of legal institutions to regulate family relations. Similar concerns have been raised regarding the limited effectiveness of legal measures aimed at reducing unregistered marriages despite the existence of clear statutory obligations (Liwa et al., 2022).

The sociological persistence of unregistered polygamous marriages also demonstrates that legal regulation alone may be insufficient to transform social behavior. Cultural traditions, religious interpretations, economic considerations, and perceptions regarding family authority frequently influence decisions related to marriage practices. In many cases, compliance with religious requirements is perceived as more socially important than compliance with administrative regulations. This condition reveals that legal norms operate within broader social environments that shape individual decision-making processes. The continuing prevalence of unregistered marriages therefore reflects not only a legal issue but also a social phenomenon requiring multidimensional analysis.

From a broader legal perspective, the existence of unregistered polygamous marriages presents challenges to the objectives underlying Indonesia's family law system. Marriage registration was introduced to create certainty regarding legal status, facilitate access to legal remedies, and prevent disputes concerning family rights and obligations. When marriages are conducted outside the formal legal framework, these objectives become more difficult to achieve. Contemporary legal scholarship

emphasizes that effective family law regulation requires a balance between respect for religious values and the protection of legal interests recognized by the state (Naibaho et al., 2026). The continued occurrence of unregistered polygamous marriages therefore highlights the need for legal policies capable of bridging the gap between social legitimacy and formal legal recognition.

Legal Vulnerability of Women in Unregistered Polygamous Marriages

The normative analysis indicates that women constitute the group most vulnerable to adverse legal consequences arising from unregistered polygamous marriages. The absence of formal marriage registration creates significant obstacles to the recognition and enforcement of rights that would ordinarily arise from a legally recognized marital relationship. Although religious legitimacy may provide social acceptance in certain communities, it does not automatically guarantee access to legal remedies within the state legal system. This situation produces a discrepancy between social recognition and legal protection, particularly when disputes concerning maintenance, inheritance, or marital dissolution emerge. Research on sirri marriages consistently demonstrates that women experience greater legal uncertainty than men because their ability to prove the existence of a marital relationship is substantially limited in the absence of official documentation (Hasan et al., 2022).

One of the most significant consequences concerns the enforcement of economic rights within marriage. In legally registered marriages, spouses possess a clear legal basis for claiming maintenance, joint property rights, and inheritance entitlements under Indonesian family law. Unregistered marriages frequently weaken these protections because the legal status of the relationship itself may be disputed before judicial institutions (Sembiring, 2016). The resulting uncertainty often places women in a disadvantaged position when attempting to assert claims related to family assets or financial support. Existing scholarship has emphasized that women in unregistered marriages encounter substantial difficulties in securing economic justice due to the absence of documentary evidence supporting their marital status (Ningrum, 2025). Legal vulnerability in this context extends beyond procedural concerns and directly affects the realization of substantive rights.

The implications of unregistered polygamous marriages also extend to broader issues of legal protection and access to justice. The absence of formal recognition frequently limits women's ability to obtain effective legal remedies when facing neglect, abandonment, or domestic conflict. Studies examining the juridical consequences of unregistered marriages have identified persistent barriers to legal protection because many rights are conditioned upon proof of a legally recognized marital relationship (Setiawan et al., 2023). The various dimensions of vulnerability affecting women may be summarized in Table 2.

Table 2. Women's Legal Rights Potentially Affected by Unregistered Polygamous Marriages

Legal Rights	Potential Consequences
Maintenance Rights	Difficulty in legal enforcement
Inheritance Rights	Uncertainty regarding entitlement
Joint Property Rights	Limited legal protection
Divorce Remedies	Restricted access to judicial processes
Domestic Violence Protection	Procedural obstacles in legal claims
Child-Related Rights	Potential disputes regarding legal status

Table 2 illustrates that the consequences of unregistered marriages extend across multiple dimensions of legal protection. The issue therefore cannot be reduced to an administrative irregularity because it directly influences the practical enjoyment of rights guaranteed by family law and related legal frameworks.

The vulnerability experienced by women in unregistered polygamous marriages also affects issues relating to children and family status. Legal uncertainty concerning marriage registration frequently creates complications regarding the civil status of children, inheritance claims, and family

relationships recognized by law. Although legal developments have strengthened the protection of children's rights in various contexts, disputes concerning parental status and legal affiliation continue to arise when marriages are not formally documented (Hutapea et al., 2022). Similar concerns appear in studies examining the juridical implications of marriage registration requirements, which emphasize that legal documentation remains a crucial element in ensuring certainty regarding family relationships (Anggraini et al., 2025). These findings indicate that women and children often experience interconnected forms of legal vulnerability within unregistered marital arrangements.

The position of first wives in unregistered polygamous marriages also warrants particular attention. In many cases, subsequent marriages are conducted without the knowledge or consent of the existing spouse, thereby undermining procedural safeguards established by marriage legislation. Such practices may affect not only economic rights but also psychological well-being and family stability. Legal analyses of divorce and family disputes have demonstrated that the absence of valid marriage documentation frequently complicates the resolution of conflicts involving marital obligations and family rights (Putrayasa et al., 2022). The resulting imbalance illustrates how unregistered polygamous marriages may generate unequal distributions of power and legal protection among family members.

From a human rights perspective, the persistence of these vulnerabilities raises important questions regarding the effectiveness of existing legal mechanisms in protecting women within family relationships. Indonesian family law was designed to provide certainty, fairness, and protection through a regulated system of marriage recognition and registration (Wahyu Ernaningsih & Samawati, 2016). When marriages occur outside this framework, women often bear a disproportionate share of the resulting legal risks. Contemporary legal scholarship increasingly emphasizes that the evaluation of marriage law should not focus exclusively on formal legality but also on its capacity to safeguard substantive rights and promote gender justice. The legal vulnerabilities identified in relation to unregistered polygamous marriages therefore provide a strong normative basis for examining whether stronger legal interventions, including criminalization policies, can contribute to more effective protection of women's rights.

Criminalization of Unregistered Polygamy as a Mechanism for Protecting Women's Rights

The discourse surrounding the criminalization of unregistered polygamous marriages reflects a broader debate concerning the legitimate boundaries of state intervention in family relations. Marriage is often regarded as part of the private sphere because it involves personal choices, religious beliefs, and family autonomy. At the same time, family relations generate legal consequences that affect the rights and welfare of individuals, particularly women and children. Criminal law policy recognizes that state intervention may be justified when private conduct produces significant social harm or undermines legally protected interests (Ali, 2015). Within this context, the issue is not whether polygamy itself should be prohibited, but whether practices that circumvent legal safeguards may legitimately become the subject of criminal regulation.

The findings of this study indicate that the rationale for criminalization is closely connected to the protective function of law. Indonesian marriage law does not adopt an absolute prohibition against polygamy; rather, it establishes procedural conditions intended to prevent arbitrariness and ensure fairness among family members (Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan). Judicial authorization and spousal consent operate as mechanisms through which the state seeks to balance individual interests with the protection of vulnerable parties. When these requirements are intentionally avoided through unregistered marriages, the regulatory objectives of family law become substantially weakened. Contemporary analyses of criminalization policies concerning unregistered marriages suggest that legal sanctions are increasingly viewed as instruments for reinforcing compliance with norms designed to protect women and children (Rosyadi et al., 2025).

From a human rights perspective, criminalization may be understood as part of the state's obligation to protect individuals from practices that create structural inequalities. Women involved in unregistered polygamous marriages frequently experience barriers to accessing legal remedies, enforcing economic rights, and obtaining recognition of their legal status. These consequences demonstrate that the issue extends beyond administrative non-compliance and enters the domain of substantive rights protection. Legal scholarship examining unauthorized polygamy argues that state intervention becomes necessary when the absence of regulation contributes to patterns of discrimination

or legal exclusion affecting women (Hayah & Anwar, 2026). The legitimacy of criminalization therefore depends on its capacity to prevent harm rather than merely punish non-compliance.

The relevance of criminalization becomes more apparent when examined through the perspective of Progressive Legal Theory. Satjipto Rahardjo's conception of progressive law emphasizes that legal systems should prioritize substantive justice and social welfare rather than rigid adherence to formal legal procedures. A legal rule acquires legitimacy when it functions as an instrument for protecting human interests and resolving social problems. Under this framework, criminalization may be justified if it contributes to reducing the vulnerabilities experienced by women in unregistered marital relationships. The emphasis is directed toward the protection of rights rather than the mere imposition of punishment. Similar concerns regarding gender inequality within polygamous practices have long been highlighted in critical scholarship addressing the social consequences of unequal marital arrangements (Mulia, 2007).

A complementary justification emerges from utilitarian legal theory, which evaluates legal policies according to the social benefits they generate. Criminal sanctions inevitably impose burdens on individuals subjected to punishment, yet such measures may be considered legitimate when they produce greater benefits for society as a whole (Arief, 2017). In the context of unregistered polygamous marriages, potential benefits include increased legal certainty, stronger protection of women's rights, prevention of family neglect, and enhanced compliance with marriage regulations. Studies examining the dynamics of unregistered marriages indicate that legal uncertainty frequently produces broader social costs extending beyond the immediate parties involved (Sonu et al., 2025). The utilitarian perspective therefore supports criminalization when the resulting social protection outweighs the restrictions imposed upon offenders.

The analysis ultimately demonstrates that criminalization should not be interpreted as an attempt to prohibit a religiously recognized institution, but rather as a legal mechanism designed to ensure accountability and protect vulnerable individuals from foreseeable harm. The enactment of the new Criminal Code reflects a broader tendency toward strengthening the role of law in safeguarding social interests through carefully calibrated legal interventions (Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana). The effectiveness of criminalization nevertheless depends on proportional implementation, legal certainty, and consistency with principles of justice and human rights. Excessive reliance on punitive measures without adequate preventive and educational strategies may reduce the legitimacy of legal enforcement. Criminalization therefore achieves its strongest justification when integrated within a broader framework aimed at securing substantive protection for women while preserving fairness within Indonesia's plural legal order.

CONCLUSION

The findings of this study demonstrate that the persistence of unregistered polygamous marriages in Indonesia is closely related to the coexistence of religious, social, and legal perspectives concerning the validity of marriage. Many individuals continue to regard the fulfillment of religious requirements as sufficient to establish a legitimate marital relationship, while the legal significance of marriage registration is often underestimated. Normative analysis reveals that Indonesian family law and the Compilation of Islamic Law place marriage registration at the center of legal protection because it serves as the foundation for the recognition and enforcement of rights arising from marriage. The absence of registration creates legal uncertainty regarding maintenance, inheritance, marital property, access to judicial remedies, and the legal status of family members. Women are particularly affected by these consequences because their ability to claim legal protection frequently depends upon the existence of formally recognized marital status. The continued prevalence of unregistered polygamous marriages therefore illustrates a gap between legal norms and social practices that has significant implications for the realization of women's rights and family justice.

The study further finds that the criminalization of unregistered polygamous marriages should be understood not as an effort to prohibit polygamy as a religiously recognized institution, but as a legal mechanism intended to prevent harm and strengthen the protection of vulnerable groups. From the perspective of Progressive Legal Theory, criminalization gains legitimacy when it functions as an instrument for achieving substantive justice and protecting individuals from legal and social disadvantages. A similar conclusion emerges from the utilitarian perspective, which supports legal policies that generate broader social benefits through the protection of rights, the promotion of legal

certainty, and the prevention of family neglect. The effectiveness of criminalization, however, depends on its proportional implementation and its integration with broader legal and social strategies aimed at strengthening public legal awareness and compliance with marriage regulations. A balanced approach combining legal enforcement, preventive measures, and rights-based protection offers a more sustainable framework for safeguarding women's rights within Indonesia's plural legal system.

REFERENCES

- Ali, M. (2015). *Dasar-dasar hukum pidana*. Sinar Grafika.
- Angraini, A. E., Ananda, F., & Turnip, I. R. S. (2025). Implikasi Yuridis Ketentuan Pencatatan Perkawinan Siri Dalam UU No. 1 Tahun 1974 Terhadap Status Keperdataan Istri Dan Anak (Analisis Putusan MK NO. 46/PUU-VIII/2010). *AS-SAIS (JURNAL HUKUM TATA NEGARA/SIYASAH)*, 9(1). <http://dx.doi.org/10.30821/as-sais.v9i1.25188>
- Arief, B. N. (2017). *Bunga rampai kebijakan hukum pidana: Perkembangan penyusunan konsep KUHP baru*. Kencana.
- Azwar, W. (2022). Latar Belakang Lahirnya Undang-Undang Perkawinan Indonesia Nomor 1 Tahun 1974 (UUP). *Hukum Islam*, 21(1), 133-151. <http://dx.doi.org/10.24014/jhi.v21i1.11616>
- Bisri, C. H. (2013). *Kompilasi hukum Islam dan peradilan agama dalam sistem hukum nasional*. Logos Wacana Ilmu.
- Ferdiansyah, F. (2023). Poligami Melalui Nikah Sirri Sebagai Bentuk Penyelundupan Hukum. *Jurnal Hukum Responsif*, 14(1). <https://doi.org/10.33603/responsif.v14i1.8382>
- Hasan, A., Musyahid, A., & Asman, A. (2022). Dualism and Unworthy Legal Practice: The Marginalization of Women's Rights in Sirri and Early Marriages. *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum*, 56(1), 149-171. <https://doi.org/10.14421/ajish.v56i1.1006>
- Hayah, S. S. N., & Anwar, S. (2026). Kriminalisasi Praktik Poligami Tanpa Izin Pengadilan dalam Perspektif Hukum Perkawinan Indonesia. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4(1), 3550-3561. <https://doi.org/10.61104/alz.v4i1.3689>
- Hutapea, S., Veronika, S., & Akbaryanto, F. (2022). Analisis Yuridis Kedudukan Anak dalam Perkawinan Siri Ditinjau dari Undang Undang Nomor 1 Tahun 1974 tentang Perkawinan. *Aufklarung: Jurnal Pendidikan, Sosial Dan Humaniora*, 2(4), 355-361. <https://pijarpemikiran.com/index.php/Aufklarung/article/view/283>
- Instruksi Presiden Nomor 1 Tahun 1991 tentang Penyebarluasan Kompilasi Hukum Islam.
- Jahwa, E., Siregar, D. P., Harahap, M. R., Mubarak, I., & Akbar, A. (2024). Konsep perkawinan dalam hukum Islam dan hukum nasional di Indonesia. *Innovative: Journal Of Social Science Research*, 4(1), 1692-1705. <https://doi.org/10.31004/innovative.v4i1.8080>
- Liwa, M. A., Kursiswanti, E. T., & Faisan, Y. A. (2022). Efektifitas Penegakan Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Terhadap Pernikahan Siri. *Collegium Studiosum Journal*, 5(1), 31-38. <https://doi.org/10.56301/csj.v5i1.496>
- Mahmood, T. (1987). *Personal law in Islamic countries*. Academy of Law and Religion.
- Mulia, M. (2007). *Islam menggugat poligami*. Gramedia Pustaka Utama.
- Naibaho, D. R., Yasmiati, N. L. W., & Windari, R. A. (2026). Analisis Yuridis Perkawinan dalam Hukum Positif Indonesia: Kajian Komprehensif Terhadap Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan dan Perubahannya. *J-CEKI: Jurnal Cendekia Ilmiah*, 5(2), 2916-2925. <https://doi.org/10.56799/jceki.v5i2.15651>
- Ningrum, F. W. (2025). Nikah Siri dan Dampaknya Terhadap Hak Perempuan dan Anak dalam Itsbat Nikah. *TADHKIRAH: Jurnal Terapan Hukum Islam Dan Kajian Filsafat Syariah*, 2(1), 60-72. <https://doi.org/10.59841/tadhkirah.v2i1.85>
- Putrayasa, K., Ardhya, S. N., & Dantes, K. F. (2022). Implementasi Peraturan Pemerintah Nomor 9 Tahun 1975 Tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 Terkait Putusan Perceraian Tanpa Akta Perkawinan di Pengadilan Negeri Singaraja (Studi Putusan Nomor: 232/Pdt. G/2020/PN. Sgr). *Jurnal Komunitas Yustisia*, 5(1), 197-208. <https://ejournal.undiksha.ac.id/index.php/jatayu/article/view/45942>
- Rosyadi, I., Fuad, H. Z., & Zaimuddin, A. B. (2025). Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory. *Al-Adalah*, 22(1), 147-180. <https://doi.org/10.24042/adalah.v22i1.22779>
- Sembiring, R. (2016). *Hukum keluarga: Harta-harta benda dalam perkawinan*. RajaGrafindo Persada.

- Setiawan, P. J., Nugraha, X., Dewi, D. A. G. S., & Diaz, M. R. (2023). Juridical Implications of Unregistered Marriage Against Legal Protection in the Domestic Violence Law. *Media Iuris*, 6(3), 457-478. <https://e-journal.unair.ac.id/MI/article/view/43219>
- Sonu, E., Iqbal, M., Subli, M., & Alhabsyi, M. S. (2025). The Dynamics and Legal Implications of Unregistered Marriages in Indonesia. *Antmind Journal of Jurisprudence and Social Justice*, 1(1), 45-56. <https://doi.org/10.63077/9e5wjt36>
- Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.
- Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.
- Wahbah az-Zuhaili. (2006). *Al-Fiqh al-Islami wa adillatuhu (Juz VII)*. Dar al-Fikr.
- Wahyu Ernarningsih, & Samawati, P. (2016). *Hukum perkawinan Indonesia*. Rambang Palembang.