



The Phenomenon of Unregistered Marriages: Problems and Solution

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Abstract

In 2022 there are 20 marriages in Batu Gajah Village, 11 or 55 percent of marriages are not registered and 45 percent of marriages are registered. According to the applicable laws and regulations, a marriage is valid if it is registered. Marriages for people who are Muslim are registered at the Office of Religious Affairs and for non-Muslims at the Civil Registry Office. This study aims to analyze the factors that cause marriages not to be recorded in Nagari Batu Gajah. This study uses an empirical juridical approach, which is a research approach to secondary data first and then continues to conduct primary data research in the field. Primary data was obtained through interviews with a Ninik Mamak as a community figure and 10 undocumented marriages. Then the empirical data were analyzed descriptively and qualitatively. Based on the results of the study, the factors causing marriages not to be registered in Nagari Batu Gajah were age, cost, pregnancy out of wedlock, access to the KUA office that was far away, polygamy, understanding of the rules, elopement, pregnancy out of wedlock and did not get permission from the Ninik Mamak. Then the way to deal with unregistered marriages is to socialize to the community by the Office of Religious Affairs regarding the marriage law and improve road access to the Office of Religious Affairs and the community must comply with local customary norms.

Keywords: Marriage, Unregistered Marriage, Religious Affairs Office

Abstrak

Pada tahun 2022 terdapat 20 pernikahan di Desa Batu Gajah, 11 atau 55 persen pernikahan tidak dicatatkan dan 45 persen pernikahan dicatatkan. Menurut peraturan perundang-undangan yang berlaku, pernikahan adalah sah jika dicatatkan. Perkawinan bagi yang beragama Islam dicatatkan di Kantor Urusan Agama dan bagi yang non-Muslim di Kantor Catatan Sipil. Penelitian ini bertujuan untuk menganalisis faktor-faktor yang menyebabkan perkawinan tidak dicatatkan di Nagari Batu Gajah. Penelitian ini menggunakan pendekatan yuridis empiris, yaitu pendekatan penelitian terhadap data sekunder terlebih dahulu kemudian dilanjutkan dengan melakukan penelitian data primer di lapangan. Data primer diperoleh melalui wawancara dengan seorang Ninik Mamak sebagai tokoh masyarakat dan 10 orang pelaku perkawinan tidak tercatat. Kemudian data empiris tersebut dianalisis secara deskriptif dan kualitatif. Berdasarkan hasil penelitian, faktor penyebab perkawinan tidak dicatatkan di Nagari Batu Gajah adalah faktor usia, biaya, hamil di luar nikah, akses menuju kantor KUA yang jauh, poligami, pemahaman terhadap aturan, kawin lari, hamil di luar nikah dan tidak mendapat izin dari ninik mamak. Kemudian cara untuk menangani pernikahan yang tidak tercatat adalah dengan melakukan sosialisasi kepada masyarakat oleh Kantor Urusan Agama mengenai undang-undang perkawinan dan memperbaiki akses jalan menuju Kantor Urusan Agama serta masyarakat harus mematuhi norma adat setempat.

Kata kunci: Perkawinan, Perkawinan Tidak Tercatat, Kantor Urusan Agama

I. Introduction

In 2022 there will be 20 marriages in Batu Gajah Village, Sangir Batang Hari District, South Solok Regency. A total of 11 marriages or 55 percent were carried out unrecorded and 9 marriages

or 45 percent were recorded at the Office of Religious Affairs. Even though the registration of marriages has been regulated in laws and regulations, there are still people in society who carry out unregistered marriages.

Based on research results, the factors that cause marriages are not recorded include: Sujana said: 1) To avoid infidelity and adultery. 2) To save costs and avoid administrative procedures 3) Pregnant out of wedlock. 4) polygamy. 5) Not old enough, 6) Tradition, and 7) forced marriage.¹ In Juraeri, et.al mentioned, namely: because they consider the marriage book is not important, polygamy, lack of attention and sexual services and avoidance of adultery. Meanwhile among women, the reasons for having unregistered marriages include inner needs, not getting satisfaction from their husbands, looking for men who are well-established in the economic field, so they can finance their lives, there are too many women compared to men.² Pardianto, stated that due to economic factors, the administrative process was considered too difficult, polygamy, had bad intentions, only sexual relations were justified.³ In Zuhrah, et.al, it is stated that (1) the education of the couple is low so they don't think about the legal consequences of an unregistered marriage, (2) polygamy, (3) getting pregnant out of wedlock so that it is considered a disgrace and then being married by the community (4) second marriage and so on after being widowed.⁴ In Ikhtiarina, et.al, it is stated that due to pregnancy out of wedlock, economic conditions, age factor (underage), low public awareness, social factors, illegal polygamy, laws and regulations, and cultural and traditional factors.⁵ Bina, et.al, stated that there was a lack of public understanding of the law, to avoid the requirements and procedures for registering marriages, parents, to avoid things that were prohibited by religion.⁶ In Pajjar it is mentioned among others: economic factors, the complexity of the dispensation of marriage, pregnancy out of wedlock, lack of understanding of marriage registration.⁷ In Apriliani, it is stated that it is influenced by the conditions of a religious society, and the community believes that underhand marriage is legal according to the Islamic religion and besides that it does not question about unregistered marriages, assets, inheritance, and children of unregistered marriages.⁸

In general, the factors that cause unregistered marriages in remote parts of the country have many similarities, including: economic factors, pregnancy out of wedlock, polygamy, lack of understanding of society, culture and society, and administration. Even though there are many similarities, researchers conducted research in an area where the percentage of unregistered marriages was higher, namely Batu Gajah Village. The novelty of this study is that researchers will examine the factors of unregistered marriages which are influenced by local culture, namely ninik mamak. Ninik mamak is a man who is crowned as a leader in his people.⁹ Administratively, one of the requirements to enter into a marriage is to obtain written permission from the ninik mamak. Without the approval of Ninik Mamak based on the Circular Letter (certificate of

¹ I.Nyoman Sujana, *Kedudukan Hukum Anak Luar Kawin Dalam Perspektif Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010*. (Yogyakarta:Aswaja Pressindo, 2015), p.107

² Juraeri Tahir, A. Qadir Gassing HT, Achmad Abubakardan Kasjim Salenda, Faktor-faktor Penyebab Nikah Siri di Sulawesi Barat, *Jurnal Diskursus Islam*, Volume 05 Nomor 2, (2017), p.83-102

³ Pardianto, Menelisik Fenomena Nikah Siri (Sebuah Kajian Tematik dalam Komunikasi Islam), *Dialektika : Jurnal Pemikiran Islam dan Ilmu Sosial*, Vol. 11, No. 02, (2018), p.117-132

⁴ Siska Ikhtiarina, Ardiah Anggreni dan Asharet, Fenomena Pernikahan siri di Kabupaten Penajam Paser Utara Dalam Tinjauan Sosiologi Hukum, *Jurnal Lex Suprema*, Volume II, Nomor 2, (2020), p. 234-249

⁵ Saman Bina, Nasruddin Yusuf dan Suprijati Sarib, Perkawinan dibawah Tangan Pada Masyarakat Muslim Kec. Wori Kab. Minahasa Utara, *I'tisham : Journal of Islamic Law and Economics* Vol. 1 No. 1, (2021), p.1-24

⁶ Pijri Pajjar, Problematika Pasca Nikah Siri dan Alternatif Penyelesaiannya, *Al-Ahwal Al-Syakhshiyah: Jurnal Hukum Keluarga dan Peradilan Islam*, Vol. 3, no. 1, (2022), p. 66-78

⁷ Lia Apriliani, Kajian sadd al-Dzari'ah Atas Praktik Nikah Siri di Bumiharjo Kab. Jepara, *Isti'dal: Jurnal Studi Hukum Islam*, Vol. 9 No.1, (2022), p. 38-56

⁸ Armi Agustar, Otoritas Ninik Mamak Sebagai Syarat Perkawinan Di Desa Pangkalan Baru, *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)*, Volume 4 Nomor 1(2022), p.25-42

marriage permit) the village head cannot issue a Certificate for marriage.¹⁰ And marriage registration cannot be continued at the Office of Religious Affairs.¹¹ The marriage of members of a clan without the knowledge of the ninik mamak can embarrass the good name of the clan and they are seen as not respecting the ninik mamak as a leader within their clan.¹² Even though Ninik Mamak's agreement has no relevance in the Marriage Law.¹³ The goal is that the marriage does not violate the norms that live in society. If it is violated, they will be given quite severe customary sanctions, namely being ostracized from the extended family, society and being banished according to adat. Lineage of both husband, wife and children may not use tribal names. Likewise with other customary rights.¹⁴

II. Research Problems

Based on the background of the problem above, the problem can be formulated in the form of a question as follows: (1) What are the factors causing marriages to not be registered in Batu Gajah Village, Sangir Batang Hari District?; (2) How to deal with unregistered marriages in Batu Gajah Village, Sangir Batang Hari District?

III. Research Methods

This study uses an empirical juridical approach, which is an approach by examining secondary data first and then continuing to conduct research on primary data in the field. Primary data was obtained through in-depth interviews with a ninik mamak as a community figure and 11 undocumented marriage actors, then the data were analyzed descriptively qualitatively.

IV. Result And Discussion

1. The urgency of marriage registration

The Marriage Law has regulated the material and formal requirements for a valid marriage. Material requirements are conditions attached to each pillar of marriage, both those regulated in fiqh and those regulated in legislation, while formal requirements are conditions related to marriage registration.¹⁵ Material marriage is legal if it is carried out according to the laws of each religion and belief, as stated in Article 2 paragraph (1) of the Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage and paragraph (2) formally each marriage is recorded according to the applicable laws and regulations. Then the registration of marriages for people who are Muslim is recorded in a marriage certificate by the Head of the District Religious Affairs Office, as stated in the Regulation of the Minister of Religion Number 20 of 2019 concerning Marriage Registration, Article 2 paragraph (1), (2), and (3) through stages including: (a) registration of the will of marriage; (b) examination of the will to marry; (c) announcement of the will to marry; (d) implementation of marriage registration; and (e) delivery of the marriage book. Whereas for non-Muslims it is done at the Civil Registry Office.¹⁶ Marriages that are not recorded materially are valid because the

¹⁰ Hertasmaldi, Persetujuan Ninik Mamak Sebagai Salah Satu Syarat Administratif Dalam Akad Nikah, *ijtihad Jurnal Hukum Islam dan Pranata Sosial*, Copyright © (2019), p.51-68

¹¹ Ade Daharis dan Deri Putra, Peranan Orang Tua dan Ninik Mamak Sebelum Perkawinan di Nagari Sibarambang dalam Perspektif Hukum Islam, *Al-Manhaj: Jurnal Hukum dan Pranata Sosial*, Volume 5 Number 1, (2023), p.687-694

¹² Fani Yolandri, Peran Ninik Mamak Dalam Pelaksanaan Perkawinan di Nagari Simpang Lama Inderapura Kecamatan Pancung Soal Kabupaten Pesisir Selatan, *JOM Fakultas Hukum Universitas Riau Volume X Edisi 1*, (2023), p. 1-15

¹³ Hertasmaldi, *Op.cit*, h.6

¹⁴ Yustim, Yuliana Nelisma, Silvianetri dan, Yukafi Mazida, Larangan Perkawinan Sesuku Dalam Budaya Minangkabau dan Implikasinya Terhadap Konseling, *Jurnal Ilmiah Ilmiah Sekretari/ Administraasi Perkantoran*, Vol. 9 No. 1 (2022), 8-16

¹⁵ Baharudin Ahmad, *Hukum Perkawinan di Indonesia: Studi Historis Metodologis*, Cet. I, (Syari'ah Press IAIN STS Jambi, 2008), p.11

¹⁶ Imam Faishol, Pencatatan Perkawinan Dalam Hukum Kekeluargaan Di Indonesia, *Jurnal Ulumul Syar'i*, Vol. 8, No. 2, (2019), 1-25

marriage requirements have been fulfilled according to Islamic law.¹⁷ But formally juridically it does not meet the requirements in the marriage law, so it can be considered invalid before the law.¹⁸

Marriage registration is very important and gives birth to a marriage certificate,¹⁹ the certificate is authentic evidence because the marriage has been carried out legally according to normative and juridical standards.²⁰ A marriage certificate is an authentic means of evidence which shows that a marriage is valid according to law.²¹ If the marriage is not registered, then the marital status does not have legality.²² illegal under state law ²³, also stated in Amalia,²⁴ and Elfiani,²⁵ that marriage has no legal force. In terms of population administration, unregistered marriages have an impact on the future of the child.²⁶ Then on the birth certificate, only the mother's name is listed, making it difficult for the child to register for school,²⁷ and make a passport.²⁸ In Awaliah,²⁹ and Pajjar,³⁰ because there is no evidence of marriage, those relating to making Family Cards (KK), passports, birth certificates of children or other public services cannot be served, such as political rights in general elections. In addition, if there is a dispute between husband and wife whose marriage is not recorded, then one of the parties to the dispute cannot prosecute.³¹ Negative influences received by wives and children from the absence of marriage registration such as not being able to go to school, not being able to sue the husband for divorce when experiencing and not being able to inherit from the husband.³² The purpose of registering marriages is to maintain the goodness of life in the family.³³ The essence of formal registration of marriages is in the context of realizing legal certainty and guaranteeing the rights of husbands, wives and children.

2. The factors that cause marriage are not recorded in Batu Gajah Village

Based on the results of interviews researchers with ninik mamak and unregistered marriage partners in Batu Gajah Village, Sangir Batang Hari District, as follows:

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- ¹⁷ Sukardi Paraga, Nikah Siri (Perspektif Hukum Islam Kontemporer), *Jurnal PENDAIS* Volume 1, No.2, (2019),p.144-151
- ¹⁸ Endang Zakaria dan Muhammad Saad,Nikah Siri Menurut Huum Islam dan Hukum Positif, Kordinat : *Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam*, Vol. XX No.2, (2021), 249-264
- ¹⁹ Dwi Arini Zubaidah, *Pencatatan Perkawinan Sebagai Perlindungan hukum dalam Perspektif Maqasid Asy-Syariah*,*Jurnal Al-Ahwāl*, Vol. 12, No. 1, (2019), p.15-28
- ²⁰ M. Anshary MK, *Hukum Perkawinan di Indonesia Masalah-Masalah Krusial* Yogyakarta: Pustaka Pelajar, 2010,p. 44
- ²¹ Harpani Matnuh, *Perkawinan Dibawah Tangan dan Akibat Hukumnya Menurut Hukum Perkawinan Nasional*, *Jurnal Pendidikan Kewarganegaraan*: Volume 6, Nomor 11, (2016), 899-908
- ²² Siska Ikhtiarina, Ardiah Anggreni dan Asharet , *Op.Cit*,p 241
- ²³ Selamat Widodo, Tindak Pidana Menyembunyikan Asal-usul Perkawinan Oleh Prajurit TNI, *Jurnal Kosmik*, Vol. 16 No. 2 (2016), 1-7
- ²⁴ Cholidatul Rizky Amalia, Anggia Vionita Rachman , Nabilla Yahya, dan Nadya Nur Ivany, *Legalitas Penerbitan Kartu Keluarga Dalam Perkawinan siri*, *JCH (Jurnal Cendekia Hukum)* Volume 7 Nomor 2,(2022), p. 164-180, <http://ejournal.stih-pm.ac.id/index.php/cedekehukum/index>
- ²⁵ Elfiani, *Status Hukum Pernikahan yang Tidak Tercatat Menurut Undang-undang Perkawinan Indonesia*, *ALHURRIYAH : Jurnal Hukum Islam*, Vol. 01, No. 02,(2016), p.215-226, <http://ejournal.iainbukittinggi.ac.id/index.php/alhurriyah/index>
- ²⁶ Pardianto, *Op.Cit*. p.117.
- ²⁷ Agung Basuki Prasetyo,Akibat Hukum Perkawinan Yang Tidak Dicatatkan Secara Administratif Pada Masyarakat Adat, *Administrative Law & Governance Journal*. Volume 2 Issue 1, (2020), 23-34
- ²⁸ Siska Ikhtiarina, Ardiah Anggreni dan Asharet ,*Loc.cit*
- ²⁹ Awaliah, Vivi Nur Qalbi, Achmad Allang dan Andi Nurul Isnawidiawinarti Achmad, 2022, *Akibat Hukum Pernikahan Siri*, *Maleo Law Journal* Volume 6 Issue 1, (2022), p.30-40
- ³⁰ Pijri Pajjar, *Op.cit*,p.68
- ³¹ Zuhrah,Husnatul Mahmudah dan Juhriati, *Fenomena Perkawinan Tidak Tercatat di Kota Bima*, *Jurnal Ilmiah Mandala Education*, Vol. 6. No. 2. (2020) p. 26-32, <http://ejournal.mandalanursa.org/index.php/JIME/index>
- ³² Sauqi Noer Firdaus, *Dampak Nikah Siri Terhadap Istri dan Anak Pesepektif Maqashid al-Syariah al Syathibi (Studi Desa Bangsalsari Kecamatan Bangsalsari Kabupaten Jember)*, *Jurnal Al-Ijtima'iyah*, Vol. 7, No. 2, (2021),p. 165-194, (<https://jurnal.ar-raniry.ac.id/index.php/PMI/index>) DOI: 10.22373/al-ijtima'iyah.v7i2.9726
- ³³ Abdul Waid, *Nikah Siri dan Dampaknya Terhadap Ekonomi Keluarga (Telaah Kristis Terhadap Maqashid Al-Syari'ah dan Urgensi Pencatatan Nikah Terhadap Kesejahteraan Ekonomi Keluarga)*, *LABATILA: Jurnal Ilmu Ekonomi Islam* Volume 04, Nomor 02 ,(2020),p.120-137, <https://ejournal.iainu-kebumen.ac.id/index.php/lab>, <https://doi.org/10.33507/lab.v4i01>

- a. Darussalam, as a *ninik mamak* in Batu Gajah Village, the main reasons why residents marry are not recorded are age, costs, pregnancy out of wedlock, access to the KUA office which is more or less 50 km away and not obtaining permission from the *ninik mamak* for violating customary norms, for example intermarriage.³⁴ In Minangkabau culture, same-ethnic marriage is strictly prohibited.³⁵ The terms of marriage in Minangkabau do not come from the same tribe unless the tribe comes from another nagari or luhak.³⁶
- b. Lidia, a housewife, The reason for marriage not being registered is because they are underage, this is due to encouragement from parents and the surrounding environment, the parents are afraid of slander arising because their children have been dating for a long time. Lidia did not know the benefits of registering a marriage, so she assumed that marriage through a guardian and a few witnesses was religiously valid, the important thing was that the pillars and conditions were fulfilled.³⁷
- c. Dewi, housewife, the reason for the marriage not being registered is because getting married at an old age does not need to be registered anymore, the purpose of marriage is only to accompany in old age not to have children.³⁸
- d. Yelsi, a housewife, the reason for the marriage was not recorded because of costs and procedures. If the marriage is carried out at the KUA, the fee is free, but access to the KUA is far and the road is difficult, so it also requires expensive fees. If the marriage is carried out at home by inviting a KUA person, the cost is up to Rp. 700,000.³⁹
- e. Gustia, a housewife, the reason for not registering her marriage at the KUA was due to customary costs. She said that she was constrained by costs because her husband, who came from an area where the man had to be bought by the woman, meant that if she wanted to marry the man, the woman had to spend some money for the man. Because Gustia's family disapproved of the traditions in the area because they felt that these traditions contradicted the traditions in Batu Gajah Village, her husband finally decided to get married at Gustia's place without telling his parents and extended family in the village.⁴⁰
- f. Ranti, a housewife, the reason for getting married is not because of the cost. Ranti is constrained by costs in managing administration because her husband is from Medan, to take care of all the papers her husband has to return to Medan while there is no money for her husband to go home at that time. In the end, yanti and her husband choose to marry religiously first. to undergo the process at the Office of Religious Affairs to obtain a marriage book.⁴¹
- g. Yanti, a housewife, the reason for not having the marriage recorded is because of administration. This marriage was Yanti's second marriage. She was divorced from her previous husband but there was no divorce certificate from her ex-husband because her first marriage was also carried out without registering her marriage at the Office of Religious Affairs. This makes it difficult for yanti to get married according to statutory regulations, because she has to take care of the conditions for marriage and divorce with her first husband. Due to unfulfilled administrative requirements, the marriage was not registered.⁴²
- h. Yani, a housewife, said the reason for getting married was not because she eloped. This was done by Yani because his marriage was not sanctioned by his parents and he married at his relative's house outside the area where he lived.⁴³

³⁴ Darussalam, *Ninik Mamak*, Interview, Batu Gajah, 25 Desember 2022

³⁵ Ria Febria, B. Rini Heryanti dan Amri Panahatan Sihotang, *Kajian Hukum Perkawinan Adat Sesuku Di Masyarakat Minangkabau Semarang Law Review (SLR)*, Volume 3 Nomor 1 (2022), p.12-26

³⁶ Fani Yolandri, *Op.cit*,h.7

³⁷ Lidia, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 25 Desember 2022

³⁸ Dewi, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 25 Desember 2022

³⁹ Yelsi, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 26 Desember 2022

⁴⁰ Gustia, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 25 Desember 2022

⁴¹ Ranti, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 26 Desember 2022

⁴² Yanti, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 25 Desember 2022

⁴³ Yani, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 26 Desember 2022

There are reasons that are different from the results of previous studies, namely eloping. Elopement is caused by not being approved by parents. This shows that the role of parents in determining their child's partner is very dominant. If the choice of children is not sanctioned by the parents then the marriage cannot be carried out. It was narrated from Abu Hurairah r.a, that: The Prophet SAW said: "You may not get married unless you have been asked for his opinion and virgins may not be married unless after having asked for their consent." The companions asked: "O Messenger of Allah, what is the agreement?" Rasulullah SAW said; "silence."⁴⁴

Based on the hadith above, it can be understood about the necessity of agreement between parents and children. Although parents have the right to marry their children, this right cannot be exercised in an authoritarian manner. But it must be carried out by deliberation. A child can also choose his own life partner, parents only have to act as advisers to say what is good and what is not. Any risk that will occur in the future due to the marriage that occurs is already a consequence that must be borne by the child.⁴⁵ If the child refuses, it should not be forced. The impact of forced marriage will cause psychological and emotional burdens in life and end in divorce.⁴⁶ Anyone may not prevent a woman from marrying her partner. Women have the right to choose their life partner and are allowed to reject a potential husband proposed by their parents or relatives if they don't like it.⁴⁷

- i. R (objection to be named), a housewife, the reason for the marriage not being recorded was because she eloped. This is because she became pregnant out of wedlock and married at her future husband's place.⁴⁸
- j. Abit, a private person, said the reason for the irregularity of marriages was because he considered registration of marriages not so important. According to him, whether a marriage is registered or not is the same.⁴⁹
- k. Sapriadi, a private person, admitted that he was married to his second wife and did not register his marriage at the KUA because he did not get permission from his first wife to fulfill the requirements for polygamy. But because of Sapriadi's strong desire to remarry, he finally married legally only by religion without registering his marriage at the Office of Religious Affairs.⁵⁰
- l. W (objection to be named), a housewife, the reason the marriage was not registered was because she did not get permission from the ninik mamak. This is due to being married to the same tribe as her husband, both of whom have the Melayu tribe.⁵¹

The reason for niniak mamak forbidding them to marry with the same tribe is because ethnic groups are considered like brothers, close kinship so that they are considered like family which is prohibited from marrying within the tribe and this rule has been in force for generations.⁵² The same thing was also stated by Destuliadi.⁵³ This means that Batu Gajah Village still maintains the prevailing customary norms.

⁴⁴ Murthada Az-Zabidi, *Mukhtshar Shahih Al-Bukhari, Ringkasan Hadis Shahih Al-Bukhari*. Jakarta: Pustaka Amani, 2002, h.913

⁴⁵ Ikrawati Nur, *Pernikahan Terpaksa di Era Milineal Perspektif Ulama Mazhab; Studi Kasus di Kecamatan Sinjai Timur, Shautuna*, Vol.2, No.3, (2021), p. 696-703

⁴⁶ Samsidar, Dampak Kawin Paksa terhadap kehidupan Rumah Tangga Pada Masyarakat Lamurukung Kabupaten Bone, *Supremasi: Jurnal Pemikiran dan Penelitian Ilmu-ilmu Sosial, Hukum, & Pengajarannya*, Volume XIV Nomor 1, (2019), p.21-31

⁴⁷ Ahmad Miftakhul Toriqudin, 2022, *Kawin Paksa Dan Implikasinya; Studi Kasus Di Desa Bugo Kabupaten Jepara*, Isti dal : *Jurnal Studi Hukum Islam*. Vol. 9, No.1.(2022), p. 1-14

⁴⁸ R, *Perpetrators of Unregistered Marriages, interview*, wawancara, Batu Gajah, 25 Desember 2022

⁴⁹ Abit, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 25 Desember 2022

⁵⁰ Sapriadi, *Perpetrators of Unregistered Marriages, interview*, Batu Gajah, 26 Desember 2022

⁵¹ W, *Pelaku Perkawinan Tidak Tercatat*, wawancara, Batu Gajah, 26 Desember 2022

⁵² Darussalam, *Ninik Mamak*, wawancara, Batu Gajah, 25 Desember 2022

⁵³ Destuliadi, Larangan Perkawinan Sesuku Dalam Masyarakat Minangkaba Ditinjau dari Hukum Adat dan Hukum Islam, *IJOCE: Indonesia Journal of Civic Education* Volume 3, Nomor 1, (2022), p.27-34.
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3. How to deal with unregistered marriages in Batu Gajah Village, Sangir Batang Hari District

Based on the results of an interview with Darussalam that one way to deal with unregistered marriages, the Office of Religious Affairs conducted socialization regarding marriage laws because the community did not understand the rules in the law, for example the benefits and impacts of registering marriages, the age limit for marriage as well as pillars and terms of marriage. In addition to facilitating public access to the Office of Religious Affairs, such as repairing damaged roads and providing vehicles for the public interest the village head and community must comply with the customary norms that apply in the village.⁵⁴

V. Conclusion

Based on the discussion described above, it can be concluded that the causes of unregistered marriages in Batu Gajah Village, Batang Hari District, South Solok Regency are factors of age, cost, pregnancy out of wedlock, access to the KUA office that is far away, polygamy, understanding of the rules, elopement and did not get a ninik mamak permit because of same-ethnic marriage. Then the way to overcome the occurrence of unregistered marriages is to increase public understanding of the marriage law through outreach by the Office of Religious Affairs and repair damaged roads leading to the Office of Religious Affairs and the community must comply with the customary norms that apply in the village.

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