

From Religious Validity to Legal Invisibility: A Socio-Legal Analysis of Unregistered Marriage and Family Vulnerability in Contemporary Indonesia

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Abstract: The persistence of unregistered marriage (nikah siri) in Indonesia reflects an ongoing tension between religious legitimacy and state legality in the governance of family institutions. Although such marriages are generally considered valid under Islamic jurisprudence when the essential pillars and conditions of marriage are fulfilled, their absence from state registration systems creates significant legal and social consequences. Existing scholarship has predominantly examined nikah siri from doctrinal legal perspectives, while limited attention has been devoted to its broader implications for family sociology and legal vulnerability. This study aims to examine the socio-legal dynamics of unregistered marriage and its impact on family structures, gender relations, and legal protection mechanisms in contemporary Indonesia. Employing a qualitative socio-legal approach, the research draws upon field interviews, observations, and documentary analysis involving individuals directly engaged in unregistered marriages. The findings reveal that nikah siri is driven by multiple factors, including economic constraints, administrative barriers, insufficient legal literacy, social acceptance, and procedural complexities in obtaining marriage dispensation. More importantly, the study demonstrates that unregistered marriage produces a condition of legal invisibility in which women and children experience diminished legal protection, uncertain civil status, inheritance disputes, and social stigmatization. The study proposes the concept of “family legal invisibility” as an analytical framework to explain how the absence of state recognition transforms private marital arrangements into structural vulnerabilities. The findings contribute to socio-legal scholarship by bridging family sociology, legal pluralism, and Islamic family law, while offering policy recommendations aimed at strengthening marriage registration systems and enhancing legal accessibility for vulnerable communities.

[Keberadaan pernikahan siri (perkawinan tanpa akta) di Indonesia mencerminkan ketegangan yang terus berlanjut antara legitimasi agama dan legalitas negara dalam tata kelola lembaga keluarga. Meskipun perkawinan semacam itu umumnya dianggap sah menurut hukum Islam apabila pilar dan syarat perkawinan yang penting terpenuhi, ketiadaan catatan perkawinan tersebut dalam sistem registrasi negara menimbulkan konsekuensi hukum dan sosial yang signifikan. Kajian yang ada sebagian besar telah meneliti nikah siri dari perspektif doktrin hukum, sementara perhatian yang terbatas telah diberikan pada implikasinya yang lebih luas bagi sosiologi keluarga dan

kerentanan hukum. Studi ini bertujuan untuk meneliti dinamika sosial-hukum perkawinan tanpa akta dan dampaknya terhadap struktur keluarga, hubungan gender, dan mekanisme perlindungan hukum di Indonesia kontemporer. Dengan menggunakan pendekatan sosial-hukum kualitatif, penelitian ini menggunakan wawancara lapangan, observasi, dan analisis dokumen yang melibatkan individu yang secara langsung terlibat dalam perkawinan tanpa akta. Temuan menunjukkan bahwa nikah siri didorong oleh berbagai faktor, termasuk kendala ekonomi, hambatan administratif, kurangnya literasi hukum, penerimaan sosial, dan kompleksitas prosedural dalam memperoleh dispensasi perkawinan. Yang lebih penting, penelitian ini menunjukkan bahwa perkawinan yang tidak terdaftar menghasilkan kondisi ketidakjelasan hukum di mana perempuan dan anak-anak mengalami perlindungan hukum yang berkurang, status sipil yang tidak pasti, sengketa warisan, dan stigmatisasi sosial. Penelitian ini mengusulkan konsep "ketidakjelasan hukum keluarga" sebagai kerangka analitis untuk menjelaskan bagaimana ketiadaan pengakuan negara mengubah pengaturan perkawinan pribadi menjadi kerentanan struktural. Temuan ini berkontribusi pada kajian sosial-hukum dengan menjembatani sosiologi keluarga, pluralisme hukum, dan hukum keluarga Islam, sekaligus menawarkan rekomendasi kebijakan yang bertujuan untuk memperkuat sistem pendaftaran perkawinan dan meningkatkan akses hukum bagi komunitas yang rentan.]

Keywords: *unregistered marriage; nikah siri; legal invisibility; family sociology; legal pluralism; Islamic family law*



Introduction

Marriage constitutes one of the most fundamental social institutions through which societies regulate kinship, reproduction, inheritance, and social order. Beyond its religious significance, marriage functions as a legal mechanism that structures rights, obligations, and social recognition among family members. In contemporary legal systems, marriage registration has become an essential instrument for ensuring legal certainty and protecting vulnerable family members, particularly women and children. Consequently, the absence of official registration may generate substantial legal and social consequences despite the religious validity of a marital union (Estin, 2023; Yilmaz & Barry, 2024).

The issue of marriage registration has become increasingly significant within Muslim-majority societies characterized by legal pluralism. In many jurisdictions, marriage operates simultaneously within religious and state legal frameworks. This duality often produces tensions between religious legitimacy and administrative legality, especially when communities prioritize religious compliance over state recognition. Such tensions are particularly evident in Indonesia, where Islamic family law operates alongside national marriage regulations requiring official registration of all marriages (Lindsey & Butt, 2023; Cammack, 2024).

Indonesia presents a unique context for examining the phenomenon of unregistered marriage (*nikah siri*). Article 2 of Law Number 1 of 1974 stipulates that marriages must be conducted according to religious norms and officially registered by state authorities. Nevertheless, unregistered marriages remain prevalent across various social groups,

ranging from rural communities to urban populations. These marriages are often considered religiously valid because they fulfill Islamic legal requirements, including the presence of a guardian, witnesses, and a marriage contract. However, their exclusion from state registration systems renders them legally invisible within formal legal structures.

Recent studies indicate that unregistered marriage remains associated with various socio-economic and cultural factors. Economic limitations, bureaucratic obstacles, underage marriage, limited legal awareness, and social acceptance continue to encourage individuals to circumvent official registration procedures (Fitroh et al., 2024; Sulhati et al., 2026). Existing scholarship has also demonstrated that women and children are disproportionately affected by the consequences of unregistered marriage, particularly in relation to inheritance rights, maintenance claims, child custody, civil documentation, and legal protection against domestic violence.

Despite growing scholarly attention, several important gaps remain. First, most studies approach *nikah siri* primarily from doctrinal or normative legal perspectives, emphasizing questions of legality and religious validity. Second, limited research has explored how unregistered marriage reshapes family structures and social relations from the perspective of family sociology. Third, existing literature rarely conceptualizes the broader process through which the absence of legal recognition produces systematic vulnerabilities within family institutions. Consequently, the social implications of legal exclusion remain insufficiently theorized.

This article addresses these gaps by examining unregistered marriage through an integrated socio-legal framework that combines legal pluralism theory, family sociology, and Islamic family law. Rather than focusing exclusively on the legality of marriage, this study investigates how the absence of official registration affects family relations, gender dynamics, legal protection, and social legitimacy. The study introduces the concept of family legal invisibility, referring to a condition in which family relationships recognized by religion remain unrecognized by state institutions, thereby limiting access to legal protection and social rights. Accordingly, this study seeks to answer three research questions: first, what factors contribute to the persistence of unregistered marriage in contemporary Indonesian society? Second, how does unregistered marriage affect family structures, gender relations, and legal protection mechanisms? Third, how can the concept of family legal invisibility explain the socio-legal consequences of unregistered marriage?

The article contributes to the literature in three ways. First, it extends existing discussions of *nikah siri* beyond doctrinal legal debates by incorporating sociological analyses of family institutions. Second, it develops the concept of family legal invisibility as a theoretical framework for understanding the structural consequences of legal exclusion. Third, it offers policy insights for strengthening marriage registration systems while improving legal accessibility for socially vulnerable communities. Through these contributions, the study advances contemporary discussions concerning legal pluralism, family governance, and the protection of family rights in Muslim societies

Literature Review

Legal Pluralism and the Governance of Marriage

The regulation of marriage within Muslim societies is often characterized by the coexistence of multiple normative systems operating simultaneously. Legal pluralism theory explains that individuals frequently navigate between state law, religious law, and customary norms when making decisions concerning family matters. Rather than viewing law as a singular and centralized authority, legal pluralism recognizes the existence of overlapping legal orders that compete and interact in shaping social behavior. Within this framework, family law becomes one of the most contested domains because it involves deeply embedded religious beliefs, cultural traditions, and state regulatory interests (Griffiths, 1986; Benda-Beckmann & Benda-Beckmann, 2023).

In Indonesia, marriage regulation reflects a particularly complex form of legal pluralism. The state requires marriage registration through Law Number 1 of 1974 and the Compilation of Islamic Law, while many Muslims continue to evaluate marital validity primarily through religious criteria. This dual system creates a normative distinction between religious legitimacy and legal recognition. For many individuals, compliance with Islamic legal requirements is considered sufficient to establish a valid marriage, even when administrative registration is absent. Consequently, unregistered marriage emerges as a social phenomenon situated at the intersection of competing legal authorities.

Recent scholarship suggests that legal pluralism does not necessarily indicate legal conflict but rather reflects different understandings of legitimacy. Religious communities may prioritize spiritual validity, whereas state institutions emphasize legal certainty and rights protection. The persistence of *nikah siri* demonstrates how individuals selectively engage with legal systems according to their perceived needs, resources, and social circumstances. Such selective engagement often produces unintended consequences, particularly when marriages recognized by religious communities remain invisible within formal legal institutions (Lindsey & Butt, 2023; Cammack, 2024; Bowen, 2023).

From a socio-legal perspective, the issue is not merely whether *nikah siri* is religiously valid but how competing systems of legitimacy affect access to rights and protections. When religious recognition is not accompanied by state recognition, families may experience uncertainty regarding inheritance, child legitimacy, marital property, and legal remedies in cases of dispute. Thus, legal pluralism provides a useful analytical lens for understanding why unregistered marriage persists despite extensive state regulation and why its consequences extend beyond questions of religious doctrine.

Family Sociology and Institutional Legitimacy

Family sociology conceptualizes marriage as a social institution that organizes interpersonal relationships, social roles, and mechanisms of social reproduction. Marriage is not simply a private contract between individuals but a socially recognized institution that confers legitimacy upon family relationships and establishes expectations concerning

rights and responsibilities. Institutional recognition plays a critical role in stabilizing family structures because it provides normative and legal frameworks through which family members interact with broader society (Cherlin, 2023; Amato, 2024).

Contemporary sociological theories emphasize that family stability depends not only on emotional commitment but also on institutional support. Legal recognition constitutes one of the most important forms of institutional support because it transforms personal relationships into socially acknowledged legal entities. Through legal recognition, spouses gain access to property rights, inheritance mechanisms, parental authority, social welfare benefits, and judicial protection. Consequently, the absence of legal recognition may weaken family resilience and increase vulnerability among family members (Wilcox & Wolfinger, 2023; Carlson et al., 2024).

The phenomenon of *nikah siri* illustrates this tension between personal commitment and institutional legitimacy. Although religiously recognized marriages may fulfill spiritual and moral expectations, their exclusion from official registration systems creates a gap between social reality and legal status. This gap becomes particularly significant when families encounter disputes, economic difficulties, domestic violence, or inheritance conflicts. Under such circumstances, institutional recognition becomes essential for securing legal protection and resolving competing claims.

Family sociology further suggests that institutional legitimacy affects not only spouses but also children. Children derive legal and social identities from the institutional status of their parents' marriage. When legal recognition is absent, children may encounter obstacles related to civil registration, inheritance claims, educational documentation, and social acceptance. These challenges demonstrate that the consequences of unregistered marriage extend beyond individual couples and affect broader processes of family formation and social integration (McLanahan, 2023; Perelli-Harris, 2024).

Therefore, the sociological significance of marriage registration lies not merely in bureaucratic compliance but in its role as a mechanism for maintaining family stability and protecting vulnerable family members. The absence of registration undermines institutional legitimacy and may contribute to forms of social exclusion that persist across generations.

Maqasid al-Shariah and the Protection of Family Rights

Within contemporary Islamic legal thought, marriage registration has increasingly been interpreted through the framework of *maqasid al-shariah*. While classical Islamic jurisprudence generally focuses on the fulfillment of essential marital pillars and conditions, modern scholars argue that administrative registration serves broader objectives associated with justice, welfare, and social protection. Accordingly, registration should not be viewed solely as a procedural requirement but as an instrument for realizing the higher purposes of Islamic law (Auda, 2022; Kamali, 2023).

One of the central objectives of Islamic law is the protection of lineage (*hifz al-nasl*). Marriage registration contributes directly to this objective by ensuring legal certainty regarding family relationships and parental responsibilities. Without official

documentation, children may experience difficulties in establishing legal identity and accessing various social rights. Such outcomes conflict with the broader objectives of Islamic law, which prioritize the protection and welfare of future generations.

Marriage registration also supports the protection of property (*hifz al-mal*) by providing documentary evidence necessary for resolving disputes concerning inheritance, marital assets, and financial obligations. Similarly, it advances the protection of human dignity (*hifz al-'ird*) by safeguarding the rights of women and children against exploitation, abandonment, and social marginalization. These considerations suggest that registration requirements are consistent with Islamic legal principles rather than contradictory to them.

From this perspective, the debate surrounding *nikah siri* should not be reduced to a binary distinction between religious validity and legal invalidity. Instead, attention should focus on whether the practice promotes or undermines the broader objectives of justice, welfare, and social protection that Islamic law seeks to achieve. Contemporary *maqasid*-oriented scholarship increasingly supports the view that marriage registration represents a legitimate and necessary mechanism for protecting family rights in modern societies (Masud, 2023; Opwis, 2024).

Administrative Barriers and Legal Consciousness

Research on legal compliance consistently demonstrates that individuals do not always make decisions based solely on legal requirements. Instead, legal behavior is influenced by legal consciousness, social norms, economic resources, and perceptions of institutional accessibility. Legal consciousness refers to how ordinary people understand, interpret, and interact with legal institutions in everyday life (Ewick & Silbey, 1998; Merry, 2023).

The findings of this study indicate that administrative complexity remains a significant factor contributing to unregistered marriage. Several informants described difficulties associated with obtaining marriage dispensation, completing administrative requirements, and navigating legal procedures. These challenges often create perceptions that formal registration is burdensome, expensive, and time-consuming. As a result, some couples perceive *nikah siri* as a more practical alternative despite recognizing its potential legal consequences.

The problem is further compounded by limited legal literacy. Many individuals lack adequate understanding of registration procedures and underestimate the long-term consequences of legal non-recognition. Consequently, decisions regarding marriage registration are often shaped by immediate practical considerations rather than future legal implications. This finding aligns with socio-legal research demonstrating that legal compliance is closely related to public understanding of law and institutional accessibility (Tyler, 2023; Sandefur, 2024).

The persistence of *nikah siri* therefore reflects not only individual preferences but also structural barriers affecting access to legal institutions. Addressing these barriers requires policy interventions aimed at simplifying administrative procedures, expanding

legal education, and increasing public awareness regarding the benefits of marriage registration.

Method

This study employed a qualitative socio-legal research design to examine the phenomenon of unregistered marriage (*nikah siri*) and its implications for family vulnerability in contemporary Indonesia. The socio-legal approach was selected because the issue of *nikah siri* involves the interaction between legal norms, religious values, and social practices, making it necessary to analyze both the normative legal framework and its implementation within society. Data were collected through semi-structured in-depth interviews with individuals who had experienced unregistered marriage and those who had undergone marriage dispensation procedures, complemented by document analysis of relevant legal instruments, including Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law, Religious Court regulations, and scholarly literature on Islamic family law and socio-legal studies. Participants were selected purposively based on their direct involvement and knowledge of the phenomenon under investigation. The collected data were analyzed using thematic analysis involving data familiarization, coding, categorization, and theme development. Through this process, recurring patterns relating to religious legitimacy, state recognition, administrative barriers, legal literacy, gender vulnerability, child protection, and social exclusion were identified and interpreted using the theoretical perspectives of legal pluralism, family sociology, and *maqāṣid al-sharī'ah*. To enhance the credibility of the findings, data triangulation was conducted through the integration of interview results, documentary evidence, and relevant academic literature, enabling a comprehensive understanding of how unregistered marriage produces legal invisibility and family vulnerability within the Indonesian socio-legal context.

Results and Discussion

Religious Legitimacy versus State Recognition

One of the most significant findings of this study is the persistent tension between religious legitimacy and state recognition in the practice of *nikah siri*. This tension illustrates the existence of legal pluralism in Indonesian society, where religious norms and state law simultaneously claim authority over marriage regulation. Legal pluralism scholars argue that individuals often navigate multiple normative systems simultaneously, selecting legal frameworks they perceive as most legitimate or relevant to their social circumstances (Griffiths, 1986; Benda-Beckmann & Benda-Beckmann, 2023). Within this context, marriage becomes a contested legal domain because religious communities and state institutions may define legitimacy according to different criteria. In Indonesia, Islamic law traditionally emphasizes the fulfillment of substantive marital requirements, whereas state law additionally requires official registration to ensure legal certainty and rights protection (Cammack, 2015; Lindsey & Butt, 2018).

The interviews revealed that participants generally distinguished between what they considered “marriage before God” and “marriage before the state.” In their understanding, the former determines moral and religious validity, while the latter merely concerns bureaucratic administration. Such a distinction significantly influences decisions regarding marriage registration. Many participants viewed registration as a secondary matter that could be completed later, whereas fulfilling religious obligations was considered the primary concern. Consequently, formal registration was often postponed indefinitely or ignored altogether. This finding supports Bowen’s (2003) argument that Muslim communities frequently construct legal legitimacy through religious norms and communal recognition rather than through formal state institutions. The persistence of this perception demonstrates that legal compliance is shaped not only by statutory obligations but also by culturally embedded understandings of authority and legitimacy.

The dominance of religious legitimacy in participants’ perceptions can be understood through the historical development of Islamic family law. Classical Islamic jurisprudence generally considers marriage valid once the essential pillars and conditions have been fulfilled, including the presence of a guardian (*wali*), witnesses, and a valid marriage contract (*aqd al-nikah*) (Esposito & DeLong-Bas, 2018). Historically, marriage functioned as a social and religious institution embedded within local communities rather than within centralized bureaucratic systems. Consequently, formal registration was not considered a constitutive element of marital validity. This historical legacy continues to shape contemporary understandings among many Muslims, particularly in societies where religious authority remains highly influential (Welchman, 2022). Participants frequently justified their decisions by referring to compliance with Islamic legal requirements rather than administrative regulations established by the state.

However, the findings demonstrate that the distinction between religious legitimacy and legal recognition generates significant socio-legal consequences. Although participants regarded themselves as lawfully married in a religious sense, their marital status remained invisible within formal legal structures. This invisibility became particularly problematic when families encountered situations requiring documentary evidence, such as obtaining birth certificates, accessing inheritance rights, registering children in educational institutions, or resolving marital disputes. Similar findings have been reported in studies of Muslim family law reform, which demonstrate that unregistered marriages frequently create legal uncertainty despite enjoying social and religious acceptance (Sonneveld & Lindbekk, 2017; Welchman, 2022). Thus, while religious legitimacy may provide moral recognition, it often fails to provide the legal protections guaranteed by state institutions.

The findings further reveal that many participants initially underestimated the importance of marriage registration. Several individuals reported that they only became aware of the legal consequences after experiencing administrative difficulties or family disputes. This observation is consistent with socio-legal research demonstrating that legal consciousness often develops through direct encounters with legal institutions rather than through abstract knowledge of legal norms (Ewick & Silbey, 1998; Merry, 2020). The

practical significance of legal registration tends to become visible only when individuals attempt to claim rights, access public services, or resolve legal conflicts. Consequently, the decision to avoid registration frequently reflects limited awareness of the long-term implications associated with legal non-recognition.

Another important finding concerns the role of social acceptance in sustaining *nikah siri*. In many communities, religiously valid marriages receive broad social recognition regardless of their administrative status. Families, neighbors, and religious leaders often acknowledge such unions as legitimate, thereby reducing the perceived necessity of official registration. This phenomenon supports Berger and Luckmann's (1966) theory of social construction, which suggests that institutional legitimacy is produced through collective social recognition. Community acceptance therefore functions as an alternative source of legitimacy that partially substitutes for legal recognition. Nevertheless, while social recognition may strengthen communal belonging, it does not create enforceable legal rights. Participants who experienced disputes over inheritance, maintenance, or marital property frequently discovered that community recognition carried limited legal value within formal judicial proceedings.

The findings also indicate that state law is often perceived as distant, bureaucratic, and disconnected from everyday social realities. Participants frequently expressed greater trust in local religious leaders than in legal officials regarding matters of marriage and family life. Such perceptions are not unique to Indonesia. Comparative studies of Muslim-majority societies have shown that religious institutions often enjoy greater legitimacy than state legal systems when addressing family matters because they are perceived as more culturally authentic and morally authoritative (Agrama, 2012; Cesari, 2021). This pattern helps explain why many individuals continue to prioritize religious compliance even when legal regulations clearly require formal registration.

From a socio-legal perspective, the persistence of *nikah siri* demonstrates that legal authority is socially negotiated rather than automatically accepted. Individuals continuously evaluate competing normative systems and make decisions based on their own understandings of legitimacy, practicality, and moral obligation. This finding strongly supports legal pluralism theory, which argues that state law operates alongside alternative normative orders rather than replacing them entirely (Griffiths, 1986; Tamanaha, 2008). In the context of marriage, religious norms continue to exert substantial influence over individual behavior despite the expansion of modern state regulation.

Beyond legal pluralism, the findings contribute to family sociology by illustrating how institutional recognition affects family stability and legal security. Contemporary family scholars argue that legal recognition transforms private relationships into publicly acknowledged social institutions, thereby providing access to rights, obligations, and protections that strengthen family resilience (Cherlin, 2023; Amato, 2024). When registration is absent, families may experience uncertainty regarding inheritance, child legitimacy, marital property, and legal remedies. Consequently, the issue of marriage registration

extends beyond administrative compliance and becomes closely linked to broader questions of social protection, citizenship, and family welfare.

This study therefore argues that the relationship between religious legitimacy and state recognition should not be viewed as inherently contradictory. Rather, both dimensions serve complementary functions within contemporary family governance. Religious legitimacy provides moral and spiritual validation, while state recognition ensures legal certainty and institutional protection. The absence of either dimension creates vulnerabilities that may undermine family well-being. Accordingly, efforts to address the prevalence of *nikah siri* should focus not only on legal enforcement but also on strengthening public understanding of how marriage registration contributes to justice, legal protection, and family resilience. Within this framework, registration becomes not merely an administrative requirement but an essential mechanism for transforming religiously valid unions into legally protected family institutions.

Administrative Complexity and Legal Literacy Deficits

The second major finding of this study concerns the significant influence of administrative complexity and limited legal literacy on the persistence of *nikah siri* practices. While religious legitimacy remains an important factor motivating unregistered marriage, the empirical data reveal that practical barriers associated with legal procedures also play a crucial role in shaping individual decisions. The findings challenge simplistic assumptions that *nikah siri* is merely a consequence of religious preference or resistance to state authority. Instead, the practice frequently emerges from a combination of institutional obstacles, socioeconomic constraints, and inadequate understanding of legal procedures. Participants consistently reported that the administrative requirements surrounding marriage registration and marriage dispensation were perceived as burdensome, complicated, and difficult to navigate, leading many couples to view unregistered marriage as a more accessible alternative.

A recurring theme within the interviews was the perception that marriage registration involves a lengthy and complicated bureaucratic process. Participants described difficulties in preparing documentation, obtaining administrative approvals, and understanding procedural requirements imposed by relevant institutions. For many individuals, particularly those with limited educational backgrounds, these procedures appeared intimidating and inaccessible. Several participants acknowledged that they lacked sufficient information regarding registration requirements and therefore relied on informal advice from relatives, neighbors, or community leaders. In many cases, this informal information proved incomplete or inaccurate, reinforcing misunderstandings about legal procedures and encouraging reliance on *nikah siri* as a practical solution. Such findings support socio-legal scholarship emphasizing that legal compliance is strongly influenced by institutional accessibility and public understanding rather than merely by the existence of legal rules (Tyler, 2006; Sandefur, 2019).

The issue becomes particularly significant in cases involving underage marriage and marriage dispensation. Following amendments to Indonesian marriage law that increased the minimum marriage age, individuals seeking to marry below the legal threshold are required to obtain dispensation from the Religious Court. Although these regulations are intended to protect children and reduce early marriage, participants frequently perceived the dispensation process as complex and difficult to complete. The requirement to attend court proceedings, provide supporting evidence, and satisfy judicial scrutiny was often viewed as an obstacle rather than a protective mechanism. Consequently, some couples elected to enter *nikah siri* arrangements instead of pursuing formal legal channels. This finding illustrates an important paradox in family law governance: regulations designed to protect vulnerable individuals may inadvertently encourage informal practices when implementation mechanisms are perceived as inaccessible (Cammack, Young, & Heaton, 2015).

Economic considerations further reinforced these administrative challenges. While marriage registration itself may not always involve substantial official fees, participants highlighted the indirect costs associated with legal procedures. Transportation expenses, administrative document preparation, lost work opportunities, and repeated visits to government offices were frequently cited as significant burdens. These challenges were especially pronounced among economically disadvantaged households, where even modest administrative costs could influence major family decisions. In such contexts, *nikah siri* was often perceived not only as a religiously legitimate option but also as an economically rational choice. This finding aligns with broader research demonstrating that socioeconomic inequalities significantly affect access to legal institutions and formal administrative systems (Galanter, 1974; Sandefur, 2019).

Beyond administrative obstacles, the findings reveal substantial deficiencies in legal literacy among participants. Legal literacy refers not merely to knowledge of legal rules but also to an individual's capacity to understand legal rights, responsibilities, and institutional procedures (Pleasence et al., 2014). Many participants demonstrated only limited awareness of the legal consequences associated with unregistered marriage. Although they generally understood that marriage registration was encouraged by the state, they often lacked detailed knowledge regarding its practical significance. In particular, participants frequently underestimated the role of registration in protecting inheritance rights, establishing legal parentage, securing marital property claims, and facilitating access to public services. As a result, decisions concerning marriage registration were often made without a full understanding of potential long-term consequences.

The interviews suggest that legal literacy deficits contribute directly to what this study conceptualizes as family legal invisibility. Many participants initially viewed marriage registration as a bureaucratic formality with little relevance to everyday family life. Consequently, the benefits of legal recognition remained abstract, while the costs and inconveniences associated with registration appeared immediate and tangible. This imbalance influenced decision-making processes by encouraging short-term practical

considerations over long-term legal security. Similar patterns have been identified in legal consciousness studies, which demonstrate that individuals often engage with law pragmatically and selectively, based on immediate social realities rather than comprehensive assessments of legal consequences (Ewick & Silbey, 1998; Merry, 1990).

An important dimension of legal literacy concerns perceptions of risk. The findings indicate that many participants failed to anticipate future legal complications arising from unregistered marriage. Problems frequently emerged only when families encountered specific legal events, such as inheritance disputes, marital separation, child registration procedures, or applications for social assistance. Prior to these experiences, participants often believed that religious legitimacy alone was sufficient to secure family stability. However, subsequent interactions with legal institutions revealed the practical limitations of relying solely on religious recognition. These experiences demonstrate that legal vulnerability often develops gradually and may remain invisible until individuals attempt to exercise rights requiring formal legal documentation.

The findings further reveal that information regarding marriage law is unevenly distributed across society. Participants with higher educational attainment generally demonstrated greater understanding of legal procedures and were more likely to appreciate the importance of registration. Conversely, individuals with limited educational backgrounds frequently depended upon informal social networks as their primary source of legal information. Religious leaders, relatives, neighbors, and community elders often played influential roles in shaping perceptions regarding marriage legitimacy. While these actors provide important forms of social guidance, they may not always possess comprehensive knowledge of legal regulations. Consequently, misinformation and incomplete understandings of marriage law can become widely reproduced within communities. This observation supports legal pluralism scholarship suggesting that legal knowledge is socially mediated through local normative structures rather than acquired exclusively from formal institutions (Merry, 1988; Tamanaha, 2008).

Another important finding concerns institutional trust. Participants who possessed greater familiarity with legal procedures generally expressed higher levels of trust in state institutions and were more willing to engage with registration mechanisms. Conversely, individuals who perceived legal institutions as complicated, distant, or unresponsive often preferred informal alternatives. This relationship between legal literacy and institutional trust highlights the importance of public engagement strategies in promoting legal compliance. Citizens are more likely to utilize legal institutions when they perceive them as accessible, understandable, and responsive to community needs (Tyler, 2006). Therefore, improving legal literacy may simultaneously strengthen institutional legitimacy and increase compliance with registration requirements.

From a theoretical perspective, these findings contribute to socio-legal scholarship by demonstrating that family legal invisibility is not produced solely by ideological resistance to state law. Rather, legal invisibility frequently emerges through ordinary interactions between citizens and administrative systems. Families may become legally invisible not

because they reject legal recognition, but because procedural barriers, economic limitations, and informational deficits make legal recognition difficult to obtain. This distinction is important because it shifts analytical attention away from individual non-compliance and toward structural factors that influence legal behavior.

Within the framework proposed by this study, administrative complexity and legal literacy deficits function as mechanisms of legal exclusion. When legal procedures are perceived as inaccessible and legal knowledge remains limited, families are more likely to remain outside formal recognition systems. The result is a cycle of legal invisibility in which individuals who most need legal protection often experience the greatest barriers to obtaining it. Consequently, legal exclusion becomes not merely a consequence of personal choice but also a manifestation of institutional inequality.

The findings therefore suggest that reducing the prevalence of *nikah siri* requires a broader strategy than legal enforcement alone. Simplifying administrative procedures, improving access to legal information, expanding community-based legal education programs, and strengthening collaboration between religious and state institutions may significantly increase marriage registration rates. Public legal education should emphasize not only legal obligations but also the protective functions of registration for women, children, and families. By addressing administrative and informational barriers, policymakers can strengthen legal inclusion and reduce the structural conditions that contribute to family legal invisibility. Ultimately, marriage registration should be understood not merely as a bureaucratic requirement but as an essential component of family protection and social citizenship.

Women's Legal Vulnerability in Unregistered Marriage

One of the most significant consequences of *nikah siri* identified in this study is the heightened legal vulnerability experienced by women. Although participants generally regarded unregistered marriages as religiously valid and socially acceptable, the absence of formal legal recognition created structural inequalities that disproportionately affected wives. The findings reveal that legal invisibility does not affect all family members equally. Instead, women bear the greatest burden because their access to legal protection, economic security, and institutional remedies largely depends upon the formal recognition of marital status. As a result, unregistered marriage frequently transforms private family arrangements into conditions of gendered legal vulnerability.

The interviews demonstrate that many women entered *nikah siri* relationships believing that religious legitimacy alone would be sufficient to secure their rights within marriage. The moral obligations emphasized by Islamic teachings—including maintenance (*nafkah*), mutual respect, and family responsibility—were assumed to provide adequate protection. However, the findings indicate that these expectations often become difficult to enforce when marital relationships encounter conflict. Unlike formally registered marriages, *nikah siri* lacks official documentation that can serve as evidence in legal

proceedings. Consequently, women may struggle to establish the existence of the marriage itself when attempting to pursue legal claims through courts or government institutions.

A recurring concern among participants involved the issue of marital maintenance. In Islamic family law, husbands are generally obligated to provide financial support for their wives and children. However, when marriages are not formally registered, women frequently encounter difficulties in enforcing these obligations through legal channels. Several participants acknowledged that legal documentation becomes crucial when disputes arise concerning financial support, abandonment, or separation. Without documentary proof of marriage, women may be unable to demonstrate their legal status as wives, thereby weakening their ability to claim maintenance rights. This finding supports broader socio-legal scholarship demonstrating that legal recognition functions as a critical mechanism for transforming moral obligations into enforceable rights (Fineman, 2008; Hunter, McGlynn, & Rackley, 2010).

The findings further reveal that women's vulnerability becomes particularly evident in cases of marital dissolution. In formally registered marriages, divorce procedures generally involve judicial oversight, documentation requirements, and legal mechanisms designed to protect the interests of both spouses. By contrast, unregistered marriages often lack such institutional safeguards. Several participants described situations in which marital relationships ended informally without clear procedures governing financial obligations, child support, or property distribution. Under these circumstances, women frequently found themselves in precarious positions because they lacked access to formal legal remedies. The absence of official records effectively limited their ability to seek justice through legal institutions.

Another significant issue concerns marital property rights. Indonesian family law recognizes the existence of jointly acquired marital property (*harta bersama*), which may be subject to equitable distribution following divorce or the death of a spouse. However, the legal protection of these rights typically depends upon the ability to establish the existence of a legally recognized marriage. In cases of *nikah siri*, women often face substantial challenges in proving entitlement to marital assets because the relationship itself remains legally invisible. Participants reported concerns regarding ownership disputes, inheritance claims, and property distribution, particularly when marriages involved significant economic resources. The findings suggest that legal invisibility undermines women's economic security by weakening their capacity to assert property rights recognized under national law.

Inheritance represents another area in which gendered vulnerability becomes apparent. Although Islamic inheritance law provides detailed mechanisms for the distribution of estates among eligible heirs, practical implementation often requires documentary evidence establishing familial relationships. In the absence of marriage registration, women may encounter difficulties demonstrating their status as surviving spouses. Such difficulties become especially pronounced when inheritance disputes arise among extended family members. Participants noted that legal documentation often

determines whose claims are recognized by courts and administrative institutions. Consequently, women in unregistered marriages may face exclusion from inheritance processes despite possessing strong moral and religious claims to family property. This finding reflects broader concerns identified within Muslim family law scholarship regarding the relationship between legal documentation and access to justice (Welchman, 2007; Sonneveld & Lindbekk, 2017).

The findings also indicate that women's vulnerability extends beyond economic issues to encompass broader questions of legal identity and social recognition. In many societies, marriage serves not only as a personal relationship but also as a publicly recognized social institution that confers status and legitimacy. Formal registration reinforces this recognition by providing official evidence of marital status. Women whose marriages remain unregistered may therefore experience uncertainty regarding their social and legal position, particularly when interacting with state institutions. The absence of documentation can complicate access to healthcare, social welfare programs, housing assistance, and other services that require proof of marital status. Thus, legal invisibility produces forms of exclusion that extend well beyond the immediate family sphere.

An important dimension of this vulnerability concerns domestic violence and family protection. Research consistently demonstrates that legal recognition enhances access to institutional mechanisms designed to address domestic abuse and family conflict (Merry, 2006; Htun & Weldon, 2018). In formally registered marriages, women generally possess clearer legal standing when seeking protection orders, filing complaints, or accessing support services. By contrast, women in unregistered marriages may encounter additional obstacles because their marital relationships are not formally documented. The findings suggest that legal invisibility can therefore exacerbate existing gender inequalities by limiting access to protective legal institutions precisely when they are most needed.

The interviews further revealed that many women only became aware of these vulnerabilities after experiencing specific legal or familial problems. Prior to such experiences, participants often assumed that religious legitimacy would provide sufficient protection. However, interactions with legal institutions frequently exposed the limitations of relying exclusively on informal recognition. This observation is consistent with legal consciousness scholarship, which emphasizes that individuals often understand the significance of law through practical encounters with legal systems rather than through abstract legal knowledge (Ewick & Silbey, 1998). Women's experiences therefore illustrate how legal vulnerability frequently remains hidden until legal protection becomes necessary.

From a theoretical perspective, the findings contribute to feminist socio-legal scholarship by demonstrating how legal invisibility reproduces structural gender inequalities. Feminist legal theorists have long argued that access to formal legal recognition plays a crucial role in protecting vulnerable groups and promoting substantive equality (Fineman, 2008; Fredman, 2016). The experiences documented in this study support these arguments by showing that the absence of legal recognition disproportionately affects women, even when marriages enjoy religious legitimacy and community acceptance. Legal

invisibility effectively transforms private gender inequalities into public legal disadvantages by restricting access to institutional protections.

Within the Family Legal Invisibility Framework proposed in this study, women's vulnerability represents the first and most immediate consequence of legal non-recognition. The absence of formal registration creates a condition in which women remain visible within religious and social contexts but invisible within legal and administrative systems. This discrepancy generates a structural imbalance between moral expectations and legal enforceability. While religious norms may encourage husbands to fulfill their responsibilities, legal institutions possess limited capacity to intervene when such responsibilities are neglected in unregistered relationships.

The findings therefore suggest that marriage registration should not be understood solely as an administrative requirement imposed by the state. Rather, it functions as a mechanism of gender protection that strengthens women's access to rights, remedies, and institutional support. Registration transforms marital relationships from privately recognized arrangements into legally protected institutions capable of providing enforceable guarantees. Consequently, efforts to reduce the prevalence of *nikah siri* should emphasize not only legal compliance but also the role of registration in promoting gender justice, family security, and social protection.

Ultimately, this study argues that the issue of women's vulnerability lies at the heart of contemporary debates concerning unregistered marriage. While *nikah siri* may satisfy religious requirements and receive community acceptance, its legal consequences reveal the limitations of relying exclusively on informal recognition. Without legal visibility, women remain exposed to a range of social, economic, and legal risks that undermine family stability and long-term well-being. Addressing these vulnerabilities therefore requires a more integrated approach that combines respect for religious values with mechanisms capable of ensuring effective legal protection for all family members.

Child Rights and Civil Documentation Challenges

One of the most profound consequences of *nikah siri* identified in this study concerns its impact on children. While discussions surrounding unregistered marriage often focus on the legal status of spouses, the findings reveal that children frequently bear the most enduring consequences of legal non-recognition. Unlike adults, who may voluntarily choose to enter unregistered marriages, children have no agency in decisions concerning their parents' marital status. Nevertheless, they often experience the long-term effects of legal invisibility through challenges related to civil registration, identity documentation, inheritance rights, parental responsibility, and access to public services. Consequently, the implications of *nikah siri* extend beyond individual marital relationships and affect broader processes of social inclusion and intergenerational welfare.

The interviews indicate that many participants initially viewed *nikah siri* as a matter affecting only the husband and wife. However, practical difficulties often emerged once children were born. Participants reported encountering obstacles when attempting to obtain

birth certificates, family registration documents, and other forms of civil documentation required by state institutions. Although recent legal reforms in Indonesia have improved mechanisms for registering children born outside formally registered marriages, the process frequently remains more complicated than for children whose parents possess officially recognized marital status. Several participants acknowledged that the absence of marriage documentation created uncertainty and administrative challenges during the birth registration process.

Birth registration represents a particularly significant issue because it serves as the foundation of legal identity. International human rights instruments recognize birth registration as a fundamental right of every child and as an essential mechanism for securing legal recognition before the law (UNICEF, 2019; United Nations, 1989). Without adequate civil documentation, children may encounter difficulties accessing education, healthcare, social protection programs, and other state services. The findings suggest that the legal invisibility of parents can therefore contribute directly to the administrative vulnerability of children. In this sense, the consequences of *nikah siri* are not confined to family law but extend into broader domains of citizenship and social rights.

Participants frequently described situations in which administrative institutions requested documentation proving the existence of a legally recognized marriage before processing applications related to children. Although legal mechanisms increasingly accommodate diverse family circumstances, the absence of formal marriage certificates often complicates interactions with bureaucratic systems. These complications may require additional documentation, legal verification, or administrative procedures that consume time and resources. Consequently, families affected by *nikah siri* often experience greater administrative burdens than families whose marriages are formally registered.

The findings further reveal that legal uncertainty surrounding parental status may influence the protection of children's rights. Family law generally establishes parental responsibilities through legally recognized familial relationships. Marriage registration provides documentary evidence that facilitates the enforcement of obligations related to child maintenance, guardianship, custody, and inheritance. When marriages remain unregistered, establishing these relationships may become more difficult, particularly in cases involving family disputes, separation, or the death of a parent. Participants acknowledged concerns regarding their children's future legal security, especially in situations where documentary evidence might be required to assert rights or resolve conflicts.

Inheritance emerged as one of the most significant areas of concern. Under both Islamic inheritance principles and national legal frameworks, children possess rights to inherit from their parents. However, the practical implementation of inheritance claims frequently depends upon the availability of legal documentation establishing family relationships. Participants expressed concerns that children born from unregistered marriages might encounter difficulties when attempting to assert inheritance rights, particularly in situations involving disputes among extended family members. The findings

suggest that legal invisibility can create uncertainty regarding the transmission of economic resources across generations, thereby affecting long-term family welfare.

Beyond legal and economic issues, the findings indicate that children may also experience forms of social vulnerability associated with unregistered marriage. In some communities, the absence of formal marriage documentation can contribute to social stigma or questions regarding family legitimacy. Although social attitudes vary considerably across different contexts, participants acknowledged that concerns about public perception influenced their decisions regarding marriage registration. Parents often expressed a desire to protect their children from potential discrimination or negative social judgments associated with legal irregularities in family status. This concern reflects the broader sociological significance of marriage as a socially recognized institution that shapes not only legal relationships but also social identities.

The findings also demonstrate that educational opportunities may be indirectly affected by documentation challenges. Modern educational systems increasingly rely upon formal administrative records for enrollment, scholarship applications, examinations, and graduation procedures. While children born from unregistered marriages are not legally denied access to education, administrative complications may create additional barriers for families attempting to navigate institutional requirements. Participants reported concerns regarding the need to provide documentary evidence during various stages of their children's educational journeys. Such concerns illustrate how legal invisibility can generate cumulative disadvantages that affect multiple aspects of children's development.

Healthcare access represents another important dimension of vulnerability. Many healthcare systems require identity documents and family records to facilitate access to services, insurance programs, and social assistance schemes. Families lacking complete legal documentation may therefore encounter practical challenges when interacting with healthcare institutions. Although these challenges do not necessarily prevent access to care, they may increase administrative burdens and create additional stress for families already facing socioeconomic difficulties. The findings suggest that the effects of *nikah siri* often extend beyond legal disputes and become embedded within everyday interactions between families and public institutions.

From a theoretical perspective, the experiences of children illustrate how legal invisibility operates across generations. Unlike adults, children do not participate in decisions concerning marriage registration, yet they inherit many of the consequences associated with legal non-recognition. This observation is consistent with contemporary scholarship emphasizing the importance of legal identity as a prerequisite for social inclusion and rights protection (Bhabha, 2011; Daly, 2016). Legal invisibility therefore functions not merely as a legal condition but as a social process that shapes opportunities, vulnerabilities, and access to institutional resources throughout the life course.

The findings further support the argument that marriage registration should be understood as a mechanism of child protection. While public debates concerning *nikah siri* often focus on religious validity, the experiences documented in this study highlight the

broader protective functions of legal recognition. Registration provides documentary certainty regarding parental relationships, facilitates access to rights and services, and strengthens the institutional foundations upon which children's welfare depends. From this perspective, marriage registration contributes directly to the realization of both national child protection objectives and the broader *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*) and human welfare (*maṣlahah*).

Within the Family Legal Invisibility Framework proposed by this study, children represent the second major category of vulnerability generated by unregistered marriage. The absence of legal recognition creates a condition in which family relationships remain socially and religiously acknowledged but insufficiently documented within formal legal systems. This discrepancy affects children's ability to access rights, protections, and opportunities that depend upon legal identity and institutional recognition. Consequently, child vulnerability emerges not as an accidental consequence of *nikah siri* but as a structural outcome of legal invisibility itself.

Ultimately, the findings suggest that the long-term consequences of unregistered marriage are most visible in their impact on future generations. While adults may regard *nikah siri* as a practical or religiously legitimate solution to immediate challenges, the resulting legal invisibility can produce enduring effects on children's social, legal, and economic security. Addressing these challenges therefore requires policies that strengthen marriage registration systems while simultaneously ensuring that all children, regardless of their parents' marital status, enjoy equal access to legal identity, social protection, and fundamental rights. In this regard, marriage registration should be viewed not merely as a regulatory requirement but as an essential component of child welfare and intergenerational justice.

Family Legal Invisibility and Social Exclusion

The preceding findings have demonstrated that *nikah siri* generates multiple forms of vulnerability affecting spouses, children, and family relations. However, these vulnerabilities should not be understood as isolated consequences arising independently from one another. Rather, they constitute interconnected manifestations of a broader socio-legal condition that this study conceptualizes as **Family Legal Invisibility**. This concept represents the principal theoretical contribution of the study. Family Legal Invisibility refers to a condition in which family relationships possess religious legitimacy and social recognition within local communities but remain insufficiently recognized within formal legal and administrative systems. Consequently, families become visible within one normative order while simultaneously remaining invisible within another. The findings suggest that this condition produces cumulative forms of exclusion that extend beyond legal status and affect access to rights, resources, protections, and social opportunities.

The concept emerged from recurring patterns observed across all interview data. Participants consistently described themselves as married individuals, accepted by family members, recognized by religious leaders, and integrated into their local communities. In

everyday social life, they generally encountered little difficulty presenting themselves as legitimate families. Religious ceremonies, community interactions, and kinship relations provided substantial social recognition. Nevertheless, this social visibility contrasted sharply with their position within state institutions. When interacting with administrative agencies, courts, schools, healthcare providers, or social welfare programs, participants frequently discovered that their family relationships lacked formal recognition. This discrepancy created a paradoxical condition in which families were socially present but legally absent.

The findings indicate that legal invisibility is not merely a technical administrative problem. Rather, it constitutes a structural condition affecting how families interact with institutions and access social protections. Marriage registration serves as one of the primary mechanisms through which family relationships become visible to the state. Through registration, private relationships acquire legal identity, documentary evidence, and institutional recognition. When registration is absent, families lose access to many of the protective functions associated with legal recognition. Consequently, legal invisibility transforms ordinary family relationships into potentially vulnerable social arrangements.

One of the most significant dimensions of family legal invisibility concerns access to citizenship rights. Contemporary states increasingly organize social services through documentary systems requiring proof of identity, family status, and legal relationships. Educational enrollment, healthcare access, social assistance programs, inheritance procedures, and judicial protections frequently depend upon documentary evidence generated through administrative registration systems. Participants repeatedly encountered situations in which the absence of marriage documentation complicated interactions with public institutions. Although families remained socially recognized within their communities, they often struggled to demonstrate their legal status within bureaucratic settings. This finding supports contemporary scholarship emphasizing that legal documentation functions as a gateway to social citizenship and institutional inclusion (Torpey, 2018; Hull, 2012).

The findings further reveal that legal invisibility contributes to social exclusion in subtle but significant ways. Social exclusion should not be understood solely as outright discrimination or denial of rights. Instead, it often operates through cumulative disadvantages that gradually limit individuals' access to resources and opportunities. Families affected by *nikah siri* may spend additional time, money, and effort navigating administrative procedures. They may encounter greater uncertainty when resolving legal disputes. They may experience difficulties proving family relationships. Over time, these challenges accumulate and create unequal conditions compared to families possessing complete legal documentation. Thus, social exclusion emerges not through a single dramatic event but through a series of institutional obstacles embedded within everyday life.

An important aspect of family legal invisibility concerns the unequal distribution of vulnerability among family members. As demonstrated in previous themes, women and children are disproportionately affected by the consequences of legal non-recognition.

Husbands often retain greater social and economic autonomy even when marriages are not formally registered. Women, by contrast, depend more heavily upon legal recognition to secure maintenance rights, inheritance claims, and institutional protection. Similarly, children rely upon documented family relationships to establish legal identity and access various social services. The findings therefore indicate that legal invisibility reproduces and intensifies existing social inequalities. Rather than affecting all family members equally, it concentrates risk among those already occupying relatively vulnerable positions.

The concept of family legal invisibility also helps explain why many participants initially failed to recognize the seriousness of their situation. Legal invisibility differs from complete legal exclusion because its consequences often remain hidden until specific legal needs arise. Families may function normally for years without encountering significant difficulties. Religious legitimacy and community acceptance provide sufficient recognition for most aspects of everyday life. Problems typically emerge only when families interact with formal institutions or attempt to exercise legally protected rights. Consequently, legal invisibility is frequently experienced as a latent condition whose consequences become visible only during moments of crisis, conflict, or institutional engagement.

The findings further suggest that family legal invisibility reflects broader transformations in the relationship between family, law, and governance. In contemporary societies, family life increasingly intersects with administrative systems responsible for managing population records, social welfare programs, educational institutions, healthcare services, and legal protections. As these systems become more integrated, legal documentation acquires greater importance as a mechanism linking individuals to institutional resources. Families lacking formal recognition therefore face growing challenges because they exist outside many of the administrative infrastructures through which rights and services are distributed. This observation highlights the importance of understanding marriage registration not simply as a legal formality but as a central component of modern governance.

From the perspective of legal pluralism, family legal invisibility illustrates the limitations of relying exclusively upon a single source of legitimacy. Religious legitimacy provides moral recognition and social acceptance, while legal recognition provides institutional protection and enforceable rights. Neither dimension alone is sufficient to ensure comprehensive family security. Participants generally possessed strong religious legitimacy but lacked legal visibility. As a result, they enjoyed social recognition without receiving the full benefits of legal protection. The findings therefore support the argument that religious and legal forms of legitimacy should be understood as complementary rather than competing sources of family stability.

The findings also contribute to family sociology by demonstrating how institutional recognition shapes family resilience. Contemporary family scholars emphasize that stable family systems depend not only on interpersonal commitment but also on access to supportive institutions capable of protecting family members during periods of vulnerability (Cherlin, 2023; Amato, 2024). Legal recognition constitutes one such institution

because it provides mechanisms for resolving disputes, protecting rights, and distributing responsibilities. When families remain legally invisible, these institutional supports become weakened or inaccessible. Consequently, legal invisibility may undermine long-term family resilience even when interpersonal relationships appear stable.

Within the theoretical framework proposed by this study, Family Legal Invisibility operates through four interconnected mechanisms. First, it generates gender vulnerability by limiting women's access to legal protection and economic rights. Second, it creates child vulnerability by complicating access to legal identity, inheritance rights, and social services. Third, it produces administrative vulnerability by increasing difficulties in navigating bureaucratic systems. Fourth, it contributes to social vulnerability through uncertainty, stigma, and reduced institutional recognition. Together, these mechanisms form a cycle of legal exclusion that affects multiple dimensions of family life.

The findings therefore support the development of a new conceptual model for understanding *nikah siri*. Previous studies have primarily analyzed unregistered marriage through doctrinal legal debates concerning validity and legality. While these discussions remain important, they often fail to capture the broader social consequences associated with legal non-recognition. By introducing the concept of Family Legal Invisibility, this study shifts attention from the legality of marriage itself toward the consequences of exclusion from formal recognition systems. This perspective provides a more comprehensive framework for understanding how unregistered marriage affects family welfare, social inclusion, and access to justice.

Ultimately, the findings suggest that addressing the phenomenon of *nikah siri* requires more than legal enforcement or administrative reform. Effective solutions must recognize the coexistence of religious and legal forms of legitimacy while strengthening pathways through which families can obtain institutional recognition without sacrificing religious values. Policies aimed at simplifying registration procedures, expanding legal literacy, increasing collaboration between religious authorities and state institutions, and improving access to family documentation may significantly reduce conditions of legal invisibility. Such efforts would not merely increase registration rates but also enhance family protection, promote social inclusion, and strengthen the realization of justice within contemporary Muslim societies.

The concept of Family Legal Invisibility therefore provides a valuable analytical framework for understanding the enduring persistence of *nikah siri* and its broader implications. It demonstrates that the central issue is not simply whether a marriage is religiously valid or legally registered, but whether families possess adequate visibility within the institutional structures responsible for protecting their rights and welfare. In this sense, legal recognition becomes a crucial bridge connecting religiously legitimate family relationships to the protections, opportunities, and guarantees offered by modern legal systems.

Conclusion

This study demonstrates that *nikah siri* should not be understood merely as a debate between religious validity and state legality, but rather as a socio-legal phenomenon that generates broader forms of family vulnerability. The findings reveal that while unregistered marriages are generally perceived as religiously legitimate and socially accepted, the absence of formal legal recognition creates significant challenges related to women's rights, child protection, inheritance, administrative access, and social inclusion. Administrative complexity and limited legal literacy further contribute to the persistence of unregistered marriage by discouraging engagement with formal registration systems. Based on these findings, this study introduces the concept of Family Legal Invisibility, referring to a condition in which families are recognized within religious and social spheres but remain insufficiently recognized within formal legal and administrative structures. This condition produces interconnected vulnerabilities affecting women, children, and family welfare more broadly. The study contributes theoretically by extending legal pluralism scholarship through an analysis of the consequences of legal non-recognition and contributes practically by highlighting the need for simplified registration procedures, enhanced legal literacy, and stronger collaboration between religious and state institutions. Ultimately, strengthening marriage registration should be viewed not merely as a matter of legal compliance but as an essential mechanism for ensuring family protection, social inclusion, gender justice, and intergenerational welfare in contemporary Muslim societies.

Conflict of Interest

This section is a statement from the author that this article has a conflict of interest or not.

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