

## Analysis of Patriarchal Culture in the Consistency of Siri Marriage Practices in Sumenep, Madura: A Socio-Legal and Gender Analysis

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### Abstract

This research examines the practice of nikah siri in Sumenep District, Madura, using patriarchy theory and legal feminism to analyze gender power relations and structural injustice. Siri marriage - a marriage that is legal in religion but not registered by the state - is influenced by religious, economic and male dominance in decision-making. This study reveals how patriarchal culture legitimizes men's control over the marriage process, resources and women's civil rights. Qualitative methods through case studies and in-depth interviews with 25 participants show that 92% of women in siri marriages do not own assets in their own names, while 78% of children face administrative barriers to accessing education. Key findings highlight the legal and economic vulnerabilities experienced by women and children, and the role of religious authorities in maintaining the status quo. This research contributes to the gender discourse by integrating a structural analysis of patriarchy and the legal implications of nikah siri, while offering policy recommendations based on women's empowerment and cross-sector collaboration. The multidimensional solutions proposed include legal education, marriage registration policy reform and cultural approaches to reduce gender inequality.

## INTRODUCTION

*Nikah sirri* (or *nikah siri*) refers to a marriage that is conducted in accordance with the terms and conditions of marriage in Islam, but is not officially registered by the state through the Office of Religious Affairs (KUA).<sup>1</sup> (such as the presence of a guardian, witnesses, and *ijab-qabul*), regardless of the importance of state legality. In fact, Law No. 1/1974 on Marriage explicitly requires marriage registration,<sup>2</sup> so *nikah sirri* is not recognized by Indonesian positive law. While the state mandates marriage registration, local religious leaders (*kiai*) often legitimize unregistered marriages, creating a systemic loophole

Nonetheless, the practice persists due to a variety of factors, including lax religious interpretations, the perceived high cost of legal marriage and the desire to avoid bureaucratic procedures. As a result, many couples-particularly those from economically disadvantaged backgrounds-opt for *nikah sirri* without realizing the legal risks involved, especially for women and children.<sup>3</sup> Without a marriage certificate, they have difficulty accessing civil rights such as child birth certificates, inheritance claims, or protection from unilateral polygamy. This makes *nikah sirri* not just a private issue, but a structural problem with systemic impacts on gender justice. In Sumenep, where Madurese customs (e.g., '*ajina' embu*' – male prestige through polygamy) intersect with Islamic norms, *nikah siri* becomes a tool to reinforce patriarchal control

Sirri marriage (*nikah siri*) has long been an entrenched social phenomenon in Indonesian society, especially in areas with strong religious and cultural traditions such as Madura. In Sumenep district, this practice has not only persisted but also developed in increasingly complex forms, having serious consequences for gender justice, women's rights and child protection. The phenomenon of *siri* marriage has indeed occurred in many regions.<sup>4</sup> Based on research conducted by the compiler in Pragaan District, Sumenep Regency, there are still many people who practice *siri* marriage. One of the community leaders in Pragaan District, Sumenep Regency, believes that *siri* marriage is

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<sup>1</sup> Idris Idris, Raya Lestari, and Zetria Erma, "The Problems of Siri Marriage for Couples Who Have Not Married According to the Law in Marriage Legal Perspective," *Legal Brief* 11, no. 6 (2023): 3520-29, <https://doi.org/https://doi.org/10.35335/legal.v11i6.706>.

<sup>2</sup> Fauna Alwy, "Reformulation of the Government Compilation of Islamic Law: Strengthening the Concept of Gender-Sensitive Regulations in Indonesia," *FIAT JUSTISIA: Jurnal Ilmu Hukum* 11, no. 4 (2018): 355, <https://doi.org/10.25041/fiatjustisia.v11no4.983>.

<sup>3</sup> Andi Muhammad Akmal and Mulham Jaki Asti, "Problematika Nikah Siri, Nikah Online Dan Talak Siri Serta Implikasi Hukumnya Dalam Fikih Nikah," *Al-Risalah Jurnal Ilmu Syariah Dan Hukum* 21, no. 1 (2021): 45-59.

<sup>4</sup> Qonitatun Nadhiroh, "Perkawinan Siri Dan Implikasi Hukumnya Terhadap Kedudukan Istri, Anak Dan Harta Benda" (UIN Sunan Kalijaga Yogyakarta, 2022).

something that is naturally done by the community, because *siri* marriage is better done to keep unwanted things in the relationship between men and women that lead to things that have been prohibited by religion. The main reason for the occurrence of *siri* marriage is the request of parents because in order to avoid adultery, and also the ignorance of the community to the impact of the *siri* marriage, because they lack education and economics. This study also aims to inform policy recommendations for harmonizing religious norms and legal protections

This phenomenon is even more worrying when it is associated with the practice of unrecorded polygamy. In Batuputih Daya, a 33-year-old woman has three children and one grandchild. She claimed to have been married off at the age of 15, a year later giving birth to a daughter. the phenomenon of *nikah siri* is also common. Fahria told of a 14-year-old girl who was married off *siri* in the village. This creates a situation where women and children from these marriages often have no legal protection, whether in terms of inheritance rights, child custody, or access to government social assistance programs.

*Nikah siri* in Sumenep is entrenched in patriarchal structures, where men control marriage decisions through religious, economic, and cultural dominance. Sylvia Walby (1990) defines patriarchy as a system in which men dominate women through various structures, including family, religion and economy.<sup>5</sup> In Sumenep, patriarchy is manifested in men's control over marriage decisions initiating *nikah sirri* by men for economic, religious or legal responsibility avoidance reasons.<sup>6</sup> This domination is reinforced by the hegemony of masculinity,<sup>7</sup> where cultural values such as “*ajina' embu*” (the social prestige of men who are polygamous) and “*sareng pappak*” (the absolute obedience of the wife to the husband) perpetuate male power.

From a legal feminist perspective, the lack of state recognition of *nikah sirri* (Law No. 1/1974) exacerbates gender injustice. Although the state requires marriage registration, the absence of strict sanctions and the lack of socialization means that this practice continues. 92% of women in *nikah siri* lack asset ownership, and 78% of their children face educational barriers due to unregistered status (Komnas Perempuan, 2023),<sup>8</sup> while 78% of children from such marriages have difficulty accessing formal education (Dukcapil Sumenep, 2023). Legal feminists criticize how the law fails to protect women and

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<sup>5</sup> Mary Murray, “Review of Theorizing Patriarchy, by S. Walby,” ed. Sylvia Walby, *Work, Employment & Society* 4, no. 3 (2025): 473–75.

<sup>6</sup> Nadhiroh, “Perkawinan Siri Dan Implikasi Hukumnya Terhadap Kedudukan Istri, Anak Dan Harta Benda.”

<sup>7</sup> Robert William Connell, *Masculinities* (London: Routledge, 2020).

<sup>8</sup> Komnas Perempuan, “CATAHU 2022: Kekerasan Terhadap Perempuan Di Ranah Publik Dan Negara: Minimnya Perlindungan Dan Pemulihan” (Jakarta, n.d.).

children, while allowing men - especially migrant workers - to avoid responsibility by exploiting the loophole of *nikah sirri* (LBH Apik East Java, 2022).

In addition, previous research has also shown that *nikah sirri* is often triggered by economic factors and social mobility. Many couples in Sumenep - especially those from the lower middle class - choose to enter into *nikah sirri* because they cannot afford the high dowry or reception fees that are considered mandatory in Madurese custom. This is exacerbated by the community's lack of understanding of the legal consequences of *nikah sirri*. The findings of Hibatullah (2022) note that in this case, the lack of awareness and understanding of the people of Karamian village, Masalembu sub-district, of the importance of marriage registration so that for the community, performing *nikah sirri* is considered commonplace or natural, which is evidenced by the many cases of *nikah sirri* that occur in Karamian village, Masalembu sub-district.<sup>9</sup>

Several previous studies have examined *nikah sirri* from various perspectives, including Islamic law, sociology and gender. For example, Islamic law defines marriage as an absolute obligation to obey Allah's commands and perform it as a form of worship, while reflecting a very strong bond.<sup>10</sup> In the context of siri marriage, it can be defined as "a form of marriage that is based on religious or customary law, but is not publicly announced and not registered at the marriage registration office". This research discusses the literacy of Islamic law and positive law related to siri marriage. The positive law study of siri marriage is conducted by examining the essence of the Law of the Republic of Indonesia and Government Regulations. According to Indonesian law, siri marriage is a marriage that does not fulfill the principle of legality.<sup>11</sup> Meanwhile, in Islam, the study of siri marriage is based on the Qur'an and hadith, which means that the marriage has no legal force in the state. However, marriages that fulfill the pillars and conditions of marriage are considered valid according to Islamic law, including siri marriages as defined in Indonesian law.<sup>12</sup> However, this religious perspective often fails to account for how patriarchal interpretations of these obligations disproportionately burden women in unregistered marriages.

On the other hand, research by (Nazaruddin, 2023) Siri marriages are conducted in the absence of a legal guardian, and this research also discusses the views of scholars on the law of sirri marriages, state laws related to these marriages, and the negative impacts

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<sup>9</sup> Hibatullah Hibatullah, "Peran Kantor Urusan Agama (KUA) Dalam Meminimalisasi Perkawinan Sirri Di Desa Karamian Kecamatan Masalembu" (Universitas Islam Negeri Maulana Malik Ibrahim, 2022).

<sup>10</sup> Endang Zakaria and Muhammad Saad, "Nikah Sirri Menurut Hukum Islam Dan Hukum Positif," *Kordinat: Jurnal Komunikasi Antar Perguruan Tinggi Agama Islam* 20, no. 2 (2021): 249-64.

<sup>11</sup> Zakaria and Saad.

<sup>12</sup> Zakaria and Saad.

that can arise from sirri marriages.<sup>13</sup> Sirri marriages conducted by a person can cause many problems in the future, especially related to administration, maintenance rights for children and wives, as well as inheritance rights and guardianship rights for children born from these marriages. However, this research is still general and does not specifically look at how gender dynamics in nikah sirri work in Sumenep, where tradition and religious values play a very strong role. While existing studies like Nazaruddin (2023) have documented the administrative problems caused by nikah siri, few have analyzed how Sumenep's unique cultural context - particularly its male migration patterns and kiai authority structures - creates distinct gender power dynamics in these marriages.

Sumenep is unique in having a dualism of value systems - between state law, Islamic law and Madurese custom - that intersect in the practice of nikah sirri. On the one hand, the Sumenep community is very devoted to the teachings of Islam, which is considered to legitimize nikah sirri as long as it meets religious requirements. On the other hand, the state through Law No. 1/1974 on Marriage requires marriage registration, so nikah sirri has no legal force. This conflict of norms creates a grey zone where many women are trapped in marriages that are not recognized by the state but are considered legitimate by the community. Sumenep is also one of the districts with the highest migration rate in East Java. Many Madurese men work as migrant workers abroad and enter into nikah sirri when they return home. When they return to their country of employment, the wives and children left behind often do not have sufficient legal documents to access basic rights.

This research will further reveal the systematic pattern of male dominance in the practice of nikah siri in Sumenep which is manifested through various social and cultural mechanisms. The findings of Ja'far Shadiq (2021)<sup>14</sup> explain that there are many reasons for sirri marriages to occur. First, the community prefers to do siri marriage rather than having to go to court for marriage dispensation. this is done because there is still an assumption that going to court is something scary and complicated, so that when they have less age to get married, they prefer to get married by bringing in a kiai (siri marriage) or coming to the kiai alone. Second, siri marriage is carried out on the grounds of avoiding adultery, this concern is mostly experienced by young people who have dropped out of

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<sup>13</sup> Nazarudin Nazarudin, Achmad Abubakar, and Halimah Basri, "Nikah Sirri Dan Problematikanya," *Innovative: Journal Of Social Science Research* 3, no. 3 (2023): 4736–50, <https://doi.org/https://doi.org/10.31004/innovative.v3i3.2215>.

<sup>14</sup> Shadiq Ja'far, "Peran KUA Dalam Meminimalisasi Praktik Nikah Siri Di Kecamatan Pasongsongan Kabupaten Sumenep 2021" (Universitas Islam Negeri Kiai Haji Achmad Siddiq Jember, 2021).

school and are already in a fiancé relationship. Third, the lack of public understanding of the laws that have been enacted by the state, namely the law on marriage in this case Law No. 1 of 1974 and the compilation of Islamic law. In it, it explains that every marriage must be registered at the Civil Registration Office. Fourth, siri marriage is done because they want to be polygamous. All of these factors certainly have a big relationship with the role of men to dominate.

The financial aspect is a key factor in the dynamics of decision-making. Interviews with the Batang-Batang KUA (2023) reveal an interesting paradox: 68% of siri marriage perpetrators are economically well-off, but deliberately avoid financial obligations such as high dowry payments (Rp15-50 million for legal marriages) and divorce fees (Rp3-7 million if the marriage fails). This is exacerbated by the low level of administrative registration, with only 12% of fathers applying for birth certificates for children from siri marriages (Dukcapil Sumenep, 2023). The knowledge gap between men and women further reinforces this dominance. A BPS survey (2023) in five sub-districts showed that 83% of men understood the legal consequences of siri marriage, while only 29% of women knew their rights.

An in-depth case study in Sumenep by (Dewi, 2023)<sup>15</sup> illustrates how social pressures limit women's space. In her findings, it is said that the tradition of early marriage "*nikah bawah tangan*" (*nikah sirri*) that occurs among Madurese cultural communities is due to parents' low insight and awareness in viewing the position of women. The position of women who are considered to follow men is still a construction of consciousness that is strengthened among Madurese families. As a result, the fate of women cannot be determined by themselves, but by male parents in their family life, including the right to marry immediately or not, is in the hands of the head of the family, even though such a marriage model violates the regulations set by the government, as stipulated in Law Number 1 of 1974, which contains several principles to ensure the noble ideals of marriage, including the principles of voluntarism, family participation, strictly limited polygamy, and physical and mental maturity of the prospective bride and groom. Dewi's (2023) work on rural Madurese communities comes closest to our focus but stops short of examining women's resistance strategies - a key contribution of our study through documented cases of the 'Perempuan Siri Berdaya' initiative.

This research question stems from the complex phenomenon of *nikah siri* in Sumenep, Madura, which not only reflects religious practice but also shows the dynamics of

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<sup>15</sup> Ike Yuli Mestika Dewi et al., "Hegemoni Budaya Patriarkhi Dalam Praktek Pernikahan Dini Masyarakat Pedesaan (Analisis Di Kabupaten Sumenep)," *Karaton: Jurnal Pembangunan Sumenep* 2, no. 2 (2023): 206–20.

unequal gender relations. The first question, "How do gender relations influence siri marriage decisions in Sumenep?" aims to uncover the social structures that put women in an unequal position in marriage decision-making. This is inseparable from Madurese cultural norms that place men as the head of the family with full authority over marriage decisions, while women tend to be positioned as passive parties. The second question, "What is the role of male power (patriarchy) in maintaining this practice?" focuses on the mechanisms of domination that perpetuate *nikah siri* as a tradition that is difficult to change. The patriarchal system in Sumenep works through three main domains: religion (legitimacy from local *kiai*), economy (control of resources by men) and law (lack of sanctions for perpetrators of *nikah siri*). The third question, "How do women respond to this domination?" highlights the resistance or adaptation strategies that women have adopted in the face of this injustice. Although many women are trapped in a cycle of dependency (89% work for low wages as farm laborers), there are signs of change, such as the emergence of the Perempuan Siri Berdaya initiative that has advocated for dozens of cases, but on the other hand, some women choose to stay because of social pressure, such as the threat of divorce or losing child custody.

Through these three questions, this study not only seeks to map gender inequality in the practice of *nikah siri*, but also to find loopholes for more equitable policy recommendations - through legal, social and religious approaches. By combining analysis of patriarchy (Walby, 1990),<sup>16</sup> masculinity hegemony (Connell, 2020)<sup>17</sup> and legal feminism, this study hopes to be a pioneer in unraveling the complexities of *nikah siri* in Sumenep more critically.

## RESEARCH METHODS

This study adopts a qualitative case study approach to comprehensively investigate the practice of *nikah siri* in Sumenep Regency, Madura, focusing on its patriarchal dimensions, gender dynamics, and legal implications. Data was collected through in-depth interviews with 25 purposively selected participants, including 12 women in *nikah siri* marriages, 5 religious leaders (*kiai*), 3 KUA (Office of Religious Affairs) officials, 3 gender activists, and 2 migrant workers, ensuring diverse perspectives on this complex phenomenon. To maintain ethical standards, all participants provided informed consent, with pseudonyms used to protect identities, particularly for vulnerable respondents. The study further incorporated document analysis of secondary sources, including

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<sup>16</sup> Murray, "Review of Theorizing Patriarchy, by S. Walby."

<sup>17</sup> Connell, *Masculinities*.

population records from Dukcapil, LBH Apik East Java reports (2020-2023), religious fatwas, and unregistered marriage case archives. Analytically, the research employs Sylvia Walby's (1990)<sup>18</sup> theory of patriarchal structures and R.W. Connell's (2020)<sup>19</sup> concept of hegemonic masculinity as dual frameworks, complemented by intersectional feminist legal analysis to examine how religion, gender, and social class intersect in sustaining this practice. To ensure methodological rigor, data triangulation was implemented by cross-verifying interview findings with field observations (including *kiai* sermons and community events) and official documents, while thematic analysis was conducted using NVivo 12 software (Krippendorff's  $\alpha = 0.82$  for inter-coder reliability). The study acknowledges limitations including potential self-reporting bias among male participants regarding economic motives and restricted access to some private *nikah siri* records. This multifaceted approach provides both depth and validity to the findings, enabling the research to reveal the complex mechanisms behind *nikah siri* while developing culturally-informed policy recommendations that address its structural and gendered impacts in Sumenep's unique socio-religious context.

## RESULT AND DISCUSSION

The practice of *nikah siri* in Sumenep district, Madura, not only reflects a religious or cultural phenomenon, but also exposes the patriarchal structure that is entrenched in community life. These religiously legal but unregistered marriages have created systematic gender injustice, especially for women and children. This research aims to reveal how gender relations, male dominance, and customary and religious legitimacy play a role in perpetuating the practice of *nikah siri*, as well as analyzing its impact on women's rights and child protection. Using a qualitative and case study approach, this research answers questions about how patriarchy operates in the context of *nikah siri*, how gender inequality is manifested, and how women respond to this domination.

### 1. Forms of Male Domination in Siri Marriage in Sumenep

The practice of *nikah siri* in Sumenep cannot be separated from the patriarchal system that places men as the main decision-makers in marriage, while women are often the passive party. Field findings show that the initiation of *nikah siri* almost always comes from the man - either the prospective husband or the man's parents/guardians - without explicit consent from the woman. The case of early marriage in Batuputih Daya Village, where a 14-year-old girl was married off *siri*, is a clear example of how women are

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<sup>18</sup> Murray, "Review of Theorizing Patriarchy, by S. Walby."

<sup>19</sup> Connell, *Masculinities*.



deprived of the right to make their own life choices. This phenomenon is in line with Sylvia Walby's (1990)<sup>20</sup> theory of patriarchy as a system of male domination that works through the institution of the family, where men hold full authority over marriage decisions.

Interestingly, data from the Batang-Batang KUA (2023) reveals that 68% of the perpetrators of nikah siri come from the economically well-off. This breaks the common assumption that siri marriage is only practiced by the poor. Their main reason for choosing siri marriage was to avoid financial obligations such as high dowries (Rp15-50 million) and expensive traditional reception costs. This finding reinforces Connell's (2020) argument about the hegemony of masculinity, where men use economic control to maintain power. By avoiding the costs of legal marriage, men not only save resources, but also ensure women remain financially dependent, as unregistered marriages make it difficult for women to claim maintenance or joint property rights.

Economic factors also drive male dominance in the context of migration. Many Sumenep men who work as migrant workers abroad use nikah siri to avoid legal responsibility for their wives and children (LBH Apik East Java, 2022). This pattern shows how patriarchy and social mobility intersect: men have the freedom to marry siri when they return home, but when they return to work abroad, their wives and children have no legal documents to claim basic rights. As a result, women are often trapped in structural poverty, as they cannot access social assistance or inherit their husband's assets without proof of a legal marriage in the eyes of the state.

In addition, male dominance in the allocation of family resources is also evident in the way they use adat as a means of control. The high cost of legal marriage is deliberately maintained as part of Madurese tradition, but on the other hand, men choose nikah siri to circumvent this obligation. Ironically, the economic burden falls back on women, as in the case of husbands who do not provide regular maintenance due to unregistered marriages. This finding is in line with legal feminist theory that criticizes how the law fails to protect women from economic exploitation in unofficial marriages.<sup>21</sup>

From the findings above, it is clear that men's control over marriage decisions in nikah siri is not just a cultural issue, but also a strategy to maintain economic and social power. Despite efforts by the KUA to encourage marriage registration, patriarchal norms supported by religious and customary interpretations remain a major challenge. Solutions to reduce the practice of nikah siri must include a multidimensional approach:

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<sup>20</sup> Murray, "Review of Theorizing Patriarchy, by S. Walby."

<sup>21</sup> Zakaria and Saad, "Nikah Sirri Menurut Hukum Islam Dan Hukum Positif."

strengthening women's legal literacy, imposing strict sanctions on capable nikah siri perpetrators, and involving religious leaders in encouraging registered marriages without compromising Islamic values. Without structural intervention, male dominance in the practice of nikah siri will continue to perpetuate gender injustice in Sumenep.

## **2. Gender Relations and Inequality in the Practice of Siri Marriage in Sumenep**

The practice of nikah siri in Sumenep not only reflects male dominance, but also shows women's powerlessness as victims of systematic patriarchal structures. Field findings show that women often have no room to negotiate marriage decisions, either due to limited knowledge or the pressure of cultural norms. The BPS survey (2023) revealed that only 29% of women understood the legal consequences of nikah siri, while 83% of men did. This knowledge gap reinforces women's dependence on men's decisions, while marginalizing them from civil and economic rights. This situation is consistent with Sylvia Walby's (1990) theory of how patriarchy works through controlling access to knowledge, where men deliberately limit women's understanding of their rights to maintain gender dominance.

Madurese cultural norms such as “Toro’ Ocha’ Dhabuna Reng Tua” (obedience of wife to husband) further exacerbate this inequality. Women who try to reject nikah siri are often seen as going against custom and religion, so they prefer to submit to avoid social stigma. As a result, many women are trapped in marriages that are not recognized by the state, without legal protection or economic security. Data from Komnas Perempuan (2023) shows that 92% of women in siri marriages have no assets in their own name, leaving them vulnerable to poverty if abandoned or neglected by their husbands. In addition, 78% of children from siri marriages have difficulty accessing formal education because they do not have birth certificates (Dukcapil Sumenep, 2023). These findings reinforce the legal feminist argument that the non-recognition of nikah siri by the state not only harms women, but also perpetuates injustice across generations.

Other findings also reinforce the opinion that the majority of women (89%) choose to stay in siri marriage because of economic dependency and social pressure.<sup>22</sup> Most work as farm laborers with low wages, making it difficult to become financially independent if they leave the marriage. In addition, the fear of losing custody of children or being ostracized by the community makes many women choose to remain silent. This phenomenon of “silent victims” illustrates how strong patriarchal and economic shackles limit women's choices. Connell's (2020) theory of hegemony of masculinity is relevant

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<sup>22</sup> Dewi et al., “Hegemoni Budaya Patriarkhi Dalam Praktek Pernikahan Dini Masyarakat Pedesaan (Analisis Di Kabupaten Sumenep).”

here, as men not only dominate through direct power, but also through cultural norms that internalize women's powerlessness.

From these findings, it is clear that gender relations in nikah siri in Sumenep are highly unequal, but not entirely static. To address this inequality, multidimensional interventions are needed: improving women's legal literacy, strengthening economic empowerment programs and involving religious leaders in encouraging registered marriages. Without systematic efforts, women and children from siri marriages will continue to be victims of a system that does not recognize their basic rights.

Table 1. Impacts of Siri Marriage on Women and Children in Sumenep

Indicator	Percentage	Source
<b>Women lacking asset ownership</b>	92%	Komnas Perempuan (2023)
<b>Children facing education barriers</b>	78%	Dukcapil Sumenep (2023)
<b>Economically advantaged siri marriage perpetrators</b>	68%	Batang-Batang KUA (2023)
<b>Women aware of legal consequences</b>	29%	BPS (2023)

*Note: This quantitative summary underscores the structural inequities reinforced by unregistered marriages.*

### **3. The role of custom, religion and norm conflict in perpetuating Siri marriage in Sumenep**

The practice of nikah siri in Sumenep cannot be understood without examining the crucial role of adat and religion as systems of cultural legitimacy. Field findings show that the fatwas of local kiai are often the main basis for people choosing siri marriage, even though it contradicts state law. Most kiai in Sumenep are of the opinion that siri marriage is valid as long as it fulfills the pillars of Islamic marriage, such as the presence of a guardian, witnesses and ijab-qabul. This view creates a legal paradox: the marriage is considered religiously valid but has no legal force at the state level. A clear example is the widespread practice of 'underhand marriage' in rural areas, where couples marry under the pretext of avoiding adultery, but instead create complex problems related to women's and children's rights. This is in line with Weber's theory of traditional authority, where kiai as religious leaders have a stronger influence than state institutions in determining what is considered 'legitimate' at the community level.

In addition to religious authority, the norm of “taretan” (family solidarity) in Madurese culture also plays a major role in perpetuating nikah siri. This norm is used to pressure women to submit to family decisions, including accepting sirri polygamy without resistance. In many cases, women who refuse siri marriage are considered to be betraying family values and customs, so they prefer to submit in order to maintain social harmony. This finding is in line with Gramsci's concept of cultural hegemony, where patriarchal values are internalized to such an extent that they are considered natural and unquestionable.<sup>23</sup> As a result, the state's efforts through Law No. 1/1974 to make marriage registration mandatory often clash with people's loyalty to customary and religious authorities.

The conflict of norms between Islamic law and state law creates a 'grey zone' that men use to maintain their dominance. The Sumenep community tends to prioritize religious legitimacy (fiqh) over positive law, so siri marriage is still considered a legitimate option. Disharmony between the KUA and religious leaders exacerbates this situation. Although the KUA actively socializes the importance of marriage registration, kiai remain the main reference in marriage matters.<sup>24</sup> Economic factors and social mobility cannot be ignored in this analysis. The high cost of legal marriages - including dowries (IDR 15-50 million) and traditional receptions - is deliberately maintained as a mechanism of male control over family resources, especially in some islands and coastal areas of Sumenep. Many couples choose nikah siri to avoid this financial burden, but the impact on women is more severe, with no guaranteed maintenance and inheritance rights.

In addition, the migration patterns of male migrant workers complicate matters. They often marry back home, but when they return to work abroad, their wives and children are left without legal protection.<sup>25</sup> This practice shows how men exploit the gaps between custom, religion and state law to avoid responsibility, while women and children bear the risks. From the findings above, it is clear that nikah siri in Sumenep is not just an individual issue, but the result of a complex struggle between religious norms, customs and state law.

While the research findings are dominated by narratives of patriarchy and injustice, there are also noteworthy efforts at resistance and reform. For example, the “Perempuan Siri Berdaya” initiative shows how women are beginning to resist domination through

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<sup>23</sup> Gramsci Antonio, “Selections from the Prison Notebooks (Edited by Quintin Hoare and Geoffrey Nowell Smith)” (London: Lawrence and Wishart. London, 1978).

<sup>24</sup> Ja'far, “Peran KUA Dalam Meminimalisasi Praktik Nikah Siri Di Kecamatan Pasongsongan Kabupaten Sumenep 2021.”

<sup>25</sup> Hibatullah, “Peran Kantor Urusan Agama (KUA) Dalam Meminimalisasi Perkawinan Sirri Di Desa Karamian Kecamatan Masalembu.”

legal advocacy and education. In addition, some progressive kiai in Sumenep began campaigning for the importance of marriage registration without compromising religious principles, creating a counter-narrative to dominant patriarchal interpretations. These efforts, although not yet massive, offer the potential for change in unequal gender structures.

## CONCLUSIONS

The practice of nikah siri in Sumenep persists as a complex interplay of patriarchal structures, religious interpretations, and legal gaps. This study reveals how male dominance manifests through economic control, religious authority, and cultural norms, systematically disadvantaging women and children. Findings show that 68% of nikah siri perpetrators are financially capable yet deliberately avoid marital obligations, reinforcing women's economic dependence. Meanwhile, religious validation from local kiai and cultural pressures like taretan (family solidarity) further entrench the practice, leaving women with limited agency—only 29% understand the legal consequences of unregistered marriage. The consequences are severe: 92% of women in nikah siri unions lack asset ownership, and 78% of their children face administrative barriers to education. These disparities highlight the systemic gender inequality perpetuated by the clash between Islamic validity and state illegality, particularly in migrant worker communities where legal loopholes exacerbate vulnerability.

To address these challenges, a phased approach is necessary. In the short term (1–2 years), targeted legal literacy campaigns should be implemented through women's groups and pesantrens, using culturally adapted materials to educate communities on marriage rights and responsibilities. Additionally, incentivized marriage registration—such as streamlined KUA fees and birth certificate waivers for children of nikah siri unions—could reduce financial barriers. In the long term (3–5 years), structural reforms must harmonize Religious Court and KUA protocols to close polygamy reporting loopholes, while economic empowerment programs could link conditional cash transfers to marriage registration for migrant workers' families, ensuring sustainable protection for women and children.

This study acknowledges its geographic focus on Sumenep's unique socio-religious context, which may limit generalizability to other regions with differing Islamic traditions, such as Aceh or urban Java. Future research should expand the scope by comparing nikah siri dynamics in non-Madurese Muslim communities, quantifying intergenerational poverty effects through longitudinal studies, and assessing the

scalability of local resistance models like Perempuan Siri Berdaya. Ultimately, dismantling the systemic inequalities behind nikah siri requires coordinated action across religious, legal, and socioeconomic spheres. By balancing immediate protections with long-term structural change, policymakers and community leaders can work toward a future where marriage registration is not just a legal formality but a safeguard for gender justice and child welfare.

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