

Review Article

Analysis of the Impact of Family Card Issuance Policy on Married Couples: Legal, Social, and Economic Implications

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Abstract: The creation of Family Cards for couples resulting from serial marriages is an administrative policy of the government, but this policy raises legal problems. This is because serial marriages are still not officially recognized according to Law Number 1 of 1974 concerning Marriage. This policy is considered not to provide complete legal protection and has the potential to weaken the principle of legality in the Indonesian marriage legal system. This study aims to analyze the background of serial marriages, analyze the policies of the Dukcapil government in providing legal protection for serial marriages, and analyze the policy of issuing family cards for serial marriage couples. The type of research used is normative legal research using legislative, conceptual, and case study approaches. Data is collected through literature research and compiled qualitatively. The results of the study show that serial marriage occurs due to economic, religious, cultural, social, and lack of legal understanding. Many people choose it because it is considered practical, cheap, and religiously legal, even though it is not recognized by the state. Dukcapil can indeed issue Family Cards for serial couples for administrative needs, but that does not make the marriage legally valid. As a result, legal protections for wives and children remain weak, especially related to inheritance, alimony, child recognition, and civil disputes. The Marriage Law requires registration for marriage to be legal, so the issuance of family cards for serial couples has the potential to cause multiple interpretations and conflicts of legal norms. The suggestions of this research are to improve legal education, simplify marriage registration, strengthen the role of religious/traditional leaders, and expand isbat nikah so that the family rights of serial couples are legally protected.

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1. Introduction

Marriage is an innate bond between a man and a woman as husband and wife, which is carried out through a marriage contract based on Islamic teachings and regulated in laws and regulations. The goal is to form a happy, harmonious, and in accordance with Islamic principles, namely a family that is sakinah, mawaddah, and warahmah. Marriage is seen as an eternal bond, lasting for a lifetime, and can only be separated by death. In the perspective of Islamic law, marriage is also a form of obedience to the commands of Allah SWT¹ and a means to obtain legally legitimate offspring and recognized by society (Ali Manshur, 2025).

Marriage is the first step in the formation of the family and the survival of human life. The main purpose of marriage is to form a complete family and to have offspring. God Almighty created human beings in two types, male and female, by nature of mutual attraction to each other as the basis for building a common life in domestic bonds. This bond reflects a bond of birth and mind that is intended to create a harmonious, happy, and eternal family.



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In addition, marriage is also a means for husband and wife to channel their sexual desires legally, give birth to recognized offspring, and carry out their respective roles in domestic life (Akhmad Munawar, 2015).

In general, Indonesian people often equate the terms marriage and marriage, even though the two have different meanings, especially in the context of law and religion. In the Indonesian legal system, the term used is *marriage*, as affirmed in Article 1 of Law Number 1 of 1974. The article explains that marriage is an innate bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the One Godhead.

From the perspective of Islamic law, marriage (*nikah*) is a contract that is considered valid if it fulfills the principles and conditions, such as the presence of the groom, the bride, the guardian, two witnesses, and the *ijab qabul*. However, in practice, the phenomenon of serial marriage appears, namely marriages that are in accordance with Islamic law but are not registered with the Office of Religious Affairs or the Population and Civil Registration Office. Religiously, this marriage is still valid, but from the point of view of positive law, Indonesia does not have administrative force because it is not recorded as stipulated in Law Number 1 of 1974 concerning Marriage and Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law. As a consequence, *nikah siri* does not cause legal consequences that are able to guarantee the protection of the rights of husbands, wives, and children (Ahmad Sarwat, 2025).

Formally, the term *nikah siri* is not known in Islamic law, but it is already quite popular among Indonesian society, especially among Muslims, although its understanding is often diverse. In terms of etymology, the word '*nikah*' means akad or bond, while '*siri*' means hidden or secret. Thus, *nikah siri* is understood as a valid marriage according to religion because it has fulfilled the principles and conditions, but it is held behind closed doors without official registration by the Marriage Registrar (PPN). This practice is contrary to the provisions of Law Number 1 of 1974 concerning Marriage, which requires registration as part of the validity of marriage according to positive law.

Nikah siri is legal according to Islam, but it is not recognized by the state because it is not recorded in accordance with Article 2 paragraph (2) of Law No. 1 of 1974. Although Article 2 paragraph (1) of Law No. 16 of 2019 states the validity of marriage if it is in accordance with religion, registration is still necessary for the sake of legal force. The Compilation of Islamic Law also emphasizes the importance of recording by VAT in the KUA to ensure order and protection of rights in the household. Without recording, *nikah siri* creates legal ambiguity and risks harm, especially for women.

Nikah siri is often considered a quick solution to legalize the relationship without going through a legal process. This practice is carried out for various reasons, such as economic factors where *nikah siri* is seen as more practical and cheap and religious reasons to avoid adultery. Some women even feel comfortable living it, which shows that there has not been a comprehensive gender awareness growth. According to KOMNAS Perempuan, the practice of serial marriage is categorized as a form of crime in marriage, because it does not provide legal protection guarantees for women and children born from the marriage (Burhanudin, 2012).

Serial marriage in society causes various problems, ranging from family conflicts, economic problems, and legal problems. Social and psychological problems, to religious problems. *Nikah Siri* in the view of state law does not have a marriage certificate and is not recognized juridically. As a result, the spouse and child born do not receive civil legal protection. Children are only recognized as having a legal relationship with their mother and family. In the event of divorce or death, the couple cannot inherit or file a lawsuit related to financial rights or joint property.

The government through the Ministry of Home Affairs views serial marriage as a social problem that needs to be addressed. One of the efforts is to provide opportunities for serial marriage couples to remain listed in the Family Card. According to the Director General of Dukcapil, Zudan Arif Fakrulloh, every citizen must be registered in a Family Card, even though their marriage is not legally recognized. Dukcapil emphasized that this recording is not a form of serial marriage legalization, but a form of administrative service. This causes confusion, because even though the marriage is legally invalid, the couple is still recorded in the Family Card as part of one family (Yusuf, 2019).

The issuance of Family Cards for married couples is a consequence of administrative policies that seek to accommodate their status in the population registration system. The implication of the family card control policy starting from Not Recognized as an Official Couple in the Family Card, is contrary to the purpose of the 1974 Law on Marriage in ensuring

legal certainty, obstacles in determining the status of children, and the need for marriage isbat for the rehabilitation of rights. Although it is recognized administratively, the policy does not provide legal legitimacy to the marital status in question. This condition raises juridical issues regarding the validity of the marriage of a serial marriage couple. Therefore, this article aims to analyze and comprehensively examine these issues.

2. Research Methods

This research is normative legal research, which is research that focuses on the study of legal norms as stated in laws and regulations and legal doctrines. The approach used includes legislative, conceptual, and sociological approaches (Soerjono Soekanto, 2010).

The data sources used in this study came from secondary data and primary data, with data collection techniques carried out through literature research. All data obtained are then compiled systematically and analyzed in a qualitative method through descriptive-analytical and prescriptive descriptions, based on applicable legal principles and norms.

3. Results and Discussion

Background of the Serial Marriage

In general, *nikah siri* occurs because couples choose to marry only based on religious sharia without state registration. The causative factors are diverse, both internal such as economic limitations and religious understanding, and external such as culture, legal regulations, and administrative obstacles. According to Soemiyati, this practice arose due to the gap between religious law and state law. For some people, the validity of religion is considered sufficient, while state registration is seen as a mere formality, so that *nikah siri* persists in social practices (Fathurrahman, 1995).

According to Abdurrahman, the weak legal awareness of the community, especially in rural areas, makes marriage registration often ignored. Many do not understand the legal impact of *nikah siri*, such as the status of children and the protection of the rights of the wife. Even though their backgrounds are different, in general, couples do *nikah siri* to obtain religious validity. Some people view marriage as a private realm in the implementation of religious teachings so that there is no need to involve the authorities, including the Office of Religious Affairs. *Nikah siri* is also often considered a shortcut for couples who want to get married, but are prevented from registering legally (Edi Gunawan, 2025).

The factors behind the practice of serial marriage include:

- a. There is a rejection or disrespect of parents to the relationship between the two parties, for example because parents want to match their children with other candidates.
- b. The occurrence of a relationship that is forbidden, for example, one or both parties have been officially married, but want to remarry with someone else.
- c. The onset of unhappiness in the household, thus encouraging one of the parties to find a new partner through serial marriage.
- d. Among students, *nikah siri* is often seen as an effort to avoid adultery, because it is considered to legalize the relationship while alleviating concerns about violating the provisions of sharia.
- e. *Nikah siri* is carried out by students because they are not ready materially and socially, are worried about adultery, and want to hide their marital status so as not to interfere with lectures and associations.
- f. *Nikah siri* is chosen in polygamy or by people who do not understand legal procedures, such as in remote villages or certain congregational communities that only refer to *kyai*, so that marriage is considered valid without state registration.
- g. *Nikah series* is often used as a venue for exploring and legalizing physical relationships on the grounds of ease of divorce, but this degrades women and ignores the value of marriage.

- h. The desire to avoid costs and administrative procedures that are considered complicated, especially for immigrants who do not have an Identity Card.
- i. There are religious differences between prospective spouses, where one of the parties is usually willing to become a convert so that the marriage can be carried out according to religious provisions.

The phenomenon of serial marriage at this time seems to be growing more widely, even becoming a social trend that not only occurs among ordinary people, but also penetrates certain groups (Ali Hasan, 2003). In addition to the main factors that have been explained earlier, there are still a number of other factors that contribute to the rise of the practice of serial marriage in Indonesia :

a. Economic Factors

Economic reasons also encourage serial marriage, such as the inability to bear the cost of the party, provide a house, or pay the registration fee at the Office of Religious Affairs.

b. Fear of Spread

Some people who are economically able still choose *nikah siri* because they want to keep the marriage secret, especially the second or more marriages for Civil Servants, in order to avoid lawsuits and administrative sanctions from superiors.

c. Complicated Requirements

Another factor of *nikah siri* is an attempt to find legal loopholes to avoid complicated procedures, such as strict requirements for Civil Servants who want to remarry or divorce. With low legal awareness, many people prioritize religious legalization over state registration.

d. Family Model

Nikah siri is influenced by family background, social environment, and societal values, where state legality is often ignored, for example because the cost of recording is considered expensive.

Government Policy (Dukcapil) in Providing Legal Protection for Siri Marriage

Nikah siri is a legally valid marriage, but it is not registered with an official agency, namely the Office of Religious Affairs for Muslims or the Population and Civil Registration Office for non-Muslims. From the perspective of state law, unregistered marriages are considered to have no legal force, so that the spouse or child born does not receive full legal protection. To respond to these conditions, the government through Dukcapil has implemented administrative policies in the form of issuing Family Cards and birth certificates for children resulting from serial marriages (Esti Rachmawati, 2018).

The Dukcapil policy is based on a number of laws and regulations, including:

- a. Law Number 1 of 1974 concerning Marriage.
- b. Law Number 24 of 2013 concerning Population Administration.
- c. Regulation of the Minister of Home Affairs Number 108 of 2019 regulates the procedures for recording important events including marriage, birth, and issuance of population documents.

Dukcapil does not record a serial marriage as an official marriage unless the couple has obtained a marriage certificate from the Religious Court. Nevertheless, Dukcapil still provides accommodation administratively, including by issuing a Family Card that lists the serial couple but with the status of not yet registered as husband and wife, and issuing a birth certificate of

the child from the serial marriage by including the father's name if there is a written acknowledgment or court determination. This policy is intended as a form of administrative protection so that families of serial marriages still have access to public services, such as education, health, and social assistance.

Evaluation of the Effectiveness of the Dukcapil Policy:

Positive Effectiveness Aspect (Administrative)

- a. This policy facilitates the collection of data on serial marriage families so that they remain recorded in the national population system.
- b. Children resulting from serial marriage can obtain a birth certificate, so that their legal status as a citizen is recorded as valid.
- c. Married families can access public services, such as education, BPJS, and social assistance.

Limitation Aspect (Juridical)

- a. The married couple still does not have civil rights legally such as inheritance rights, gonogini, retirement benefits, etc.
- b. In the event of a divorce or dispute, the court cannot process it without proof of marriage on record.
- c. Children of serial marriages are also threatened with not receiving full legal protection, especially related to inheritance and guardianship.

Policy Effectiveness Constraints:

- a. Limitations of Dukcapil Authority
- b. Lack of Public Awareness
- c. Some people do not register marriages for reasons of cost, culture, or ignorance.
- d. Legal Dualism

Policy effectiveness means the extent to which goals are optimally achieved. In the context of serial marriage, the effectiveness of the Dukcapil policy is measured by the legal protection provided through administrative records. However, normatively, this policy is not yet effective because unregistered marriages are not recognized by law, so that couples and children lose full rights such as birth certificates, inheritance status, and other legal protections. Registration remains the main requirement for marriage to be legally valid (William, 2003).

Pragmatically, government policies seek to accommodate the facts of serial marriage, for example, the issuance of Family Cards for children even without including the father's name unless there is a court determination, as well as factual verification of population documents based on Permendagri No. 108 of 2019. However, the effectiveness of the Dukcapil policy is still limited because it cannot change the status of the marriage series to be legally valid. Protection is only partial, especially for children, while marital status remains unrecognized. This is in line with Article 2 paragraph (2) of Law No. 1 of 1974 and Article 7 paragraph (3) of the KHI which requires registration, so that without official registration, legal protection is not comprehensive and the effectiveness of policies on serial marriage is relatively low.

Application of Siri Marriage Registration in Family Card

Regulation of the Minister of Home Affairs Number 108 of 2019 regulates the registration related to serial marriage. Based on these provisions, the issuance of a new Family Card (KK) for Indonesian citizens can be carried out in several circumstances, namely when a new family is formed, there is a change of family head, separation of families, the movement of residents without a family head, the arrival of Indonesian citizens from abroad due to moving, the condition of vulnerability in population administration, and for foreigners who have obtained Indonesian citizenship and Indonesian citizens who were previously foreign citizens.

The requirements for the management of the new Family Card are regulated in Article 11 of the Minister of Home Affairs Regulation Number 108 of 2019, while the provisions regarding the issuance of Family Cards due to data changes are listed in Article 12 of the same regulation. Furthermore, Presidential Regulation Number 96 of 2018 emphasizes that population administration services, including population registration and civil registration, must be carried out based on certain principles principle:

- a. Providing convenience for the community in accessing population administration services;
- b. Have a verification and validation system to ensure the correctness and validity of population data;
- c. Realizing the integration and connectivity of data between agencies and across agencies, while respecting the confidentiality of personal data;
- d. To carry out accurate, valid, and accountable data management;
- e. Able to adapt to the development of information technology; and
- f. Efficient and effective in the implementation of public services.

Positive and Negative Effects of Siri Marriage Registration in Family Cards

The researcher asked about the impact of serial marriage registration in the Family Card to the South Aceh Population and Civil Registration Office. The following is the caption "There are good and bad impacts. The positive impact of this administrative policy is that children born from serial marriages can be recorded with a guardian who is connected to the father, in contrast to the previous provision which only allowed the recording of guardians through the mother. However, on the other hand, there is also a negative impact, namely unrecorded marital status resulting in divorce also not being officially recorded. As a result, if one of the parties wants to remarry with another person, they will face difficulties in managing population administration and marriage registration.

Serial marriage registration in family cards has both positive and negative impacts. The positive impact is that the child obtains recognition of the fate from the father so that his administrative rights are more guaranteed. However, negative impacts arise when couples divorce or remarry, because it is difficult to take care of official documents such as divorce certificates, considering that previous marriages are only recorded on family cards and not in the Office of Religious Affairs.

Implications of the Family Card Issuance Policy for Married Couples

The implication of the issuance of a Family Card for nikah siri is an administrative recognition of the existence of the family in the population data, but without the legal legitimacy of the marriage itself. This is not in line with Article 2 paragraph (2) of Law No. 1 of 1974 which requires marriage registration. Thus, this policy only has an administrative impact, while legally marriage remains invalid. The implications for the Marriage Law mean the direct or indirect consequences of the application of the rule, which limits legal protection only to the administrative aspect, not to the validity of the marriage.

In law, implication means the juridical, social, and administrative consequences of the enactment of a rule. Each article in the Marriage Law is not only normative, but also has a real impact on spouses, children, and related institutions. This law regulates the validity of marriage, legal conditions, the rights and obligations of the spouse, the position of children, and the breakdown of marriage. The implications include recognition of legal status, protection of women, and clarity of the status of children from legal marriage. From an administrative perspective, marriage registration at the Office of Religious Affairs and the Population and Civil Registration Office has legal consequences in the form of issuing population documents, such as family cards, birth certificates, and recognition of civil rights in the family (Soerjono, 2001).

From the social side, the Marriage Law has implications for the creation of order in the household and society. Marriage is no longer only seen as a private affair, but also has public legal consequences that are supervised by the state. This regulation also provides legal protection for vulnerable parties, especially women and children, for example through the minimum age of marriage rules to prevent child marriage. In addition, the implications can be seen in inheritance law, where the clarity of marital status ensures the child's status as heirs so as to prevent disputes in the future. Thus, the implications of the Marriage Act include not only the marriage bond, but also the broader protection of civil rights.

In its implementation, the Marriage Law often causes polemics, especially regarding serial marriages which, although legal according to religion, are not recognized by the state so they do not have legal force. This situation has serious implications for the protection of women's and children's rights. Implications can also be seen in the mechanism for resolving cases in court, for example, divorce that must go through the Religious Court for Muslims or the District Court for non-Muslims. Thus, the implications of the Marriage Law can be understood as all the legal, social, and administrative consequences of its application, which not only affect individuals but also social structures and legal certainty in society (Soetandyo, 2002)

Implications for the Family Card Issuance Policy, namely:

Not Recognized as an Official Spouse on the Family Card.

Law Number 1 of 1974 requires marriage registration, so that serial marriage couples cannot be registered as husband and wife on the family card. The implication is that the non-fulfillment of Article 2 paragraph (2) of the Marriage Law results in their serial couple losing their administrative recognition and legal rights in state documents.

Contrary to the Purpose of Law No. 1 of 1974 concerning Marriage in Ensuring Legal Certainty.

Law Number 1 of 1974 emphasizes the importance of recording for legal certainty and the protection of wives and children. Because the series marriage is not recorded, it does not have legal force, so the spouse and children are not protected and cannot be legally recorded on the family card (Amir, 2009).

Obstacles in Determining Child Status.

Based on Article 43 paragraph (1) of the Marriage Law as interpreted through the Constitutional Court Decision Number 46/PUU-VIII/2010, children born out of wedlock still have a civil relationship with their mother and mother's family. Meanwhile, the

recognition of a civil relationship with the biological father can only be done if there is valid proof through the court. By implication, children resulting from serial marriage in the family card can only include the mother's name, unless there is a court determination that establishes the relationship with the father.

The Need for Marriage Isbat for Rehabilitation of Rights.

The Marriage Law does not mention the term "nikah siri", but opens the way for legalization through isbat nikah in religious courts. This is in accordance with Article 7 paragraph (3) of the Compilation of Islamic Law which allows isbat nikah if the marriage cannot be proven by a marriage certificate.

Implications for Law No. 1 of 1974 concerning Marriage:

Contradiction of Legal Norms

The policy of including serial marriage couples in family cards without a marriage certificate creates a dualism of norms between population administration law and marriage material law, thus potentially weakening the provisions of Law Number 1 of 1974 which requires official registration.

Legal Protection Difficulties

Children from a series marriage can be listed on the family card, but their status is not recognized as a legal child under civil law because their parents' marriage is not recorded. As a result, inheritance rights, legal birth certificates, and various other civil rights became limited.

Opportunities for Weakening of Formal Marriage Law

When the government accommodates serial marriage couples in family cards, this can lead to the perception that marriage registration is not important, thus weakening the enforcement of Law Number 1 of 1974 concerning Marriage, including the principle of monogamy and the legality of marriage.

In Indonesia's positive legal perspective, the legal requirements of marriage are not only determined by its implementation according to religious law, but also through official registration in state agencies. The obligation to record is regulated in Article 2 paragraph (2) of Law Number 1 of 1974 concerning Marriage which states: "Each marriage is recorded in accordance with the applicable laws and regulations."

Its Juridical Implications

Although serial marriage couples can be recorded on the family card, the marriage is still invalid in the eyes of the state, so the rights of the wife and children are not recognized, and cause disharmony between administrative rules and the Marriage Law.

Normative Implications

The issuance of family cards for serial marriage couples causes ambiguity and shifts in legal understanding in society. As a result, the state seems to recognize nikah siri indirectly through administrative documents, and weakens the normative power of the Marriage Law in enforcing the principle of registration as a legally administrative requirement.

Administrative Implications

The issuance of family cards for serial marriage couples does provide administrative solutions, such as allowing children to obtain birth certificates even without a marriage book and facilitating access to social and educational assistance. However, this policy also causes weaknesses in the form of administrative anomalies because illegitimate families get administrative legality, as well as the potential to be abused by perpetrators of illegitimate serial marriage or polygamy.

Social Implications

The issuance of family cards for serial marriage couples has implications for the strengthening of social legitimacy for the practice of unrecorded marriage, and even has the potential to encourage an increase in the number of serial marriages in society. The social consequences are to normalize lawless behavior and keep women and children from serial marriages in a position of social and economic vulnerability.

Implications for the Legal Protection of Children and Women

Legal protection is an attempt to guarantee and protect a person's rights from loss, threats, or arbitrariness. The Indonesian Constitution through the 1945 Constitution emphasizes the state's obligation to protect the entire nation, including children as a vulnerable group. According to the Child Protection Law, protection is interpreted as an effort to ensure that every child can live, grow, develop, participate, and be free from all forms of violence and discrimination. This responsibility is not only imposed on parents, but also on families, communities, governments, and the state, through juridical and non-juridical measures to ensure children's rights to a sense of security, welfare, and a decent future. From an Islamic perspective, child protection is seen as a mandate that must be fulfilled by parents by fulfilling and maintaining children's rights so that they are not neglected (Glossary, 2022).

4. Conclusion

The background of the occurrence of serial marriage includes economic, religious, cultural, social, and lack of legal understanding. Many people choose *nikah siri* because it is more practical, cheap, or considered religiously valid even though it is not recognized by the state. *Nikah siri* is also used by couples who face legal or social barriers, such as differences in social status, lack of family blessing, or the desire for secret polygamy, which shows the gap between religious, cultural, and legal norms and weak legal education on the importance of official marriage registration.

Government policy through the Population and Civil Registration Office provides administrative protection for married couples by issuing Family Cards for public service purposes, such as education and child health. However, this policy does not legally legalize marriage because marriage registration remains the authority of the Office of Religious Affairs and the courts. As a result, legal protection for wives and children remains weak, especially related to inheritance, alimony, child recognition, and civil dispute resolution, so that *Dukcapil* only guarantees administrative aspects, not substantive legal protection.

The implications of the family card issuance policy for serial marriage couples raise a juridical dilemma. The Marriage Law expressly requires that every marriage must be registered in order to obtain legal recognition under the laws of the country, while serial marriages do not meet the requirements of official registration. The issuance of the *KK* for serial couples gives the impression as if the state recognizes legally invalid marriages, thus giving rise to multiple interpretations, policy inconsistencies, and conflicts of legal norms. Although intended for administrative purposes (such as access to education and children's health), this policy does not give legal status to marital relationships or civil rights

such as inheritance and divorce. This policy is pragmatic but has the potential to weaken the principles and objectives of national marriage law, so there needs to be policy reform and harmonization between administrative and legal aspects so as not to cause legal uncertainty.

To overcome serial marriage and increase legal protection, it is necessary to increase legal education, simplify the process and cost of marriage registration, strengthen the role of religious and customary leaders, and provide integrated marriage isbat services. The marriage registration procedure needs to be expanded and simplified so that marriages are registered as valid, family rights are protected, and the issuance of Family Cards for serial marriage couples becomes an administrative bridge to legal protection, not a legal recognition of serial marriage.

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