

Between Religious Practices and Legal Protection: Child Exploitation in Online Siri Marriages in Indonesia

*Nurdalia Bate¹

¹Institut Agama Islam Negeri Parepare, Indonesia

Corresponding author: * nurdaliabate@iainpare.ac.id

DOI: <https://doi.org/10.32332/nizham.v14i01.13377>

Received: 17-04-2026

Revised: 10-05-2026

Accepted: 17-06-2026

Abstract

This study analyzes child exploitation in online unregistered marriages in Parepare City through the perspectives of Human Rights and Maqasid Sharia. The absence of legal recognition places children at risk of losing fundamental rights, including legal identity and protection. These practices contradict Human Rights principles and the Maqasid Sharia objective of protecting offspring (*hifz al-nasl*). The objectives of the study include: (1) identifying forms of exploitation experienced by children due to online unregistered marriage, (2) analyzing violations of children's rights from a human rights perspective, and (3) evaluating this practice from the perspective of Maqasid Syariah. The study uses a qualitative method with a descriptive-analytical approach, involving document studies, interviews, and data analysis. The results of the study are; First, the exploitation experienced by children encompasses economic, social, psychological, and administrative dimensions due to the lack of state legal protection for online unregistered marriages. Second, online unregistered marriages constitute a structural human rights violation because they place children in a situation without state protection for their basic rights. Third, the practice of online unregistered marriages results in significant harm to children, thus contradicting the objectives of sharia, which prioritizes the well-being of humanity.

Keywords: Online siri marriage, child exploitation, child protection, human rights, *hifz an-nasl*, *maqasid syariah*.



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Abstrak

Studi ini menganalisis eksploitasi anak dalam pernikahan online yang tidak terdaftar di Kota Parepare melalui perspektif HAM dan Maqasid Syariah. Tidak adanya pengakuan hukum menempatkan anak-anak pada risiko kehilangan hak-hak dasar, termasuk identitas dan perlindungan hukum. Praktik-praktik ini bertentangan dengan prinsip-prinsip Hak Asasi Manusia dan tujuan Syariah Maqasid untuk melindungi keturunan (*hifz al-nasl*). Tujuan penelitian meliputi: (1) mengidentifikasi bentuk-bentuk eksploitasi yang dialami oleh anak akibat pernikahan tidak terdaftar secara online, (2) menganalisis pelanggaran hak anak dari perspektif hak asasi manusia, dan (3) mengevaluasi praktik ini dari perspektif Maqasid Syariah. Penelitian ini menggunakan metode kualitatif dengan pendekatan deskriptif-analitis, yang melibatkan studi dokumen, wawancara, dan analisis data. Adapun hasil penelitian adalah; Pertama, eksploitasi yang dialami oleh anak mencakup dimensi ekonomi, sosial, psikologis, dan administrasi karena kurangnya perlindungan hukum negara untuk pernikahan online yang tidak terdaftar. Kedua, pernikahan online yang tidak terdaftar merupakan pelanggaran hak asasi manusia struktural karena menempatkan anak-anak dalam situasi tanpa perlindungan negara atas hak-hak dasar mereka. Ketiga, praktik pernikahan online tidak terdaftar mengakibatkan kerugian yang signifikan bagi anak, sehingga bertentangan dengan tujuan syariah yang mengutamakan kesejahteraan umat manusia.

Kata Kunci: Pernikahan siri online, eksploitasi anak, perlindungan anak, hak asasi manusia, *hifz an-nasl*, *maqasid syariah*.

Introduction

Online unregistered marriage in Parepare is an Islamic-based marriage service that is not formally registered with the Office of Religious Affairs (KUA). One such online marriage service in Parepare City, South Sulawesi.¹ This website offers convenience for couples seeking a quick and simple marriage without going through government administrative procedures. This service often includes a registrar, witnesses, guardians, and a venue for the ceremony, as well as documentation in the form of a unregistered marriage certificate for personal use. Some services also guarantee the privacy and confidentiality of couples who use their services.²

Unregistered marriages conducted through online unregistered marriage services often have the potential to lead to exploitation of children and violate their human rights. In some cases, children who are victims of this type of

¹ <https://www.nikahsiri.net/2022/01/nikah-siri-Parepare.html>.

² Alifa Ashadiyah Dimastiwi, "The Harmony of Siri Marriage Couple," *ETNOREFLIKA: Journal of Social and Cultural Affairs* 10, no. 1 (2021): 46–55.

marriage are forced into underage marriage, lose their right to legal identity, and do not receive adequate protection from the state³. Unregistered marital status also makes children vulnerable to neglect, loss of inheritance rights, and social stigma. This condition is not in line with the principles of Human Rights as stipulated in Article 28B paragraph (2) of the 1945 Constitution and Law Number 35 of 2014 concerning Child Protection, which requires the state, family, and society to guarantee children's rights to life, protection, and legal recognition⁴. From a religious perspective, this action also violates the principle of *hifz al-nasl* in *Maqasid Syariah*⁵, which prioritizes the protection of offspring and ensures that children are born protected both physically and spiritually.⁶

The interview with Bagus Sucipto,⁷ a student at SMP Negeri 1 Parepare, indicates significant child neglect resulting from his parents' online unregistered marriage. The respondent reported insufficient fulfillment of both material and non-material needs, including lack of financial support, inadequate educational provision, and minimal emotional care. Consequently, the child has been compelled to depend on external assistance to sustain his education, reflecting a disruption in normative parental responsibility.

These empirical findings constitute an initial indication of child deprivation within the context of online unregistered marriage. The case demonstrates the absence of effective parental care, resulting in the violation of children's fundamental rights, particularly the rights to care, education, and an adequate standard of living. This finding is directly relevant to the first research objective, which concerns the identification of forms of child exploitation arising from online unregistered marriages in Parepare.⁸

Furthermore, the observed conditions reflect potential violations of Human Rights norms, insofar as the state obligations to protect and ensure the fulfillment of children's rights are not effectively realized within the familial structure. From the perspective of *Maqasid Syariah*, such conditions are

³ Alo Karyati Supardi, Yumna Rasyid, and Miftahalulkhairah Anwar, "Norman Fairclough's Critical Analysis of the News of the Siri Marriage of Artist Lesti Kejora to Rizky Billar," *Jurnal Komunikasi* 8, no. 1 (2022): 19–28.

⁴ Monica Putri Maharani and Anjar Sri Ciptorukmi Nugraheni, "Legality and Legal Consequences of the Status of Children Born from Siri Marriages at the Population and Civil Registration Office of Sukoharjo Regency," *Journal of Research Innovation* 2, no. 3 (2021): 849–54.

⁵ Andi Muhammad Akmal and Mulham Jaki Asti, "Problems of Siri Marriage, Online Marriage and Siri Divorce and Their Legal Implications in Marriage Fiqh," *Al-Risalah Journal of Sharia and Legal Sciences* 21 (2021): 45–59.

⁶ Fitria Romadloni Fitria, "MARRIAGE REGISTRATION MARRIAGE REGISTRATION IN THE PERSPECTIVE OF MAQASID SYARIAH," *Opinia de Journal* 3, no. 2 (2023): 48–62.

⁷An interview with Bagus Sucipto (a 13-year-old student at SMP 1 Parepare), a child born to parents who had a secret marriage. The interview was conducted at the SMP 1 Patepare City office on December 2, 2024.

⁸ Fatkul Chodir and Aspandi Aspandi, "Practices and Implications of Underhand Marriage on Family Goals from the Maqasid Al-Ushrah Perspective," *Indonesian Journal of Humanities and Social Sciences* 4, no. 3 (2023): 639–54.

inconsistent with the principle of *hifz al-nasl* (protection of lineage), which emphasizes the safeguarding of child welfare, development, and future security. These considerations correspond to the second and third research objectives, which examine the issue from Human Rights and *Maqasid Syariah* frameworks.⁹

Accordingly, this study aims to (1) identify forms of child exploitation associated with online unregistered marriages in Parepare, (2) analyze violations of children's rights within the Human Rights framework, and (3) examine the phenomenon through *Maqasid Syariah* in order to develop a comprehensive analytical foundation for strengthening child protection mechanisms.

The literature shows that Andi Muhammad Akmal and Mulham Jaki Asti's research entitled "Problems of Siri Marriage, Online Marriage, and Siri Divorce and Legal Implications in Marriage Fiqh" (2021)¹⁰, as well as the research of Ishaq Ishaq, Badarussyamsi Badarussyamsi, Suhar AM, and Muannif Ridwan entitled "Siri Marriage in the Review of Islamic Law, Positive Law, Human Rights, and *Maqasid Al-Syari'ah*" (2023),¹¹ showing the main focus on the validity of siri/online marriages from the perspective of fiqh, positive law, human rights, and *Maqasid Syariah*, including the importance of marriage registration to avoid legal and social harm; while the research of Alse Hawana, Hasnah Aziz, and Putri Hafidati entitled "Legal Protection for Children of Siri Marriages in Obtaining Population Administration Documents" (2024)¹² highlights the legal impacts experienced by children of siri marriages and their administrative protection. My research entitled "Child Exploitation in Online Siri Marriage in Parepare" (2025) has similarities with the three previous studies in discussing the consequences of online siri marriage on children's rights, but differs in the focus of the study because it emphasizes the forms of exploitation and violations of children's rights from the perspective of human rights and *Maqasid Syariah*, not on the legal validity of marriage or administrative aspects alone.

This study uses a qualitative approach with a phenomenological method to deeply explore the phenomenon of child exploitation in online unregistered marriages in Parepare City, South Sulawesi, which was carried out for six months (August-October 2025).¹³ Data collection techniques include in-depth interviews

⁹ Halmi Abdul Halim, Oyo Sunaryo Mukhlas, and Atang Abd Hakim, "LEGAL THOUGHTS ON THE STATUS OF CHILDREN FROM UNCONDITIONAL MARRIAGES AND CHILDREN BORN OUT OF WEDDING IN RELATION TO CIVIL RIGHTS," *Familia: Jurnal Hukum Keluarga* 4, no. 1 (2023): 20–33.

¹⁰ Akmal and Asti, "Problems of Siri Marriage, Online Marriage and Siri Divorce and Their Legal Implications in Marriage Fiqh."

¹¹ Ishaq et al., "Siri Marriage In The Review of Islamic Law, Positive Law, Human Rights And *Maqashid Al-Syari'ah*."

¹² Alse Hawana, Hasnah Aziz, and Putri Hafidati, "LEGAL PROTECTION FOR CHILDREN OF SIRI MARRIAGES IN OBTAINING POPULATION ADMINISTRATIVE DOCUMENTS," *JOURNAL OF PEMANDHU* 5, no. 1 (2024): 151–73.

¹³ Feny Rita Fiantika and A Maharani, "Qualitative Research Methodology," *Qualitative Research Methodology. In Rake Sarasin (Issue March)*, 2022. 75-77

¹⁴with child victims, parents, religious leaders, and child protection agencies; participant observation of social interactions and children's living conditions; and documentary studies of laws and regulations, reports from related institutions, and literature on human rights and *Maqasid Syariah* ¹⁵. Data sources consist of primary data in the form of subjective experiences and perceptions of informants, as well as secondary data from official documents and scientific studies. Data analysis was carried out using thematic analysis combined with descriptive analysis ¹⁶to identify patterns of social, psychological, and legal impacts of online unregistered marriages on children's rights, then compared with the perspective of human rights and *Maqasid Syariah* to assess the extent to which the practice violates the principles of child protection and provides a strong basis for solution recommendations.¹⁷

Discussion

Online unregistered marriage in Parepare and the resulting child neglect cases

The phenomenon of online unregistered marriages in Parepare City reflects society's adaptation to technological advancements in Islamic family law practices, where marriage contracts can be conducted without official state registration through online unregistered marriage services. Field data indicate that these services are facilitated through digital communication platforms, enabling prospective spouses and intermediaries to conduct marriage contracts remotely without physical attendance at the Office of Religious Affairs (KUA). This reflects a shift from institutionalized marriage registration to privately mediated digital religious services.¹⁸ This service demonstrates a social transformation in the form of the digitalization of religious practices in modern Muslim society.¹⁹

The service is considered to fulfill the requirements for a valid marriage under Islamic law because it covers the pillars and requirements of marriage, such as a guardian, two witnesses, the *ijab qabul* (consent), and a dowry, although it is not registered in the state administrative system (Law No. 1 of 1974; Compilation of Islamic Law Articles 14–23). Informants in the field explain that the perceived legitimacy of the practice is strongly based on religious compliance, even though it lacks civil registration. Service providers typically issue informal “internal

¹⁴ Albi Anggito and Johan Setiawan, *Qualitative Research Methodology* (CV Jejak (Jejak Publisher), 2018). 79-81.

¹⁵ Andreas Hänel et al., “Measuring Night Sky Brightness: Methods and Challenges,” *Journal of Quantitative Spectroscopy and Radiative Transfer* 205 (2018): 278–90.

¹⁶ S Pd Rukin, *Qualitative Research Methodology* (Ahmar Cendekia Indonesia Foundation, 2019). 35-35.

¹⁷ Ajat Rukajat, *Qualitative Research Approach* (Deepublish, 2018). 56-59.

¹⁸ Mulyadi Sulaiman, “Legalization of Unregistered Marriages: Siri Marriage Policy and Normalization of Marriage Confirmation in Aceh,” *SCIENTIFIC JOURNAL OF GEMA PERENCANA* 4, no. 1 (2025): 233–64.

¹⁹ Derry Ahmad Rizal, Rifatul Maula, and Nilna Idamatussilmi, “SOCIAL MEDIA TRANSFORMATION IN THE DIGITALIZATION OF RELIGION: Media for Da'wah and Religious Tourism,” *Mukaddimah: Journal of Islamic Studies* 9, no. 2 (2024): 206–30.

marriage certificates” which function only as symbolic proof and have no legal force within state administration. The service provider provides the couple with an internal document as proof of their religious marriage, but without formal legal force.²⁰

Couples' motivations for choosing this service include cost, lengthy bureaucracy, and a desire to maintain privacy, especially in polygamous situations or relationships where the family disapproves.²¹ Interview findings and field observations show that cost efficiency and procedural simplicity are dominant considerations, particularly among couples seeking to avoid formal requirements at the KUA. In several cases, privacy concerns are linked to the concealment of previous marital status or family opposition, making online services appear as a more accessible alternative. This demonstrates a need for access to marriage that is considered faster and more practical than official state mechanisms.²²

However, the absence of state registration has direct implications for the legal protection of spouses and children, particularly regarding the right to maintenance, the right to legal identity, and inheritance rights (Law 35/2014 concerning Amendments to the Child Protection Law; Article 28B paragraph (2) of the 1945 Constitution). In other words, religious legality does not necessarily guarantee state legal protection.²³ Empirical evidence from the Parepare case shows that children born from such marriages often experience difficulties in obtaining birth certificates, which in turn restricts access to education, health services, and other state protections. This demonstrates a structural gap between religious legitimacy and administrative legality.

The case in this study occurred in Parepare City and involved Sri Endah Hayati, who married through an online unregistered marriage service in 2018 because her husband was already married and did not want the new marriage to be known to his family.²⁴ The lack of state registration left women in a very vulnerable legal position.²⁵ In-depth interview data indicate that the concealment of marital status was a determining factor in choosing online services, which further contributed to the absence of legal protection for the wife and children.

²⁰ Naufal Naufal, Hendra Yulia Rahman, and M Thohar Al Abza, "Merauke Regency KUA Strategy in Preventing Siri Marriage at an Early Age," *The Indonesian Journal of Islamic Law and Civil Law* 6, no. 1 (2025): 13–26.

²¹ Yunia Lestari, "Actions of Abuse of Siri Marriage According to Criminal Law Provisions," *Journal Homepage: Http://Jurnal. Unmer. Ac. Id/Index. Php/Blj* 3, no. 2 (2022).

²² Ahmad Zubaeri, *Contemporary Family Law; Fiqh and Legislation* (Lawwana Publishers, 2023).

²³ Majianto Majianto, Faisal Faisal, and Ade Yamin, "The Practice of Siri Marriage in Merauke Regency: An Analysis of Factors and Its Impact on Society," *El-Qisth Journal of Islamic Family Law* 8, no. 01 (2025): 1–11.

²⁴ Interview with Sri Endah Hayati, Siri Marriage Perpetrator, Parepare, October 23, 2025.

²⁵ Devy Fitriana et al., "Legal Protection for Women in Siri Marriages Who Are Victims of Domestic Violence (Study in Negaranabung Village, Sukadana District, East Lampung Regency)," *Bulletin of Islamic Law* 1, no. 2 (2024): 95–106.

Their marriage initially ran harmoniously, but after the birth of their second child, the husband became less present and stopped providing for them, leaving the financial burden entirely on the wife.²⁶ This condition illustrates the fragility of spousal obligations in unregistered marriages, where enforcement of financial responsibility cannot be legally guaranteed due to the absence of formal state recognition. This situation highlights the vulnerability of women in marriages without state administrative protection.²⁷

Children experience psychological impacts in the form of sadness, shame, and confusion when they discover their different family statuses and the absence of their father's name on their civil registration documents.²⁸ Interview data from the first child confirm feelings of social embarrassment and identity confusion due to differences between household reality and official civil records. This reinforces the theory that the absence of a father's role can trigger emotional disturbances and self-concept in children.²⁹

Bagus Sucipto, the second child, also experienced emotional distress due to his father's lack of attention, resulting in him growing up in a state of affective deprivation that could impact his future social development.³⁰ He was also reported to demonstrate premature emotional maturity as a coping mechanism in response to family instability and reduced paternal involvement. He exhibited premature maturity due to his family situation.

Administrative barriers are a serious problem, as children without a valid birth certificate are potentially prevented from accessing education, health services, and state protection.³¹ Field findings indicate that birth registration becomes problematic when parental marriage is not legally recorded, resulting in incomplete civil documentation for children. Thus, online unregistered marriages create long-term structural injustices for children.³²

Overall, this case demonstrates that online unregistered marriages are not simply a religious issue, but are closely linked to human rights guarantees, particularly for women and children. Therefore, it is necessary to strengthen the

²⁶Interview with Sri Endah Hayati, Siri Marriage Perpetrator, Parepare, October 23, 2025.

²⁷ Abdul Haris, Lalu Supriadi Bin Mujib, and Ratna Mulhimah, "Legal Protection of Wives' Rights in Polygamous Marriages Among Civil Servants: A Case Study in Bima Regency," and

²⁸Interview with Faiza Maharani, First Child of Sri Endah Hayati, Child of the Siri Marriage Perpetrator, Parepare, October 24, 2025.

²⁹ Singgih D Gunarsa, *Psychology of Child and Adolescent Development* (BPK Gunung Mulia, 2008). 57-59

³⁰ David F Bjorklund and Anthony D Pellegrini, "Child Development and Evolutionary Psychology," *Child Development* 71, no. 6 (2000): 1687-1708.

³¹ Ayu Putu Vivi Viharani, I Nyoman Suyatna, and Cokorda Dalem Dahana, "EFFECTIVENESS OF IMPLEMENTATION OF THE LAW ON POPULATION ADMINISTRATION RELATED TO THE ISSUANCE OF TEMPORARY RESIDENT IDENTITY CARDS (KIPS) IN WEST DENPASAR DISTRICT," nd

³² Hasnah Aziz, "Fulfillment of Children's Rights and Efforts to Create Orderly Population Administration," *Jurnal Intelek Insan Cendikia* 1, no. 5 (2024): 1715-20.

role of the state, religious leaders, and the community in preventing practices that have the potential to violate these fundamental rights.³³

Child Exploitation Due to Online Siri Marriages in Parepare

The phenomenon of online unregistered marriages in Parepare has had a significant impact on children born from unregistered marriages. The children in Sri Endah Hayati's family experienced multidimensional exploitation, including emotional, social, economic, and legal aspects, which are a direct consequence of the unrecognized marital status and the husband's inability to fully assume responsibility.³⁴ The eldest child, Faiza Maharani, has faced psychological stress since her teenage years due to the absence of a consistent father figure. She had to understand her family's circumstances and adjust to legal uncertainty affecting her rights, resulting in an excessive emotional burden that should not be borne by a child her age. The second child, Bagus Sucipto, also grew up in a similar environment, experiencing emotional instability and accelerated psychological maturity due to the absence of a father figure.³⁵

In addition to psychological pressure, children are involved in domestic and economic activities. Faiza helps with household chores, cooking, washing, and caring for her younger siblings, while her mother works full-time. This demonstrates a shift in adult responsibilities to children, which results in limited time for learning and social interaction.³⁶ The uncertainty of a family's legal status exacerbates structural exploitation. The father's name is not listed on the child's citizenship documents, limiting their access to education, health care, and inheritance rights. This situation constitutes a form of legal and administrative exploitation of children.³⁷

Social exploitation also arises from differences in family status compared to peers, leading to social stigma and additional psychological stress. Children become aware of the unfairness of their family circumstances, even if the environment is not always discriminatory, which affects their social development.³⁸ Affectionate relationships between family members remain intact, but children assume the role of adult substitutes. Faiza is responsible for calming her younger siblings, organizing household activities, and maintaining family

³³ Yusuf Al-Qardhawi, "Fiqh Al-Awlawiyat," *Beirut, Lebanon: Al-Maktab Al-Islami*, 1999. 135-137.

³⁴ Wirani Aisiyah Anwar et al., "Dynamics of Marriage Law from an Islamic Family Law Perspective: A Case Study of Online Siri Marriage Services in Parepare," *Al-Ahwal Al-Syakhsyyah: Journal of Family Law and Islamic Courts* 6, no. 1 (2025): 18–34.

³⁵ Endang Prastini, "Early Marriage in a Legal and Child Psychology Review," *Anfklarang: Journal of Education, Social and Humanities* 2, no. 2 (2022): 43–51.

³⁶ Elok Nuriyatur Rosyidah and Ariefika Listya, "Infographic on the Physical and Psychological Impacts of Early Marriage on Young Women," *Visual Heritage: Journal of Art and Cultural Creation* 1, no. 03 (2019): 191–204.

³⁷ Agus Manurung and Lusia Sulastri, "The Polemic Over the Registration of Children from Unregistered Marriages," *Jurnal Hukum Sasana* 7, no. 2 (2021).

³⁸ Rosyidah and Listya, "Infographic on the Physical and Psychological Impacts of Early Marriage on Young Women."

harmony, while Bagus helps with simple household chores. These roles demonstrate latent psychosocial exploitation that places a heavy emotional burden on the children and places a heavy responsibility on them.

Emotional exploitation increases as a result of consistent father absence. Children must endure grief, anxiety, and the loss of a significant figure without adequate emotional support. This phenomenon aligns with findings that the absence of a stable caregiver negatively impacts a child's identity and emotional development.³⁹ Economic burdens further reinforce exploitation. Children engage in domestic activities to support their mothers in earning a living, sacrificing playtime, learning, and psychological well-being. This demonstrates that children bear a double burden that adults should bear.⁴⁰

Legal and structural exploitation is also significant. Illegal marriages result in children being administratively unrecognized, facing limitations in school enrollment, access to health services, and inheritance rights. This situation demonstrates the legal system's inability to protect children's rights in unregistered marriages.⁴¹ Overall, the online unregistered marriage case in Parepare demonstrates multidimensional child exploitation: emotional, social, economic, and legal. Children are the most vulnerable, bearing the responsibilities of adults, losing a father figure, facing legal uncertainty, and bearing a heavy psychosocial burden. This phenomenon underscores the importance of protecting children from unregistered marriages.⁴²

Violations of Children's Rights from a Human Rights (HAM) Perspective

Children's rights are an integral part of Human Rights that must be guaranteed by the state, including the right to education, protection from violence, and legal identity and recognition. The right to education is regulated universally in Article 26 of the Universal Declaration of Human Rights (UDHR) 1948⁴³ and Article 28 of the Convention on the Rights of the Child (CRC) 1989⁴⁴, as well as nationally in Article 31 of the 1945 Constitution and Article 9 of Law No. 23 of 2002 concerning Child Protection which has been amended by Law No. 35 of 2014.⁴⁵ However, children from online unregistered marriages in Parepare face serious violations of this right due to incomplete population documents,

³⁹ Prastini, "Early Marriage in the Legal and Child Psychology Perspective."

⁴⁰ Addin Daniar Syamdan and Djumadi Djumadi Purwoatmodjo, "Legal Aspects of Siri Marriage and Its Legal Consequences," *Notarius* 12, no. 1 (2019): 452–66.

⁴¹ Syamdan and Purwoatmodjo.

⁴² Awaliah Awaliah et al., "Legal Consequences of Siri Marriage," *Maleo Law Journal* 6, no. 1 (2022): 30–40.

⁴³ Rezki Suci Qamaria, "Universal Declaration of Human Rights," *Several Aspects Related to Human Rights* 27 (2021).

⁴⁴ Ricardo Juanito Kalangi, Caecilia JJ Waha, and Lusy KFR Gerungan, "Protection of Children's Rights in Refugee Status According to the 1989 Convention on the Rights of the Child and Its Implementation in Indonesia," *Lex Privatum* 12, no. 4 (2023).

⁴⁵ Ahmad Tang, "Children's Rights in Article 54 of Law No. 35 of 2014 concerning Child Protection," *Al-Qayyimah Journal* 2, no. 2 (2019): 98–111.

especially birth certificates that include the father's name, so that their access to formal education is limited and discriminatory.

These violations of the right to education are also structural and economic. Unclear legal status of families creates administrative difficulties in enrolling in school, while the absence of fathers in financial responsibilities forces mothers to work full-time, forcing children, like Faiza and Bagus, to take over domestic chores. Consequently, their learning time and the quality of their education are reduced, a violation of children's right to adequate and continuing education as stipulated in Article 13 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁴⁶

Beyond education, children's rights to protection from violence are also neglected. Article 19 of the 1989 CRC and Law No. 35 of 2014 emphasize protection from all forms of violence, neglect, and exploitation. Children from unregistered marriages face psychological violence due to the absence of their fathers, the emotional burden on their mothers, and social stigma from their surroundings. Faiza, for example, often experiences embarrassment at school due to her family's status, resulting in psychological stress that impacts her self-confidence and social development.⁴⁷

Violence is also economic and structural.⁴⁸ Father absence leads to economic neglect, forcing mothers to assume all responsibilities, leaving children financially deprived, hindering their rights to education, health, and basic well-being. These barriers include institutional violence (*state omission*), where the state's failure to register marriages and provide legal protections increases children's vulnerability to various forms of exploitation.⁴⁹

In a gender context, girls face additional burdens. Faiza must balance education with her role as a mother, which accelerates social maturity and exposes structural injustice. This violates the principle of gender equality as stipulated in Article 10 of *the Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), which emphasizes that children's rights to protection encompass psychological, social, and economic dimensions and must be protected holistically by the state.⁵⁰

⁴⁶ Syukron Mahbub, "The International Covenant on Civil and Political Rights (Kihsp) and the International Covenant on Economic, Social and Cultural Rights (Kihesb) Correlation with Maqashid Al-Syarī'ah from an Islamic Law Perspective," *Jurnal Yustitia* 20, no. 2 (2019).

⁴⁷ Interview with Faiza Maharani, First Child of Sri Endah Hayati, Child of the Siri Marriage Perpetrator, Parepare, October 24, 2025.

⁴⁸ Fadillah Adkiras, "The Legal Construction of Protection for Victims of Online Gender-Based Violence According to Human Rights Law," *Lex Renaissance* 6, no. 2 (2021): 376–90.

⁴⁹ Azizul Anwar, I Nyoman Putu Budiarta, and Ni Made Puspasutari Ujianti, "Regulation and Legal Consequences of Online Siri Marriages Reviewed from the Perspective of Islamic Law in Indonesia," *Journal of Legal Interpretation* 3, no. 1 (2022): 153–58.

⁵⁰ Arifah Millati Agustina, "Women's Rights in the Mainstreaming of the Ratification of Cedaw and Maqāṣ id Asy-Syar ī ' Ah," *Al-Abwal: Journal of Islamic Family Law* 9, no. 2 (2017): 201–10.

The right to legal identity and recognition also faces significant violations. Article 7 of *the Convention on the Rights of the Child* (CRC)⁵¹ and Article 27 of Law No. 23 of 2006⁵² affirm children's rights to a name, citizenship, and birth registration without discrimination. However, children from unregistered marriages in Parepare often only have birth certificates stating "father unknown," leaving them legally invisibly bound, which limits their access to education, health care, social protection, and civil rights such as maintenance and inheritance.⁵³

The lack of legal identity creates *secondary victimization*, where children become double victims: first, due to social discrimination and second, due to the failure of the legal system to provide recognition and protection. Incomplete legal identity also leads to psychological trauma, identity crises, and feelings of alienation, which directly impact children's dignity and identity development.⁵⁴ These rights violations underscore the state's failure to fulfill its obligations *to respect, protect, and fulfill*. The absence of affirmative action policies, rigid administrative procedures, and weak coordination between state institutions (Dukcapil, Kemenag, and the Child Protection Agency) continue to marginalize children from unregistered marriages in the public service system. Consequently, violations of the rights to education, protection from violence, and legal identity are interconnected and exacerbate children's vulnerability.⁵⁵

Intergenerationally, these violations have long-term impacts on social mobility, access to higher education, and children's future economic well-being. This condition also creates a cycle of poverty and underdevelopment, contradicting the *Sustainable Development Goals* (SDGs) on quality education and *legal identity for all*. From a human rights perspective, children's education, protection, and legal identity are inherent rights from birth, should not depend on the marital status of their parents, and must be guaranteed by the state without discrimination.⁵⁶

Thus, the online unregistered marriage case in Parepare reflects a systemic, multidimensional violation of children's rights, encompassing education, protection from violence, and legal identity. Children are victims of a combination

⁵¹ ZWAW Prameswari, "Ratification of the Convention on the Rights of the Child in the Legal System in Indonesia," *Yuridika* 32, no. 1 (2017): 167–88.

⁵² Uum Ummul Muhimah, "The Role of the Government in the Field of Population Administration within the Framework of Legal Protection of Citizens Reviewed from Law No. 23 of 2006 Concerning Population Administration," *Sultan Jurisprudence: Journal of Legal Science Research* 2, no. 1 (2022): 53–63.

⁵³ Anggelia Anggelia and Ani Purwanti, "Child Protection Policy Against Sexual Exploitation Through Siri Marriage in the Perspective of National Law in Indonesia," *Journal Jurisprudence* 10, no. 1 (2020): 109–26.

⁵⁴ Sigid Suseno, Mien Rukmini, and Aulia Iskandarsyah, "Legal Protection of Child Victims of Sexual Crimes from a Legal and Psychosocial Perspective," *Journal of Lifestyle and SDGs Review* 5, no. 1 (2025): e02719–e02719.

⁵⁵ Syamdan and Purwoatmodjo, "Legal Aspects of Siri Marriage and Its Legal Consequences."

⁵⁶ Florency Victoria Tulandi, "Implementation of Sustainable Development Goals in Fulfilling the Right to Education in Indonesia," *LEX CRIMEN* 12, no. 4 (2024).

of legal, social, economic, and administrative factors that the state has failed to address. A human rights-based approach demands reforms in policies, administration, and social services that are inclusive, affirmative, and oriented toward the best interests of children so that every child can grow, develop, and participate fully in society.

Analysis of *Maqasid Syariah* on the Practice of Online Siri Marriages that Impact Child Exploitation

The principle of *hifẓ an-nasl* in *Maqasid Syari'ah* emphasizes that the objectives of sharia include safeguarding descendants, ensuring clear lineage, family honor, generational continuity, and protecting children's identity and social rights. In the modern context, this also encompasses administrative protection, civil rights, and guaranteeing children's welfare within the legal and social systems. However, the practice of unregistered marriages (nikah siri), particularly those conducted online or without state registration, poses serious challenges to the implementation of *hifẓ nasl*. While religiously, a marriage may be considered valid if it fulfills the pillars and requirements, its unregistered status deprives children of legal recognition and formal protection of their lineage. This leaves children vulnerable to legal and social marginalization.

Legal literature shows that children from unregistered marriages often face uncertain status, including inheritance rights, maintenance rights, and paternity recognition, even though the marriage is theologically valid. This indicates a *failure to achieve the objectives of -sharia* because the primary objective of protecting lineage is not met.⁵⁷

Furthermore, the motives behind online unregistered marriages sometimes deviate from the maqāṣid (obligatory religious duties). This practice may be undertaken to conceal the relationship, avoid legal liability, or fulfill immediate needs without regard for the long-term impact on the child. When administrative and social responsibilities are neglected, the expected benefits turn into potential harm, especially for more vulnerable children and mothers. *The maqasid* perspective demands the realization of *tabqiq al -maslahah almutlaqah* (sustainable welfare) without causing further harm in the future. Unregistered unregistered marriages fail to meet this requirement, as the children's identities, civil rights, and legal protections become unclear, leaving them socially and administratively marginalized.⁵⁸

The principle of *hifẓ an-nasl* has two important dimensions: *itsbāt al -nasab* (legitimate establishment of lineage) and *ri'ayah al -nasl* (nurturing and protecting children after birth). Online unregistered marriages fail to fulfill both: official registration is lacking, making legal paternity difficult; and protection of children's

⁵⁷ Fouad Larhzizar, "Unregistered Marriages in Islamic Law: Ensuring Children's Rights amidst Legal Validity," *Amorti: Journal of Interdisciplinary Islamic Studies*, 2024, 128–38.

⁵⁸ Kuni Qoneta, "Marriage Registration as Legal Protection for Women and Children from the Perspective of Maqashid Syari'ah Al-Syatibi," *El-Iqtisady: Journal of Islamic Economic Law* 7, no. 1 (2025): 160–71.

rights (maintenance, inheritance, and identity) is not guaranteed. This leads to structural exploitation of children and mothers.

From a child protection perspective, several studies have shown that unregistered marriages pose serious risks: they make it difficult for children to obtain official birth certificates, family cards, inheritance rights, and access to public services, all aspects that should be protected under state law. This situation demonstrates that without a strong legal mechanism, the goal of *maqā ṣid* (the law of the law) to safeguard the child's lineage and well-being is not achieved.⁵⁹

The principle of *maqā ṣid* also leads to multidimensional protection: not only lineage, but also *hifẓ al-nafs* (safety of life), *hifẓ al-'aql* (intellect/education), *hifẓ al-mal* (economic well-being), and *hifẓ al-din* (religion). Children born from unregistered marriages without legal status are often vulnerable, ranging from identity uncertainty, difficulty accessing education and social services, to potential exclusion and social stigma. This clearly contradicts the spirit of *maqā ṣid*, which prioritizes the holistic well-being of children.

The principle of *sadd al-dhāri'ah* (blocking the path to corruption) implies that online unregistered marriage practices, which open up the potential for legal abuse, unclear lineages, hidden polygamy, and exploitation of offspring, must be prevented. The state, religious scholars, and society need to work together to enforce marriage registration as part of their moral, social, and legal responsibilities.⁶⁰ From a positive legal perspective in Indonesia, marriage registration is not simply an administrative procedure, but a crucial instrument in guaranteeing children's rights to inheritance and identity. Articles in the literature explain that marriage registration aligns with *the Maqasid Sharia* in providing legal protection for women and children.⁶¹

Several contemporary studies emphasize that legalizing unregistered marriages through mechanisms such as marriage confirmation can be a concrete solution to restore children's rights, provide legal identity, and ensure that fathers' obligations are fulfilled so that *the maqasid hifẓ al-nasl* and children's civil rights are protected.⁶² In addition to the legal aspects, child protection according to the *Maqāṣid* also includes moral and spiritual dimensions, requiring children to grow up in a safe, respectful, and dignified environment, with the right to affection, education, identity, and clear family relationships. A secret marriage that ignores

⁵⁹ Wiranda Soraya, Bukhari Ali, and Muhammad Husnul, "Legal Protection of Women and Children in the Practice of Nikah Sirri (Unregistered Marriage)," *Al-Rasāikh: Jurnal Hukum Islam* 14, no. 2 (2025): 271–86.

⁶⁰ Abdul Karim Zaidan, "Al-Wajiz Fi Ushul Al-Fiqh," *Cet. VII*, 1994. 134-135.

⁶¹ Soraya, Ali, and Husnul, "Legal Protection of Women and Children in the Practice of Nikah Sirri (Unregistered Marriage)."

⁶² Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid Al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahab* 15, no. 1 (2025): 125–48.

these aspects fails to fulfill the objectives of sharia, which is to safeguard human dignity and the continuity of the community.⁶³

The reality in various regions in Indonesia shows that unregistered marriages remain widespread, primarily due to various factors: administrative difficulties, costs, access to services, and limited legal literacy. This highlights the urgency of reforming family law and public policy to curb the practice of unregistered marriages and ensure the rights of children born of such marriages through national registration and protection mechanisms. From a *maqasid perspective*, child protection must be implemented holistically: encompassing legal, social, economic, educational, and identity aspects. The state and society have a responsibility to ensure that every child, regardless of their parents' marital status, receives their full basic rights.⁶⁴

The practice of online unregistered marriages, which ignore state registration and the protection of descendants, contradicts the principle of *hifẓ al-nasl* in the *Maqasid al-Syari'ah*. To protect children as the legitimate next generation, the state needs to ensure marriage registration, legalize unregistered marriages through marriage confirmation, and guarantee civil and social rights for children so that lineage, identity, and human dignity, as mandated by sharia and state law, can be fully safeguarded.

Conclusion

This study finds that online unregistered marriages in Parepare generate multidimensional child exploitation, primarily due to the absence of legal marriage registration. Empirical evidence from the case of Bagus Sucipto shows that children born from such marriages experience concrete deprivation in four main domains: economic support, legal identity, social relations, and emotional care. Economically, children become dependent on external assistance due to the absence of consistent parental financial responsibility. Legally, the lack of marriage and birth registration results in incomplete civil documentation, which restricts access to inheritance rights and formal recognition of identity. Socially and psychologically, children experience stigma, emotional neglect, and weakened paternal attachment, which affects their developmental stability.

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⁶³ Abd Karim Faiz, AR Zulfahmi, and Ahmad Izzuddin, "Between State Law and Islamic Law: The Practice of Divorce Outside the Situbondo Religious Courts, Indonesia," nd

⁶⁴ Agus Saputera, Devi Arisanti, and Khairunnas Jamal, "Reactualization of Maqashid Al-Shari'ah Into Human Rights Law in Indonesia," in *INTERNATIONAL CONFERENCE ON ISLAM, LAW, AND SOCIETY (INCOILS) 2021*, vol. 1, 2022.

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