

## ***Nikāh Sirri* and Its Impact: The Perspective of *Maqāshid Ash-Shari'ah* of Imam Asy-Syathiby**

### **Abstract**

**Zainal Fanani**

Sekolah Tinggi Agama  
Islam At-Taḥdzib Jombang,  
Indonesia  
email: [ca.fanani@gmail.com](mailto:ca.fanani@gmail.com)

**Background.** *The legal status of nikāh sirri (secret or unregistered marriage) is controversial because it is not announced and not officially recorded. The views of scholars on secret marriage and the factors causing it, as well as the legal regulations in force in Indonesia, need to be studied.*

**Aim.** *Examines nikāh sirri from the perspective of maqāshid asy-syari'ah, which includes five essential goals of Islamic law: the maintaining religion (hifz ad-dīn), soul (hifz an-nafs), descendants (hifz an-nasl), property (hifz al-māl), and reason (hifz al-'aql).*

**Method.** *This research utilizes a literature review with a descriptive-analytical approach to Islamic jurisprudence and relevant regulations.*

**Result.** *Nikāh sirri causes more harm (mafsadat) than benefit (maslahat), particularly concerning the rights of wives and children in inheritance, financial support, and legal protection. Based on maqāshid asy-syari'ah, nikāh sirri is considered impermissible (haram) due to its adverse effects on mental well-being, economic instability, and threats to legitimate lineage. The formal registration of marriage is crucial for ensuring the protection of family rights.*

**Keywords:** *Nikāh sirri; Maqāshid asy-Syari'ah; Preservation of Lineage; Legal Rights; Islamic Law*

### **INTRODUCTION**

*Nikāh sirri* is a form of marriage that fulfills the pillars of marriage: there are bride and groom, guardians, and witnesses, and its implementation is kept secret. The legal status of *nikāh sirri* is controversial because it is not announced and not officially recorded. The views of ulemas on *nikāh sirri* and the factors causing it, as well as the legal regulations in force in Indonesia, need to be studied.<sup>1</sup> The words of the Prophet Muhammad SAW to announce marriage (*a'linū an-nikāh*), can be understood in the socio-cultural context of Arab society at that time. Cultures that tend to be small and closed, such as the Hijāz society. Several hadiths recommend announcing marriage and even accompanied by simple entertainment, such as beating tambourines or slaughtering a goat as a form of *walimah*.<sup>2</sup> Hadith narrated by Ibn Majah, the Prophet Muhammad SAW said: *عَنْ عَائِشَةَ رَضِ عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: أَعْلِنُوا هَذَا النِّكَاحَ وَاضْرِبُوا عَلَيْهِ بِالْعُزْبَالِ*. ابن ماجه “From ‘Aishah RA, from the Prophet SAW who said, “Announce this marriage and beat the tambourine.” (HR. Ibnu Majah).

The hadith narrated by Ahmad, Bukhari and Muslim states: *عَنْ أَنَسٍ قَالَ: مَا أَوْلَمَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى شَيْءٍ مِنْ نِسَائِهِ مَا أَوْلَمَ عَلَى زَيْنَبَ، أَوْلَمَ بِشَاةٍ*. احمد و البخارى و مسلم “From Anas, he said, “The Prophet SAW never held a *walimah* for (his marriage) with his wives like the *walimah* for (his marriage) with Zainab, he held a *walimah* by (slaughtering) a goat.” (Narrated by Ahmad, Bukhari, and Muslim).

Announcement and documentation of marriage in the modern era, is not enough to be done simply as in the time of the Prophet, but must be expanded and officially recorded at the Office of

<sup>1</sup> Khoiruddin Nasution, *Hukum Perkawinan I* (Yogyakarta: Akademia dan Tazafa, 2005), Edisi Revisi, 38.

<sup>2</sup> Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Ed. 1., cet. 1 (Jakarta: Kencana, 2006), h. 90.



Religious Affairs. Written registration of marriage at the Office of Religious Affairs or at the Marriage Registrar, as well as at the Civil Registry Office, is a must, and as a manifestation of the command of *a'linū an-nikāh* which is relevant to the current conditions of society. This is very important to protect the rights of all parties involved in the marriage, including the rights of the wife and children, and to ensure compliance with the applicable laws in Indonesia. *Nikāh sirri* can cause various legal and social problems, such as the difficulty of obtaining legal rights for the wife and children born from the marriage.<sup>3</sup>

Official marriage registration in the modern era is not only a matter of administration, but also a form of legal protection and fulfillment of social rights for families. Religious values and social justice must be maintained by registering marriages in accordance with applicable laws. Marriage registration must be seen as a manifestation of Islamic principles that have been ordered by the Prophet Muhammad SAW. Suheri views secret marriages as bringing two *mudarat*, namely adultery, and loss for the wife and children. According to *fiqh*, avoiding greater *mudarat* must be a priority, so *nikāh sirri* should not be carried out.<sup>4</sup>

Ashadi<sup>5</sup> views those efforts to legalize marriage confirmation (*isbat nikah*) from a *fiqh* perspective and a review of the Compilation of Islamic Law aim to ensure the benefits and certainty of law. An example of the importance of legalization is that children born from *nikāh sirri* will receive clear legal recognition through birth certificates. Based on Compilation of Islamic Law Article 7(3e), marriage confirmation can be submitted to the Religious Court for marriages that have no obstacles in accordance with Law Number 1 of 1974. Submission of *isbat nikah* must be carried out openly, with clear reasons and real interests. If the *isbat nikah* has been decided by the Religious Court, then the application for *isbat nikah* is contentious, meaning that the party who feels aggrieved can file an objection, intervene during the process, or even cancel it. If the *isbat nikah* has been ratified, then the marriage is declared lawful and has legal force, so that the marriage contract binds both parties. A marriage certificate is authentic legal evidence of a husband-wife's marriage. A marriage certificate provides peace of mind in society, resulting in the emergence of rights and obligations of husband and wife that must be carried out.

The obligation to provide maintenance is the most prominent impact on children's rights from an Islamic legal perspective. A *nikāh sirri* may not be officially recognized, but children still have the right to maintenance from their father according to Islamic law. The husband's responsibility is to educate and protect his children, even in the context of a *nikāh sirri*.<sup>6</sup> The position of a *nikāh sirri* has an impact on the inheritance aspect. According to Islamic law, children born from a *nikāh sirri* have the right to inherit from their father. The legitimacy of Islamic law is considered as an illegitimate child in positive law. Islamic law gives a clear position and certain rights to children born from a *nikāh sirri*.

This article study brings together the classical concepts of Imam al-Syathiby with modern social realities that have not been widely reviewed. This study focuses on how the *maqasid asy-Syathiby's* thinking can answer the challenges of *nikāh sirri* in society, especially in the context of social justice and legal protection. This study offers a unique analysis of *nikāh sirri* through the perspective of *maqasid ash-shari'ah*, especially based on the views of Imam asy-Syathiby. This study focuses on the objectives of sharia (*maqasid*), namely the protection of religion, soul, offspring, reason, and property, and how *nikāh sirri* can violate or support these objectives.

<sup>3</sup> H. M. A Tihami dan Sohari Sahrani, *Fikih Munakahat: Kajian Fikih Nikah Lengkap* (Jakarta: Rajawali Pers, 2010), h. 66.

<sup>4</sup> Suhaeri, "Mengurai Benang Kusut Dualisme Nikāh sirri (Upaya Meratifikasi Rancangan Undang-Undang Nikāh Sirri)," *Musāwa Jurnal Studi Gender Dan Islam* 12, no. 1 (29 Januari 2013): 83–101, <https://doi.org/10.14421/musawa.2013.121.83-101>.

<sup>5</sup> Ashadi L. Diab, "Legalisasi Nikāh Sirri Melalui Isbat Nikah Perspektif Fikih (Telaah Terhadap Kompilasi Hukum Islam)," *Al-'Adl* 11, no. 2 (2 Juli 2018): 36–61, <https://doi.org/10.31332/aladl.v11i2.1248>.

<sup>6</sup> Irwansyah, "Tinjauan Hukum Islam Terhadap Persetujuan Ninik Mamak Sebagai Syarat Administrasi Perkawinan di Kantor Urusan Agama (KUA) (Studi Kasus Nagari Simalidu, Kec. Koto Salak, Kab. Dharmasraya)," <http://Repo.Iainbatuankangkar.Ac.Id/Xmlui/Handle/123456789/21065>.

## LITERATURE REVIEW

### ***Nikāh Sirri* According to Positive Law**

Positive law in Indonesia does not officially recognize the status of *nikāh sirri*. Women and children involved often lose important rights that they should have. Children from *nikāh sirri* according to positive law in Indonesia often do not have clear legal recognition due to the inability to obtain a birth certificate that lists the father's name. Without official documents recognizing the marriage of their parents, the child is considered an illegitimate child by positive law. As a result of the legal status of *nikāh sirri*, the child may lose the right to receive support from the father, the right to proper education, and inheritance rights. Without a birth certificate that lists the father's name, the child's access to various social facilities is also hampered, including in terms of education, health insurance, and other administrative services.

### ***Nikāh Sirri* According to Islamic Law**

*Nikāh sirri* is a marriage phenomenon that occurs in society with various legal and social implications, especially related to the rights of children and women. A *nikāh sirri* is lawful according to Islamic law. Children born from a *nikāh sirri* still have the right to support from their father, as well as the right to inheritance according to sharia. Children born from a *nikāh sirri* have the same rights as children from a marriage recognized by the state, including the right to support, education, and inheritance from their father.

According to the Islamic perspective, the husband still has full obligations to provide for, educate, and protect his children, regardless of whether his marriage status is registered or not. The father's responsibility towards children from a *nikāh sirri* does not change. Social reality shows that husbands in *nikāh sirri* often do not fulfill their responsibilities, especially because their marriages are not legally registered. The absence of positive legal recognition opens up opportunities for husbands to avoid responsibility. If the husband ignores his responsibilities, then the wife and children become very vulnerable, because they have no legal basis to claim their rights. *Nikāh sirri* place women and children in a very disadvantageous situation, especially if the husband leaves, remarries, or dies without leaving a legitimate inheritance.<sup>7</sup>

### **The Impact of *Nikāh Sirri* on Children and Wife**

*Nikāh sirri* bring a number of negative consequences for women, both legally and socially. A wife does not have the legal status of a legitimate wife according to state law. The wife loses her basic rights as a wife, including the right to a living, the right to joint property (*gono-gini*), and legal protection in the event of domestic violence. When marriages are not recognized by law, women become more vulnerable to neglect, both economically and emotionally.<sup>8</sup>

Wives from unregistered marriages find it difficult to obtain legal protection in cases of domestic violence.<sup>9</sup> Without official recognition from the state, women who are victims of domestic violence cannot file a lawsuit or seek protection through legal channels. Women are trapped in an unsafe relationship situation without any legal mechanism to protect themselves. Children born from *nikāh sirri* experience legal difficulties and face social stigma, often considered illegitimate children resulting in social exclusion or discrimination. Children may be treated differently from other children born from marriages that are legal under state law.<sup>10</sup> The worrying impact of unregistered marriages is the potential for violations of the law, especially in terms of document falsification. The process of legalizing unregistered marriages through marriage confirmation and child recognition takes a long time. Some families may be tempted to take illegal actions, such as falsifying marriage certificates or

<sup>7</sup> Husnul Khitam, "Nafkah dan Iddah: Perspektif Hukum Islam," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 12, no. 2 (1 Desember 2020), <https://doi.org/10.14421/azzarqa.v12i2.2187>.

<sup>8</sup> Syarifuddin, *Hukum perkawinan Islam di Indonesia*, h.54.

<sup>9</sup> Andi Tenri Leleang Tenri Leleang dan Asni Zubair, "Problematika dalam Penerapan Hukum Waris Islam," *Al-Bayyinah* 3, no. 2 (2 Desember 2019): 220–34, <https://doi.org/10.35673/al-bayyinah.v3i2.477>.

<sup>10</sup> Siti Ummu Adillah, "Analisis Hukum terhadap Faktor-Faktor yang Melatarbelakangi Terjadinya Nikāh Sirri dan Dampaknya terhadap Perempuan (Istri) dan Anak-Anak," *Jurnal Dinamika Hukum* 11, no. 0 (12 Maret 2011): 104–12, <https://doi.org/10.20884/1.jdh.2011.11.Edsus.267>.

birth certificates to meet administrative needs. Document falsification is against the law, and can have serious consequences for the child's future, especially in terms of legality and legal identity. Without official recognition, children's rights are difficult to enforce.<sup>11</sup>

Policymakers need to consider law reforms to ensure that the rights of women and children from *nikāh sirri* are better protected, both through easier registration and clear legal recognition. The rules of Islamic law state: *الضَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ* "Those *mudarat* enable prohibited things."

The rule indicates that in emergency situations, actions that are usually prohibited may be permitted. For example, a person may feel the need to perform a *nikāh sirri* due to certain urgent circumstances considering the long-term impacts, especially in relation to the *maqāṣid ash-syari'ah* (the main objectives of Islamic law) which include the protection of the soul (*hifz an-nafs*), lineage (*hifz an-nasl*), reason (*hifz al-'aql*), and property (*hifz al-māl*).<sup>12</sup>

*Nikāh sirri* in some cases may be considered as an emergency solution. The negative impacts can cause more *mafsadat* (damage) than *maslahat* (goodness). Considering the *maqāṣid asy-syari'ah* and officially registering the marriage, it is highly recommended to ensure legal protection for all parties, so that the negative socio-psychological impacts of *nikāh sirri* can be minimized.<sup>13</sup>

Social isolation and stigma are the biggest social impacts of *nikāh sirri*. Women are often considered as "deviant" individuals or outside social norms, considered as "*pelakor*" (stealers of other people's men), concubines, or even suspected of committing immoral acts such as getting pregnant before marriage. Society finds it difficult to understand or accept the status of a secret wife as a legitimate wife. Stigma impacts women's dignity and reinforces patriarchal social structures. Men in are often considered more powerful, even praised for their attractiveness or social status. Women face status harassment that degrades their dignity as individuals; are often trapped in passive roles; have no control over the situation, and; become victims of a social system that blames women more.<sup>14</sup>

Women in *nikāh sirri* face injustice, especially in access to legal rights; they do not have the legal protection that should be available to wives in legitimate marriages. If there is a conflict such as domestic violence, divorce, or denial of marriage by the husband, then women do not have a strong legal basis to demand their rights. Wives in *nikāh sirri* are vulnerable to exploitation and ongoing injustice, especially when the husband is reluctant to officially recognize the marriage through the marriage confirmation process (*isbat nikah*).<sup>15</sup>

Women in *nikāh sirri* often experience a heavy psychological burden due to unclear status and lack of social support; living in uncertainty; without clear legal protection that can cause anxiety, depression, and feelings of worthlessness. Women in *nikāh sirri* often have no place to complain or seek support; the stigma attached to it makes them isolated from society, even from family and close friends; afraid of facing rejection or judgment from those closest to them, so they choose to bear the emotional burden in silence, worsening their psychological condition, and being vulnerable to more serious mental health problems.

Children born from *nikāh sirri* are vulnerable to social exclusion, especially in environments that are strongly tied to religious and social norms; often facing discrimination and stigma from peers that can affect their social and emotional development.<sup>16</sup> Children may feel unaccepted or

<sup>11</sup> Ali Akbar, "Nikāh Sirri Menurut Perspektif al-Quran," *Jurnal Ushuluddin* 22, no. 2 (1 Desember 2014): 213–23, <https://doi.org/10.24014/jush.v22i2.737>.

<sup>12</sup> Abu Hāmid Muhammad al-Ghazali, *al-Mustasfa min 'Ilm al-Ushul* (Beirut: Mu'assasat al-Risālah, 1417), h. 87.

<sup>13</sup> Nur Wahidah, "Nikāh Sirri dalam Perspektif Yuridis dan Sosiologis," *Syariah: Jurnal Hukum dan Pemikiran* 16, no. 1 (2016): 33–46, <https://doi.org/10.18592/sy.v16i1.1434>.

<sup>14</sup> Uzlah Wahidah, "Nikāh Sirri Kajian Analisa Teori Sosiologis," *al Qodiri: Jurnal Pendidikan, Sosial dan Keagamaan* 14, no. 1 (9 April 2018): 83–94.

<sup>15</sup> M. Thahir Maloko, "Nikāh Sirri Perspektif Hukum Islam," *Jurnal Sipakalebbe* 1, no. 3 (2014), <https://doi.org/10.24252/jsipakalebbe.v1i3.275>.

<sup>16</sup> Anissa Nur Fitri, Agus Wahyudi Riana, dan Muhammad Fedryansyah, "Perlindungan Hak-hak Anak dalam Upaya Peningkatan Kesejahteraan Anak," *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 2, no. 1 (1 September 2015), <https://doi.org/10.24198/jppm.v2i1.13235>.

unrecognized by their fathers, which can ultimately affect their emotional and psychological relationships with both parents. The unclear legal status of children also affects their rights in terms of inheritance, recognition, and financial support from their fathers in many cases. Fathers in *nikāh sirri* may be reluctant to officially recognize their children. Children do not have the right to receive material support or recognition of inheritance. Children often grow up in uncertainty and emotional instability, which can have a negative impact on long-term psychological development.<sup>17</sup>

The socio-psychological impacts experienced by women and children in *nikāh sirri* are very complex and layered. Social stigma, legal injustice, and heavy emotional burdens create a very difficult situation. Women and children in *nikāh sirri* must bear heavy social and psychological burdens. Burdens that affect personal life and relationships with society and family. *Nikāh sirri* can be seen as a form of social and psychological “disaster”; reinforcing gender inequality; social injustice, women and children become victims of patriarchal structures. *Nikāh sirri* bring more negative impacts (*mafsadat*) than the benefits (*maslahat*) that might be expected.

## METHOD

The literature study uses a descriptive-analytical approach to gain a comprehensive understanding of the phenomenon of *nikāh sirri* from the perspective of *maqāshid asy-syari'ah*, as well as its relevance to Islamic law and applicable legislation in Indonesia. The data are in the form of *fiqh* books, scientific journals, legal articles, court decisions, and documents of laws and regulations related to marriage in Indonesia.<sup>18</sup> The descriptive approach is used to describe in detail the concept of *nikāh sirri*, the basis of Islamic law governing marriage, and positive legal regulations applicable in Indonesia, such as Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. This approach helps to understand the concepts, regulations, and principles underlying marriage in Islam and Indonesia.<sup>19</sup> The analytical approach is applied to critically analyze the legal, social, and psychological impacts of the practice of *nikāh sirri*. The analysis also involves an evaluation of the implementation of *maqāshid asy-syari'ah*. Data analysis from a *maqāshid* perspective attempts to explain *nikāh sirri*: *maslahat* or *mafsadat*, especially regarding the rights of wives and children.<sup>20</sup>

## DISCUSSION

### *Maqāshid Asy-Syari'ah* Imam asy-Syāṭibi

*Maqāshid ash-shari'ah*, purposes of sharia to realize usefulness for humans in this world and the hereafter. *Maqāshid ash-shari'ah* emphasizes the importance of protection against the fundamentals: religion (*dīn*), soul (*nafs*), reason (*'aql*), lineage (*nasl*), and property (*māl*). Islamic Sharia in marriage aims to protect honor, family stability, and the rights of women and children.

Asy-Syāṭibi was a great scholar in the field of *maqāshid asy-syari'ah*. Asy-Syāṭibi emphasized that all of Allah's laws are prescribed to bring benefits and avoid *mafsadat*.<sup>21</sup> If *nikāh sirri* is unable to realize the goal of benefit, such as legal protection for women and children, and family stability, then the practice needs to be re-evaluated based on *maqāshid asy-syari'ah*. *Maqāshid asy-syari'ah* must be applied to explore the essence of sharia and the general goal of Islam in realizing benefits for humanity.<sup>22</sup> Several verses of the Holy Qur'an related to laws, such as about ablution (Q.S. al-Mā'idah, 5:6) and prayer (Q.S. al-Ankabūt, 29:45), show that benefit is always at the core of these laws. The

<sup>17</sup> Akhmad Syahri dan Lailia Anis Afifah, “Fenomena hamil di luar nikah di kalangan remaja ditinjau dalam perspektif pendidikan Islam,” *Attarbiyah* 27 (12 Desember 2018): 1, <https://doi.org/10.18326/tarbiyah.v27i0.1-18>.

<sup>18</sup> Catherine Marshall and Gretchen B. Rossman, *Designing qualitative research*, Sixth edition (Los Angeles, California: Sage, 2016), h. 99.

<sup>19</sup> Anselm L. Strauss and Juliet M. Corbin, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, Nachdr. (Newbury Park, Calif.: Sage, 1997), h. 65.

<sup>20</sup> Lexy J Moleong, *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 1989), h. 65.

<sup>21</sup> Imam Asy-Syāṭibi, *Al-Muwaafaqat fi al-Ushul al-Syari'ah* (Beirut: Dar al-kutub al-Islamiyah, 2003), h. 24.

<sup>22</sup> Ghofar Shidiq, “Teori Maqashid Al-Syari'ah dalam Hukum Islam,” *Majalah Ilmiah Sultan Agung* 44, no. 118 (13 Juli 2021): 117–30.

existence of the *sunnah* is an explanation of the Holy Qur'an, all of which must be seen in the context of usefulness. *Maqāshid asy-syari'ah* demands that the usefulness of individuals and society always be the main priority. *Maqāshid asy-syari'ah* in *nikāh sirri* is very important to consider the social, psychological, and legal impacts faced.<sup>23</sup> Practices that do not fulfill the goals of Islamic law should be avoided in order to maintain the integrity and well-being of individuals, as well as society as a whole.

*Maqāshid ash-Shari'ah* in Islamic law emphasizes understanding the purpose behind every rule of Sharia. Islamic Sharia aims to regulate human life formally, protecting the essence of human life and well-being. The protection of religion (*hifzh ad-dīn*) is the main purpose of Islamic law. Religion is the main foundation that forms the morality, beliefs, and way of life of Muslims. Without religious protection, one's faith can be threatened, and can eventually lead to social and moral chaos. Sharia provides guidelines in maintaining and protecting religion individually and collectively. For example, the obligation of prayer, zakat, fasting, and hajj is a form of protection against religion in personal life.<sup>24</sup> At the community level, Sharia supports the spread of preaching and religious education to ensure that Islamic values remain sustainable among the people. The protection of religion does not only include the protection of ritual practices, but also of true beliefs. The sharia that prohibits the deviation of belief, bid'ah, or infidelity is a concrete form of an effort to protect religion from ideological threats or destructive doctrines.<sup>25</sup>

Protection of human life (*hifzh an-nafs*) aims to preserve human life and prohibit actions that can threaten or damage a person's life. Life is a trust that must be guarded well. Any action that leads to the destruction of the soul, such as murder, suicide, or violence, is strictly prohibited. Imam asy-Syātibi emphasized that one of the main objectives of the sharia is to ensure the sustainability of human life individually and collectively.<sup>26</sup> The laws of *qisas* and *diyat* were introduced as a form of protection of the soul. Punishment aims to prevent criminal acts that can take someone's life, as well as provide justice for the victim's family. Protection of the soul also includes fulfilling basic human needs, such as food, health, and protection from danger. Islam provides leniency in various acts of worship and obligations in emergency situations, such as being allowed not to fast when sick or on a journey, to ensure that human life remains protected.<sup>27</sup>

Protection of the reason (*hifzh al-'aql*) aims to respect the reason as a tool for understanding revelation and living a good life. The sharia places great emphasis on keeping the human reason healthy and productive. One of the main ways to protect the reason is by prohibiting things that can damage its function, such as the consumption of alcohol, narcotics, and other addictive substances.<sup>28</sup> The prohibition of *khamr* (alcohol) is explicitly stated in the Holy Qur'an. Alcohol can damage brain function and interfere with the ability to think and make sound decisions. Islam encourages the pursuit of knowledge and science as part of worship.<sup>29</sup> Education and learning are the main tools for maintaining and developing the human reason. The sharia ensures that people have a correct understanding of religion and are able to make wise decisions in life.

---

<sup>23</sup> Asyraf Wajdi Dusuki dan Nurdianawati Irwani Abdullah, "Maqasid al-Shari'ah, Masalahah, and Corporate Social Responsibility (2007)," *American Journal of Islam and Society* 41, no. 1 (5 Februari 2024): 10–35, <https://doi.org/10.35632/ajis.v41i1.3417>.

<sup>24</sup> Khairunnas Rajab dan Efrinaldi, "Rekonstruksi Teori Masalahah Dalam Kajian Pembaharuan Perundangan Islam: Analisis Terhadap Pemikiran Najm Al-Din Al-Tufi," *Jurnal Syariah* 17, no. 3 (1 September 2009): 593–606.

<sup>25</sup> Asy-Syātibi, *Al-Muwaafaqat fi al-Ushul al-Syari'ah*, h. 27.

<sup>26</sup> Asy-Syātibi, h. 27.

<sup>27</sup> Muhammad Huzaifi Muslim, "Kedudukan Masalahah Mursalah Menurut Imam Al-Ghazali," *Jurnal al-Nadhair* 2, no. 1 (23 Juni 2023): 35–53, <https://doi.org/10.61433/alnadhair.v2i1.24>.

<sup>28</sup> Khalil Al Farahidy, "Konsep Maqāshid Syaria The Concept Of Maqāshid Syariah As-Syātiby. in The Book Al Muwāfaqāth As-Syātiby," *Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial* 12, no. 2 (8 Desember 2022): 111–26, <https://doi.org/10.22373/dusturiyah.v12i2.13028>.

<sup>29</sup> Fahrudin, "Nalar Konstruktif Maqashid Syariah dalam Studi Hukum Islam (Sebuah Studi Pengantar dalam Ilmu Maqashid Syariah)" *Al-Ahkam Jurnal Ilmu Syari'ah dan Hukum* 6, no. 1 (31 Desember 2021), <https://doi.org/10.22515/al-ahkam.v6i1.3744>.

Protection of offspring (*hifzh an-nasl*) aims to maintain the continuity of human generations through lawful marriage and maintaining honor. Islam emphasizes building a lawful family as a basic institution of society; children can be born and raised in a stable and honorable environment. Marriage is a way to maintain offspring legally and regularly.<sup>30</sup> Sharia prohibits adultery and various forms of extramarital relationships that can damage lineage and family honor. The severe punishment for adultery indicates that Sharia is very serious about maintaining the dignity and lineage of humanity. Protection of offspring also includes the obligation for parents to educate and care for children properly, ensuring that children grow up with a correct understanding of religion and morality. Children born from a lawful marriage have the right to sustenance, education, and protection from their parents, as well as inheritance rights as stipulated in Sharia.

Protection of property (*hifzh al-māl*) aims to recognize the right of individual ownership and provide various regulations to ensure that property can be used properly and is not misused.<sup>31</sup> Protection of property is the prohibition of theft, corruption, usury, and fraud. Safeguarding property is protecting property from harmful actions and regulating how property is managed and distributed fairly in society.<sup>32</sup> *Zakat* is one of the main instruments for maintaining economic balance and ensuring that wealth is not concentrated in the hands of a few people; property is distributed to those who deserve it, including the poor, to maintain collective welfare. Protection of property also includes regulations regarding trade contracts, inheritance, and various financial transactions. Inheritance laws in Islam are designed to ensure a fair distribution of wealth and not harm those who deserve it. All regulations aim to maintain economic and social stability in society.

Imam asy-Syāṭibi's concept of *maqāshid asy-syari'ah* provides a deep understanding of the objectives of the sharia in maintaining the welfare of individuals and society. Protection of religion, soul, mind, lineage and property forms the foundation of every regulation to create a just, prosperous and dignified society in accordance with religious values and noble morality.

### ***Nikāh Sirri* in the Perspective of *Maqāshid Ash-Shari'ah* Imam asy-Syāṭibi**

*Nikāh sirri* is studied in the context of *darūriyāt*, namely the main objectives of Islamic law that must exist and be implemented to maintain the sustainability of human life.<sup>33</sup> ash-Syāṭibi calls *darūriyāt* as *aḍ-ḍarūriyāt al-khamsah*; such as *al-kulliyāt al-khamsah* by Yūsuf al-Qarāḍāwī and *al-uṣūl al-khams* by Jamāl al-Banā, namely *hifz ad-dīn*, *hifz an-naḥs*, *hifz an-nasl*, *hifz al-māl*, and reason *hifz al-'aql*. al-Qarāḍī al-Māliki added maintaining honor (*hifz al-'ird*).

#### ***Hifz ad-Dīn***

*Nikāh sirri* has the potential to hinder *hifz ad-dīn*. A man who marries a woman in an unregistered marriage, especially if it is a polygamous marriage (second, third or fourth marriage), is often unable to maintain his religion properly. The fundamental principle that must be upheld in polygamy is justice. Allah SWT says in Surah an-Nisā' Verse 3: "If you are worried that you will not be able to act fairly, then marry only one person" (*fain khiftum allā ta'dilū fawāhidah*). Justice includes physical material aspects such as clothing, food, shelter, as well as love and affection. Allah SWT in Surah an-Nisā' Verse 129 reminds us that humans will not be able to achieve perfect justice in polygamy. If the husband is unable to fulfill the principles of justice, and only follows his desires (*bi ash-syahawāt*), then a greater *mafsadat* will emerge. An unregistered secret marriage only increases the risk of injustice, both for the first wife and subsequent wives, so that the goal of *sakinah*, *mawaddah*, *wa rahmah* is difficult to achieve. *Nikāh sirri* can cause conflict and tension in the household which leads to an unhappy life. If marriage cannot realize the peace and harmony commanded by religion, then the existence of religion itself is threatened.

<sup>30</sup> Farahidy, "Konsep Maqāshid Syaria The Concept Of Maqāshid Syariah As-Syāṭiby. in The Book Al Muwāfaqāth As-Syāṭiby."

<sup>31</sup> Asy-Syāṭibi, *Al-Muwaafaqat fi al-Ushul al-Syari'ah*, h. 29.

<sup>32</sup> Fahrudin, "Nalar Konstruktif Maqashid Syariah dalam Studi Hukum Islam (Sebuah Studi Pengantar Dalam Ilmu Maqashid Syariah)."

<sup>33</sup> Yusuf Qaradawi, *Fiqh maqasid syariah: moderasi Islam antara aliran tekstual dan liberal* (Jakarta: Alkausar, 2007).

### **Hifz an-Nafs**

*Hifz an-nafs* aims to create a peaceful life, full of love and affection, or what is often termed as *sakinah, mawaddah, wa rahmah*. Marriage also aims to maintain the continuity of offspring (reproduction), fulfill biological needs (sex), maintain honor, and worship Allah.<sup>34</sup> A husband with more than one wife, especially in polygamy *sirri*, will find it difficult to realize the main purpose of marriage. The condition of the first, second, third, or fourth wife is often unstable. Women who become wives in polygamous marriages, especially those carried out *sirri*, may experience various mental and emotional pressures. The first wife who finds out that her husband has remarried in *sirri*, feels jealous, insecure, and deeply disappointed and eventually experiences psychological disorders, such as stress, anxiety, and depression. The second, third, or fourth wife also experiences similar feelings, especially if she feels marginalized or treated unfairly by her husband. The feeling of uncertainty and instability in the household can make the wife feel restless, always anxious, and lose her sense of security. The law of *hifz an-nafs* is mandatory. Polygamy carried out in an unregistered manner, without clarity and justice, often poses a high risk to the mental and emotional well-being of the wives, and is contrary to the basic principles of *maqāshid asy-syari'ah*.

### **Hifz an-Nasl**

*Hifz an-nasl* aims to protect the legitimate offspring and prohibit adultery because it can damage the offspring. Children born from adultery are called children of adultery and their lineage is only linked to the mother, not to the man who committed adultery. Hadith narrated by Ibn Majah from Abi Hurairah, Prophet Muhammad SAW said: *عَنْ ابْنِ عَبَّاسٍ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْوَلَدُ لِلْفَرْأَشِ، وَلِلْعَاهِرِ الْحَجَرُ* “The child (belongs to) the one who owns the bed, and the adulterer is subject to stoning.” [HR. Ibn Mājah].

The Hadith states that a child's lineage is determined by the person who has *al-firāsy* (bed). The majority of ulemas interpret the word *al-firāsy* as female (*al-mar'ah*). Children born from unregistered *nikāh sirri*, face many negative impacts. Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law Article 43(1) and Article 100 stipulate that children born outside of marriage only have a civil relationship with their mother and their mother's family; not recognized as having a lineage relationship with their biological father. Legally, the father is not obliged to provide maintenance for the child. If the father does provide maintenance, it is more out of humanitarianism, not a legal obligation. Lineage relationships are the main basis in Islamic inheritance law. Children do not have a lineage relationship with their father; do not have the right to inherit. It is unfair for a child who is biologically descended from his father, but has no legal rights to his inheritance.<sup>35</sup>

A father in Islam is a marriage guardian for his daughter. A biological father does not have the right to be a marriage guardian for a child born from a *nikāh sirri*. The marriage guardian who has the right to marry is a judge or a sultan (*fa as-sultān waliyyu man lā waliyya lahā*). The child experiences uncertainty of law status, limited rights to maintenance, inheritance, and guardianship. The mother must bear the social and psychological burden. The mother and child do not receive the recognition and protection they should from state law. Islamic law emphasizes the principle that rejecting *mafsadat* must be more important than achieving *maslahat*. The rule of *fiqhiah* states: *إِذَا تَعَارَضَتْ إِذَا تَعَارَضَتْ الْمَفْسَدَةُ وَالْمَصْلَحَةُ فِدِّمَ دَفْعُ الْمَفْسَدَةِ غَالِبًا* “When there is a conflict between *mafsadat* and *maslahat*, then the first thing is to reject *mafsadat*.”<sup>36</sup>

The risk of *mafsadat* in a *nikāh sirri* is greater than the *maslahat*. Other principles also emphasize this: *إِذَا تَعَارَضَتْ مَفْسَدَتَانِ رُوِيَ أَعْظَمُهُمَا ضَرَرًا بِأَرْكَابِ أَحْوَهُمَا* “When two *mafsadat* conflict, then pay attention to which one has greater *mudarat* by choosing the one with less *mudarat*.”<sup>37</sup>

<sup>34</sup> Fahrudin, “Nalar Konstruktif Maqashid Syariah Dalam Studi Hukum Islam (Sebuah Studi Pengantar Dalam Ilmu Maqashid Syariah).”

<sup>35</sup> Lilik Andaryuni, “Pembaruan Hukum Kewarisan Islam di Turki dan Somalia,” *Hikmah: Journal of Islamic Studies* 14, no. 1 (20 Mei 2018): 145–81, <https://doi.org/10.47466/hikmah.v14i1.104>.

<sup>36</sup> Satria Effendi, M. Zein, *Ushul Fiqh* (Jakarta: Kencana, 2005), h. 54.

<sup>37</sup> Ibn Qayyim al-Jauzi, *'Ilam al-Muaqi'in* (Bairut: Dar Al-Fikr, tt), h. 98.

When faced with a situation of the possibility of two *mafsadat* occurring, Islam teaches to choose the one with the lesser *mudarat*. Rejecting *nikāh sirri* and choosing a marriage that is lawfully legal and officially registered is an option that has fewer disadvantages, in order to maintain the lineage and protect the rights of children.

*Hifz an-nasl* is a fundamental obligation in Islam. *Nikāh sirri* raises serious legal and social problems for children and mothers; there is a big risk of damaging offspring. Maintaining *maslahat* and avoiding greater *mafsadat* is a guideline for preferring marriages that are valid according to Islamic law and positive law, and are registered in accordance with applicable law.

### ***Hifz al-Māl***

*Hifz al-māl* aims to protect property in a halal and legal way. Allah says in the Holy Qur'an: "يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا أَمْوَالَكُم بَيْنَكُم بِالْبَاطِلِ إِلَّا أَنْ تَكُونَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ" "O you who believe, do not consume your neighbor's property in false ways, except in the way of business that takes place between you willingly." [Q.S. an-Nisā': 29]

Islam forbids other unlawful means such as stealing (Q.S. al-Māidah [5], Verse 38). Wealth that has been obtained legally must be maintained so that it remains safe and can be used for the welfare of oneself and one's family.

Official registration of marriage is very important for family and inheritance. If a husband who is married in *sirri* dies, the wife and children from the marriage will not have legal rights to inherit the property of her husband/father. The fiqh rule states: *الأمرُ بالشَّيْءِ أَمْرٌ بوسائله وللوسائل حكم المقاصد* "A command regarding something is also a command regarding its means, and those means have the same law as the intended purpose."<sup>38</sup> "ما لا يَتِمُّ الواجبُ إِلَّا بِهِ فهو واجبٌ" "If an obligation is not fulfilled without it, then it also becomes obligatory."<sup>39</sup>

Registration of marriage at the Office of Religious Affairs or at the Marriage Registrar is the basis for issuing official documents such as Marriage Certificates and Birth Certificates. Certificates serve as authentic evidence in various legal matters, including inheritance. Registration of marriage is mandatory because without registration, the property and inheritance rights of the wife and children are not guaranteed. Registration of marriage protects property. *Nikāh sirri* does not protect property. Rejecting of *nikāh sirri* and carrying out marriage and registration of marriage officially is very much in accordance with the principles of *maqāsid asy-syari'ah*, namely to protect property and protect the welfare of the family in the long term.

### ***Hifz al-'Aql***

*Hifz al-'aql* aims to maintain the mind so that it functions well to carry out the sharia. Islam forbids anything that can damage or disturb the mind, such as alcohol, drugs, and other addictive substances. Good mental health is a prerequisite for practicing religion properly, including in terms of understanding and carrying out the rights and obligations in marriage.

Based on the *maqāsid asy-syari'ah*, *hifz al-'aql* is obligatory. If a marriage has the potential to destroy peace of mind, cause psychological disorders, and even affect the mental stability of the wife and children, then marriage should be avoided. Based on the principle of *maqāsid asy-syari'ah*, a *nikāh sirri* that can cause more *mafsadat* than *maslahat* must be considered *haram*. This is in line with the rules of *fiqh*: *إِذَا جَمَعَ الْحَلَالُ وَالْحَرَامُ غَلَبَ الْحَرَامُ* "When the *haram* and the *halal* come together, then the *haram* wins."<sup>40</sup> The rule suggests that if an action or condition contains harmful elements (*haram*), even though it has some aspects that may be good (*halal*), the *haram* aspects must be prioritized to be avoided. *Nikāh sirri* is a pillar and its conditions are fulfilled and considered lawful by some ulemas. If the *mafsadat* of *nikāh sirri* is greater than the benefits, then *mafsadat* is not allowed.

Some ulemas state that a *nikāh sirri* is illegitimate because it does not fulfill the legal procedures; is not registered with an authorized official institution; loses legal recognition; eliminates

<sup>38</sup> A. Djazuli, *Kaidah-Kaidah Fikih* (Jakarta: Kencana, 2016), h. 76.

<sup>39</sup> Ibn Qayyim al-Jauzi, *'Ilam al-Muaqi'in*, h. 45.

<sup>40</sup> Effendi, M. Zein, *Ushul Fiqh*, h. 78.

the rights of the wife and children, and; has the potential to cause psychological damage. Some ulemas state that a *nikāh sirri* is legal. If the pillars and requirements of marriage are fulfilled, then a *nikāh sirri* is considered lawful according to religion. The absence of an official record does not prohibit a marriage. A guardian, two witnesses, and *ijab qabul* are aspects of sharia that must be fulfilled to make a marriage permissible.

Ulemas tend to view *nikāh sirri* as something that should be avoided, and even forbidden by law. Preserving reason is the goal of Islamic law. Reason must be maintained so that humans can worship properly and understand their rights and obligations in everyday life, including in marriage. *Nikāh sirri* has the potential to cause greater *mafsadat* than *maslahat*, especially in terms of the rights of the wife and children, and its impact on mental health. *Maqāshid ash-syari'ah* recommends that in order to avoid greater *mafsadat*, *nikāh sirri* should not be carried out. Official registration of marriage is a legal obligation and a means to ensure the legal and social rights of all parties, especially the wife and children.

## CONCLUSION

*Nikāh sirri* is a marriage that is not officially registered by an authorized institution. *Nikāh sirri* is legal if its pillars and requirements are met. *Nikāh sirri* has many negative impacts that are not in accordance with the *maqāshid asy-syari'ah*: *hifz ad-dīn*, *hifz an-nafs*, *hifz an-nasl*, *hifz al-māl*, and *hifz al-'aql*. *Hifz ad-dīn* will be difficult. The goal of forming a *sakinah, mawaddah, wa rahmah* family is often damaged in a *nikāh sirri*. *Hifz an-nafs* is difficult to create. The wife and children are prone to experiencing severe psychological pressure, stress, mental disorders, and serious emotional instability. *Hifz an-nasl* is not maintained. Children from *nikāh sirri* are often not legally recognized, do not have civil rights to their fathers, inheritance rights and guardianship. *Hifz al-māl* is at risk of being unsustainable. The wife and children are at risk of falling into poverty because they lose their inheritance rights after the husband dies. *Hifz al-'aql* is threatened. The uncertainty of the legal status of *nikāh sirri* can cause severe mental stress and damage the psychological well-being of the family. *Nikāh sirri* cause more *mafsadat* than *maslahat*. Official registration of marriages is an important step to protect the rights of wives, children, and families in accordance with sharia and state law.

## REFERENCE

- Adillah, Siti Ummu. "Analisis Hukum terhadap Faktor-Faktor yang Melatarbelakangi Terjadinya Nikāh Sirri dan Dampaknya terhadap Perempuan (Istri) dan Anak-Anak," *Jurnal Dinamika Hukum* 11, no. 0 (12 Maret 2011): 104–12, <https://doi.org/10.20884/1.jdh.2011.11.Edsus.267>.
- Akbar, Ali. "Nikāh Sirri Menurut Perspektif al-Quran," *Jurnal Ushuluddin* 22, no. 2 (1 Desember 2014): 213–23, <https://doi.org/10.24014/jush.v22i2.737>.
- al-Ghazali, Abu Hāmid Muhammad. *al-Mustasfa min 'Ilm al-Ushul* (Beirut: Mu'assasat al-Risālah, 1417), h. 87.
- Andaryuni, Lilik. "Pembaruan Hukum Kewarisan Islam di Turki dan Somalia," *Hikmah: Journal of Islamic Studies* 14, no. 1 (20 Mei 2018): 145–81, <https://doi.org/10.47466/hikmah.v14i1.104>.
- Aswat, Hazarul dan Rahman, Arif. "Kewajiban Suami Memberi Nafkah dalam Kompilasi Hukum Islam," *Jurnal al-Iqtishod* 5, no. 1 (25 Maret 2021): 16–27.
- asy-Syātibī, Imam. *Al-Muwaafaqat fi al-Ushul al-Syari'ah* (Beirut: Dar al-kutub al-Islamiyah, 2003), h. 24.
- Diab, Ashadi L. "Legalisasi Nikāh Sirri Melalui Isbat Nikah Perspektif Fikih (Telaah Terhadap Kompilasi Hukum Islam)," *Al-'Adl* 11, no. 2 (2 Juli 2018): 36–61, <https://doi.org/10.31332/aladl.v11i2.1248>.
- Dusuki, Asyraf Wajdi., dan Abdullah, Nurdianawati Irwani. "Maqasid al-Shari'ah, Maslahah, and Corporate Social Responsibility (2007)," *American Journal of Islam and Society* 41, no. 1 (5 Februari 2024): 10–35, <https://doi.org/10.35632/ajis.v41i1.3417>.
- Fahrudin, "Nalar Konstruktif Maqashid Syariah dalam Studi Hukum Islam (Sebuah Studi Pengantar dalam Ilmu Maqashid Syariah)" *Al-Ahkam Jurnal Ilmu Syari'ah dan Hukum* 6, no. 1 (31 Desember 2021), <https://doi.org/10.22515/al-ahkam.v6i1.3744>.

- Farahidy, Khalil Al., "Konsep Maqāshid Syaria The Concept Of Maqāshid Syariah As-Syāṭiby. in The Book Al Muwāfaqāth As-Syāṭiby," *Dusturiyah: Jurnal Hukum Islam, Perundang-undangan dan Pranata Sosial* 12, no. 2 (8 Desember 2022): 111–26, <https://doi.org/10.22373/dusturiyah.v12i2.13028>.
- Fitri, Anissa Nur., Riana, Agus Wahyudi., dan Fedryansyah, Muhammad. "Perlindungan Hak-hak Anak dalam Upaya Peningkatan Kesejahteraan Anak," *Prosiding Penelitian dan Pengabdian kepada Masyarakat* 2, no. 1 (1 September 2015), <https://doi.org/10.24198/jppm.v2i1.13235>.
- Irwansyah, "Tinjauan Hukum Islam Terhadap Persetujuan Ninik Mamak Sebagai Syarat Administrasi Perkawinan di Kantor Urusan Agama (KUA) (Studi Kasus Nagari Simalidu, Kec. Koto Salak, Kab. Dharmasraya)," <http://Repo.Iainbatusangkar.Ac.Id/Xmlui/Handle/123456789/21065>.
- Khitam, Husnul. "Nafkah dan Iddah: Perspektif Hukum Islam," *Az-Zarqa': Jurnal Hukum Bisnis Islam* 12, no. 2 (1 Desember 2020), <https://doi.org/10.14421/azzarqa.v12i2.2187>.
- Leleang, Andi Tenri Leleang Tenri dan Asni Zubair, "Problematika dalam Penerapan Hukum Waris Islam," *Al-Bayyinah* 3, no. 2 (2 Desember 2019): 220–34, <https://doi.org/10.35673/al-bayyinah.v3i2.477>.
- Maloko, M. Thahir. "Nikāh Sirri Perspektif Hukum Islam," *Jurnal Sipakallebbi* 1, no. 3 (2014), <https://doi.org/10.24252/jsipakallebbi.v1i3.275>.
- Marshall, Catherine., and Rossman, Gretchen B. *Designing qualitative research*, Sixth edition (Los Angeles, California: Sage, 2016), h. 99.
- Moleong, Lexy J. *Metodologi Penelitian Kualitatif* (Bandung: Remaja Rosdakarya, 1989), h. 65.
- Muslim, Muhammad Huzaiifi. "Kedudukan Masalah Mursalah Menurut Imam Al-Ghazali," *Jurnal al-Nadhair* 2, no. 1 (23 Juni 2023): 35–53, <https://doi.org/10.61433/alnadhair.v2i1.24>.
- Nasution, Khoiruddin. *Hukum Perkawinan I* (Yogyakarta: Akademia dan Tazzafa, 2005), Edisi Revisi, 38.
- Qaradawi, Yusuf. *Fiqh maqasid syariah: moderasi Islam antara aliran tekstual dan liberal* (Jakarta: Alkausar, 2007).
- Rajab, Khairunnas., dan Efrinaldi, "Rekonstruksi Teori Masalah Dalam Kajian Pembaharuan Perundangan Islam: Analisis Terhadap Pemikiran Najm Al-Din Al-Tufi," *Jurnal Syariah* 17, no. 3 (1 September 2009): 593–606.
- Shidiq, Ghofar. "Teori Maqashid Al-Syari'ah dalam Hukum Islam," *Majalah Ilmiah Sultan Agung* 44, no. 118 (13 Juli 2021): 117–30.
- Strauss, Anselm L. and Corbin, Juliet M. *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*, Nachdr. (Newbury Park, Calif.: Sage, 1997), h. 65.
- Suhaeri, "Mengurai Benang Kusut Dualisme Nikāh sirri (Upaya Meratifikasi Rancangan Undang-Undang Nikāh Sirri)," *Musawa Jurnal Studi Gender Dan Islam* 12, no. 1 (29 Januari 2013): 83–101, <https://doi.org/10.14421/musawa.2013.121.83-101>.
- Syahri, Akhmad., dan Afifah, Lailia Anis, "Fenomena hamil di luar nikah di kalangan remaja ditinjau dalam perspektif pendidikan Islam," *Attarbiyah* 27 (12 Desember 2018): 1, <https://doi.org/10.18326/tarbiyah.v27i0.1-18>.
- Syarifuddin, Amir. *Hukum Perkawinan Islam di Indonesia: Antara Fiqh Munakahat dan Undang-Undang Perkawinan*, Ed. 1., cet. 1 (Jakarta: Kencana, 2006), h. 90.
- Tihami, H. M. A dan Sahrani, Sohari. *Fikih Munakahat: Kajian Fikih Nikah Lengkap* (Jakarta: Rajawali Pers, 2010), h. 66.
- Wahidah, Nur. "Nikāh Sirri dalam Perspektif Yuridis dan Sosiologis," *Syariah: Jurnal Hukum dan Pemikiran* 16, no. 1 (2016): 33–46, <https://doi.org/10.18592/sy.v16i1.1434>.
- Wahidah, Uzlah. "Nikāh Sirri Kajian Analisa Teori Sosiologis," *al Qodiri : Jurnal Pendidikan, Sosial dan Keagamaan* 14, no. 1 (9 April 2018): 83–94.