



LEGAL PROTECTION FOR WIVES IN UNREGISTERED MARRIAGES: ACCESS TO INHERITANCE RIGHTS AND JOINT PROPERTY

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Abstract

Unregistered marriage does not automatically extinguish women's civil rights. This article examines wives' legal status, inheritance, marital property, evidence, judicial validation, and constitutional protection through normative research using statutory, conceptual, case, comparative, and gender approaches. The study finds that absence of a certificate creates recognition, evidentiary, administrative, and enforcement gaps. A wife neither automatically acquires nor loses all rights. Marriage status must be established; marital property separated before calculating the estate; and Constitutional Court Decision 46/PUU-VIII/2010 protects a child without automatically validating the mother as wife. Reform should integrate courts, registrars, civil records, and legal aid.

Keywords: judicial validation; legal protection; marital property; unregistered marriage; women's inheritance.

INTRODUCTION

Unregistered marriages exist at the intersection of religious norms, state administrative obligations, social practices, and access to justice. The term is not a legal category defined by Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Government Regulation Number 9 of 1975, or the Compilation of Islamic Law (KHI). It is used descriptively for relationships claimed to be marriages, typically conducted under religious rites but not evidenced by a marriage certificate. These can include unregistered but religiously valid contracts, defective contracts, polygamy without proper procedures, child marriage, or cohabitation without a contract, and these factual differences determine the legal consequences.

The primary issue is not merely the absence of documents, but the gap between claimed legitimacy, administrative recognition, and the ability to enforce rights. Studies show that the absence of a certificate shifts disputes toward questions of proof, personal status, access to documents, and control over assets (Sarwani, 2022; Wicaksono, 2021). Marriage certificates are legal technologies that connect individuals to identity, public services, children's rights, and judicial procedures (Aziz & Islamy, 2022; Mohamad Kasim et al., 2022; Salma et al., 2022). Nevertheless, this should not be turned into the overblown proposition that every woman in an unregistered marriage inevitably loses inheritance and joint property (Tan et al., 2025).

From a constitutional perspective, Articles 27(1), 28B, 28D(1), 28G, 28H(4), and 28I of the 1945 Constitution guarantee equality before the law, family and child protection, fair legal certainty, protection of property, and non-discrimination, while Article 28J permits restrictions of rights by law. Mandatory registration may thus serve a legitimate constitutional purpose, but its procedure must not make women bear disproportionately the consequences of information inequality, economic dependence, or unilateral actions by their husbands (Ridwan, 2025).

Constitutional Court Decision Number 46/PUU-VIII/2010 demonstrates this complexity. The Court rejected the review of Article 2 paragraph (2) of the Marriage Law, maintaining the registration obligation, but held Article 43 paragraph (1) conditionally unconstitutional insofar as it eliminates the civil relationship between a child and a man proven to be the biological father. The decision corrects the loss of a child's civil relationships; it does not automatically validate every unregistered marriage, establish the mother as legal wife, or determine shares of inheritance and joint property. The status of a child, a wife, marital property, and inheritance have different evidentiary elements and legal consequences (Tan et al., 2025).

Previous research tends to discuss *isbat* (confirmation of marriage), child status, inheritance rights, or registration separately. Some studies emphasize that registration strengthens certainty and protection, while others criticize the impact of formalities on women and children (Ojogbo & Edu, 2022; Ramadhita & Dirkareshza, 2022; Saputra & Permata, 2022; Saxena, 2022). This article combines these layers on the principle that substantive rights are not synonymous with the ability to prove and enforce them. The research questions are: (1) What is the legal status of a wife in an unregistered marriage under the Indonesian legal system? (2) How are inheritance rights and joint property protected for such wives? (3) What legal reconstruction is needed so that administrative certainty does not lead to a loss of substantive protection?

METHOD

This article is normative juridical research using statutory, conceptual, case, comparative, constitutional, and gender/legal protection approaches (Dimiyati et al., 2021; Turnbull, 2021). Primary legal materials include the 1945 Constitution, the Marriage Law, implementing regulations, the KHI, the Population Administration Law, the Religious Courts Law, the Human Rights Law, the Domestic Violence Law, and decisions of the Constitutional Court, the Supreme Court, and the Religious Courts. Secondary materials are articles from reputable journals published in 2021–2025.

The analysis proceeded in three stages (Otu et al., 2023). First, norms were constructed according to the hierarchy of regulations and their validity status until August 31, 2026. Second, decisions were read through their object, ruling, *ratio decidendi*, facts, and limits of application. Third, the results were tested against inheritance and joint property scenarios using Lawrence M. Friedman's framework of legal substance, structure, and culture (Friedman & Scheiber, 2021). Comparative sources on other jurisdictions were used only to examine general mechanisms of legal identity, legal pluralism, non-monetary contributions, and access to justice; they are not evidence of positive Indonesian law.

Primary copies of Supreme Court Decisions No. 329 K/AG/2014 and No. 266 K/AG/2010 were not obtained directly; both are used only to the extent of the rules reported by official Badilag sources. The original text of SEMA No. 3 of 2014 and the final consolidation of Book II of the Guidelines for Religious Courts also need re-checking before use in litigation.

RESULTS AND DISCUSSION

1. Legal Framework for Unregistered Marriages in Indonesia

1.1 Definition of work and three layers of status

Analytically, unregistered marriages must be understood through three layers: material validity (whether the contract complies with religious or belief law and violates no prohibitions), administrative recognition (whether the event is recorded and proven by a marriage book or certificate), and enforceability (whether the parties can use the status to obtain a divorce decree, claim assets, and be listed as heirs). These layers are related but not identical, as shown in Table 1.

Table 1. Marital Status Flow and Its Administrative Consequences

Category	Legal questions	Initial consequences
Valid according to religion/belief	Are the pillars, conditions, identity, guardian/witness, consent, age, and prohibitions fulfilled?	The relationship may be materially legitimate, but it is not easy for the state to prove.
Recorded	Is it recorded by the KUA or civil registration officer?	The marriage certificate/book serves as authentic evidence and a gateway to administrative services.
Not recorded	Why wasn't it recorded and did the contract really take place?	Not automatically valid or invalid; the burden of proof increases.
Isbat is granted	Does the court test and declare the contract valid in the decree?	It is the basis for recording and restoring legal capacity.
Isbat rejected/not accepted/failed	Was the subject examined and what was the reason for the result?	Different consequences; wife status cannot be used automatically.

Article 1 of Law Number 1 of 1974 defines marriage as a physical and spiritual bond between a man and a woman to form a happy and eternal family based on the One Almighty God. Article 2 paragraph (1) states that a marriage is valid if carried out according to the laws of each religion and belief, while paragraph (2) requires every marriage to be registered. Constitutional Court Decision 46/PUU-VIII/2010 emphasized that registration does not determine validity in the religious sense but is an important administrative obligation for authentic evidence and effective protection (Hidayati et al., 2022). Two reductionisms must therefore be rejected: that religious validity automatically gives rise to all state consequences, and that no deed means no relationship or rights at all.

1.2 Inventory of relevant regulations

The legal framework rests on the dualism of Article 2 of Law Number 1 of 1974: validity under religious law and the obligation to register. Registration is not a requirement for validity, but its absence means the loss of authentic evidence, which makes it difficult to prove marital status and to access joint property, inheritance, and children's rights. For Muslims, Article 5(1) of the KHI requires registration and Article 7(1) provides that marriage is proven by a marriage certificate. Where none exists, Article 7(2)–(3) of the KHI and the authority of the Religious Courts under Law Number 7 of 1989 (as amended by Law 3/2006 and Law 50/2009) open the way to isbat nikah for limited reasons. In 2022, 79,639 isbat cases were recorded nationwide, while unregistered marriages are estimated to number in the tens of millions. The framework is completed by Minister of Religious Affairs Regulation Number 30 of 2024 and the population administration regulations (Law 23/2006 in

conjunction with Law 24/2013, Presidential Regulation 96/2018, and Minister of Home Affairs Regulation 108/2019), under which isbat and registration together change marital status from de facto to de jure.

The KHI, disseminated by Presidential Instruction Number 1 of 1991, is not a law in the hierarchy of Law Number 12 of 2011, but it is an important material guideline for Religious Courts. Article 4 links Islamic marriage with Article 2(1) of the Marriage Law; Article 5 requires registration; Article 6(2) denies legal force to marriages outside the supervision of a Marriage Registrar; and Article 7(1) makes the certificate the main evidence. Article 7(2)–(4) opens isbat nikah for limited reasons, including divorce settlement, loss of the certificate, doubt about one of the requirements, marriage before the Marriage Law, or marriage by parties with no obstacle. Isbat is thus not a free registration but a judicial mechanism for restoring status after the court examines the facts, requirements, and interests of affected parties.

2. Legal Status of Wife and Evidence

2.1 *Wife status: not automatically present, not automatically lost*

A woman's position in an unregistered marriage is factual but not fully operational. She may live as a partner, contribute to household expenses, or be viewed as a wife by the community; however, to act as a widow in inheritance cases or as a party in property disputes, she needs a status that can be proven in an authorized forum. The absence of a deed does not eliminate all contributions or legal relationships, but it raises the cost of turning social reality into enforceable rights. For Muslims, the Religious Courts are authorized under Article 49 of Law Number 7 of 1989 to hear marriage and inheritance cases, and Articles 54–58 require simple, expeditious, low-cost, non-discriminatory trials. This competence does not mean every claim of a common-law wife will be granted, but it identifies the forum that must examine the case.

2.2 *Evidence and burden of proof*

Proving a marriage differs from proving rights to assets. For marriage, relevant evidence includes identity, time and place of the contract, guardian, two witnesses, ijab kabul, dowry, consent, absence of prohibitions, and prior marital status; witnesses, KUA documents, family cards, proof of cohabitation, correspondence, photographs, and children's birth documents can form a chain of evidence. Cohabitation or a letter from a religious figure does not automatically replace proof of the pillars of marriage. The Probolinggo Religious Court indicated that a letter matched with the original and the consistent statements of two witnesses can support the granting of isbat if there are no obstacles (Probolinggo Religious Court, 2024).

For assets, evidence must address when and how the object was acquired, the source of funds, the formal and economic owner, whether it is inherited property, a gift, or the proceeds of a marital venture, each party's contribution, and any debts. This prevents two errors: assuming a religious marriage automatically proves ownership of half the asset, or assuming a certificate in the husband's name negates the wife's entire interest. Domestic labor should not be dismissed because it is non-monetary, but courts still require a basis for linking it to the disputed object. Comparative studies from Kenya, Zimbabwe, and African customary marriages show the importance of assessing direct and

indirect contributions, although these mechanisms cannot be transferred without adaptation (Ingwani, 2021; Khatija Hafsa et al., 2023; Odhiambo, 2023).

3. Wife's Inheritance Rights in an Unregistered Marriage

3.1 *Does a common-law wife automatically lose inheritance rights?*

The legal answer is that a wife does not automatically lose inheritance rights, but does not automatically gain them either. Her status through marriage presupposes a valid marriage that can be proven. If the contract is proven, no obstacles exist, and isbat is granted, the woman can be treated as a widow under Islamic inheritance law. If the marriage is not proven or isbat is rejected due to flawed pillars, guardianship, age, or impediments to polygamy, she cannot assume widow status on social recognition alone; other claims such as ownership, receivables, restitution, or contributions must rest on a separate legal basis.

In the KHI, Article 171 distinguishes heirs, estate, and inherited property; Article 175 sets the order of obligations (funeral, debts, wills, distribution); and Article 180 fixes the widow's share at one-fourth if the deceased leaves no children and one-eighth if he does. This share is not calculated from all assets registered in the husband's name, but after joint assets are separated and debts and valid wills are accounted for.

Indonesian studies on second wives' inheritance rights show a strong protective drive, though some conclusions are advocative and must be framed conditionally (Bijaksana, 2024; Prasetya et al., 2024; Putri, 2025; Sudarsono, 2022). Research on Islamic inheritance law and gender equality confirms that distribution cannot be separated from status, object, and evidentiary procedures (Azhari & Asmuni, 2025; Hakim, 2022; Safitri & Saiful, 2025). Comparative analyses of India, Pakistan, and Kosovo show that formal rights can fail without access to information and legal capacity (Dawer, 2025; Fatima, 2024; Niyonkuru, 2021; Sopi, 2024), but they do not alter Indonesian inheritance law.

3.3 *Death of husband and interested parties*

Isbat after the husband's death is procedurally more sensitive than an undisputed isbat between living spouses. If the decision may change who is a widow, who inherits, or who is entitled to assets, heirs and affected parties must be heard; using a voluntary petition to resolve status and inheritance disputes covertly undermines due process. Marital status, property disputes, and inheritance should be addressed sequentially, without artificially simplifying the forum and parties.

Supreme Court Decision No. 329 K/AG/2014, as reported by Badilag, illustrates a restrictive approach when a marriage claimed during an existing marriage is intertwined with a request for civil child relations; with no primary copy obtained, it cannot be generalized to a rule that all post-1974 contracts cannot be validated (Directorate General of the Religious Courts, n.d.-a; Tarais & Hartini, 2023). In contrast, Probolinggo PA Decision No. 33/Pdt.P/2024/PA.Prob granted isbat of a 2021 contract after examining the pillars, documents, two witnesses, and the absence of obstacles. The difference lies in facts and legal configuration, not an abstract conflict between protection and certainty.

4. Rights to Joint Property or Gono-Gini

4.1 *Joint property is not inherited property*

Article 35(1) of the Marriage Law states that property acquired during marriage becomes joint property; Article 35(2) leaves brought-in property, gifts, and inheritance under each party's control; Article 36 requires both parties' consent for actions on joint property; and Article 37 leaves the consequences of division to the respective laws. KHI Articles 85–97 develop these rules, including joint property in polygamy (Article 94) and the spouse's share upon death or divorce (Articles 96–97).

The correct order is: (1) prove marital status and date; (2) classify assets as brought-in, gifts, inheritances, or acquired during marriage; (3) determine the spouse's share of joint assets; (4) add the deceased's share to personal assets to form the estate; (5) subtract debts, funeral expenses, and valid wills; and (6) determine heirs and shares. Skipping this order and treating all of the husband's land, accounts, or businesses as inheritance extinguishes the spouse's rights before the estate is opened.

Constitutional Court Decision No. 108/PUU-XXIV/2026 maintains the construction of assets acquired during marriage as joint property; its relevance arises only after marital status and acquisition time are proven. Decision No. 69/PUU-XIII/2015 allows prenuptial agreements during marriage but offers no way to legitimize unregistered marriages.

4.2 *Types of assets and contributions*

A wife's contributions include paid work, capital, home management, caregiving, and business support, but recognizing them does not allow judges to set proportions without evaluating evidence. Supreme Court Decision No. 266 K/AG/2010, per Badilag, reportedly awarded three-quarters of the joint assets to the wife because of her contribution and years of unpaid maintenance (Directorate General of the Religious Courts, n.d.-b); this is a fact-based adjustment, not a general rule. Comparative studies suggest the half-and-half rule may need contextual assessment, but they do not replace Articles 35–37 of the Marriage Law and the KHI (Johnson, 2023; Munir, 2023; Odhiambo, 2023).

4.3 *Illustration of calculation*

Suppose that, after isbat, a house worth Rp 800 million is proven to be purchased during the marriage and Rp 200 million in savings is the husband's inherited property, with no prenuptial agreement or debt. Half the house (Rp 400 million) first goes to the wife as joint property. The other half plus the savings forms an estate of Rp 600 million. If the husband leaves children, the widow's share under KHI Article 180 is one-eighth, or Rp 75 million. The wife thus receives Rp 400 million as joint property and potentially Rp 75 million as inheritance; the two sources of rights cannot be mixed.

This illustration is not a prediction of the verdict. If isbat is rejected, the joint property construction faces a status obstacle, but the woman may still pursue ownership, receivables, partnership, breach of contract, unlawful acts, or restitution if the facts and parties support it.

5. Marriage Confirmation as an Instrument for Restoring Legal Protection

Marriage confirmation is a judicial mechanism that can restore a person's capacity to be registered as a couple, manage child documentation, file for divorce, claim property, and take part in inheritance analysis. It does not absolve all defects: the court must still examine the reasons under

Article 7 KHI, the pillars and conditions of the contract, age, consent, prohibitions, previous marital status, and the context of polygamy. For Muslims, isbat falls under the Religious Court or Sharia Court; the process involves identifying the forum, gathering evidence of the contract and absence of impediments, determining whether the case is voluntary or contentious, and interpreting the ruling precisely, since granted, rejected, unacceptable, and void are not interchangeable.

The Probolinggo PA Decree No. 33/Pdt.P/2024/PA.Prob granted isbat because the applicants were Muslim, the contract involved a guardian, two witnesses, and a dowry, there were no other marriages, and the written evidence and witnesses were deemed appropriate; the KUA was ordered to record it. In contrast, Penajam PA No. 19/Pdt.P/2023/PA.Pnj declared the application unacceptable because the male applicant was still bound by an official marriage, a material obstacle rather than a mere lack of certificate. Ruteng PA No. 18/Pdt.P/2023/PA.Rtg dismissed the case because the applicant was absent, so validity was never examined (Ruteng Religious Court, 2023).

Studies on isbat show that geographic access, cost, and assistance influence the effectiveness of protection (Khatija Hafsa et al., 2023; Sarwani, 2022; Wicaksono, 2021), while studies on rejected isbat and unregistered polygamy show that judges must also protect wives and children from other marriages (Ardani & Suhadi, 2024; Herlina et al., 2024; Mansari et al., 2023; Penajam Religious Court, 2023). Sound reform therefore simplifies access without compromising the quality of verification.

6. Analysis of MK, MA, and PA Decisions

Constitutional Court Decision Number 46/PUU-VIII/2010 tested Articles 2(2) and 43(1) of the Marriage Law against Articles 28B and 28D of the 1945 Constitution. The Court maintained the registration obligation but declared Article 43(1) conditionally unconstitutional insofar as it eliminates the civil relationship between a child and a man proven, through science and technology and/or other legal evidence, to be the biological father, including with his family. Its ratio decidendi is to protect children from stigma and loss of civil relations due to their parents' administrative status (Hasanah & Hs, 2025).

The decision does not: (1) declare all unregistered marriages valid; (2) automatically establish the mother as legal wife or heir; (3) change all assets in the husband's name into joint property; (4) hold that DNA testing alone suffices for all legal consequences; or (5) replace the isbat procedure. The child's relationship with the father, the wife's status, joint property, and inheritance are separate issues.

Decision No. 69/PUU-XIII/2015 allows marriage agreements before, during, or after marriage with mutual consent and third-party protection. Decision No. 22/PUU-XV/2017 declared the lower minimum marriage age for women conditionally unconstitutional, followed by Law Number 16 of 2019. Decision No. 97/PUU-XIV/2016 extended the administrative reading of religion to include belief, while Decisions No. 68/PUU-XII/2014 and No. 24/PUU-XX/2022 maintained Article 2(1) in interfaith marriage cases. Decisions No. 212/PUU-XXIII/2025, No. 108/PUU-XXIV/2026, and No. 159/PUU-XXIV/2026 establish no norm granting automatic inheritance rights to unregistered wives.

7. Gender Inequality and Legal Vulnerability

Women's vulnerability in unregistered marriages should not be explained by stereotypes of passivity or legal ignorance, but as the combined effect of three elements. Legal substance treats

registration and deeds as evidence, limits isbat, regulates polygamy, and requires separation of property. Legal structure divides the chain of protection among the Religious Courts, KUA, Dukcapil, banks, land offices, and legal aid institutions. Legal culture can normalize the authority of religious figures, marital secrecy, or women's dependence on documents held by husbands.

Studies on kyai as marriage brokers, the interaction of religious and state law, and legal pluralism show that recognition of marriage is layered and not always aligned (Diala, 2021; Issaka-Toure, 2021; Murni & Nisa, 2023; Saputra & Permata, 2022). The urgency of registration lies in ensuring certainty and proof of legal consequences, not in eliminating social realities (Sulfian, 2023), and this difference can benefit those who control documents but burden women when a relationship ends or a husband dies. Research on legal identity confirms that civil administration is an infrastructure for empowerment and equality, not mere archiving (Saxena, 2022; Silva et al., 2025).

Access to justice is an outcome, not merely the availability of a courthouse. Mobile courts reduce distance but are ineffective if forms, fees, assistance, notification, and enforcement are lacking (Sarwani, 2022). Studies from India, Nigeria, and Burundi show that institutional barriers, costs, and conflicting norms can render formal rights inoperative (Niyonkuru, 2021; Olusegun & Oyelade, 2022; Saxena, 2022). Law Number 23 of 2004 on Domestic Violence is of limited but important relevance: Articles 5 and 10 prohibit violence and neglect and grant victims protection and legal aid, so undocumented status should not bar protection, although the law cannot validate marriages or determine inheritance.

8. Hypothetical Case Study

8.1 *Case A: husband died without children*

A and B claimed to have married under Islamic law in 2015 before a guardian and two witnesses, without registration. B died in 2026 without children, leaving a house purchased in 2018 and a deposit acquired before the marriage.

A must submit isbat with evidence of witnesses, identity of the guardian, address documents, correspondence, proof of living together, and absence of impediments, and B's heirs must be treated as interested parties. If granted, the house is tested as joint property: A's half is issued first, and A may then obtain one-quarter of B's share under KHI Article 180 because there are no children, not one-quarter of the whole house and deposit. If isbat is rejected, A cannot claim widow status but may pursue another civil claim based on contribution to the house.

8.2 *Case B: official wife, common-law wife, and children from two relationships*

C was registered as married to D in 2008. In 2019, C entered an unregistered marriage contract with E without a polygamy decision. C died, leaving a child with E. E does not automatically become widow and heir; the court must examine the order of marriage, permission for polygamy, and the facts of the contract, and D and other heirs must be heard.

E's child is analyzed separately: Constitutional Court Decision 46 establishes a civil relationship with the proven biological father but does not validate the C–E relationship or make E a wife. If E proves the marriage, she can be included in the KHI analysis; otherwise she must rely on ownership or other civil claims. Protecting E must not eliminate the rights of D and the first-marriage children.

8.3 Case C: house in husband's name

F and G claimed to have married in 2016. G contributed to a house F bought in 2020 in F's name. After separating, F denied the marriage and sold the house. G must prove two separate things: the marriage contract and its duration, and the contribution and status of the house. A certificate in F's name is important formal evidence but does not necessarily resolve the internal relationship.

G can request isbat or file a contentious case. If the marriage is proven, Articles 35–37 of the Marriage Law and the KHI can ground the joint property analysis; if not, G cannot equate payments with wife status but may consider joint ownership, default, unlawful acts, or restitution, taking into account third-party buyers and land law.

9. Legal Rights Matrix

Table 2. Wife's Rights Matrix

Condition	Marital status	Inheritance rights	Joint property	Legal remedies
Marriage certificate available	Recorded and easy to prove	Processed after death and determination of heirs	Articles 35–37 and KHI; the object must still be proven	Lawsuit/application for property and inheritance.
The marriage contract is claimed, the husband is alive	Do not have authentic proof of state	There has been no inheritance event	Potential after status and assets are proven	Isbat, recording, legal assistance.
Claimed marriage contract, husband died	Partner status is a preliminary issue	It doesn't automatically exist or disappear.	Separate from the boedel after the status is clear	Isbat/determination with interested parties, inheritance cases.
Isbat is granted	Marriage is recognized in the amar	Widows can be analyzed according to KHI	Joint property can be claimed with object evidence	Registration, property lawsuits, determination of heirs.
Isbat rejected	Wife's status has not been proven through a decision	There are no automatic widow's rights	Marriage Law claims are stalled; alternative claims are tested separately	Legal remedies and other civil grounds.
Biological child proven, mother's marriage not proven	The status of a child is not identical to the status of a mother.	The child-father relationship follows the Constitutional Court Decision and relevant laws.	Does not automatically create joint assets with mother	Determination of the origins, maintenance and rights of children.

10. Reconstruction of Legal Protection

Effective protection cannot be achieved by eliminating the obligation to register or granting all isbat. Reconstruction must connect the problem, existing norms, weaknesses, solutions, legal basis, and impacts, as summarized in Table 3.

Table 3. Reconstruction of Legal Protection

Problem	Current norms/state of affairs	Weakness	Concrete solutions	Basis and impact
Late/not done recording	Article 2 of the Marriage and Foreign Investment Law 30/2024	Women often do not master procedures or documents	Pre-contract rights notice, complaint channels, proactive services, digital copies	Articles 28B and 28D of the Constitution; prevent disputes from the start.

Problem	Current norms/state of affairs	Weakness	Concrete solutions	Basis and impact
Isbat is difficult, expensive, and not uniform	KHI Article 7; PERMA 1/2014 and 1/2015	Costs, distance, forms, and the volunteer/contact differences	User-friendly forms, integrated court schedule, Posbakum, transportation assistance, national guidelines	Articles 57–58 of the Child Protection Law expand access without reducing verification.
Husband died before registration	KHI opens interested parties	The risk of unilateral decisions or hidden inheritance disputes	Post-death isbat guidelines, summoning heirs, temporary protection of assets	Due process and protection of all women/children.
Assets are only registered in the husband's name	UU/KHI recognizes joint property	Domestic contributions and acquisition periods are difficult to prove.	Guidelines for proving non-monetary contributions, access to asset data with a court order	Articles 35–37; preventing the emptying of joint property.
The status of a child is equal to the status of a mother	MK 46 Decision protects child-father relationships	The decision was misunderstood as a confirmation of the marriage.	PA–Dukcapil SOP for child origins and documents without stigma	Article 28B(2), 28D; the child's identity is protected.

In the short term, Religious Courts should explicitly differentiate in their decisions between the marriage contract, marital status, child status, joint property, and inheritance. KUA and Dukcapil need follow-up mechanisms that do not require women to repeat the entire process, and potentially affected parties should be summoned in cases of husband's death or polygamy. Domestic work may be assessed as a contribution if linked to time and object, and legal assistance should not wait until women have lost access to assets.

In the medium term, policymakers should clarify the status of post-1974 and post-mortem isbat through transparent guidelines rather than regulations that remove the obligation to register. Administrative sanctions should target providers and parties who knowingly obstruct registration rather than women and children. Family card policies or an unregistered marriage status can offer partial administrative recognition but are not a substitute for isbat (Kurniawan et al., 2025; Wahidah & Ilhami, 2025). In the long term, legal identity should be treated as rights infrastructure (Sopi, 2024), with data integration accompanied by data security, correction procedures, and a prohibition on using a single document as an absolute barrier to protecting children or victims of violence.

CONCLUSION AND SUGGESTIONS

The research results are synthesized in the following conclusions:

1. The legal status of a wife in an unregistered marriage cannot be determined solely by the label "siri" or the lack of a certificate. Indonesian law differentiates validity under religion/belief, the registration obligation, proof, and enforceability. Article 2 of Law Number 1 of 1974 requires registration, but Constitutional Court Decision 46/PUU-VIII/2010 does not turn every social relationship into a state marriage; the absence of a certificate raises evidentiary and administrative barriers without proving that all substantive rights are lost.
2. A siri wife does not automatically lose inheritance rights and joint property, but does not automatically obtain widow status or half of her husband's assets either. If the marriage is proven and isbat granted, her status can be the basis for processing civil rights; KHI Article 180 then gives the widow one-quarter (no children) or one-eighth (with children) after joint assets are

- separated and debts and wills calculated. Assets acquired during marriage, even in the husband's name, can be tested as joint property if time, source, object, and contribution are proven.
3. Constitutional Court Decision 46/PUU-VIII/2010 is a child protection instrument, not an automatic validation of a wife's status. The Probolinggo, Penajam, and Ruteng decisions show, respectively, when isbat is granted, where it is limited by another marriage, and that dismissal for absence is not substantive rejection. Supreme Court Decisions 329 K/AG/2014 and 266 K/AG/2010 must be used with limited scope because only reported rules, not primary copies, were available.
 4. The legal system already has layers of instruments, but protection is ineffective if norms, structures, and culture are not connected. The clearest gaps are in verifying marriage contracts, access to documents and assets, the configuration of parties after the husband's death, PA–KUA–Dukcapil coordination, costs, and unequal bargaining power. Proportional reform keeps registration but ensures a process that is accessible, adversarial when others' rights are affected, sensitive to domestic contributions, and effectively implemented.

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