THE ESTABLISHING OF MARRIAGE (ITSBAT NIKAH) FOR SIRRI MARRIAGE
IN BANTUL RELIGIOUS COURT AFTER THE ENACTMENT OF THE LAW
NUMBER 1 OF 1974 ON MARRIAGE
UNDERGRADUATE THESIS

This undergraduate thesis is submitted as one of the requirements to obtain the degree of Bachelor of Laws at Faculty of Law
Universitas Muhammadiyah Yogyakarta

Name : Nabila Secioria Ciptaning Gusti
Student Number : 20140610502
Faculty : Law
Major : International Program for Law and Sharia
Field of Study : Civil Law

FACULTY OF LAW
UNIVERSITAS MUHAMMADIYAH YOGYAKARTA
2018
DECLARATION PAGE

I hereby declare that the undergraduate thesis under the title “THE PROCESS OF ESTABLISHING MARRIAGE FOR SIRRİ COUPLE IN BANTUL RELIGIOUS AFTER THE ENACTMENT OF THE LAW NUMBER 1 OF 1974” its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/any sanction imposed to me in accordance with applicable regulations, if the future found a breach of scientific ethics, I am willing to accept the sanctions.

Written by:
Name : Nabila Secioria Ciptaning Gusti
Student Number : 20140610502 Faculty of Law
Major : International Program for Law and Sharia (IPOLS)
University : Universitas Muhammadiyah Yogyakarta

Yogyakarta, April 2018

Nabila Secioria Ciptaning Gusti
I hereby declare that the undergraduate thesis under the title “THE PROCESS OF ESTABLISHING MARRIAGE FOR SIRRI COUPLE IN BANTUL RELIGIOUS AFTER THE ENACTMENT OF THE LAW NUMBER 1 OF 1974” its content is truly the work of my own and I did not do plagiarism or quotation in ways that are inconsistent with the prevailing ethic in the scientific community. On this statement, I am ready to bear the risk/any sanction imposed to me in accordance with applicable regulations, if the future found a breach of scientific ethics, I am willing to accept the sanctions.

Written by:
Name : Nabila Secioria Ciptaning Gusti
Student Number : 20140610502 Faculty of Law
Major : International Program for Law and Sharia (IPOLS)
University : Universitas Muhammadiyah Yogyakarta

Yogyakarta, April 2018

Nabila Secioria Ciptaning Gusti
MOTTO

“Barang siapa yang menempuh jalan untuk mencari ilmu, niscaya Allah memudahkan jalan menuju surga”

HR. Tirmidzi

“Janganlah engkau mengucapkan perkataan yang engkau sendiri tak suka mendengarnya jika orang lain mengucapkannya kepadamu”

Ali bin Abi Thalib

“Verily, Allah is with us”

Al-Quran 9:40

“Dan janganlah kamu berputus asa dari rahmat Allah. Sesungguhnya tiada berputus dari rahmat Allah melainkan orang orang yang kufur”

QS Yusuf:83

“So be patient. Indeed, the promise of Allah is truth”

Quran 30:60
DEDICATION

This undergraduate Thesis dedicate to

My Lord, Allah SWT
Prophet Muhammad SAW

My beloved parents
Slamet Riyadi
Nawang Setya Ningsih

My lovely sister and brothers
Agatha Amoritha Liring Mayapadha
Syamsul Huda
FOREWORD

Alhamdulillahirabbil’alamiin, all praises belong to Allah, the Lord of the universe, the Most Gracious, the Almighty, who has given His blessing and guidance. Finally, I could accomplish my undergraduate thesis under the title “The Process of Establishing Marriage for Sirri Marriage Couple In Bantul Religious After The Enactment Of Law Number 1 Of 1974”.

My sincere thanks are addressed to both advisors, Bapak M. Khaeruddin Hamsin, Ph.D., LLM and Bapak H. Nasrullah, S.H., S.Ag., MCL who guided me with patient, wisdom, and compassion, and also all lecturers at the Faculty of Law UMY who inspired me to reach my future. A million appreciations also given to all staffs at the Faculty of Law for their assistance during my four-year study at Universitas Muhammadiyah Yogyakarta.

I would like to say thanks to special appreciation to my parents: Slamet Riyadi, Nawang Setya Ningsih. Your pray, Love, support, guide and affection are being my strength all the way through my life. Thanks to my lovely, brothers, sister and my best friend, Agatha Amoritha Liring Mayaphada, Syamsul Huda, Adhibah Zahra, Leo Pernando, Inggrid Luthfia Afra Wildan Dharmawan and Intan Zahra Huzna’ul Aziz.

Thanks for all my beloved friends: Baiq Nuzulia Putri, Finish Kuntari, Melvinda Nurul, Nur Adhista, Gunanti Esa, Oktafiani, Sasabila, Wisnu Reyhan, Ulfa Anggraeni, Diana Ari and Duta Wisata Kebumen especially batch 2017 for their support, love and my highest gratefulness to IPOLianS, especially batch 2014 who give their motivation and inspiration for me to finish my undergraduate thesis.

Nabila Secioria Ciptaning Gusti
# TABLE OF CONTENT

COVER ......................................................................................................................... i

APPROVAL PAGE ........................................................................................................... ii

ENDORSEMENT PAGE ................................................................................................. iii

DECLARATION TYPE ...................................................................................................... iv

MOTTO PAGE ................................................................................................................. v

DEDICATION ................................................................................................................... vi

FOREWORD ................................................................................................................... vii

TABLE OF CONTENT ................................................................................................... ix

ABSTRACT ...................................................................................................................... x

CHAPTER ONE INTRODUCTION
   A. Background ............................................................................................................... 1
   B. Research Problem .................................................................................................... 2
   C. The objective of Research ...................................................................................... 3
   D. The benefit of Research ......................................................................................... 4

CHAPTER TWO-LITERATURE REVIEW
   A. Marriage .................................................................................................................. 5
   B. Sirri Marriage .......................................................................................................... 9
   C. Itsbat Nikah ............................................................................................................. 10
   D. Religious Court ....................................................................................................... 13

CHAPTER THREE-RESEARCH METHOD
   A. Types of Research .................................................................................................. 17
   B. Types of Data ......................................................................................................... 17
   C. Data Collection ...................................................................................................... 18
   D. Data Analysis ......................................................................................................... 18

CHAPTER FOUR-FINDING AND ANALYSIS
A. The Sirri Marriage ................................................................. 19
B. The Urgency of Establishment of Sirri Marriage ..................... 29
C. The Process of Establishment of Sirri Marriage in Religious Court of Bantul ................................................................. 31

CHAPTER-FIVE CONCLUSION AND RECOMMENDATION

A. Conclusions ........................................................................... 45
B. Suggestion ............................................................................ 48

REFERENCES