

ABSTRACT

Muhammd Dzulfikar. 06210065. The certainty of punishment to the performer of not recorded marriage on the view of the Islamic teacher of NU on Malang. Thesis. Al-Ahwal Al-Syakhshiyyah Department. Sharia Faculty. The Maulana Malik Ibrahim State Islamic University.

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The practice of marriage has been running for so long, the rest of the generations of man himself that since Prophet Adam to the modern times that the continuing dynamical to experience many changes with the development era. So, the marriage practices in Indonesia which is set by law and must be recorded. Originated from the rampant practice of *Nikah Sirri* in Indonesia, was recently in Indonesian the plan of statute with the material justice field of religious marriage, or it is called *Nikah Sirri*. In the discussion of legislation draft, which has drawn controversy is the existence of a punishment for the performer *Nikah Sirri*. From this problem, this research aims to find out and describe the opinions and view of Islamic teacher of NU on the performer of not recorded marriage and the effort of punishment for the performer of marriage that is not recorded.

The researcher includes this problem in to field research design and uses descriptive quantitative approach. To collect the data, the researcher uses interviews and documentation methods. The data will process with the editing, classifying, verifying, analyzing and concluding technique.

The research result can be concluded that the Islamic teacher of NU on Malang give some opinions and views that the marriage without the record is permitted on Islamic law but it not good marriage process. The reasons are, the good marriage process is the marriage that aimed into *Sakinah, Mawaddah* and *Rahmah* family. And the certainty of punishment to the performer into marriage that is not recorded, the Islamic teacher of NU have an opinion if it's to organize the society and give be under the protection to woman. But they are not agreeing if given the punishment to the performer of *Nikah Sirri*. Because, the marriage is one of the domains of Islamic civil law and the consequence of the violation is on the Islamic law civil.