

The Reorientation of Marriage Registration in the Compilation of Islamic Law: Shifting from Administrative Formality to Legal Obligation

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Abstract: Marriage registration in Indonesia continues to be perceived merely as an administrative formality rather than a binding legal duty, leading many couples to neglect it. This condition results in an imbalance that weakens legal protection for women and children, particularly in cases of serial or unregistered marriages. This study examines the urgency of marriage registration from the perspectives of Islamic law and national law, and its implications for protecting family rights. Employing a qualitative methodology with normative and sociological legal approaches, this research also incorporates policy analysis of marriage registration practices in several Islamic countries. The findings demonstrate that marriage registration plays a strategic role in ensuring legal certainty, safeguarding the rights of women and children, and maintaining social order. From the perspective of the *maqāṣid al-sharī'ah*, marriage registration serves as a crucial instrument for protecting lineage (*ḥifẓ al-nasl*) and preventing injustice within the family. Accordingly, this study underscores the urgent need to reform the Compilation of Islamic Law (KHI) and strengthen public legal education to raise awareness of the importance of marriage registration. These findings affirm that marriage registration should be recognized as a binding legal obligation that extends beyond administrative purposes and constitutes a fundamental element of family law protection in Indonesia.

Keywords: Marriage Registration, Administration, Compilation of Islamic Law, Legal Obligation, Islamic Family Law.

Introduction

Marriage registration is a modern legal instrument that serves not only as an administrative procedure but also as a legal protection mechanism for married couples, especially women.¹ In a legal system

¹ A Sultan Sulfian, "The Urgency Of Marriage Registration In The Perspective Of Indonesian Marriage Law And Islamic Law," *Jurnal Al-Dustur* 6, no. 1 (2023), <https://doi.org/10.30863/aldustur.v6i1.4224>.

grounded in principles of justice and legal certainty, marriage registration establishes the legitimacy of Marriage in the eyes of the state, enabling the recognition of spouses' civil rights, such as inheritance, alimony, and the legal status of children.² However, in Indonesia, the practice of serial Marriage is still rampant, especially in environments that lack legal awareness or in specific communities that prioritize religious legitimacy over state regulations.³ This phenomenon raises various legal and social problems, especially for women who are vulnerable to injustice due to the lack of legal recognition of their marital status.⁴

Although the Marriage Law and the Compilation of Islamic Law (KHI) have regulated marriage registration, these provisions remain administrative, not binding legal obligations.⁵ As a result, couples who marry in series do not face strict legal sanctions, so this practice continues without adequate supervision.⁶ The consequences of an unregistered Marriage are complex, especially for women who often lose access to their rights, such as protection from domestic violence, the right to joint property, and the clarity of the legal status of the child born.⁷ Therefore, it is necessary to re-evaluate the KHI so that marriage registration is not merely an administrative procedure but a legal obligation that must be fulfilled to ensure justice and legal protection for

² Taufik, "The Urgency of Registering Marriages In Jambi Province Based On The KHI of Maqāsid Al-Syari'ah Perspective," *Mutiara: Jurnal Ilmiah Multidisiplin Indonesia* 1, no. 2 (2023): 186–200, <https://doi.org/https://jurnal.tiga-mutiara.com/index.php/jimi/index>.

³ Elidar Sari, "Proceeding of the Malikussaleh International Conference on Law , Legal Studies and Social Sciences (MICoLLS) 2024," in *The Urgency of Itsbat Nikah In Registering Marriage To Children's Identity Rights In North Aceh*, 2024, 4–11.

⁴ Sigit Siswomiharjo, Abu Yazid Adnan Qutni, and Imam Syafi'i, "Analysis of Judges' Decisions in Marriage Isbat Cases According to the Perspective of Positive Law and Islamic Law (Case Study No.076/Pdt.P/2022/Pa.Prob)," *Al Mashaadir : Jurnal Ilmu Syariah* 4, no. 1 (2023): 30–41, <https://doi.org/10.52029/jis.v4i1.109>.

⁵ Moch Yusuf Bachtiar and Nuryanto Ahmad Daim, "The Urgency of the Judge ' s Decision on the Marriage Itsbat Application As a Solution to Obtain Legal Identity Rights," *Journal "Law and Humanity*, 2023, 233–53, <https://doi.org/https://doi.org/10.37504/lh.v1i3.578234>.

⁶ Nurfika Palilati, Nur Mohamad Kasim, and Zamroni Abdussamad, "The Urgency of Religious Marriage Registration in Population Administration Regulations for Legalization and Granting Permits," *Estudiante Law Journal* 7, no. 1 (2025): 126–38, <https://doi.org/https://doi.org/10.33756/eslaj.v7i1.30521>.

⁷ Evanurfitriani, "The Urgency of Marriage Registration, Fiqh Perspectives and Compilation of Islamic Law. Introduction," *Educational Journal of History and Humanities* 8, no. 1 (2025): 727–32, <https://doi.org/https://doi.org/10.24815/jr.v8i1.44370> Marriage.

all parties, especially women.

Although marriage registration regulations are set out in laws and regulations, their implementation in the community still faces various obstacles. Many couples choose to marry in series for cultural, economic, or religious reasons that do not accommodate the obligation to record the Marriage.⁸ This shows a gap between the legal norms established and the social practices that have developed. Weak supervision and a lack of firm sanctions against unregistered marriages further reinforce this practice, which ultimately leads to legal uncertainty for women and children born out of such marriages.⁹ Therefore, a more effective legal strategy is needed to ensure that marriage registration is an integral part of the marriage legal system in Indonesia.

The impact of not registering marriages is felt most by women, who often experience unclear legal status in marital relationships.¹⁰ In the case of serial marriages, women frequently lose their fundamental rights, such as inheritance, alimony, and legal protection, when there is a domestic dispute or divorce.¹¹ This ambiguity is compounded by the difficulty of women's access to legal remedies, because the state does not recognize their marital status.¹² This situation shows the need for a more inclusive regulatory reform to ensure legal protection for women in Marriage, especially by strengthening the status of marriage registration as a legally binding instrument.

As the primary reference in Islamic law in Indonesia, the Compilation of Islamic Law (KHI) still places marriage registration as an

⁸ Qadriani Arifuddin, "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles Qadriani," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 317–28, <https://doi.org/https://doi.org/10.19109/nurani.v24i2.24529>.

⁹ Jamilah dan Isa, "Marriage Registration As a Form Of Maṣlaḥah Mursalah," *Jurnal Studi Hukum Islam* 7, no. 1 (2019): 2615–22, <https://doi.org/http://journal.um-surabaya.ac.id/index.php/Maqasid>.

¹⁰ Nadya Pratiwi Daniela et al., "The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law," *El-Usrah* 7, no. 1 (2024): 150–64, <https://doi.org/10.22373/ujhk.v7i1.23317>.

¹¹ Lathifah Munawaroh, Ahmad Munif, and Ahmad Rofiq, "Disharmony of Sirri Marriage Registration Regulation on the Family Card (Analyzing The Ministry of Interior Affairs' Regulation No. 9/2016)," *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 1 (2023): 93–108, <https://doi.org/10.25041/fiatjustisia.v17no1.2851>.

¹² Siswomiharjo, Qutni, and Syafi'i, "Analysis of Judges' Decisions in Marriage Isbat Cases According to the Perspective of Positive Law and Islamic Law (Case Study No.076/Pdt.P/2022/Pa.Prob)."

administrative requirement, not as a legal obligation.¹³ In fact, from the perspective of Islamic law, Marriage is not only a private event, but also has a social dimension that demands legal protection for all parties involved.¹⁴ For this reason, it is necessary to re-evaluate the KHI so that marriage registration can transform from just an administrative to a binding legal obligation. This transformation will not only strengthen legal protection for women but also create better legal certainty in the marriage system in Indonesia.

The status of marriage registration in Indonesian regulations, especially in the Compilation of Islamic Law (KHI), is still administrative and has not been required as a binding legal norm. As a result, unregistered marriages continue to occur without firm legal consequences, thus implicating the unclear legal status of women and children. The social impact is also significant, especially in terms of access to civil rights and legal protection, as the findings of Isroqunnajah,¹⁵ Maimun,¹⁶ Nasrullah,¹⁷ and Nur Wakhidah¹⁸ said that marriage regulations in Indonesia, including KHI, have not required binding marriage registration. As a result, unregistered marriages continue without legal consequences, weakening legal certainty and protection for women and children, so policy reforms are needed to strengthen the legal legitimacy of marriage registration. Therefore, academic and practical recommendations are needed that emphasize the urgency of amending regulations to make marriage registration a legal obligation in the KHI, thereby increasing legal certainty and protection for all parties.

¹³ Ya` Rakha Muyassar, "Legal Counseling on 'Itsbat Marriage' to Increase Community Legal Awareness," *Jurnal Pengabdian Masyarakat* 7, no. 1 (2022), <https://doi.org/https://doi.org/10.20527/btjpm.v7i1.10963>.

¹⁴ Munawaroh, Munif, and Rofiq, "Disharmony of Sirri Marriage Registration Regulation on the Family Card (Analyzing The Ministry of Interior Affairs' Regulation No. 9/2016)."

¹⁵ Isroqunnajah, "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 105–25, <https://doi.org/10.22373/sjhk.v8i1.19834>.

¹⁶ Maimun, "Dynamics of Family Law in Indonesia: Bibliometric Analysis of Past and Future Trends," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 518–37, <https://doi.org/10.22373/sjhk.v8i1.21890>.

¹⁷ Nasrullah, "The Character of Legal Products in Indonesia: A Study of Changes to the Marriage Law from a Political-Law Perspective," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 8, no. 1 (2024): 602–27, <https://doi.org/10.22373/sjhk.v8i1.17302>.

¹⁸ Nur Wakhidah, "The Legal Culture of Samin Community of Family Law in Central Java Abstract:," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 1 (2024): 126–50.

Previous research has discussed many marriages in the context of positive law and state administration. Still, it has not comprehensively examined the urgency of registration as a legal obligation in the Compilation of Islamic Law (KHI). Studies that link marriage registration with women's protection in applicable Islamic law in Indonesia are still limited, leaving a significant research gap. In addition, there has been little discussion of how the concept of a legal obligation to register Marriage can be integrated into a more inclusive and adaptive framework of Islamic law. Therefore, this study aims to fill the gap through a more holistic legal analysis.

This research contributes to reformulating Islamic law in Indonesia by emphasizing that marriage registration is a legal obligation, not merely an administrative procedure. This approach rests on protecting women in Marriage, in line with the principles of sharia maqashid, which emphasize justice and legal certainty. In addition to enriching academic discourse in Islamic law and family policy, this research is also relevant in the context of global law that increasingly demands inclusive and equitable regulation. Thus, the findings of this study can serve as a reference for policymakers and academics in drafting more adaptive rules to ensure stronger legal protection for all parties in Marriage.

Research Methods

This study uses a qualitative method with a normative juridical approach to analyze the status of marriage registration in Islamic law and regulations in Indonesia.¹⁹ The normative juridical approach is used to examine the applicable legal norms, especially in the Marriage Law and the Compilation of Islamic Law (KHI), as well as to evaluate its relevance in making marriage registration a legal obligation. The data in this study were obtained through library research, which involved analyzing laws and regulations, court decisions, and academic documents such as scientific journals and contemporary Islamic law books.

In addition, this study uses doctrinal analysis to examine the concept of marriage registration in Islamic jurisprudence, as well as how the principle of sharia maqashid can serve as a basis for argument to strengthen the urgency of marriage registration as a legal obligation. The

¹⁹ Suravi Lahiri, "A Qualitative Research Approach Is an Inevitable Part of Research Methodology: An Overview," *International Journal for Multidisciplinary Research (IJFMR)* 5, no. 3 (2023): 1–13.

data analysis technique is carried out in a descriptive-analytical manner, namely by describing existing legal provisions, comparing them with various academic perspectives, and criticizing them to produce recommendations for policy reformulation in the Compilation of Islamic Law. Thus, this research not only contributes to the development of Islamic jurisprudence but also offers a strong academic foundation for policymakers in revising marriage registration regulations in Indonesia.

Results and Discussions

Conceptual Differences in Marriage Registration

Marriage registration in the legal system in Indonesia has been considered an administrative procedure that aims to ensure the legality of Marriage in the realm of state law.²⁰ However, from an Islamic law perspective, record-keeping should serve a role beyond mere administration. Recording must be seen as a legal obligation that protects the rights of married couples and children.²¹ This conceptual difference creates a dilemma in applying marriage rules, where some people still view recording as a mere formality rather than a binding legal imperative.²²

This difference is increasingly evident in community practice, especially among those who conduct marriages in *series* or without official registration at the Religious Affairs Office (KUA).²³ In the law of the land, unrecorded marriages have serious legal consequences, especially in terms of inheritance rights, alimony, and recognition of the status of children.²⁴ Meanwhile, in the context of Islamic law, Marriage

²⁰ Abd Kadir Ahmad, "Bunting Lolo: The Dialectics of State, Islamic Law, and Culture in Marriage Practice among Island Communities in South Sulawesi," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 443–66, <https://doi.org/http://doi.org/10.19105/al-lhkam.v18i2.10399>.

²¹ Zaini Nasohah, "Contains Rules Appropriate for Facing Challenges at All Times. It Encompasses All Aspects of Human Life Including Family Laws. Family Law as One of the Important Components In," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 8, no. 1 (2024): 1–19, <https://doi.org/10.22373/sjkh.v8i1.16553>.

²² A B Warman, "Reforming Marriage Registration Policies in Malaysia and Indonesia," *Bestuur* 11, no. 1 (2023): 61–74, <https://doi.org/10.20961/bestuur.v11i1.66320>.

²³ Abdul Haq Syawqi, "Law Omission in Muslim Society: Inquiring Citizen Rights in the Administration of Islamic Family Law in Madura, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1757–77, <https://doi.org/10.22373/sjkh.v7i3.20048>.

²⁴ Wahyuni Retno, Wulandari Trisakti, and Jakarta Indonesia, "Why Is Indonesian Islam Important In The Entrenchment Of Women' S Rights?," *Journal of Indonesian*

remains valid if it meets the principles and conditions, regardless of state registration.²⁵ This creates inequality in legal protection for women and children, who are often harmed by the absence of official proof of Marriage.²⁶

In addition, marriage registration serves a strategic function in establishing legal order and the certainty of civil rights in Marriage.²⁷ Without records, it is difficult for the state to enforce family law fairly and transparently.²⁸ The existence of official marriage documents provides certainty for wives and children in obtaining their rights, including the right to alimony, inheritance rights, and other legal protections.²⁹ Therefore, the marriage registration paradigm needs to shift from an administrative process to a binding legal obligation for every married couple.

From a fiqh perspective, marriage registration is not explicitly mandatory, but the principle of maqashid sharia prioritizes the protection of the benefits of the family and society.³⁰ One of the primary purposes of Islamic law is to protect offspring (*hifz al-nasl*), which can only be guaranteed if the Marriage is officially registered. Thus, although the recording is not mentioned in the primary sources of Islamic law, its urgency can be built through the approach of maqashid sharia as a form

Islam 17, no. 01 (2023): 169–88, <https://doi.org/Entrenchment of Women's Rights?>

²⁵ Lisa Cameron, *Child Marriage: Using the Indonesian Family Life Survey to Examine the Lives of Women and Men Who Married at an Early Age* (Springer US, 2023), <https://doi.org/10.1007/s11150-022-09616-8>.

²⁶ S Wahyuni, "The Registration Policy of Interfaith Marriage Overseas for Indonesian Citizen," *Bestuur* 10, no. 1 (2022): 12–21, <https://doi.org/10.20961/bestuur.v10i1.54449>.

²⁷ M N Harisudin, "On the Legal Sanction against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective," *Samarah* 5, no. 1 (2021): 471–95, <https://doi.org/10.22373/sjhg.v5i1.9159>.

²⁸ Euis Nurlaelawati, "Apostasy and Its Judicial Impact on Muslim's Marital Apostasy in Both General and Specific Scopes. Taking Sudan as an Object of His Study Abdullahi Ahmed Al-Na'Im Discusses the Islamic Law of Apostasy and Relates It to the Modern Applicability. 5," *Journal of Indonesian Islam* 10, no. 01 (2016): 89–112, <https://doi.org/10.15642/JIIS.2016.10.1.89-112> Muslim's Marital Life in Indonesia FOR.

²⁹ Gender-just Fiqh and Faquiddin Abdul Kodir, "Maqāṣ Id Cum-Mubā Dalah Methodology of KUPI: Centering Women's Experiences in Islamic Law for," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 519–45, <https://doi.org/https://doi.org/10.19105/al-lhkam.v19i2.16617>.

³⁰ Ahmad Muhamad et al., "Relevance of Religious Court Decisions on Marriage to National Development Policy Directions: A Legal and Social Analysis," *ESIC* 8, no. 1 (2024).

of protection for women and children from legal uncertainties arising from *serial* marriages.³¹

In addition, in many countries with Islamic legal systems, marriage registration has become an integral part of family law. Countries such as Malaysia, Saudi Arabia, and the United Arab Emirates have implemented policies that require marriage registration as a condition for the validity of Marriage in state law. This shows that Islamic law can adapt to the needs of modern society without neglecting its basic principles.³² Therefore, Indonesia, as a country with a majority Muslim population, needs to consider the implementation of marriage registration as a legal obligation that is not only binding in administrative aspects, but also in Islamic law.

The lack of public awareness of the importance of marriage registration also exacerbates this problem.³³ Many couples still believe that recording is necessary only when there is an administrative need, such as making a family card or a child's birth certificate. This attitude shows that comprehensive legal education is still needed so that the public understands the legal implications of not registering their marriages.³⁴ This education must involve various parties, including religious institutions, academics, and the government, to create a broader understanding of the urgency of marriage registration.

Policy reform in the Compilation of Islamic Law (KHI) is a crucial step to make marriage registration a binding legal obligation. Currently, the KHI still places recording as an administrative requirement, not as an element that determines the validity of Marriage. This opens up space for the practice of *serial* Marriage, which has the potential to harm women and children.³⁵ Therefore, it is necessary to revise this regulation to

³¹ Al-mubâdalah Mafhûmi and Fiqhi Mar, "Al-Mubâdalah Fî Mafhûmi Fiqhi Al-Mar'ah Al-Mu'âshirah Bî Indûnîsiyâ," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 189–215, <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i1.6140>.

³² Kristin A Collins, "Administering Marriage: Marriage-Based Entitlements , Bureaucracy, and the Legal Construction of the Family Administering Marriage: Marriage- Based Entitlements , Bureaucracy , and the Legal Construction of the Family," *Vanderbilt Law Review* 62, no. 4 (2019).

³³ Sulfian, "The Urgency Of Marriage Registration In The Perspective Of Indonesian Marriage Law And Islamic Law."

³⁴ Mu'tashim Billah, "The Maslahah of State Policy in Responding to Unregistered Marriage: Inclusion of Unregistered Marriage on The Family Card," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2024): 136, <https://doi.org/10.30659/jua.v6i2.31138>.

³⁵ Bayu Dwi et al., "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration" 2, no. 3 (2022): 167–77.

confer greater legal status on the recording, in line with the principles of justice in Islam and national law.

In addition to the aspects of Islamic and national law, a sociological approach should also be considered in support the marriage registration policy.³⁶ The public needs to understand that recording is not only an administrative obligation imposed by the state, but also an instrument for protecting the rights of women and children.³⁷ With strong records, cases of neglect of wives and children due to marriages that are not recognized by the state can be minimized. In addition, the registry protects women's access in civil rights that are often overlooked in serial marriages.³⁸

In the global context, many countries have adopted stricter marriage registration policies to ensure legal protection for all citizens.³⁹ Indonesia needs to learn from these countries' practices to improve regulation in its family law system.⁴⁰ By making marriage registration a legal obligation, the state can create a more inclusive and equitable system, especially for women who are vulnerable to discrimination due to an unofficially recognized marital status.⁴¹

Thus, marriage registration needs to be understood not only as an administrative procedure but also as a legal obligation with significant implications for justice and legal protection in Marriage. Policy reform in KHI and public education are crucial steps toward strengthening the marriage registration system in Indonesia. Thus, marriage registration

³⁶ Muhamad et al., "Relevance of Religious Court Decisions on Marriage to National Development Policy Directions : A Legal and Social Analysis."

³⁷ Nur Mohamad Kasim, Sri Nanang M Kamba, and Fibriyanti Karim, "Optimization of Marriage Registration as Legal Certainty of Children ' s Rights in the Perspective of Maqasid Shariah," vol. 2022, 2022, 1-9, <https://doi.org/10.18502/kss.v7i15.12070>.

³⁸ Winda Hayati et al., "Sosialisasi Pencatatan Perkawinan Dalam Peraturan Perundang- Undangan Perkawinan Di Indonesia," *Jurnal of Community Development in Islamic Studies* 1, no. 2 (2022).

³⁹ Aldy Darmawan et al., "Legalization of Nikah Sirri: A Solution to Obtain Marital Status Recognition Among Diverse Cultural Groups in Indonesia," *Kawanua International Journal of Multicultural Studies* 4, no. 2 (2023): 165-74, <https://doi.org/10.30984/kijms.v4i2.728>.

⁴⁰ Bachtiar and Daim, "The Urgency of the Judge ' s Decision on the Marriage Itsbat Application As a Solution to Obtain Legal Identity Rights."

⁴¹ Yunus Dumbé, Eric Henry Yeboah, and Mohammed Damba, "Muslims and the Dilemma of Marriage Registration in Ghana: Perspectives from the Wala Muslim Community , Ghana," *E-Journal of Humanities, Arts and Social Sciences (EHASS)* 4, no. 7 (2023): 893-902, <https://doi.org/https://doi.org/10.38159/ehass.2023479> Muslims.

can serve as a legal instrument that not only provides legal certainty but also protects the rights of women and children in the Islamic and national legal orders.

Table 1. Comparison of Marriage Registration Policies in Various Countries

| Country | Marriage Registration Status | Legal Consequences |
|----------------------|--|--|
| Indonesia | Not a requirement for the validity of Marriage under Islamic law | Unregistered marriages (nikah siri) are prevalent, leaving women and children vulnerable |
| Malaysia | Mandatory for marriage validity under national law | Violations may result in legal sanctions |
| Saudi Arabia | Required for administrative legality and legal protection | Marriages without registration are considered invalid under national law |
| United Arab Emirates | Mandatory as part of family law | Women's and children's rights are better protected |

Legal and Social Impacts of Unregistered Marriage

Unregistered Marriage or serial Marriage is a phenomenon that is still rampant in Indonesia, even though regulations have been put in place to regulate the importance of marriage registration.⁴² The consequences of this practice not only have an impact on the legal status of couples but also cause various social problems, especially for women and children.⁴³ In the modern legal system, marriage registration aims to provide legal protection and certainty for individuals involved in the institution of Marriage. However, when recording is not done, various legal rights can be overlooked, creating uncertainty and potential injustice.

One of the main impacts of an unregistered Marriage is the loss of women's rights in Marriage. Without official documents acknowledging marital status, women often experience difficulties in demanding

⁴² A Hanapi, "Urgency of Marriage Registration for Women and Child Protection in Gayo Lues District," *Samarah* 4, no. 2 (2020): 528–44, <https://doi.org/10.22373/sjhk.v4i2.7942>.

⁴³ Nadya Rizki Emeraldia, "Reconstruction Of Marriage Registration Based On The Relevance Between State Administrative Law And Civil Administrative Law," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 7 (2022): 87–98, <https://doi.org/http://journal2.um.ac.id/index.php/jppk>.

alimony and inheritance rights from their husbands.⁴⁴ This puts women in a vulnerable position, primarily when divorce or the death of their husband occurs. In the absence of legal documents, women do not have a strong legal basis to claim their rights, so they have the potential to face adverse legal discrimination.⁴⁵

In addition, children born to marriages without registration also face significant legal consequences. These children often have difficulty obtaining valid birth certificates, which are essential for accessing various public services, including education and health care.⁴⁶ The unclear legal status of children due to serial marriages can also have an impact on their inheritance rights, which in many cases becomes difficult to claim without legal evidence of their parental status.⁴⁷

From a social perspective, unregistered marriages contribute to the increasing number of polygamous marriages without official permits.⁴⁸ The non-existence of Marriage provides a legal loophole for individuals who want to avoid the legal requirements in polygamous marriages, which can ultimately harm women in such marriages.⁴⁹ This can also create instability in households and lead to social conflicts in society.

Another impact of an unregistered Marriage is the increase in cases of domestic violence (KDRT).⁵⁰ Women in serial marriages often

⁴⁴ Hoko Horii, "Living in a Legal Limbo: Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia Living in a Legal Limbo : Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia," *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (2022), <https://doi.org/10.54828/ijsls.2022v2n1.1>.

⁴⁵ Salma, "IGNORING FAMILY LAW ADMINISTRATIVE PROCEDURE: Falsifying Death of Spouses for the Registration of New Marriage in Lengayang Muslim Community," *Al Ahwal* 15, no. 1 (2022), <https://doi.org/10.14421/ahwal.2022.15101>.

⁴⁶ Z Arifin, "Urgency Supreme Court Circular Letter Number 2 of 2023 in the Judicial Process of Interfaith Marriage Registration," *Journal of Law and Legal Reform* 5, no. 1 (2024): 137–78, <https://doi.org/10.15294/jllr.vol5i1.2101>.

⁴⁷ Ade Manansyah, "Kewajiban Pencatatan Perkawinan Pasca Lahirnya Peraturan Presiden No. 96 Tahun 2018 (Marriage Registration Post-Birth Presidential Regulation No. 96 Years 2018)," *ASCARYA* 2, no. 1 (2022), <https://doi.org/10.53754/iscs.v2i1.349>.

⁴⁸ Rebecca Probert et al., "Trying to Get a Piece of Paper from City Hall? The Availability, Accessibility, and Administration of the Register Office Wedding," *Journal of Social Welfare and Family Law* 44, no. 2 (2022): 226–44, <https://doi.org/10.1080/09649069.2022.2067651>.

⁴⁹ Dani Muhtada, "Registering the Unregistered: A Legal Analysis of the Ministry of Home Affairs' Policy on the Family Card for the Unregistered Married Couple," in *ICILS*, 2022, <https://doi.org/10.4108/eai.27-7-2022.2342429>.

⁵⁰ Dwi Arini Zubaidah, "Pencatatan Perkawinan Sebagai Perlindungan Hukum,"

face difficulties in reporting or prosecuting perpetrators of violence, due to the unclear legal status of their marriages. Without official registration, legal protection for victims of domestic violence becomes weaker, resulting in women being trapped in harmful relationships without adequate protection mechanisms.⁵¹

From the perspective of Islamic law, marriage registration aims to provide legal certainty and protect the rights of women and children in Marriage.⁵² Although Marriage is still valid even if it is not registered, having official documents is very important to avoid future legal problems that can arise in the future. Therefore, marriage registration not only serves as a state administrative function but also as an instrument of legal protection with real impact on society.⁵³

Marriage without registration can also have an impact on the civil rights of married couples, especially in divorce cases.⁵⁴ Without proof of marriage registration, legal proceedings related to divorce and asset division become more complicated.⁵⁵ In many cases, women who are married in series find it difficult to claim their economic rights after divorce due to the absence of official documents proving their marital status.⁵⁶

The lack of Marriage can also cause social stigma for the women and children involved. People often view women who marry in series as parties that do not have strong legal protection, which can have an

Al-Aḥwāl 12, no. 1 (2019): 15–28.

⁵¹ Manansyah, "Kewajiban Pencatatan Perkawinan Pasca Lahirnya Peraturan Presiden No. 96 Tahun 2018 (Marriage Registration Post-Birth Presidential Regulation No. 96 Years 2018)."

⁵² Mikyas Abera et al., "Early Marriage and Women ' s Empowerment : The Case of Child-Brides in Amhara National Regional State , Ethiopia," in *Abera et Al. BMC International Health and Human Rights*, vol. 5, 2020, 1–16, <https://doi.org/https://doi.org/10.1186/s12914-020-00249-5>.

⁵³ Ahmad Fausi and Formal Law, "Child Protection According to Islamic Law And Formal," *USRAH* 2, no. 23 (2021): 52–63.

⁵⁴ Nasohah, "Contains Rules Appropriate for Facing Challenges at All Times. It Encompasses All Aspects of Human Life Including Family Laws. Family Law as One of the Important Components In."

⁵⁵ L Rahbari, "Marriage, Parentage and Child Registration in Iran: Legal Status of Children of Unmarried Parents," *Social Sciences* 11, no. 3 (2022), <https://doi.org/10.3390/socsci11030120>.

⁵⁶ Lauren Maxwell, Zara Khan, and Kathryn M Yount, "Do Laws Promoting Gender Equity and Freedom from Violence Benefit the Most Vulnerable ? A Multilevel Analysis of Women ' s and Adolescent Girls ' Experiences in 15 Low- and-Middle-Income Countries" 37, no. October 2021 (2022): 33–44, <https://doi.org/https://doi.org/10.1093/heapol/czab127>.

impact on their social position.⁵⁷ Children from undocumented marriages are also vulnerable to discrimination, especially in their educational and community settings.⁵⁸

In the context of Indonesian legal policy, reforms are needed in the Compilation of Islamic Law (KHI) to make marriage registration a legal obligation rather than merely an administrative matter and to ensure its binding effect.⁵⁹ By clarifying the legal status of marriage registration, the government can better protect women and children and prevent various social problems arising from the non-registration of Marriage.⁶⁰

Given the various legal and social impacts of unregistered marriages, strategic steps are needed to raise public awareness of the importance of marriage registration.⁶¹ Socialization about the benefits of marriage registration and stricter enforcement of regulations can help reduce the practice of serial Marriage that has the potential to harm women and children in Indonesia. Thus, legal reform in the KHI must be carried out to ensure justice and legal protection for all married citizens.

Table 2. Legal and Social Impacts of Unregistered Marriage

| Aspect | Impact | Consequences |
|--------|------------------------------------|---|
| Legal | Loss of women's rights in Marriage | Difficulty in claiming financial support and inheritance due to the absence of legal marriage proof |
| | Unclear legal status of children | Challenges in obtaining birth certificates, education access, and healthcare services |

⁵⁷ Fausi and Law, "Child Protection According to Islamic Law And Formal."

⁵⁸ Muhammad Al-Ghazalli Abdol Malek, "Impak Perkahwinan Kanak-Kanak Terhadap Pemberdayaan Wanita Dan Pendekatan Islam Dalam Menanganinya," *Journal Al-'Abqari* 27, no. November 2021 (2022): 46–67, <https://doi.org/10.33102/abqari.vol27no1.520>.

⁵⁹ Dağlar Ekşi, *I Nheritance Of A C Ommercial E Nterprise To A M Inor And The M Inor ' S T tle As A M Erchant In A Ccordance W Ith The P Rovisions Of The T Urkish*, 2024, <https://doi.org/https://doi.org/10.18690/um.pf.4.2024.15>.

⁶⁰ Mahmuddin, "Community's Role in Preventing Child Marriage: An Analysis of Models and Community Compliance with Village Policies," *Gender Equality: International Journal of Child and Gender Studies* 9, no. 2 (2023), <https://doi.org/http://dx.doi.org/10.22373/equality.v9i2.19673>.

⁶¹ Y Yusefri, "The Law of Polygamy in Islam: A Methodological Review of Siti Musdah Mulia's Legal Thought," *AJIS: Academic Journal of Islamic Studies* 2, no. 2 (2017): 121, <https://doi.org/10.29240/ajis.v2i2.312>.

| | | |
|---------------------------|--|--|
| | Difficulties in divorce and asset division | Women struggle to claim economic rights without official marriage documents. |
| Social | Increase in unregistered polygamous marriages | Legal loopholes allow individuals to bypass polygamy regulations, potentially harming wives. |
| | Rise in domestic violence cases. | Women face barriers to seeking justice as their Marriage is not legally recognized. |
| | Social stigma against women and children from unregistered marriages | Discrimination in social, educational, and community settings |
| Islamic Legal Perspective | Marriage registration ensures legal certainty and protection for women and children. | Prevents legal disputes regarding marriage rights |
| Policy Implications | Need for reform in the <i>Kompilasi Hukum Islam</i> (KHI) | Strengthening marriage registration as a binding legal obligation |
| | Increased awareness and enforcement of marriage registration regulations | Reducing unregistered marriages that disadvantage women and children |

The Urgency of Policy Reformulation in the Compilation of Islamic Law

Marriage registration is a crucial aspect in the marriage legal system, not only administrative but also with broad legal implications.⁶² Currently, the KHI still treats marriage registration as an administrative procedure rather than a binding legal obligation.⁶³ As a result, many marriages are not officially registered, which results in weak legal protection for women and children.⁶⁴ Therefore, policy reformulation in the KHI is needed to make marriage registration a legal obligation, ensuring legal protection and certainty for all parties.

⁶² Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *Bestuur* 11, no. 1 (2023): 61–74.

⁶³ A B Wahib, "MARRIAGE REGISTRATION AND SOLEMNIZATION AMONG MIGRANT MUSLIMS IN GERMANY: Harmonizing Islamic and State Law and the Existence of Origin Country Law," *Al Ahwal* 15, no. 2 (2022): 275–94, <https://doi.org/10.14421/ahwal.2022.15207>.

⁶⁴ R Elita, "Rights of Children from Interfaith Marriages: Child Registration Case in Semarang, Indonesia," *Contemporary Issues on Interfaith Law and Society* 3, no. 1 (2024): 43–84, <https://doi.org/10.15294/ciils.v3i1.76555>.

This policy change is significant in addressing the social challenges posed by unregistered marriages. Many women in serial marriages experience unclear legal status, which has an impact on their civil rights, including the right to alimony, inheritance, and protection in divorce cases.⁶⁵ In many cases, they lack valid legal evidence to assert their rights, leaving them vulnerable to injustice. The policy reformulation in the KHI should make it clear that marriage registration is not only an administrative procedure but also a legal obligation that every couple must fulfill to get married.⁶⁶

In addition, from the perspective of Islamic law, marriage registration is significant for realizing sharia maqashid, especially in protecting the rights and honor of individuals.⁶⁷ Islam places the protection of the family as a top priority in marriage law. Therefore, making marriage registration a legal obligation in KHI will be in line with the principles of Islamic law that prioritize benefits.⁶⁸ With official registration, the rights and obligations of married couples become clearer, and it provides stronger legal protection for women and children in Marriage.⁶⁹

Policy reformulation can also strengthen the legitimacy of Islamic law in the national legal system.⁷⁰ In Indonesia, the dualism of the legal system between Islamic law and state law often creates uncertainty in its application.⁷¹ If marriage registration is still seen as a purely

⁶⁵ Dumbe, Yeboah, and Damba, "Muslims and the Dilemma of Marriage Registration in Ghana : Perspectives from the Wala Muslim Community , Ghana."

⁶⁶ Jurnal Keislaman and K U A Kabupaten Dharmasraya, "Problematisasi Implementasi Layanan Pencatatan Pernikahan Melalui Aplikasi Simkah Pada Kua Kabupaten Dharmasraya," *IS l a m i k A* 5, no. 3 (2023): 1030–42, <https://doi.org/https://doi.org/10.36088/islamika.v5i3.3544>.

⁶⁷ Hayati et al., "Sosialisasi Pencatatan Perkawinan Dalam Peraturan Perundang-Undangan Perkawinan Di Indonesia."

⁶⁸ Budi Birahmat and Syarial Dedi, "Ahl Al-Kitab and the Laws of Marriage (Implementation of Interpretation Method)," *AJIS: Academic Journal of Islamic Studies* 8, no. 2 (2023): 271, <https://doi.org/10.29240/ajis.v8i2.8146>.

⁶⁹ Ardiansyah, "Asas Kepastian Hukum Dalam Aturan Sanksi Pelanggaran Pencatatan Perkawinan Undang-Undang Hukum Keluarga Malaysia," *Zaaken: Journal of Civil and Bussiness Law* 4, no. 1 (2023): 410–24, <https://doi.org/http://online-journal.unja.ac.id/zaaken>.

⁷⁰ Yusefri Yusefri and Sri Wihidayati, "Community's Preferences To Perform Marriages At Home After The Issuance Of Government Regulation No. 48 Of 2014," *AJIS: Academic Journal of Islamic Studies* 9, no. 1 (2024): 36, <https://doi.org/10.29240/ajis.v9i1.8917>.

⁷¹ D Gluhaia, "Registration of the Canonical Marriage Celebrated in Spain between a Spanish National and a Lithuanian Woman Residing Abroad. Reflections on

administrative matter, then Islamic law in the realm of Marriage loses its relevance in ensuring justice. Therefore, policy changes that recognize marriage registration as a legal obligation will provide better legal certainty and strengthen the role of Islamic law in the national legal system.⁷²

From an international law perspective, many countries with Islamic legal systems have recognized marriage registration as a legal obligation.⁷³ Countries such as Egypt, Malaysia, and Turkey have established regulations that require marriage registration to protect women's rights in Marriage. Indonesia, as the country with the largest Muslim population in the world, needs to adopt a similar approach to ensure that the Islamic legal system in Indonesia remains adaptive and responsive to the needs of contemporary society.⁷⁴

Another aspect that must be considered in policy reformulation is the sanction mechanism for violations of marriage registration obligations. Currently, the lack of strict sanctions leads many couples to marry without officially registering their Marriage. With more stringent rules, including administrative or criminal sanctions for those who deliberately avoid marriage registration, it is hoped that compliance will increase. This will create a stronger and more effective legal system in ensuring justice for all parties involved in Marriage.

In addition, policy reformulation must also address aspects of socialization and public education. Many couples do not register their Marriage not because they intend to avoid the law, but because they lack an understanding of the importance of marriage registration.⁷⁵ The government and religious institutions play a strategic role in socializing new policies that make marriage registration mandatory. With an

the Resolution (16th) of the Directorate General of Registries and Notaries of 14 November 2019," *Cuadernos De Derecho Transnacional* 13, no. 2 (2021): 731–38, <https://doi.org/10.20318/cdt.2021.6288>.

⁷² Billah, "The Maslahah of State Policy in Responding to Unregistered Marriage: Inclusion of Unregistered Marriage on The Family Card."

⁷³ Edi Kurniawan, "Recent Studies on the Maqāṣ Id Al- Shari'ah of Abū Is Ḥā q Al-Shāṭibī: A Systematic Literature Review," *AJIS: Academic Journal of Islamic Studies* *Academic Journal of Islamic Studies* 10, no. 1 (2025): 1–26.

⁷⁴ Sulis Rahayu, "Legal Implications of Enforcement of the Supreme Court Circular Number 2 of 2023 on the Civil Rights of Interfaith Marriages," *Formosa Journal of Applied Sciences (FJAS)* 2, no. 11 (2023): 2885–96, <https://doi.org/https://doi.org/10.55927/fjas.v2i11.6965>.

⁷⁵ Saadah Mardliyati and Laras Shesa, "Polygamy in Musdah Mulia's View and Its Relevance to Marriage Law in Indonesia," *AJIS: Academic Journal of Islamic Studies* 8, no. 2 (2024): 387, <https://doi.org/10.29240/ajis.v8i2.8447>.

education- and legal-awareness-based approach, it is hoped that this will increase public compliance with this rule.⁷⁶

In the context of public policy, reformulating marriage registration as a legal obligation can also support the government's efforts to build a more effective population administration system. Well-documented marriage data will help the government in development planning, social policies, and protection of vulnerable groups, including women and children. Thus, this policy reformulation not only has an impact on aspects of Islamic law but also has far-reaching implications for better governance.⁷⁷

From an academic perspective, the study of the reformulation of marriage registration policies in KHI will make a significant contribution to the discourse of Islamic law and family law in Indonesia.⁷⁸ This study can serve as a basis for developing Islamic legal theories and practices that are more relevant to the times. With the reformulation of this policy, it is hoped that Islamic law in Indonesia can further develop and remain a reference in solving various family law problems.⁷⁹

In conclusion, the policy reformulation in the KHI to make marriage registration a legal obligation is a very urgent step. This is necessary to provide stronger legal protection for women and children, strengthen the legitimacy of Islamic law in the national legal system, and ensure justice in the institution of Marriage.⁸⁰ With this reformulation, it is hoped that marriage registration will no longer be seen merely as an administrative matter, but as an integral part of the legal obligations that must be fulfilled in every Marriage in Indonesia.⁸¹

⁷⁶ Cholidatul Rizky Amalia, "Legality Issuance of Family Card In Siri Marriage," *JCH (Jurnal Cendekia Hukum)* 7, no. April (2022), <https://doi.org/10.3376/jch.v7i2.458>.

⁷⁷ Chaula Luthfia, "Urgensi Pencatatan Perkawinan Perspektif Hukum Islam," *Sahaja: Journal Shariah And Humanities* 1, no. 2 (2022): 85–96, <https://doi.org/https://ejournal.darunnajah.ac.id/index.php/sahaja>.

⁷⁸ Rifanto Bin Ridwan, Ifnaldi Ifnaldi, and Jahidin Jahidin, "Early Marriage in Medical View and Maqashid Sharia," *AJIS: Academic Journal of Islamic Studies* 6, no. 1 (2021): 135, <https://doi.org/10.29240/ajis.v6i1.2751>.

⁷⁹ Hartono Sabtu, "Praktik Perkawinan Janda Tanpa Akta Cerai Di Desa Saketa , Kabupaten Halmahera Selatan Hartono Sabtu Fatum Abubakar," *Al-Mujtahid: Journal of Islamic Family Law* 3, no. 1 (2023): 12–24, <https://doi.org/http://journal.iain-manado.ac.id/index.php/al-mujtahid>.

⁸⁰ Hasep Saputra et al., "Interpretations of Verses about Islamic Criminal Law and Its Polemics in Indonesia's Positive Law," *AJIS: Academic Journal of Islamic Studies* 6, no. 1 (2021): 79, <https://doi.org/10.29240/ajis.v6i1.2612>.

⁸¹ Nofia Sari and Sari Damayanti, "Akibat Hukum Pencatatan Nikah Siri Sebagai

Table 3. The Urgency of Policy Reformulation in the Compilation of Islamic Law (KHI)

| Aspect | Current Condition | Reformulation Recommendation | Expected Impact |
|--|--|--|--|
| Marriage Registration Status | Considered an administrative procedure, not a legal obligation. | Establish marriage registration as a legal obligation in KHI. | Strengthening legal protection for women and children. |
| Women's Rights in Marriage | Vulnerable to losing financial support, inheritance, and legal protection if married without registration. | Affirm marriage registration as the legal basis for recognizing women's rights. | Ensuring women's rights in Marriage are legally protected. |
| Rights of Children from Unregistered Marriages | Difficulty obtaining legal recognition, birth certificates, and access to public services. | Mandate marriage registration to secure children's legal rights. | Enhancing children's welfare and accessibility to their rights. |
| Legitimacy of Islamic Law in the National Legal System | The dualism between Islamic law and state law creates legal uncertainty. | Align KHI with Islamic legal principles that emphasize family protection. | Strengthening the relevance of Islamic law in the national legal system. |
| Practices in Other Countries | Countries like Egypt, Malaysia, and Turkey require marriage registration. | Indonesia can adopt similar policies to strengthen protections for legal Marriage. | Harmonizing Indonesian Islamic law with more advanced global Islamic legal practices. |
| Sanctions for Unregistered Marriages | No strict sanctions for couples who fail to register their Marriage. | Implement administrative or legal penalties for avoiding marriage registration. | Increasing compliance with marriage registration regulations and reinforcing the legal system. |
| Public Awareness | There is a limited public | Government and religious institutions | Raising legal awareness to |

| | | | |
|-----------------------------|--|---|---|
| and Education | understanding of the importance of marriage registration. | should actively promote new regulations. | improve compliance with marriage registration. |
| Implications for Governance | Civil administration still faces challenges in recording unofficial marriages. | Ensure all marriages are officially recorded to improve the accuracy of demographic data. | Supporting policy planning and social development based on accurate data. |

Conclusion

Marriage registration in the Indonesian legal system is a complex issue, where the interests of state administration meet the principles of Islamic law, which are more flexible regarding the legality of Marriage. Although positive law requires marriage registration to guarantee the rights of spouses and children, there are still many people who ignore it because traditions or religious understandings are not entirely appropriate. As a result, many women and children become vulnerable to legal uncertainty when divorce or marital disputes occur. Therefore, regulatory reform is needed in the Compilation of Islamic Law (KHI) to ensure that marriage registration has greater binding force and is understood as part of legal protection grounded in Sharia maqashid.

In addition, legal education for the community needs to be strengthened by involving clerics and religious institutions to change the perception that recording is only an administrative formality. The government can also implement incentive policies to encourage couples to register their marriages and increase legal compliance. Comparative studies with other Islamic countries that have successfully integrated marriage registration into their family law can be a reference for developing more effective policies in Indonesia. Ultimately, marriage registration must be understood not only as an administrative interest of the state, but also as a legal instrument that fairly and equitably protects the rights of spouses and children, in accordance with the principles of justice in Islam and national law. The integration of the maqashid sharia approach, policy reform, and broader education is the key in ensuring the effectiveness of marriage registration.

References

Abera, Mikyas, Ansha Nega, Yifokire Tefera, and Abebaw Addis Gelagay.

- "Early Marriage and Women' s Empowerment : The Case of Child-Brides in Amhara National Regional State, Ethiopia." In *Abera et Al. BMC International Health and Human Rights*, 5:1–16, 2020. <https://doi.org/https://doi.org/10.1186/s12914-020-00249-5>.
- Ahmad, Abd Kadir. "Bunting Lolo: The Dialectics of State, Islamic Law, and Culture in Marriage Practice among Island Communities in South Sulawesi." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 18, no. 2 (2023): 443–66. <https://doi.org/http://doi.org/10.19105/al-lhkam.v18i2.10399>.
- Amalia, Cholidatul Rizky. "Legality Issuance of Family Card in a Marriage." *JCH (Journal Cendekia Hukum)* 7, no. April (2022). <https://doi.org/10.3376/jch.v7i2.458>.
- Ardiansyah. "Asas Kepastian Hukum Dalam Aturan Sanksi Pelanggaran Pencatatan Perkawinan Undang-Undang Hukum Keluarga Malaysia." *Zaaken: Journal of Civil and Business Law* 4, no. 1 (2023): 410–24. <https://doi.org/http://online-journal.unja.ac.id/zaaken>.
- Arifin, Z. "Urgency Supreme Court Circular Letter Number 2 of 2023 in the Judicial Process of Interfaith Marriage Registration." *Journal of Law and Legal Reform* 5, no. 1 (2024): 137–78. <https://doi.org/10.15294/jllr.vol5i1.2101>.
- Arifuddin, Qadriani. "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles Qadriani." *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 317–28. <https://doi.org/https://doi.org/10.19109/nurani.v24i2.24529>.
- Bachtiar, Moch Yusuf, and Nuryanto Ahmad Daim. "The Urgency of the Judge' s Decision on the Marriage Itsbat Application as a Solution to Obtain Legal Identity Rights." *Journal "Law and Humanity*, 2023, 233–53. <https://doi.org/https://doi.org/10.37504/lh.v1i3.578234>.
- Billah, Mu'tashim. "The Maslahah of State Policy in Responding to Unregistered Marriage: Inclusion of Unregistered Marriage on The Family Card." *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 6, no. 2 (2024): 136. <https://doi.org/10.30659/jua.v6i2.31138>.
- Birahmat, Budi, and Syarial Dedi. "Ahl Al-Kitab and the Laws of Marriage (Implementation of Interpretation Method)." *AJIS: Academic Journal of Islamic Studies* 8, no. 2 (2023): 271. <https://doi.org/10.29240/ajis.v8i2.8146>.

- Cameron, Lisa. *Child Marriage : Using the Indonesian Family Life Survey to Examine the Lives of Women and Men Who Married at an Early Age*. Springer US, 2023. <https://doi.org/10.1007/s11150-022-09616-8>.
- Collins, Kristin A. "Administering Marriage: Marriage-Based Entitlements, Bureaucracy, and the Legal Construction of the Family Administering Marriage: Marriage- Based Entitlements, Bureaucracy, and the Legal Construction of the Family." *Vanderbilt Law Review* 62, no. 4 (2019).
- Dağlar Ekşi. *Inheritance Of A Commercial Enterprise To A Minor And The Minor's Title As A Merchant In Accordance With The Provisions Of The Turkish*, 2024. <https://doi.org/https://doi.org/10.18690/um.pf.4.2024.15>.
- Daniela, Nadya Pratiwi, Agustin Hanapi, Muhammad Husnul, and Marjana Fahri. "The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law." *El-Usrah* 7, no. 1 (2024): 150–64. <https://doi.org/10.22373/ujhk.v7i1.23317>.
- Darmawan, Aldy, Hamda Sulfinadia, Efrinaldi Efrinaldi, Elfia Elfia, and Nurul Izzati. "Legalization of Nikah Sirri: A Solution to Obtain Marital Status Recognition Among Diverse Cultural Groups in Indonesia." *Kawanua International Journal of Multicultural Studies* 4, no. 2 (2023): 165–74. <https://doi.org/10.30984/kijms.v4i2.728>.
- Dumbe, Yunus, Eric Henry Yeboah, and Mohammed Damba. "Muslims and the Dilemma of Marriage Registration in Ghana : Perspectives from the Wala Muslim Community, Ghana." *E-Journal of Humanities, Arts and Social Sciences (EHASS)* 4, no. 7 (2023): 893–902. <https://doi.org/https://doi.org/10.38159/ehass.2023479> Muslims.
- Dwi, Bayu, Widdy Jatmiko, Nur Putri, and Samira Echaib. "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration" 2, no. 3 (2022): 167–77.
- Elita, R. "Rights of Children from Interfaith Marriages: Child Registration Case in Semarang, Indonesia." *Contemporary Issues on Interfaith Law and Society* 3, no. 1 (2024): 43–84. <https://doi.org/10.15294/ciils.v3i1.76555>.
- Evanurfitriani. "The Urgency of Marriage Registration, Fiqh Perspectives and Compilation of Islamic Law. Introduction." *Educational Journal of History and Humanities* 8, no. 1 (2025): 727–32. <https://doi.org/https://doi.org/10.24815/jr.v8i1.44370> Marriage.

- Fausi, Ahmad, and Formal Law. "Child Protection According to Islamic Law And Formal." *USRAH* 2, no. 23 (2021): 52–63.
- Fiqh, Gender-just, and Faquiddin Abdul Kodir. "Maq ā ṣ Id Cum-Mub ā Dalah Methodology of KUPI : Centering Women' s Experiences in Islamic Law for." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 519–45. <https://doi.org/https://doi.org/10.19105/al-ihkam.v19i2.16617>.
- Gluhaia, D. "Registration of the Canonical Marriage Celebrated in Spain between a Spanish National and a Lithuanian Woman Residing Abroad. Reflections on the Resolution (16th) of the Directorate General of Registries and Notaries of 14 November 2019." *Cuadernos De Derecho Transnacional* 13, no. 2 (2021): 731–38. <https://doi.org/10.20318/cdt.2021.6288>.
- Hanapi, A. "Urgency of Marriage Registration for Women and Child Protection in Gayo Lues District." *Samarah* 4, no. 2 (2020): 528–44. <https://doi.org/10.22373/sjhk.v4i2.7942>.
- Harisudin, M N. "On the Legal Sanction against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective." *Samarah* 5, no. 1 (2021): 471–95. <https://doi.org/10.22373/sjhk.v5i1.9159>.
- Hayati, Winda, Galuh Pratiwi, Yoyo Hambali, and Agus Supriyanto. "Sosialisasi Pencatatan Perkawinan Dalam Peraturan Perundang-Undangan Perkawinan Di Indonesia." *Journal of Community Development in Islamic Studies* 1, no. 2 (2022).
- Horii, Hoko. "Living in a Legal Limbo: Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia Living in a Legal Limbo : Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia." *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (2022). <https://doi.org/10.54828/ijsls.2022v2n1.1>.
- Isroqunnajah. "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 105–25. <https://doi.org/10.22373/sjhk.v8i1.19834>.
- Jamilah dan Isa. "Marriage Registration As a Form Of Maṣlaḥah Mursalah." *Jurnal Studi Hukum Islam* 7, no. 1 (2019): 2615–22. <https://doi.org/http://journal.um-surabaya.ac.id/index.php/Maqasid>.

- Kasim, Nur Mohamad, Sri Nanang M Kamba, and Fibriyanti Karim. "Optimization of Marriage Registration as Legal Certainty of Children's Rights in the Perspective of Maqasid Shariah," 2022:1–9, 2022. <https://doi.org/10.18502/kss.v7i15.12070>.
- Keislaman, Jurnal, and K U A Kabupaten Dharmasraya. "Problematika Implementasi Layanan Pencatatan Pernikahan Melalui Aplikasi Simkah Pada Kua Kabupaten Dharmasraya." *IS l a m i k A* 5, no. 3 (2023): 1030–42. <https://doi.org/https://doi.org/10.36088/islamika.v5i3.3544>.
- Kurniawan, Edi. "Recent Studies on the Maqāṣ Id Al- Sharī'ah of Abū Is Ḥā q Al- Shātibī: A Systematic Literature Review." *AJIS: Academic Journal of Islamic Studies. Academic Journal of Islamic Studies* 10, no. 1 (2025): 1–26.
- Lahiri, Suravi. "A Qualitative Research Approach Is an Inevitable Part of Research Methodology: An Overview." *International Journal for Multidisciplinary Research (IJFMR)* 5, no. 3 (2023): 1–13.
- Luthfia, Chaula. "Urgensi Perncatatan Perkawinan Perspektif Hukum Islam." *Sahaja: Journal Shariah And Humanities* 1, no. 2 (2022): 85–96. <https://doi.org/https://ejournal.darunnajah.ac.id/index.php/sahaja>.
- Mafhûmi, Al-mubâdalah, and Fiqhi Mar. "Al-Mubâdalah Fî Mafhûmi Fiqhi Al-Mar'ah Al-Mu'âshirah Bî Indûnîsiyâ." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 17, no. 1 (2022): 189–215. <https://doi.org/http://doi.org/10.19105/al-Ihkam.v17i1.6140>.
- Mahmuddin. "Community's Role in Preventing Child Marriage: An Analysis of Models and Community Compliance with Village Policies." *Gender Equality: International Journal of Child and Gender Studies* 9, no. 2 (2023). <https://doi.org/http://dx.doi.org/10.22373/equality.v9i2.19673>.
- Maimun. "Dynamics of Family Law in Indonesia: Bibliometric Analysis of Past and Future Trends." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 518–37. <https://doi.org/10.22373/sjhk.v8i1.21890>.
- Malek, Muhammad Al-Ghazalli Abdol. "Impak Perkahwinan Kanak-Kanak Terhadap Pemberdayaan Wanita Dan Pendekatan Islam Dalam Menanganinya." *Journal Al-'Abqari* 27, no. November 2021 (2022): 46–67. <https://doi.org/10.33102/abqari.vol27no1.520>.

- Manansyah, Ade. "Kewajiban Pencatatan Perkawinan Pasca Lahirnya Peraturan Presiden No. 96 Tahun 2018 (Marriage Registration Post-Birth Presidential Regulation No. 96 Years 2018)." *ASCARYA* 2, no. 1 (2022). <https://doi.org/10.53754/iscs.v2i1.349>.
- Mardiyati, Saadah, and Laras Shesa. "Polygamy in Musdah Mulia's View and Its Relevance to Marriage Law in Indonesia." *AJIS: Academic Journal of Islamic Studies* 8, no. 2 (2024): 387. <https://doi.org/10.29240/ajis.v8i2.8447>.
- Maxwell, Lauren, Zara Khan, and Kathryn M Yount. "Do Laws Promoting Gender Equity and Freedom from Violence Benefit the Most Vulnerable? A Multilevel Analysis of Women's and Adolescent Girls' Experiences in 15 Low- and Middle-Income Countries" 37, no. October 2021 (2022): 33-44. <https://doi.org/https://doi.org/10.1093/heapol/czab127>.
- Muhamad, Ahmad, Mustain Nasoha, Adi Sulistiyono, and Ashfiya Nur. "Relevance of Religious Court Decisions on Marriage to National Development Policy Directions : A Legal and Social Analysis." *ESIC* 8, no. 1 (2024).
- Muhtada, Dani. "Registering the Unregistered : A Legal Analysis of the Ministry of Home Affairs' Policy on the Family Card for the Unregistered Married Couple." In *ICILS*, 2022. <https://doi.org/10.4108/eai.27-7-2022.2342429>.
- Munawaroh, Lathifah, Ahmad Munif, and Ahmad Rofiq. "Disharmony of Sirri Marriage Registration Regulation on the Family Card (Analyzing The Ministry of Interior Affairs' Regulation No. 9/2016)." *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 1 (2023): 93-108. <https://doi.org/10.25041/fiatjustisia.v17no1.2851>.
- Nadya Rizki Emeraldal. "Reconstruction Of Marriage Registration Based On The Relevance Between State Administrative Law And Civil Administrative Law." *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 7 (2022): 87-98. <https://doi.org/http://journal2.um.ac.id/index.php/jppk>.
- Nasohah, Zaini. "Contains Rules Appropriate for Facing Challenges at All Times. It Encompasses All Aspects of Human Life Including Family Laws. Family Law as One of the Important Components In." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 8, no. 1 (2024): 1-19. <https://doi.org/10.22373/sjhk.v8i1.16553>.
- Nasrullah. "The Character of Legal Products in Indonesia: A Study of

Changes to the Marriage Law from a Political-Law Perspective." *SALAM: Jurnal Sosial Dan Budaya Syar-I* 8, no. 1 (2024): 602–27. <https://doi.org/10.22373/sjkh.v8i1.17302>.

Nurlaelawati, Euis. "Apostasy and Its Judicial Impact on Muslim's Marital Apostasy in Both General and Specific Scopes. Taking Sudan as an Object of His Study, Abdullahi Ahmed Al-Na'im discusses the Islamic Law of Apostasy and Relates It to the Modern Applicability . 5." *Journal of Indonesian Islam* 10, no. 01 (2016): 89–112. <https://doi.org/10.15642/JIIS.2016.10.1.89-112> Muslim Marital Life in Indonesia FOR.

Palilati, Nurfika, Nur Mohamad Kasim, and Zamroni Abdussamad. "The Urgency of Religious Marriage Registration in Population Administration Regulations for Legalization and Granting Permits." *Estudiante Law Journal* 7, no. 1 (2025): 126–38. <https://doi.org/https://doi.org/10.33756/eslaj.v7i1.30521>.

Probert, Rebecca, Stephanie Pywell, Rajnaara Akhtar, Sharon Blake, Vishal Vora, Rebecca Probert, Stephanie Pywell, Rajnaara Akhtar, and Sharon Blake. "Trying to Get a Piece of Paper from City Hall ? The Availability, Accessibility, and Administration of the Register Office Wedding." *Journal of Social Welfare and Family Law* 44, no. 2 (2022): 226–44. <https://doi.org/10.1080/09649069.2022.2067651>.

Rahayu, Sulis. "Legal Implications of Enforcement of the Supreme Court Circular Number 2 of 2023 on the Civil Rights of Interfaith Marriages." *Formosa Journal of Applied Sciences (FJAS)* 2, no. 11 (2023): 2885–96. <https://doi.org/https://doi.org/10.55927/fjas.v2i11.6965>.

Rahbari, L. "Marriage, Parentage and Child Registration in Iran: Legal Status of Children of Unmarried Parents." *Social Sciences* 11, no. 3 (2022). <https://doi.org/10.3390/socsci11030120>.

Retno, Wahyuni, Wulandari Trisakti, and Jakarta Indonesia. "Why Is Indonesian Islam Important In The Entrenchment Of Women' S Rights ?" *Journal of Indonesian Islam* 17, no. 01 (2023): 169–88. <https://doi.org/Entrenchment of Women's Rights?>

Ridwan, Rifanto Bin, Ifnaldi Ifnaldi, and Jahidin Jahidin. "Early Marriage in Medical View and Maqashid Sharia." *AJIS: Academic Journal of Islamic Studies* 6, no. 1 (2021): 135. <https://doi.org/10.29240/ajis.v6i1.2751>.

- Sabtu, Hartono. "Praktik Perkawinan Janda Tanpa Akta Cerai Di Desa Saketa , Kabupaten Halmahera Selatan Hartono Sabtu Fatum Abubakar." *Al-Mujtahid: Journal of Islamic Family Law* 3, no. 1 (2023): 12–24. <https://doi.org/http://journal.iain-manado.ac.id/index.php/al-mujtahid>.
- Salma. "IGNORING FAMILY LAW ADMINISTRATIVE PROCEDURE: Falsifying Death of Spouses for the Registration of New Marriage in Lengayang Muslim Community." *Al Ahwal* 15, no. 1 (2022). <https://doi.org/10.14421/ahwal.2022.15101>.
- Saputra, Hasep, Nurma Yunita, Ainal Mardhiaturrahman, and Wina Purnamasari. "Interpretations of Verses about Islamic Criminal Law and Its Polemics in Indonesia's Positive Law." *AJIS: Academic Journal of Islamic Studies* 6, no. 1 (2021): 79. <https://doi.org/10.29240/ajis.v6i1.2612>.
- Sari, Elidar. "Proceedings of the Malikussaleh International Conference on Law, Legal Studies and Social Sciences (MICoLLS) 2024." In *The Urgency of Itsbat Nikah In Registering Marriage To Children's Identity Rights In North Aceh*, 4–11, 2024.
- Sari, Nofia, and Sari Damayanti. "Akibat Hukum Pencatatan Nikah Siri Sebagai Bentuk Perlindungan Hukum." *Welfarestate* 2, no. April (2023): 89–108.
- Siswomiharjo, Sigit, Abu Yazid Adnan Qutni, and Imam Syafi'i. "Analysis of Judges' Decisions in Marriage Isbat Cases According to the Perspective of Positive Law and Islamic Law (Case Study No.076/Pdt.P/2022/Pa.Prob)." *Al Mashaadir: Jurnal Ilmu Syariah* 4, no. 1 (2023): 30–41. <https://doi.org/10.52029/jis.v4i1.109>.
- Sulfian, A Sultan. "The Urgency Of Marriage Registration In The Perspective Of Indonesian Marriage Law And Islamic Law." *Jurnal Al-Dustur* 6, no. 1 (2023). <https://doi.org/10.30863/aldustur.v6i1.4224>.
- Syawqi, Abdul Haq. "Law Omission in Muslim Society: Inquiring Citizen Rights in the Administration of Islamic Family Law in Madura, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 3 (2023): 1757–77. <https://doi.org/10.22373/sjhk.v7i3.20048>.
- Taufik. "The Urgency of Registering Marriages In Jambi Province Based On The KHI of Maqāsid Al-Syarīah Perspective." *Mutiara: Jurnal Ilmiah Multidisiplin Indonesia* 1, no. 2 (2023): 186–200. <https://doi.org/https://jurnal.tiga->

mutiara.com/index.php/jimi/index.

- Wahib, A B. "MARRIAGE REGISTRATION AND SOLEMNIZATION AMONG MIGRANT MUSLIMS IN GERMANY: Harmonizing Islamic and State Law and the Existence of Origin Country Law." *Al Ahwal* 15, no. 2 (2022): 275–94. <https://doi.org/10.14421/ahwal.2022.15207>.
- Wahyuni, S. "The Registration Policy of Interfaith Marriage Overseas for Indonesian Citizens." *Bestuur* 10, no. 1 (2022): 12–21. <https://doi.org/10.20961/bestuur.v10i1.54449>.
- Wakhidah, Nur. "The Legal Culture of Samin Community of Family Law in Central Java Abstract :." *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 1 (2024): 126–50.
- Warman, A B. "Reforming Marriage Registration Policies in Malaysia and Indonesia." *Bestuur* 11, no. 1 (2023): 61–74. <https://doi.org/10.20961/bestuur.v11i1.66320>.
- Warman, Arifki Budia, Wahyu Abdul Jafar, Musda Asmara, Sheikh Adnan, and Ahmed Usmani. "Reforming Marriage Registration Policies in Malaysia and Indonesia." *Bestuur* 11, no. 1 (2023): 61–74.
- Ya` Rakha Muyassar. "Legal Counseling on 'Itsbat Marriage' to Increase Community Legal Awareness." *Jurnal Pengabdian Masyarakat* 7, no. 1 (2022). <https://doi.org/https://doi.org/10.20527/btjpm.v7i1.10963>.
- Yusefri, Y. "The Law of Polygamy in Islam: A Methodological Review of Siti Musdah Mulia's Legal Thought." *AJIS: Academic Journal of Islamic Studies* 2, no. 2 (2017): 121. <https://doi.org/10.29240/ajis.v2i2.312>.
- Yusefri, Yusefri, and Sri Wihidayati. "Community's Preferences To Perform Marriages At Home After The Issuance Of Government Regulation No. 48 Of 2014." *AJIS: Academic Journal of Islamic Studies* 9, no. 1 (2024): 36. <https://doi.org/10.29240/ajis.v9i1.8917>.
- Zubaidah, Dwi Arini. "Pencatatan Perkawinan Sebagai Perlindungan Hukum." *Al-Aḥwāl* 12, no. 1 (2019): 15–28.