

**Judicial Considerations in Granting Interfaith Marriage
Applications: A Critical Study of Bandung District Court Decision
No. 166/Pdt.P/2022/PN.Bdg within the Framework of Indonesian
Marriage Law and Human Rights**

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DOI: 10.29240/berasan.v4i1.13438

Received: 06-03-2025	Revised: 31-05-2025	Accepted: 11-06-2025
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Abstract: This study aims to analyse the authority of marriage registration officers (PPN) in rejecting marriage applications from the perspective of Islamic civil law. The focus of the research is directed at the implementation of this authority in the Religious Affairs Office (KUA) of Rancabali District, as well as the legal basis that underlies it both from the aspect of national regulations and fiqh norms. This research uses a qualitative method with a juridical-sociological approach, through interviews, observations, and document studies of practices in the field. The results show that the VAT has the authority to reject marriage applications that do not fulfil administrative and shar'i requirements, such as the absence of the guardian's permission or the prospective bride and groom not meeting the minimum age limit. The findings also show that in practice, VATs face a dilemma between compliance with the law and local social or cultural pressures. The conclusion of this study is that the authority to refuse marriage by VATs is a form of legal protection for the validity of marriage and needs to be supported by ongoing socialisation to the community.

Keywords: Authority, Marriage Registration Officer, Marriage Refusal, Islamic Civil Law, KUA Rancabali

Abstrak: Penelitian ini bertujuan untuk menganalisis kewenangan pegawai pencatat nikah (PPN) dalam menolak permohonan pernikahan ditinjau dari perspektif hukum keperdataan Islam. Fokus penelitian diarahkan pada pelaksanaan kewenangan tersebut di Kantor Urusan Agama (KUA) Kecamatan Rancabali, serta dasar hukum yang melandasinya baik dari aspek regulasi nasional maupun norma-norma fikih. Penelitian ini menggunakan metode kualitatif dengan pendekatan yuridis-sosiologis, melalui wawancara, observasi, dan studi dokumen terhadap praktik di lapangan. Hasil penelitian menunjukkan bahwa PPN memiliki kewenangan untuk menolak permohonan nikah yang tidak memenuhi syarat administratif maupun syar'i, seperti tidak adanya izin wali atau calon mempelai yang belum memenuhi batas usia minimal. Temuan juga menunjukkan bahwa dalam pelaksanaannya, PPN menghadapi dilema antara kepatuhan terhadap hukum dengan tekanan sosial atau budaya lokal. Kesimpulan dari penelitian ini menyatakan bahwa kewenangan penolakan nikah oleh PPN merupakan bentuk perlindungan hukum terhadap keabsahan pernikahan dan perlu didukung dengan sosialisasi yang berkelanjutan kepada masyarakat.

Kata kunci: Kewenangan, Pegawai Pencatat Nikah, Penolakan Nikah, Hukum Keperdataan Islam, KUA Rancabali

Introduction

Marriage in Islam is a sacred agreement that binds a man and a woman to live together based on the principles of mawaddah, rahmah,

and sakinah.¹ In addition to being worshipworthy, marriage also has legal consequences, both in the public and private spheres. Therefore, Islam provides comprehensive arrangements for the implementation of marriage, starting from the terms and harmony, to the legal consequences such as the rights and obligations of husband and wife, as well as the legal status of children.

In Indonesia, as a country that makes Islamic law as one of the sources of national law, marriage is not only regulated by sharia norms, but also by positive laws, such as Law Number 1 of 1974 concerning Marriage, as well as the Compilation of Islamic Law (KHI) as a form of codification of Islamic law that is recognized in the national legal system. Under the legal framework, the implementation of Muslim marriages is regulated and recorded by the official state agency, namely the Office of Religious Affairs (KUA), with the Marriage Registrar (PPN) as the official authorized to record and legalize marriages administratively.

Although there are quite complete legal rules, in practice there are many problems that arise in the field, especially related to marriage applications that do not meet administrative and sharia requirements. Under certain conditions, KUA is faced with a request from the bride-to-be to hold a marriage even though it does not meet the requirements, for example not being of age, not having the approval of a guardian, no permission from parents or the court, or even in a polygamous condition without the permission of the first wife.² In such conditions, KUA is faced with a dilemma between carrying out its duties in accordance with the rule of law or accommodating public requests in order to maintain social relations.

This problem becomes even more complex when considering the local social and cultural realities that sometimes pressure KUA to continue to hold marriages even though they are legally unqualified. In many cases, social pressure, family pressure, or even the intervention of

¹ Muhammad Zainuddin Sunarto and Mohamad Syariful Umam, "Implikasi Kafaah Terhadap Maraknya Pernikahan Dini," *PALAPA* 11, no. 1 (May 1, 2023): 391–406, <https://doi.org/10.36088/PALAPA.V11I1.2836>.

² Sulastris Caniago, "PENCATATAN NIKAH DALAM PENDEKATAN MASLAHAH Sulastris Caniago," *Juris* 14, no. 2 (2015): 75–87.

community leaders are a challenge for VAT in exercising its authority objectively. This raises a fundamental question: to what extent is the VAT's authority to reject marriage applications justified in the perspective of Islamic civil law? Is it a violation of an individual's right to marry, or is it part of an effort to protect the validity of marriage and prevent greater violations of the law?

The above problems cause quite deep academic anxiety. First, in the context of Islamic civil law, there is room for discussion about the limits of the authority of a religious official in determining whether or not a marriage is administratively valid or not. Although the terms and pillars of marriage have been defined in Islamic law, their implementation in the modern state legal system involves administrative roles that are not always explicitly described in classical fiqh texts.

Second, in the discourse of Islamic civil law, there is a gap between ideal norms (normative law) and social reality (empirical law). Many studies focus more on the normative aspects of marriage in Islam, but not many have highlighted the aspects of administrative authority and the dilemmas faced by Islamic law enforcement officials, especially VAT at the KUA level. Studies on how Islamic civil law interacts with state legal practices in the context of marriage registration authorities are still rarely done in depth.

Third, there is an academic need to review how basic values in Islamic law, such as justice ('adl), benefit (maslahah), and legal certainty (qanun), can be used as a basis for formulating policies or standards of authority for VAT in rejecting marriage applications that do not meet the provisions of the law. In other words, this research does not only depart from academic vacancies, but also from practical needs in the field that require clearer and more applicable legal guidance for religious and marriage administration practitioners.

This research was conducted to respond to academic vacancies and practical problems that arise in the implementation of the authority of Marriage Registrar Employees (PPN) within the Office of Religious Affairs (KUA), especially in the context of rejection of marriage applications that do not meet legal and administrative requirements. In

the framework of Islamic civil law, the authority of VAT is not only limited to the aspect of registration, but is also closely related to the legal legitimacy of marriage events carried out by Muslim communities. Therefore, it is important to explore and critically analyze the boundaries of these authorities so that there are no misinterpretations or abuse of authority in practice.

In general, this study aims to examine in depth how the authority to refuse marriage by VAT can be justified based on the principles of Islamic civil law, as well as how the practice is carried out in the social and legal context that applies in the Rancabali District area. This research also seeks to identify various challenges and dilemmas faced by VAT in the implementation of its duties, including in terms of dealing with social pressures, local culture, and community expectations that are often not in line with formal legal norms.

In addition, this research is intended to formulate theoretical contributions to the development of Islamic civil law, especially in answering contemporary problems faced by law enforcement at the grassroots level. With a juridical-sociological approach, this research seeks to build an integrative understanding between fiqh norms, positive laws, and social realities faced by VAT in exercising its authority. It is hoped that the results of this research can provide constructive input for policymakers in the field of Islamic marriage administration and strengthen the legal position of marriage registrars in carrying out their duties professionally, fairly, and in accordance with sharia values.

With this goal, it is hoped that this research can contribute both theoretically and practically to the development of Islamic civil law in Indonesia. Theoretically, this research will enrich the study of the authority of registrars in the contemporary Islamic legal system.³ Practically, the results of this research are expected to be a reference for the Ministry of Religion in compiling guidelines for the implementation of duties for VAT, as well as providing a better understanding to the public

³ Feni Arifiani, "Ketahanan Keluarga Perspektif Masalah Mursalah Dan Hukum Perkawinan Di Indonesia," *SALAM: Jurnal Sosial Dan Budaya Syar-I* 8, no. 2 (2021): 533–54, <https://doi.org/10.15408/sjsbs.v8i2.20213>.

about the importance of meeting the legal requirements in holding a marriage.

This research uses a qualitative approach with a type of juridical-sociological research, which is an approach that examines law not only as a written norm (law in books), but also as social behavior that lives in society (law in action). This approach was chosen to understand in depth the practice of the authority of the Marriage Registrar (PPN) in rejecting marriage applications at the KUA of Rancabali District, both from the perspective of Islamic civil law and in the context of the social dynamics that surround it.

The data sources in this study consist of primary data and secondary data. Primary data was obtained through in-depth interviews with key informants, namely the Head of KUA Rancabali District, PPN, as well as community leaders and brides-to-be who have dealt with the marriage process at the KUA. The interview was conducted directly with an open-ended question guide to explore the views, experiences, and obstacles faced by KUA in rejecting marriage applications that do not comply with the provisions.

Meanwhile, secondary data was collected through the study of documents on relevant laws and regulations, such as Law Number 1 of 1974 concerning Marriage, Compilation of Islamic Law (KHI), Instruction of the Minister of Religion Number 1 of 1990, as well as Islamic civil law literature that discusses the concept of authority, legal requirements for marriage, and the principle of benefits in marriage. In addition, the researcher also studied the archives and documents of marriage administration at the KUA of Rancabali District as data triangulation material.

The data analysis technique used is descriptive-analytical, with stages of data reduction, data presentation, and conclusion drawn. Data obtained from interviews and documentation were analyzed qualitatively to find patterns, tendencies, and relationships between legal and social phenomena. The analysis was carried out by linking empirical data in the field with the framework of Islamic civil law and regulations that apply nationally. With this method, it is hoped that the research can provide a

comprehensive overview of the practice of marriage rejection authority by KUA, as well as be able to make a scientific contribution to the development of Islamic law in the context of marriage administration in Indonesia.

Several previous studies have discussed the authority of Marriage Registrars (PPN) in rejecting marriage applications in various regions. For example, research conducted at the KUA of South Daha District shows that KUA has the authority to reject marriage applications that do not meet legal and administrative requirements, with the rejection being formally submitted through a notification letter that is the basis for the relevant parties to take the process at the Religious Court. Another study at KUA Kajen District, Pekalongan Regency, revealed that the rejection of marriage applications by KUA has the potential to encourage couples to marry sirri which raises legal and social problems, thus creating a dilemma between formal authority and social reality in the field. Furthermore, the research on the KUA 's rejection of the application for marriage registration of pregnant widows out of wedlock confirms that the act of refusal can be justified based on the principle of *maṣlaḥah* in Islamic law, with the aim of safeguarding the public interest and preventing greater social losses.⁴

However, these studies have not specifically examined the authority of KUA in rejecting marriage applications in the Rancabali District area with an in-depth perspective of Islamic civil law. The unique local social and cultural conditions and dynamics of the implementation of KUA authority in this area require a more focused and contextual study. Therefore, this study is here to fill this gap by comprehensively examining the authority of KUA in rejecting marriage applications, both in terms of Islamic civil law and field practice at KUA Rancabali. Thus, this research is expected to make a significant contribution in strengthening the legality of KUA actions and encouraging the formation of policy standards that are in accordance with Islamic sharia principles and relevant to the social conditions of the local community.

⁴ Juriyana Megawati Hasibuan, "Efektivitas Pelaksanaan Pasal 2 PP No. 9 Tahun 1975 Dan Pasal 147 Kompilasi Hukum Islam Tentang Pencatatan Perceraian Di Kantor Urusan Agama Kec. PSP Batunadua," November 9, 2018.

Discussion

Practice of Refusal of Marriage Application at KUA Rancabali

In carrying out their duties, the Marriage Registrar (PPN) at the KUA of Rancabali District exercises their authority to reject marriage applications by considering various legal and socio-cultural aspects that apply in the local community. This authority is not only based on formal legal rules, but also colored by the values and social norms that characterize the Rancabali community. Local socio-cultural conditions that still hold fast to traditions and customs also affect the way KUA assesses the feasibility of marriage applications, especially in terms of the age of the bride-to-be, guardian status, and the existence of marriage barriers.

The procedure for rejecting marriage applications by KUA at KUA Rancabali follows the administrative mechanism that has been regulated in the regulations. When the application is considered not to meet the requirements set by Islamic law and legislation, KUA will issue an official rejection letter known as the N9 form. This rejection letter becomes a formal document that informs the applicant of the reason for the rejection. In addition, KUA also seeks to mediate with the bride-to-be or her family to provide explanations and find the best solution according to applicable rules. If the problem cannot be resolved at the KUA level, the parties are directed to submit objections or requests for dispensation to the Religious Court as the institution authorized to provide further legal rulings.

In practice, KUA in Rancabali faces a number of challenges that are quite complex. Social pressure from the community or the family of the bride-to-be is often the main obstacle in the implementation of the authority of rejection. The limited public understanding of legal marriage terms and procedures makes the education process an additional task for KUA. In addition, there is a conflict of interest between the demand for legal formality and the public's desire to immediately hold a marriage, for example in the case of underage marriages or without a legal guardian, causing a dilemma for KUA in making decisions. On the other hand,

limited resources and training for KUA also affect the effectiveness of the implementation of this authority.

Despite facing various obstacles, KUA at KUA Rancabali strives to exercise its authority professionally by prioritizing the principles of justice and benefit. A humanist and communicative approach helps reduce social tensions and minimize conflicts due to rejection of marriage proposals. This shows that the implementation of KUA authority is not only a matter of administration, but also about maintaining harmonization between the law and cultural values that live in the community.

In the exercise of their authority, Marriage Registry Officers (PPN) at KUA Rancabali often face dilemmas arising from conflicts between compliance with formal laws and the real social needs and conditions of the community. One of the most obvious examples is the case of underage marriage and marriages without legal guardians. Formally, marriage under the minimum age and without a guardian is a violation of the provisions of the Marriage Law and the principles of Islamic law that govern the validity of a marriage.⁵ However, in reality, people often have certain social and cultural reasons underlying their desire to have the marriage, such as economic pressures, social status, or even local customary norms that are still in force.

KUA as the executor of the task of registering marriages must strike a balance between strict legal rules and social benefits (*maṣlaḥah*) which are important concerns in Islamic law. This principle of *maṣlaḥah* requires that the decisions taken not only comply with the rules, but also provide benefits and avoid greater losses to society. Therefore, KUA often has to consider the humanitarian and social impact aspects of the refusal decision, for example by providing intensive explanations and opening up mediation spaces before making a final decision. In some cases, KUA also encourages applicants to apply for a marriage dispensation to the

⁵ Bing Waluyo, "Sahnya Perkawinan Menurut Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Jurnal Media Komunikasi Pendidikan Pancasila Dan Kewarganegaraan* 2, no. 1 (2020): 193-99, <https://doi.org/10.23887/jmppkn.v2i1.135>.

Religious Court as a middle ground that meets legal requirements while respecting the applicant's social conditions.

The impact of the rejection of marriage applications by KUA also cannot be ignored. Harsh rejection and without the right approach have the potential to encourage couples to perform nikah sirri (marriage outside of official registration), which then poses legal and social risks such as unclear legal status of marriage, difficulty in obtaining family rights, and increased family conflicts or other social problems. Nikah sirri also has the potential to weaken the marriage administration system that has been regulated by the state, thus posing challenges in law enforcement and the protection of citizens' rights.

This conflict between formal law and social reality shows the complexity of the task of KUA which is not only to carry out the rules, but also to be a social mediator who plays a role in maintaining a balance between legal certainty and social justice. Therefore, handling cases of rejection of marriage applications requires a more flexible approach, sensitive to socio-cultural contexts, and supported by responsive regulations and education to the public so that harmony between law and social reality can be realized optimally.

Analysis of VAT Authority from the Perspective of Islamic Civil Law

The authority of the Marriage Registrar (PPN) in rejecting marriage applications has a strong foundation in Islamic civil law, which emphasizes the importance of fulfilling the conditions and principles of marriage for a marriage to be considered valid. From the perspective of jurisprudence, marriage must meet a number of basic requirements, such as the presence of a bride-to-be who is pubertal and sensible, the presence of a guardian for the bride, the existence of a valid ijab kabul, and the absence of obstacles prohibited by sharia such as mahram or the prohibition of marriage in certain circumstances (for example, marriage while still tied to another wife without permission). The authority of KUA in rejecting marriage applications is based on its duty to ensure that all these conditions have been met before the marriage registration is carried out.

Normatively, the authority of KUA is also strengthened by national regulations that regulate the administration of Islamic marriage in Indonesia. Law Number 1 of 1974 concerning Marriage, which is the main legal umbrella, mandates that marriages must be officially registered in order to have legal force.⁶ In the law, the provisions on the conditions for the legality of marriage, including the minimum age and the consent of the guardian, must be met. Furthermore, the Compilation of Islamic Law (KHI) provides technical and detailed guidelines regarding the implementation of the authority to register marriages by authorized officials, including the obligation of KUA to reject applications that do not meet the requirements of sharia and legislation. Regulation of the Minister of Religion Number 20 of 2019 concerning Marriage Registration also regulates administrative procedures and mechanisms for rejecting marriage applications which are guidelines for the implementation of KUA duties in the field.

In this context, the authority of KUA is not absolute, but is limited and conditional. KUA is obliged to reject a marriage application if the conditions stipulated in Islamic law and national regulations are not met, for example if the bride-to-be has not reached the minimum age, does not have a legal guardian, or there is a clear legal obstacle. However, this authority must be exercised with due regard to the principles of justice and benefit, so that the refusal is not carried out arbitrarily without considering the social context and special circumstances that may be able to grant dispensation. Therefore, KUA also plays a role as a mediator who ensures that the rejection decision is made objectively, based on the rule of law, and can be accounted for legally and morally.

Thus, the authority of KUA in rejecting marriage applications is a real implementation of the function of legal supervision in the administration of Islamic marriage, which aims to keep the institution of

⁶ Fathul Mu'i, "Reinterpretasi Nafkah Dalam Undang-Undang Perkawinan Dan Implikasinya Terhadap Ketahanan Keluarga Di Masa Dan Pasca Covid-19," *International Conference on Islam, Law, and Society (INCOILS)*, 2021, 1-12, <https://www.incoilsfdpdiktis2021.iaipd-nganjuk.ac.id/index.php/incoils/article/view/125>.

marriage valid and protected from marriages that are not in accordance with sharia and applicable laws and regulations.

In the context of the authority of the Marriage Registrar (PPN) in rejecting marriage applications, the principles of Islamic law play a crucial role as normative and ethical guidelines that must be the main basis in decision-making. These principles include justice ('adl), benefit (maṣlaḥah), and legal certainty (yaqīn), which together form a normative framework that not only guarantees the formal applicability of the law, but also ensures that the decisions taken are able to provide benefits and justice to all parties involved. These three principles do not stand alone, but complement each other in answering the challenges and social dynamics faced by KUA in exercising its authority.

First, the principle of justice ('adl) in Islamic law is the main foundation that requires that every legal action be carried out with an objective, impartial attitude, and in accordance with the rights that have been stipulated in the sharia.⁷ Fairness in the context of KUA authority means that the rejection of marriage applications must be based on rational, legal, and moral considerations without discrimination, and respect for the human rights of every individual, including the bride-to-be. 'Adl means that KUA must not use its authority arbitrarily or based on personal interests, but must ensure that the procedures and reasons for refusal are in accordance with the provisions of applicable law. For example, if the marriage application is submitted by a couple who has not reached the minimum age determined by the Marriage Law and the Compilation of Islamic Law, the rejection made by KUA must be clear and submitted transparently, so that the bride-to-be feels treated fairly and not harmed unilaterally.

Furthermore, the principle of benefit (maṣlaḥah) is an important foundation that directs VAT to consider the aspects of benefits and disadvantages that may arise from the decision to reject a marriage application. Maṣlaḥah in the Islamic legal tradition is an attempt to uphold maslahat (interests) and avoid mafsadat (damage or loss). In this context,

⁷ Hudan Mudaris, "Islam, Jender Dan Hukum Islam ; Diskursus Kesetaraan Jender Dalam Perspektif Hukum Islam," June 1, 2015.

KUA must be able to contextually assess the social and cultural situation of the local community, as well as the impact of the rejection decision on the bride-to-be and her social environment. Rejection made without considering the *maṣlaḥah* can lead to negative consequences, such as the increase in the practice of unofficially recorded *sirri* marriage, which in turn can lead to legal and social problems such as unclear marital status, inheritance rights, and protection for children born of such marriages.⁸

Therefore, the principle of *maṣlaḥah* forces KUA to exercise its authority with a more humane and communicative approach. Before deciding on the refusal, the KUA must conduct a dialogue or mediation with the applicant to explain the reasons for the refusal and try to find alternative solutions, such as directing the couple to apply for a marriage dispensation to the Religious Court. Thus, *maṣlaḥah* not only becomes the basis for rejection, but also encourages the creation of social harmony and the strengthening of the legal legitimacy of the decisions taken.

The third principle that is no less important is legal certainty (*yaqīn*). In Islamic law, *yaqīn* is a principle that guarantees that the law must be clear, definite, and not cause doubt for the perpetrators. The legal certainty here includes clear procedures, accountable reasons, and consistency in the exercise of authority by KUA. With legal certainty, the public has confidence that the applicable rules do not change and the implementation of the law is carried out consistently without discrimination. This is important to maintain public trust in the KUA institution and the marriage administration process in general.

In practice, the application of the *yaqīn* principle by KUA means that the entire process of rejecting marriage applications must be well documented, for example through an official rejection letter (form N9) that contains clear reasons and in accordance with applicable regulations. In addition, KUA must ensure that the rejection decision does not conflict with national laws and regulations, the Compilation of Islamic Law, or the guidelines of the Ministry of Religion. Legal certainty also means that the applicant has the right to file an objection or dispensation through a

⁸ A. Mukti Arto, *Praktik Perkara Perdata Pada Peradilan Agama* (yogyakarta: pustaka pelajar, 1998).

regulated mechanism, so that there is no monopoly of authority that can harm certain parties.

These three principles 'adl, maṣlaḥah, and yaqīn became an integral moral and legal foothold in the exercise of KUA authority. In the context of the rejection of a marriage application, KUA must carry out the function of control and supervision of the validity of the marriage application by considering the three principles in a balanced manner. This requires the sensitivity of KUA not only to the formal aspects of the law, but also to the social and cultural values of the community that are the background of the application. The principle of justice ensures the protection of individual rights, the principle of benefit ensures broader social benefits, and the principle of legal certainty maintains legitimacy and trust in the legal process.

Furthermore, the application of these principles of Islamic law also contributes to the harmonization between religious law and state law, which is a major challenge in the context of marriage administration in Indonesia. KUA as an implementer in the field acts as a bridge that integrates Islamic sharia values with state rules, so that the decisions taken are not only in accordance with sharia, but can also be accepted within the framework of national positive law. Thus, the authority of KUA in rejecting marriage applications is not merely an administrative action, but also a reflection of the application of dynamic and contextual Islamic law values.

In addition, the application of the maṣlaḥah principle encourages innovation in the resolution of marriage problems that do not meet formal requirements. In some cases, KUA can recommend preventive or educational measures to the bride-to-be and the wider community so that awareness of the importance of compliance with marriage requirements increases. This approach not only solves the problem directly, but also prevents similar problems from arising in the future, thereby strengthening social stability and the sustainability of the institution of marriage that is religiously and legally valid.

However, the challenge of implementing these principles is not easy. KUA must have a deep understanding of Islamic law and applicable

regulations, as well as good communication skills to explain the reasons for rejection to people from diverse backgrounds. The balance between firmness in enforcing the law and gentleness in managing social relations is the key to the successful implementation of this authority. Therefore, increasing the capacity of KUA human resources through training and technical guidance is needed so that the principles of Islamic law can be applied optimally in the field.

Overall, the role of Islamic law principles in providing solutions to the authority of VAT in rejecting marriage applications is vital. The three principles justice, benefit, and legal certainty are the normative basis as well as an evaluation tool in determining whether a rejection of a marriage application is appropriate and can be legally and morally accountable. The consistent application of these principles not only strengthens the legitimacy of KUA authority, but also maintains social harmony and the integrity of the institution of marriage in Islamic society in Indonesia, especially in the Rancabali region which has its own socio-cultural characteristics.

The implementation of the authority of the Marriage Registrar (PPN) in rejecting marriage applications is a crucial aspect that has a wide impact both legally and socially. Evaluating the effectiveness of regulations that regulate this authority is very important to ensure that existing regulations are able to respond to the challenges and complexities faced in the field, especially in areas with socio-cultural dynamics such as Rancabali District. Currently, the authority of KUA in the case of marriage rejection is regulated in several regulations, including the Marriage Law No. 1 of 1974, the Compilation of Islamic Law (KHI), and related Regulations of the Minister of Religion.⁹ Although formally the regulation has provided a clear legal basis, in practice there are still a number of obstacles that indicate the need for policy evaluation and reform to be more effective and responsive to the social reality of society.

⁹ Dirjen Bimas Islam Kemenag RI, *Kompilasi Hukum Islam Di Indonesia* (Jakarta: Direktorat Bina KUA, 2018).

One of the main issues in evaluating the effectiveness of regulations is how they are able to provide clear and flexible guidelines to KUA in dealing with various cases that are highly contextual. For example, provisions regarding the minimum age of marriage, guardianship requirements, and conditions that lead to the rejection of marriage applications often deal with social conditions that are not homogeneous and diverse. Regulations that tend to be normative and rigid are sometimes less able to accommodate the special needs that arise from local culture or existing social pressures. This makes KUA have to make difficult decisions, between implementing the rule of law strictly or considering social benefits so as not to cause greater conflicts. This situation shows that existing regulations still need to be strengthened with more detailed and situational technical guidelines, so that KUA has a stronger and more practical foundation in exercising its authority.

Furthermore, there is a need for regulatory reform that is adaptive and humane, which is able to harmonize compliance with formal laws with sensitivity to social conditions of society. This update could be in the form of revisions to the regulations governing the procedure for rejecting marriage proposals, including the addition of clauses regarding mediation, education, and more socially friendly alternative dispute resolution. Thus, regulations are not only an instrument of law enforcement, but also a tool to optimize the social function of KUA in maintaining harmony and public order. This responsive regulatory approach is important given that marriage is not just a legal contract, but also a social and religious institution that is highly sensitive to the cultural values and norms of the local community.

In addition, from the administrative side, the procedure for rejecting marriage applications needs to be prepared systematically and transparently so that it can be accessed and understood by all interested parties. A clear procedure will reduce ambiguity and potential conflicts that arise due to misunderstandings or ignorance about the rejection process. The procedure must include the stages of submitting an application, checking the conditions, the rejection mechanism, the submission of an official letter of rejection (form N9), and the applicant's right to file an objection or dispensation at the Religious Court. KUA needs

to be provided with complete technical guidance on these matters so that its implementation runs effectively and uniformly throughout the KUA service area. The regularity of this procedure will increase the credibility and professionalism of KUA and strengthen legal certainty for the public.

It is also important to highlight the human resource aspect in the implementation of KUA authority. Continuous training and coaching is needed so that KUA has a deep understanding of marriage law, Islamic legal values, and effective communication skills. This training should cover the technical aspects of administration, knowledge of the latest regulations, as well as a humanist approach in dealing with complex social situations. Mediation and conflict resolution skills are an important part of the capacity that the KUA must have in order to exercise its authority wisely and avoid unnecessary social friction. With the increase in human resource capacity, it is hoped that KUA will be able to become a legal agent as well as a social mediator who can bridge legal compliance and community needs.

In addition to strengthening KUA capacity, public education about rights and obligations in the marriage process is also an inseparable part of efforts to increase the effectiveness of the exercise of authority. Often, rejection of marriage applications is triggered by a lack of public understanding of the legal requirements that must be met in order for marriage to be religiously and state-legal. Therefore, education and socialization programs regarding marriage laws, marriage registration procedures, and legal consequences of marriages that are not officially recorded are very important to be carried out regularly and thoroughly. This education can be carried out through various media, such as seminars, counseling at the village or sub-district level, to the use of information technology that is easily accessible to the public. This increase in legal awareness is expected to reduce the number of rejections of marriage applications caused by ignorance, as well as suppress the practice of marriage sirri which has the potential to cause further legal and social problems.

From a policy perspective, integration between KUA institutions, Religious Courts, and other related agencies needs to be strengthened to

create synergy in resolving marriage issues.¹⁰ This collaboration can be realized through an effective referral mechanism and an integrated information system that facilitates the monitoring of the marriage process and the handling of dispensation applications. Thus, the rejection made by KUA is not the end of the process, but part of a series of transparent and accountable legal settlements. Strengthening synergy between institutions can also accelerate case resolution and reduce administrative burdens that have the potential to slow down services to the community.

In addition, policies that are more inclusive and adaptive to the needs of vulnerable communities also need to be considered. For example, there is a need for special policies for handling marriage applications involving brides-to-be from a young age group or who are experiencing certain socioeconomic situations. A more humane and protection-based approach to child and women's protection must be integrated into policies governing KUA authority, so that the goals of legal protection and social benefits can go hand in hand. Such policies are also in line with the principles of human rights and sustainable development that place the protection and empowerment of communities as a top priority.

Furthermore, the development of information technology systems in marriage registration administration can be one of the policy solutions to increase transparency, efficiency, and accuracy of data. An integrated digital system allows KUA to verify data quickly and accurately, thereby reducing errors and abuse of authority. In addition, technology can also be used to convey information and education to the public in a wide and easily accessible manner, including in terms of explaining marriage terms and procedures, thereby minimizing rejection caused by miscommunication or ignorance.

However, the implementation of new technologies and policies must be accompanied by training and assistance so that all parties involved, especially KUA, can make the most of the system. Periodic

¹⁰ Susi Susanti, "Modifikasi Ijtihad Hakim Pengadilan Agama Dan Relevansinya Terhadap Hukum Islam," *Al-Qisthu* 17, no. 1 (2019): h. 27-33.

monitoring and evaluation are also needed to ensure that updated policies and regulations are truly effective and have a positive impact on society. Feedback mechanisms from the community must also be opened to identify obstacles and challenges that still arise, so that improvements can be made in an ongoing manner.

In conclusion, the legal and policy implications of the KUA authority in rejecting marriage applications are very broad and require serious attention from various parties. Existing regulations must continue to be evaluated and updated in order to provide clear, flexible, and responsive guidelines to the social needs of the community. Strengthening administrative procedures, increasing the capacity of KUA human resources, public education, and the development of information technology are strategic steps that need to be taken to increase the effectiveness of the implementation of this authority. In addition, synergy between institutions and inclusive policies will strengthen legal protection while maintaining social harmony in the midst of changing societal dynamics. Thus, the authority of KUA not only functions as an instrument of law enforcement, but also as a means of empowering and protecting the community in accordance with the values of Islamic law and national laws and regulations.

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