



A Legal-Normative Analysis of Marriage Registration in Indonesia from the Perspectives of Islamic Law and Positive Law, and Its Implications for the Legal Protection of the Family

Rosihah^{1*}, Abdul Raffi Ardiyanto², Fitria Adzuhri Mahyudin³, Humaeroh⁴

¹⁻⁴ Universitas Islam Negeri Sultan Maulana Hasanuddin, Indonesia

email: 231110012.rosihah@uinbanten.ac.id

Article Info :

Received:

22-04-2026

Revised:

15-05-2026

Accepted:

19-05-2026

Abstract

This study examines the legal status, normative foundations, and legal implications of marriage registration in Indonesia through the perspectives of Islamic law and positive law. The research employs a non empirical legal method based on a normative juridical approach and doctrinal legal analysis. Primary legal materials consist of Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of 1975, and Law Number 16 of 2019, supported by scholarly literature on family law, legal pluralism, and sociolegal theory. The analysis explores the historical and regulatory development of marriage registration, the relationship between religious validity and state recognition, and the role of registration in securing legal protection for family members. The findings indicate that marriage registration functions as a legal mechanism that bridges Islamic legal principles and state legal authority within Indonesia's plural legal system. Although classical Islamic jurisprudence does not generally classify registration as a substantive requirement of marriage validity, contemporary legal developments justify its necessity through the objectives of Islamic law and the demands of legal certainty. Registration strengthens the protection of rights relating to spouses, children, inheritance, maintenance, and access to judicial remedies. The study concludes that marriage registration constitutes an essential instrument for legal recognition, family welfare, and substantive justice in contemporary Indonesia.

Keywords : Marriage Registration, Islamic Law, Positive Law, Family Protection, Legal Pluralism.



©2022 Authors.. This work is licensed under a Creative Commons Attribution-Non Commercial 4.0 International License.
(<https://creativecommons.org/licenses/by-nc/4.0/>)

INTRODUCTION

The regulation of marriage registration has become an increasingly significant subject within global debates on family governance, legal pluralism, and the protection of vulnerable family members, particularly in societies where religious norms coexist with state legal systems. Across numerous jurisdictions, contemporary scholarship has highlighted the growing tendency of states to institutionalize marriage registration as a mechanism for ensuring legal certainty, strengthening civil status administration, and protecting individual rights within the family structure. The interaction between religious legitimacy and state recognition has emerged as a central issue in legal sociology and family law studies, particularly in Muslim majority countries where the validity of marriage is often evaluated through both religious and statutory frameworks. From the perspective of legal theory, law functions not merely as a system of rules but as a social institution that structures expectations, regulates behavior, and distributes rights and obligations within society (Hart, 2012). Similarly, sociolegal scholarship emphasizes that legal norms acquire practical significance when they shape social relations and provide effective mechanisms for dispute resolution and rights protection (Lippman, 2014). Within this broader global context, Indonesia presents a particularly important case because its legal framework simultaneously recognizes the religious validity of marriage and imposes administrative registration requirements through Law Number 1 of 1974 concerning Marriage, its implementing regulation under Government Regulation Number 9 of 1975, and subsequent reforms introduced through Law Number 16 of 2019, thereby creating a unique legal landscape in which religious doctrine and positive law continuously interact in defining the status and consequences of marriage (Republic of Indonesia, 1974; Republic of Indonesia, 1975; Republic of Indonesia, 2019).

Existing studies have demonstrated that the development of Indonesian family law reflects an ongoing process of harmonization between Islamic legal principles and state regulatory objectives. Research on the transformation of child marriage regulation illustrates how family law has evolved

from a domain primarily governed by private and religious considerations into an area increasingly characterized by public legal intervention aimed at safeguarding social welfare and protecting vulnerable groups (Shodiq et al., 2025). Similar tendencies are evident in studies examining polygamy, which reveal that contemporary legal discourse increasingly evaluates marital practices through the lenses of family welfare, gender justice, and broader social consequences rather than relying exclusively on formal religious permissibility (Syaikal & Yakin, 2025). Recent scholarship concerning restrictions on paternal authority in marriage prevention further demonstrates that Islamic legal reasoning has been progressively reconstructed to accommodate considerations of justice, proportionality, and social protection within modern legal systems (Rosita et al., 2026). Collectively, these studies suggest that Indonesian family law has moved beyond a rigid dichotomy between religious authenticity and state regulation, instead developing a more dynamic framework in which legal norms are continuously interpreted to balance doctrinal legitimacy with societal needs.

Despite these important contributions, the existing literature remains fragmented in its treatment of marriage registration as a distinct legal institution. Much of the contemporary scholarship focuses on specific family law issues such as child marriage, polygamy, cohabitation, reproductive technologies, lineage determination, and the reconstruction of particular legal doctrines without systematically examining how marriage registration itself functions as the foundational mechanism through which legal protection is activated and enforced (Saidah et al., 2026; Salma et al., 2026; Shodiq et al., 2025). Even when studies acknowledge the administrative significance of registration, they frequently approach the issue from either a purely doctrinal Islamic perspective or a strictly statutory perspective, resulting in an analytical separation that obscures the complex interaction between religious validity and state recognition. Consequently, important conceptual questions remain insufficiently addressed, including whether marriage registration should be understood merely as an evidentiary requirement, a constitutive legal mechanism, or a normative instrument designed to operationalize the protective objectives of both Islamic law and positive law. The absence of an integrated framework has generated inconsistencies in understanding the legal consequences of unregistered marriages and has limited the development of a comprehensive theory of family protection within Indonesia's plural legal order.

This unresolved tension carries substantial scientific and practical implications because the persistence of unregistered marriages continues to generate legal vulnerabilities affecting women, children, inheritance rights, maintenance obligations, marital property claims, and access to public services. Contemporary developments in Islamic family law increasingly emphasize the importance of legal instruments that preserve welfare, prevent harm, and strengthen social justice within family relations (Romi et al., 2026). At the same time, the expansion of regulatory interventions in family matters reflects the growing recognition that legal protection cannot be effectively realized without mechanisms capable of producing legal certainty and enforceable rights. The persistence of divergent interpretations regarding the status and consequences of marriage registration therefore raises fundamental questions concerning the extent to which religious validity alone can guarantee family protection in modern legal systems. The issue becomes even more urgent when viewed against broader transformations in Indonesian family law, where state institutions are expected to reconcile constitutional commitments to legal certainty with religious principles that continue to shape social understandings of marital legitimacy (Republic of Indonesia, 1974; Republic of Indonesia, 2019).

Against this background, the present study positions itself within the intersection of Islamic legal studies, family law scholarship, and sociolegal analysis by examining marriage registration not merely as an administrative procedure but as a normative institution that mediates the relationship between religious legitimacy and state authority. Unlike previous studies that have concentrated on specific substantive family law issues, this research investigates the historical development, doctrinal foundations, statutory regulation, and legal implications of marriage registration through a comprehensive legal normative approach. By bringing together insights from Islamic jurisprudence, contemporary developments in Indonesian family law, and broader theories concerning the social functions of law, this study seeks to address the conceptual fragmentation that characterizes much of the existing literature. Such an approach enables a more systematic understanding of how marriage registration operates within Indonesia's plural legal framework and how its regulatory function contributes to the realization of legal protection for family members.

This study aims to analyze the historical evolution of marriage registration in Indonesia, examine its legal status within Islamic law, evaluate its regulation under Indonesian positive law, and assess the

legal consequences arising from registered and unregistered marriages. The research contributes theoretically by developing an integrated analytical framework that explains marriage registration as a nexus between religious legitimacy and legal certainty in family law. Methodologically, it contributes by employing a comprehensive legal normative analysis that synthesizes doctrinal, statutory, and sociolegal perspectives within a single framework of inquiry. Through this approach, the study seeks to enrich contemporary discussions on legal pluralism and family protection while offering a more coherent understanding of the role of marriage registration in safeguarding the rights and welfare of family members within Indonesia's evolving legal order.

RESEARCH METHODS

This study employed a non empirical legal research design grounded in a normative juridical approach and doctrinal legal analysis. The research was conducted as a library based study aimed at examining the legal status, historical development, regulatory framework, and legal implications of marriage registration in Indonesia from the perspectives of Islamic law and positive law. The primary sources of data consisted of statutory instruments governing marriage registration, including Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974, and Law Number 16 of 2019 concerning the Amendment to Law Number 1 of 1974 on Marriage. These legal materials were complemented by secondary sources comprising scholarly books, peer reviewed journal articles, legal commentaries, and theoretical works on legal theory, family law, legal pluralism, and the sociology of law. Source selection was guided by criteria of relevance, academic credibility, conceptual contribution, and direct engagement with issues concerning marriage registration, Islamic family law, legal protection, and the interaction between religious and state legal systems. The analytical framework integrated normative legal analysis with perspectives derived from legal pluralism and sociolegal theory in order to examine the relationship between religious validity, state recognition, and family protection within Indonesia's plural legal order (Hart, 2012; Lippman, 2014; Tamanaha, 2012; Herring, 2021; McConville & Chui, 2017).

The analysis proceeded through several stages consisting of legal inventory, classification of legal norms, doctrinal interpretation, comparative examination of Islamic legal principles and statutory provisions, and systematic synthesis of legal consequences associated with registered and unregistered marriages. Relevant legal texts and academic literature were first identified and organized according to thematic categories, after which their normative content was interpreted using conceptual, statutory, and analytical approaches commonly employed in legal research. Particular attention was directed toward identifying convergences and divergences between Islamic jurisprudential doctrines and Indonesian positive law concerning the function and legal significance of marriage registration. To ensure analytical rigor, the study applied source triangulation across legislation, authoritative legal scholarship, and theoretical literature, while maintaining transparency in the interpretation and synthesis of legal materials. The trustworthiness of the findings was strengthened through systematic cross examination of legal provisions, consistency checks across doctrinal sources, and critical engagement with competing scholarly interpretations, thereby enhancing the validity and coherence of the normative conclusions generated by the study.

RESULTS AND DISCUSSION

Historical and Normative Evolution of Marriage Registration within Indonesia's Plural Legal Order

The doctrinal analysis indicates that marriage registration in Indonesia emerged from a gradual transformation of family governance rather than from a purely administrative concern. Historical legal materials demonstrate that state intervention in marital relations increased as social complexity generated demands for greater legal certainty. The development reflects a broader shift from community based regulation toward institutional legal control over family status. Such a trajectory corresponds with the argument that legal systems evolve through the interaction between social expectations and normative authority (Hart, 2012).

The examined legal sources reveal that colonial era regulations did not establish a unified framework governing marriage for all population groups. Legal differentiation was maintained through classifications based on religion, ethnicity, and legal status, creating fragmented forms of marital recognition. This fragmentation generated varying standards concerning proof of marriage and family

rights. The persistence of legal plurality during this period illustrates the historical foundations of contemporary legal pluralism in Indonesia (Tamanaha, 2012).

The transition toward national family legislation reflected changing perceptions regarding the role of the state in regulating intimate social relations. Marriage gradually became viewed not only as a religious institution but also as a legal relationship carrying public consequences. This transformation strengthened the rationale for documenting marital status through formal registration mechanisms. Similar developments can be observed in broader family law reforms that increasingly prioritize social protection objectives (Herring, 2021).

The enactment of Law Number 1 of 1974 introduced a dual normative structure that recognizes religious validity while simultaneously requiring state registration. The legal architecture demonstrates an attempt to accommodate religious diversity without abandoning administrative accountability. Such accommodation reflects the coexistence of multiple normative orders operating within a single legal system. The interaction between these normative orders remains a defining feature of Indonesian family law (Republic of Indonesia, 1974).

The historical findings further indicate that marriage registration was introduced as a response to recurring legal disputes involving marital status, inheritance claims, and child recognition. Documentary evidence suggests that unregistered marriages frequently complicated the enforcement of legal rights. Registration consequently evolved into an instrument intended to reduce evidentiary uncertainty within family relations. The social function of legal documentation aligns with sociological understandings of law as a mechanism for organizing social expectations (Lippman, 2014).

Table 1. Historical Development of Marriage Registration in Indonesia

Period	Dominant Legal Characteristic	Legal Consequence for Marriage Recognition
Colonial Period	Fragmented plural legal regulation	Unequal standards of marital recognition
Early Independence Period	Transitional legal adaptation	Limited legal uniformity
Law Number 1 of 1974	Integration of religious validity and state registration	National legal standardization
Post 2019 Reform	Strengthened family protection orientation	Enhanced legal certainty and welfare objectives

Source: Compiled by the author based on Republic of Indonesia (1974), Republic of Indonesia (1975), Republic of Indonesia (2019), and doctrinal analysis following McConville and Chui (2017).

The legal developments summarized in Table 1 demonstrate that marriage registration evolved alongside changing conceptions of family protection and state responsibility. Earlier regulatory models emphasized legal classification rather than rights protection. Contemporary regulation places greater emphasis on the welfare implications of marital status. The pattern confirms the increasing integration of social protection principles into family law governance.

A significant finding emerging from the doctrinal review concerns the shift from formal legal recognition toward substantive welfare considerations. Recent studies indicate that contemporary Islamic legal discourse increasingly evaluates legal institutions according to their capacity to protect human interests and prevent social harm (Asmaya et al., 2026). Marriage registration reflects this development because its legitimacy is frequently justified through protective rather than merely procedural objectives. The institution functions as a bridge between legal formality and social welfare.

The evolution of marriage regulation also parallels broader reforms occurring across Indonesian family law. Research concerning child marriage demonstrates that legal regulation has progressively moved from private family autonomy toward stronger public oversight intended to protect vulnerable individuals (Shodiq et al., 2025). Similar tendencies are visible in constitutional debates concerning child welfare and family formation rights (Al Gifar & Muchtar, 2026). Marriage registration occupies a comparable position because it introduces public legal safeguards into an area traditionally governed by private religious norms.

From a legal theoretical perspective, the coexistence of religious validity and statutory registration does not necessarily create normative contradiction. Legal pluralism theory suggests that

multiple normative systems may coexist while serving distinct social functions within the same society (Tamanaha, 2012). Religious law provides moral and spiritual legitimacy, whereas state registration supplies evidentiary certainty and enforceable legal consequences. The distinction explains why marriage registration became increasingly important despite not originating as a classical requirement of Islamic marriage doctrine.

The analysis also demonstrates that the historical institutionalization of marriage registration reflects broader patterns of legal modernization in Indonesia. Legal reform has increasingly linked family law with objectives of social welfare, rights protection, and administrative certainty. The historical trajectory reveals that registration developed from a supplementary administrative practice into a central component of contemporary family governance. Its present legal significance cannot be understood solely through doctrinal religious analysis because it is deeply embedded within the evolving relationship between law, society, and state authority (Hart, 2012, Lippman, 2014).

Reconciling Religious Validity and State Legality: The Juridical Position of Marriage Registration in Islamic Law and Indonesian Positive Law

The doctrinal analysis indicates that marriage registration occupies a distinct juridical position within Islamic law and Indonesian positive law. Classical Islamic jurisprudence generally defines the validity of marriage through the fulfillment of substantive elements consisting of the bride, groom, guardian, witnesses, and the marriage contract. Registration is not classified as either a pillar or a condition of marriage validity in the traditional fiqh framework. Contemporary legal scholarship nonetheless argues that administrative recording serves a broader normative objective related to legal certainty and public welfare (Cholis & Masuwd, 2026).

The distinction between religious validity and state validity constitutes a central feature of Indonesia's plural legal order. A marriage may satisfy the substantive requirements of Islamic law while remaining unrecognized within the administrative structure of the state if registration is absent. This duality reflects the coexistence of religious and statutory normative systems that operate with different criteria of legal recognition (Tamanaha, 2012). The interaction illustrates how legal pluralism functions through overlapping yet autonomous sources of authority.

From a doctrinal perspective, Islamic law prioritizes the substantive legality of the marital contract rather than procedural formalities. Classical jurists developed legal doctrines in social contexts where public acknowledgment and witness testimony functioned as primary mechanisms of proof. Modern state systems require documentary evidence capable of supporting legal administration and dispute resolution. The divergence arises from differences in institutional structure rather than from contradictory normative objectives (Herring, 2021).

Indonesian positive law adopts a complementary approach by recognizing religious legality while simultaneously imposing registration obligations. Article 2 of Law Number 1 of 1974 establishes that marriage must be performed according to religious law and recorded according to statutory procedures (Republic of Indonesia, 1974). Government Regulation Number 9 of 1975 further operationalizes this requirement through administrative procedures implemented by authorized institutions (Republic of Indonesia, 1975). Law Number 16 of 2019 maintains this legislative framework while reinforcing the regulatory coherence of national marriage law (Republic of Indonesia, 2019).

The normative convergence between Islamic law and positive law becomes more visible when analyzed through the objectives pursued by both legal systems. Neither system seeks merely to formalize marriage as a ceremonial event. Each framework attempts to create legal order, social stability, and protection of legitimate family relationships. Studies on contemporary Islamic legal reasoning identify registration as a mechanism that facilitates these objectives within modern governance structures (Intania et al., 2026).

Table 2. Comparative Normative Position of Marriage Registration in Islamic Law and Positive Law

Aspect	Islamic Law	Positive Law	Normative Implication
Validity of marriage	Determined by fulfillment of pillars and	Determined by religious validity	Dual framework of legitimacy

	conditions of marriage	and administrative compliance	
Legal status of registration	Not a pillar or condition of validity	Mandatory legal requirement	Administrative obligation supports legal order
Legal evidence	Witness testimony and acknowledgment	Official registration documents	Stronger evidentiary certainty
Rights protection	Derived from substantive marital status	Facilitated through documented legal status	Greater enforceability of legal rights
State recognition	Not a constitutive requirement	Essential for formal recognition	Access to legal institutions
Legal consequences	Marriage remains religiously valid	Administrative consequences arise when unregistered	Distinction between religious and civil effects

Source: Synthesized by the author from Republic of Indonesia (1974), Republic of Indonesia (1975), Republic of Indonesia (2019), Cholis and Masuwd (2026), Karim and Ramsay (2024), Herring (2021), and doctrinal legal analysis.

The comparison presented in Table 2 demonstrates that the principal distinction concerns the legal function assigned to registration rather than the essence of marriage itself. Islamic law focuses on the creation of a valid marital bond through substantive legal requirements. Positive law expands this framework by incorporating administrative recognition as a condition for legal enforceability. The table reveals a relationship of supplementation rather than normative opposition.

Recent scholarship increasingly interprets marriage registration through the lens of Maqasid al Shariah. Protection of lineage, legal certainty, social order, and family welfare are frequently cited as objectives that justify administrative obligations within contemporary Muslim societies (Cholis & Masuwd, 2026). Similar reasoning appears in studies employing Sadd al Dhariah principles to prevent future legal uncertainty and social harm (Salma et al., 2026). Registration acquires legitimacy because it serves preventive and protective legal functions consistent with broader Islamic objectives.

The preventive dimension of registration also aligns with developments in contemporary Islamic family law. Legal reforms concerning forced marriage, family rights, and socially harmful conduct increasingly emphasize regulatory mechanisms designed to avoid future disputes rather than merely resolve them after occurrence (Intania et al., 2026; Saidah et al., 2026). Registration operates within the same preventive paradigm by establishing an authoritative legal record before conflict emerges. Its juridical significance therefore extends beyond administrative documentation.

The harmonization of religious and statutory norms reflects a broader pattern of legal modernization within Muslim majority jurisdictions. Contemporary legal institutions frequently reinterpret classical doctrines through welfare oriented approaches that preserve religious legitimacy while responding to changing social realities (Asmaya et al., 2026). Similar developments can be observed in constitutional and judicial discourse where legal authority is linked to public benefit and institutional accountability (Perdana et al., 2024). Marriage registration exemplifies this adaptive process by translating traditional marital norms into forms compatible with modern legal administration.

The findings demonstrate that marriage registration should be understood as an instrument of legal recognition rather than as a replacement for religious validity. Islamic law and Indonesian positive law operate through different normative mechanisms yet pursue intersecting objectives related to family order and legal certainty. The apparent tension between the two systems diminishes when registration is viewed through a functional and purposive framework. Contemporary doctrinal analysis therefore supports the interpretation that registration represents a legitimate modernization of Islamic family law within Indonesia's plural legal system (Rosita et al., 2026, Karim & Ramsay, 2024).

Marriage Registration and the Protection of Family Rights within Contemporary Legal Frameworks

The normative analysis demonstrates that marriage registration functions as a central legal mechanism for securing family rights within contemporary Indonesian society. Registration transforms a marital relationship from a private social institution into a legally recognizable status that can generate enforceable rights and obligations. Family law scholarship consistently emphasizes that legal protection depends not only on substantive rights but also on the availability of formal legal recognition capable of supporting institutional enforcement (Herring, 2021). Marriage registration therefore operates as a gateway through which family members gain access to legal remedies and administrative protection.

The legal consequences of registered marriages extend across multiple dimensions of family life. Registered marital status provides documentary certainty concerning the existence of the marital bond and facilitates access to courts, administrative agencies, and public services. The availability of official evidence reduces legal ambiguity and strengthens the practical implementation of family rights in situations involving divorce, inheritance, maintenance, and child related disputes (Cholis & Masuwd, 2026). Registration consequently serves both evidentiary and protective functions within the broader legal system.

The relationship between registration and the protection of wives' rights emerges prominently in contemporary family law discourse. Legal claims concerning maintenance, marital property, and post divorce entitlements frequently depend upon the ability to demonstrate the existence of a legally recognized marriage. Research concerning mut'ah and post divorce financial rights indicates that formal legal status significantly influences the effectiveness of judicial protection mechanisms available to women (Habibah et al., 2025; Izzati, 2025). Registration strengthens the procedural foundations necessary for the realization of substantive justice.

The protection of children represents another critical dimension of the legal significance of marriage registration. Documentary certainty regarding parental relationships contributes to legal clarity concerning identity, guardianship, maintenance obligations, and access to public services. Contemporary legal scholarship increasingly treats child welfare as a paramount consideration within family law regulation because legal uncertainty may generate long term disadvantages affecting social and economic development (Ahmad et al., 2025). Registration contributes to preventive legal protection by reducing ambiguity surrounding familial status.

The findings also reveal that marriage registration has significant implications for inheritance rights and family wealth distribution. Legal systems require reliable evidence of familial relationships before inheritance claims can be formally recognized and adjudicated. Studies addressing inheritance arrangements within plural legal contexts demonstrate that documentary proof often functions as a prerequisite for effective legal enforcement (Prabowo et al., 2024). Registration therefore contributes to legal certainty concerning succession and intergenerational transfer of rights.

Table 3. Legal Consequences of Registered and Unregistered Marriages for Family Protection

Legal Issue	Registered Marriage	Unregistered Marriage	Protection Implication
Inheritance rights	Strong legal recognition	Potential evidentiary obstacles	Greater certainty for beneficiaries
Maintenance rights	Enforceable through legal institutions	More difficult to establish claims	Improved protection of dependents
Child status	Clear legal affiliation	Increased risk of legal ambiguity	Enhanced child welfare protection
Marital property	Recognized within legal proceedings	Limited evidentiary support	Stronger asset protection
Court access	Full procedural standing	Potential procedural barriers	Better access to justice

Administrative rights	Access to official documentation	Restricted administrative recognition	Improved legal inclusion
Legal evidence	Documentary certainty available	Reliance on indirect proof	Greater enforceability of rights

Source: Author's synthesis based on Herring (2021), Habibah et al. (2025), Izzati (2025), Prabowo et al. (2024), Bakri (2026), Mintarsih et al. (2026), and doctrinal legal analysis.

The comparative assessment presented in Table 3 highlights the practical distinction between registered and unregistered marriages from the perspective of family protection. The most significant difference concerns the availability of legally recognized evidence capable of supporting claims before courts and administrative institutions. Registration strengthens legal predictability by reducing procedural uncertainty associated with proof of marital status. The table indicates that legal recognition frequently determines the effectiveness of substantive rights.

The vulnerability of unregistered marriages becomes particularly visible when legal disputes arise. Family conflicts concerning maintenance, inheritance, parental responsibility, and marital property often require documentary evidence capable of satisfying procedural requirements. Judicial studies show that courts must frequently navigate evidentiary challenges when formal documentation is unavailable, which may affect the accessibility of legal remedies (Hikmah et al., 2026). Registration minimizes these barriers by creating a legally verifiable record before disputes occur.

The protective value of registration extends beyond individual family members and contributes to broader objectives of social welfare. Contemporary analyses of family welfare increasingly connect legal certainty with social stability, economic security, and responsible family governance (Syaikal & Yakin, 2025). Similar approaches can be observed in scholarship emphasizing institutional mechanisms that strengthen family resilience through preventive legal frameworks (Romi et al., 2026). Registration functions as one component within a wider architecture of family welfare protection.

Protection of vulnerable groups constitutes another important justification for marriage registration. Legal recognition enhances the capacity of institutions to respond effectively when family members experience rights violations, economic dependency, or social marginalization. Research concerning gender sensitive adjudication and legal protection mechanisms demonstrates that formal legal status often influences the accessibility and effectiveness of judicial intervention (Bakri, 2026; Mintarsih et al., 2026). Registration therefore contributes to the creation of more inclusive and responsive legal protection structures.

Contemporary family law increasingly evaluates legal institutions according to their ability to achieve substantive justice rather than merely procedural compliance. Registration satisfies this objective because it facilitates the realization of rights that might otherwise remain difficult to enforce in practice. Studies addressing violations of marital obligations and family responsibilities illustrate the importance of enforceable legal frameworks capable of protecting legitimate interests within family relationships (Azkiyah et al., 2025). Marriage registration consequently operates not only as an administrative requirement but also as a juridical instrument supporting family welfare, legal certainty, and substantive justice.

CONCLUSION

The analysis demonstrates that marriage registration in Indonesia has evolved from a procedural administrative mechanism into a fundamental legal institution that connects religious legitimacy with state recognition within a plural legal order. Historical and normative developments reveal that the regulation of marriage registration reflects the state's effort to create legal certainty while maintaining compatibility with the essential principles of Islamic family law. Doctrinal examination confirms that marriage registration is not traditionally classified as a pillar or substantive requirement of marriage validity in classical Islamic jurisprudence, yet contemporary interpretations grounded in maqasid oriented reasoning support its legal necessity as a means of protecting public welfare and preventing future disputes. The findings further indicate that Indonesian positive law positions registration as a mandatory legal requirement for the recognition and evidentiary certainty of marital relationships. This legal status generates significant consequences for the protection of family rights, particularly concerning maintenance, inheritance, child status, marital property, administrative recognition, and

access to judicial remedies. Registered marriages provide a stronger framework for safeguarding vulnerable family members and enhancing legal accountability within family relations. The convergence between Islamic legal objectives and statutory regulation illustrates a process of legal harmonization rather than normative contradiction. Marriage registration therefore serves not only as an instrument of legal recognition but also as a mechanism for family welfare, legal certainty, and substantive justice in contemporary Indonesia.

REFERENCES

- Ahmad, I. M., Saputra, M. A., & Habibah, Z. (2025). The Judge's Consideration of the Phrase Urgent Reasons in Marriage Dispensation Cases: A Legal Realism Perspective. *Hakamain: Journal of Sharia and Law Studies*, 4(2), 24-36. <https://doi.org/10.57255/hakamain.v4i2.1522>
- Al Gifar, F., & Muchtar, Z. (2026). Constitutional Rights Conflict in Child Marriage: Prioritizing the Right to Child Development Over the Right to Form a Family. *AL WASATH Jurnal Ilmu Hukum*, 7(1), 11-24. <https://doi.org/10.47776/alwasath.v7i1/1921>
- Asmaya, E., Saiin, A., Yusuf, M., & Kurniawan, C. S. (2026). Between Legal Formalism and Welfare Orientation: Maqāṣid-Based Analysis of Waqf Land Exchange Practices in Banyumas. *Al-Istinbath: Jurnal Hukum Islam*, 11(1), 113-138. <https://doi.org/10.29240/jhi.v11i1.13941>
- Azkiyah, H. A., Samsudin, S., & Djumhur, A. (2025). Cyber Cheating sebagai Bentuk Pelanggaran Hak Pasangan Suami Istri dalam Hukum Keluarga Islam: Cyber Cheating as a Form of Violation of Wife's Rights in Islamic Family Law. *Bustanul Fuqaha: Jurnal Bidang Hukum Islam*, 6(2), 360-375. <https://doi.org/10.36701/bustanul.v6i2.2317>
- Bakri, S. (2026). The Role of Female Judges: Gender Sensitivity and The Quality of Islamic Family Court Decisions. *VRISPRAAK: International Journal of Law*, 10(01), 106-124. <https://doi.org/10.59689/nvaa5c82>
- Cholis, W. N., & Masuwd, M. A. (2026). Beyond Administrative Formality: Marriage Registration as a Maqāṣid-Based Legal Protection in Indonesia. *Al-Syakhsyiyah: Journal of Law and Family Studies*, 8(1), 47-68. <https://doi.org/10.21154/syakhsyiyah.v8i1.12840>
- Habibah, Z., Ali, M. S. U., & Ahmad, I. M. (2025). Jurisprudential Implications for the Right of Mut'ah in Divorce at the Wife's Initiative. *Hakamain: Journal of Sharia and Law Studies*, 4(2), 14-23. <https://doi.org/10.57255/hakamain.v4i2.1529>
- Hart, H. L. A. (2012). *The concept of law* (3rd ed.). Oxford University Press.
- Herring, J. (2021). *Family law* (10th ed.). Pearson Education.
- Hikmah, N., Parmono, B., & Hidayati, R. (2026). A Legal Analysis of Summons by Absentia in the Digital Age in Divorce Cases at the Class 1A Religious Court of Malang City. *Academia Open*, 11(1), 10-21070. <https://doi.org/10.21070/acopen.11.2026.14115>
- Intania, A., Rahman, A. F., Imron, N. S. P., & Aibak, K. (2026). Criminalization Of Forced Marriage: Perspective Of Positive Law And Maqashid Al-Shariah. *Maqasid: Jurnal Studi Hukum Islam*, 15(2), 17-30. <https://doi.org/10.30651/mqsd.v15i2.30396>
- Izzati, N. R. (2025). Post-Divorce Mut'ah: The Reinforcement of Gender Hierarchies in the Practice of Religious Courts. *USRATY: Journal of Islamic Family Law*, 3(1), 75-86. <https://doi.org/10.30983/usraty.v3i1.8844>
- Karim, A. B., & Ramsay, S. (2024). Granting Permission for Registering Interfaith Marriage in Indonesia; The Marriage Law and The Human Rights Law Perspective. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, 13(1). <https://doi.org/10.14421/1g596y96>
- Lippman, M. (2014). *Law and society*. SAGE Publications.
- McConville, M., & Chui, W. H. (Eds.). (2017). *Research methods for law* (2nd ed.). Edinburgh University Press.
- Mintarsih, M., Gayo, A., Suhariyanto, B., Rafsanjani, J. I., Anggayudha, Z. H., Farhana, F., ... & Trisista, R. G. M. (2026). Critical Analysis on Legal Protection for Victims of Online Gender-Based Violence in Indonesia: Viewed From its Effectiveness and Recommendations. *Violence Against Women*, 10778012261432624. <https://doi.org/10.1177/10778012261432624>
- Perdana, M. A., Al Faruq, M. H., & Ruhpinesthi, G. E. (2024). A Prophetic Law Perspective on Judicial Independence of the Indonesian Constitutional Court: Looking Back on 20 Years. *Prophetic Law Review*, 71-97. <https://doi.org/10.20885/PLR.vol6.iss1.art4>

- Prabowo, L. S. T. I., Wardana, N. A. K., Indriarukmana, A. R., Prastiyowati, D., & Oliviantari, S. R. (2024). Mandatory Testament for heirs of different religions. *LEGAL BRIEF*, 13(1), 13-22. <https://doi.org/10.35335/legal.v13i1.914>
- Republic of Indonesia. (1974). *Law Number 1 of 1974 concerning Marriage*.
- Republic of Indonesia. (1975). *Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 on Marriage*.
- Republic of Indonesia. (2019). *Law Number 16 of 2019 concerning Amendment to Law Number 1 of 1974 on Marriage*.
- Romi, M., Akbarizan, A., & Nurcahaya, N. (2026). Revitalization of Islamic Family Law Through the Management of Islamic Philanthropy Based on Zakat, Infaq, and Alms. *Tasyri': Journal of Islamic Law*, 5(1), 33-47. <https://doi.org/10.53038/tsyr.v5i1.425>
- Rosita, N., Hafis, M., Rafi'aturrahmah, R. A., & Amin, M. (2026). Limiting the Right of Marriage Prevention by Negligent Fathers: A Reconstruction of Article 62 of the Islamic Law Compilation from the Perspectives of Al-Qurtubi's Exegesis and Sadd Al-Dzari'ah. *al-Rasikh: Jurnal Hukum Islam*. <https://doi.org/10.38073/rasikh.4465>
- Saidah, S. N., Mulyaningsih, E., & Dillah, M. A. (2026). Comparative Analysis of the Crime of Cohabitation in the New Criminal Code and Islamic Criminal Law. *UNTAG Law Review*, 9(2), 133-143. <https://dx.doi.org/10.56444/ulrev.v9i2.7085>
- Salma, S., Jarudin, J., Nafsa, A. R., & Ashfiya, H. (2026). Donor Sperm, Lineage, and Preventive Islamic Legal Reasoning: A Sadd al-Dharī'ah Analysis. *Indonesian Journal of Islamic Law*, 9(1), 100-121. <https://doi.org/10.35719/yga8ay27>
- Shodiq, J. F., Nahdliyah, H., & Mahdiah, A. N. (2025, February). Transformation of Child Marriage Law in Indonesia: From Private Law to Public Law. In *International Conference on Law Reform (5th Inclar 2024)* (pp. 295-301). Atlantis Press. https://doi.org/10.2991/978-2-38476-362-7_42
- Syaikal, A., & Yakin, A. (2025). The Dynamics of Polygamy in Middle-Class Society (An Analysis of the Perspective of Islamic Law, Family Welfare and Gender Equality). *International Journal of Science and Environment (IJSE)*, 5(4), 269-276. <https://doi.org/10.51601/ijse.v5i3.184>
- Tamanaha, B. Z. (2012). *Legal pluralism explained: History, theory, consequences*. Sydney Law School Research Paper.