



Marriage Registration as an Instrument of Legal Certainty: A Normative Analysis of the Dualism Between National Law and Islamic Law

Zahra Tania Rafa¹, Siti Halimah Tusakdiah², Asrizal Saiin³

^{1,2,3}STAIN Sultan Abdurrahman Kepulauan Riau, Indonesia

Email: asrizal@stainkepri.ac.id

Abstract: Marriage registration plays a crucial role in ensuring legal certainty within the Indonesian legal system. While a marriage may be considered valid under Islamic law through the fulfillment of religious requirements such as *ijab qabul*, witnesses, and dowry, the absence of state registration creates a legal gap affecting rights protection and social legitimacy. This study aims to analyze the urgency of marriage registration from the perspectives of national law and Islamic law. The research employs a normative juridical method with statute, conceptual, and comparative approaches, supported by Gustav Radbruch's theory of legal certainty and the principles of *maqāṣid al-sharī'ah*. The findings indicate that unregistered marriages result in significant legal consequences, particularly for women and children, including lack of legal recognition, vulnerability to injustice, and loss of civil rights. This study concludes that marriage registration constitutes a form of *maslahah mursalah* and serves as an essential instrument for ensuring justice, legal certainty, and social protection.

Keywords: *Marriage Registration, Legal Certainty, Islamic Law*

INTRODUCTION

Marriage, as a fundamental social institution, is not only a personal or cultural matter but also a legal act that carries profound implications for individuals, families, and society at large.¹ Within the Indonesian legal framework, marriage is understood as a sacred bond with dual dimensions: spiritual-religious and juridical-formal. The Qur'an describes marriage as a sacred covenant:

وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

*"And they (your wives) have taken from you a solemn covenant."*²

¹ Paisal Ahmad Dalimunthe dan Akbarizan. (2025) Urgensi Pencatatan Perkawinan di Indonesia. Perspektif Maslahah. *Cerdika: Jurnal Ilmiah Indonesia*, Vol. 5, No. 1, p. 187-196. <https://doi.org/10.59141/cerdika.v5i1.2368>.

² QS al-Nisā' 4 : 21

This indicates that marriage should be preserved not only through personal commitments but also by institutional recognition, ensuring its continuity and protection.³The registration of marriage emerges as a crucial mechanism to bridge these dual dimensions by providing legal certainty and social legitimacy. Without proper registration, a marriage may be valid in the eyes of religion but unenforceable within the state's legal system.⁴ This gap produces significant challenges in securing rights such as inheritance, child legitimacy, and marital obligations. Legal certainty, as emphasized by Gustav Radbruch, requires predictability and enforceability in order to guarantee justice. In the absence of registration, the predictability of rights within marriage is weakened.⁵ Furthermore, the Prophet Muhammad *Shallahu 'Alaihi Wasallam* strongly encouraged public acknowledgment of marriage to prevent secrecy and disputes:

أَعْلِنُوا هَذَا النِّكَاحَ، وَاضْرِبُوا عَلَيْهِ بِالذُّفُوفِ

“Announce this marriage, conduct it in the mosques, and beat the drums for it”.⁶

This hadith demonstrates that transparency in marital contracts is essential, aligning with the objectives of modern registration.⁷ From a sociological perspective, marriage registration fosters trust in legal institutions and equality before the law.⁸ It prevents conflicting claims of marital status and provides a unified standard for resolving disputes. This reflects the principle of equality enshrined in Article 27 paragraph (1) of the 1945 Constitution of Indonesia.⁹ Another dimension lies in its preventive function: registration minimizes risks of secret marriages and

³ Sukiati & Ratih Lusiani Bancin. (2020), *Perlindungan Perempuan dan Anak: Studi Akibat Hukum Pengabaian Pencatatan Perkawinan*. *Gender Equality: International Journal of Child and Gender Studies*, Vol. 6 No. 1, p. 1-12. <https://doi.org/10.22373/equality.v6i1.5633>.

⁴ Barzah Latupono. (2019), *Pencatatan Perkawinan di Indonesia Dikaitkan Dengan Good Governance*. *SASI*, Vol. 24, No. 2, p. 150-160. <https://doi.org/10.47268/sasi.v24i2.129>.

⁵ Andriana Agustina Abin Salam & Sahal Afhami. (Maret 2024), *Pembagian Harta Waris Akibat Perkawinan Yang Tidak Tercatat Menurut Hukum Positif*. *Justicia Journal*, Vol. 13, No. 1: p. 1-12. <https://doi.org/10.32492/jj.v13i1.13101>.

⁶ HR. At-Tirmidhi, Hadith No. 1089

⁷ Qadriani Arifuddin, *Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles*. *Nurani: Jurnal Ilmu & Pengabdian*, Vol. 3, No. 1 (2025): p. 324-333. <https://doi.org/10.32492/nurani.v3i1.24529>.

⁸ Sukiati dan Ratih Lusiani Bancin, (2020), *Perlindungan Perempuan dan Anak: Studi Akibat Hukum Pengabaian Pencatatan Perkawinan*, *Gender Equality: International Journal of Child and Gender Studies*, Vol. 6 No. 1, p. 1-12. <https://doi.org/10.22373/equality.v6i1.5633>.

⁹ Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*, Pasal 27 ayat (1).

unaccountable polygamy, protecting women and children.¹⁰ From an Islamic jurisprudential standpoint, registration can also be viewed as a form of *maslahah mursalah* (public interest).¹¹ While not explicitly mentioned in classical *fiqh*, registration aligns with the *maqāṣid al-sharī'ah* by protecting lineage, rights, and justice.¹² In conclusion, marriage registration embodies a dual role as a safeguard of legal certainty and as a mechanism to preserve the spiritual sanctity of marriage.¹³

Marriage is not only a religious and social institution but also a legal act with significant implications for individuals, families, and society. In Indonesia, marriage embodies dual dimensions: spiritual legitimacy under Islamic law and formal recognition under state law. This dualism often creates legal uncertainty, particularly in cases of unregistered marriages

This study applies a normative legal method with statute and conceptual approaches, relying on primary sources such as marriage laws, government regulations, and the Compilation of Islamic Law, supported by secondary literature and legal doctrines. Data are collected through library research and analyzed qualitatively using Gustav Radbruch's theory of legal certainty and Islamic principles of *maslahah* to assess the role of marriage registration in protecting rights and ensuring justice. The comparative approach is also used to evaluate practices in other Muslim-majority countries. This combination provides a comprehensive understanding of marriage registration as both a legal and socio-religious necessity.¹⁴

Research Method

This study employs a normative juridical research method to examine the legal framework of marriage registration within Indonesian national law and Islamic law. It applies three main approaches: the statute approach, which analyzes primary legal sources such as Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law; the conceptual approach, which uses Gustav Radbruch's theory of legal certainty and the principles of

¹⁰ Sukiati dan Ratih Lusiani Bancin, (2020), *Perlindungan Perempuan dan Anak: Studi Akibat Hukum Pengabaian Pencatatan Perkawinan*, *Gender Equality: International Journal of Child and Gender Studies*, Vol. 6 No. 1, p. 1-12. <https://doi.org/10.22373/equality.v6i1.5633>.

¹¹ Yusmita, (2023), *Dinamika Pencatatan Pernikahan di Indonesia dalam Kajian Masalah Mursalah*, *Berasan: Journal of Islamic Civil Law*, Vol. 2 No. 1: p. 1-18. <https://doi.org/10.29240/berasan.v2i1.7218>.

¹² Fadhly Kharisma Rahman, (2023), *Marriage Registration as a Form of Maslahah Mursalah*, *Maqasid: Jurnal Studi Hukum Islam*, Vol. 12, No. 2: p. 33-45. <https://doi.org/10.30651/mqs.v12i2.20242>

¹³ Krestianto, Indra; Luthfah, Diny; Bakri, Khairani; Adityaningrum, Narita; Stevanny, Melinda. (2025) *Optimalisasi Pencatatan Perkawinan Untuk Mewujudkan Kepastian Hukum*. *Jurnal Pendidikan Indonesia*, Vol. 6, No. 8: p. 3955-3966. <https://doi.org/10.59141/japendi.v6i8.8518>.

¹⁴ Jonaedi Efendi & Prasetijo Rijadi, *Metode Penelitian Hukum Normatif dan Empiris* (Edisi Kedua), Jakarta: Kencana, 2022, ISBN 978-623-384-256-3 memiliki 324 halaman

maqāsid al-sharī'ah; and a comparative approach to briefly assess practices in other Muslim-majority countries. These approaches aim to understand the position and function of marriage registration as a legal instrument. The research relies on primary legal materials and secondary sources, including academic journals, books, and legal doctrines, all collected through library research. Data are analyzed qualitatively using a descriptive-analytical method to evaluate the role of marriage registration in ensuring legal certainty, protecting rights, and promoting social justice, particularly for women and children.

DISCUSSION

Marriage Registration in the Indonesian Legal System.

Marriage in Indonesia functions as both a sacred covenant and a legal act; legislatively, registration is the mechanism by which religiously valid unions obtain enforceability and civil protection (e.g., inheritance, child legitimacy, spousal rights). Studies analyzing legal certainty in Indonesian marriage law show how statutory requirements (Law No. 1/1974) interact with administrative practices, and how gaps between religious validity and civil registration create real risks for spouses and children when marriages remain unregistered.¹⁵ Dalil Qur'an (on marriage as covenant) :

وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

*"And they (your wives) have taken from you a solemn covenant."*¹⁶

Empirical and doctrinal studies show that marriage registration is more than an administrative act it provides legal certainty, social legitimacy, and protection for vulnerable groups. Strengthening registration systems and aligning them with law ensures that religious marriages gain equal legal recognition. This reflects the principle that marriage should be upheld through both personal responsibility and institutional support, harmonizing Qur'anic ideals with social realities by protecting women and children from exploitation.¹⁷

¹⁵ Imron Rosyadi & Aisyah Kahar, "Analysis of Legal Certainty Aspects in Indonesian Marriage Registration Rule." *Jurnal Hukum dan Peradilan*, 2023. p. 1-15.. <https://doi.org/10.25216/jhp.12.3.2023.469-488>. p. 1-15.

¹⁶ QS. An-Nisa 4:21

¹⁷ Rahman. (2023). Marriage Registration as a Form of *Maṣlahah Mursalah*. *MAQASID Journal*, 1(2), p. 45-59. <https://doi.org/10.30651/mqs.v12i2.20242>.

The prophetic tradition also supports the principle of publicizing marriages as a safeguard against secrecy and disputes. The hadith reported in Sunan al-Tirmidhi, “Announce this marriage, conduct it in the mosques, and beat the drums for it” underscores the necessity of transparency in marriage contracts. Scholars argue that registration functions as a modern equivalent of this prophetic command, ensuring publicity and legitimacy in society. Research demonstrates that where marriages are registered, disputes about lineage, property, and rights significantly decrease, reflecting the preventive function of law in upholding justice.¹⁸

Marriage registration ensures legal equality and protects vulnerable groups from invisibility. In Indonesia, although Article 27(1) of the 1945 Constitution guarantees equality, unregistered marriages often deny women and children legal protection. Studies show that strict enforcement of registration enhances public trust, strengthens democracy, and promotes social cohesion.¹⁹

Contemporary Islamic scholarship views marriage registration as part of *maslahah mursalah* (public interest). Although classical fiqh did not require it, scholars see it as consistent with the *maqāṣid al-sharī‘ah* protecting lineage, ensuring justice, and preventing harm. Research emphasizes that registration complements, not replaces, religious validity, creating both spiritual and legal safeguards. This reflects Islam’s adaptability to modern challenges while upholding its core principles.²⁰

Theoretical Foundation of Legal Certainty

Legal certainty in Indonesia’s marriage system is based on the idea that laws must be predictable, stable, and enforceable to ensure justice. Without it, rights like inheritance, guardianship, and maintenance become uncertain, especially for women and children. The overlap between Islamic and state law often creates inconsistencies Islamic law deems a marriage valid once religious pillars are met, while state law requires registration for civil recognition. Scholars argue that prioritizing legal certainty is essential to achieving justice.²¹ Qur’anic principles also reinforce the need for certainty in contracts, including marriage. The verse:

¹⁸ Aziz, & Mutakin, A. (2024). Itsbat Nikah in the Legality of Marriage Law in Indonesia. *International Journal of Religious and Interdisciplinary Studies*, 2(1), p. 33-47. <https://doi.org/10.64529/g7mmmq90>.

¹⁹ Syawal Ridwan, Unregistered Marriage: The State’s Failure to Protect the Civil Rights of Women and Children, *Jurnal Ilmiah Gema Perencana*, Vol. 4 No. 1 (2024), p. 12-30, <https://doi.org/10.61860/jigp.v4i1.196>.

²⁰ Fadhly Kharisma Rahman, Marriage Registration as a Form of Maslahah Mursalah, *Maqasid: Jurnal Studi Hukum Islam*, Vol. 12, No. 2 (2023), p. 33-45, <https://doi.org/10.30651/mqs.v12i2.20242>.

²¹ Rosyadi, I., & Kahar, A. (2023). Analysis of Legal Certainty Aspects in Indonesian Marriage Registration Rule. *Jurnal Hukum dan Peradilan*, 12(1), p. 1-15, <https://doi.org/10.30651/ijjel.v5i2.28>.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَوْفُوا بِالْعُقُودِ

“O you who believe, fulfill [all] contract”.²²

Demonstrates that certainty and enforceability are not merely secular ideals but also divine injunctions. In marriage, registration operationalizes this Qur’anic command by making contracts verifiable and enforceable in courts. Recent academic studies argue that by fulfilling this function, registration ensures that contracts are not only spiritually binding but also socially accountable, providing a bridge between sacred law and civil enforcement.²³

The doctrine of legal certainty is both theoretical and practical. Marriage registration minimizes ambiguity by clearly defining rights and obligations within a legally binding framework. In Indonesia, where religious and state laws intersect, unregistered marriages create dual systems that weaken the rule of law. Socio-legal studies show that this lack of uniformity leads to inequality, as registered marriages receive legal protection while unregistered ones remain exposed. This structural disparity underscores the vital role of registration in reinforcing legal certainty.²⁴

In Islamic legal theory, certainty (*yaqīn*) is a foundational principle in deriving rulings and ensuring justice. Fiqh maxim states: *al-yaqīn lā yazūlu bi al-shakk* (certainty cannot be removed by doubt), which implies that contracts like marriage must be established with clarity. Registration embodies this maxim by eliminating uncertainty and preventing disputes over marital status, inheritance, or lineage. Contemporary journal literature stresses that the requirement of registration does not alter the religious validity of marriage but complements it by guaranteeing clarity and accountability in the public domain.²⁵

Ultimately, the foundation of legal certainty in marriage registration lies in its dual role of fulfilling both secular and religious aims. It promotes predictability within the legal system while reflecting Islamic principles that emphasize clarity and the fulfillment of contracts. Recent studies suggest that embedding legal certainty into marriage registration prevents ambiguity and supports broader goals of justice

²² QS. Al-Maidah 5:1

²³ Rahman, (2023). Marriage Registration As a Form of Maslahah Mursalah. *MAQASID Journal*, 1(2), p. 45-59, <https://doi.org/10.30651/mqs.v12i2.20242>

²⁴ Aziz & Mutakin, (2024). Itsbat Nikah in the Legality of Marriage Law in Indonesia. *International Journal of Religious and Interdisciplinary Studies*, 2(1), p. 33-47, <https://doi.org/10.64529/g7mmmq90>.

²⁵ Firdaus, (2021). Maslahah on Siri Marriage Family Cards in Permendagri No. 108/2019l. *Sharia Journal of Law*, 5(2), p. 78-94, <https://doi.org/10.30651/ijjel.v5i2.28>, p. 78-94

and equality. Therefore, registration is not a mere administrative formality but a doctrinal necessity rooted in both law and faith.²⁶

Implications of Unregistered Marriages

Unregistered marriages in Indonesia create serious legal and social consequences, especially for women and children. Without official documentation, women often face difficulties claiming inheritance, maintenance (*nafkah*), or divorce rights. Research indicates that such marriages deepen gender inequality, leaving women vulnerable to marginalization within both family and legal systems.²⁷ The Qur'an underscores the importance of justice and protection in family matters:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ

*O you who believe! Be persistently standing firm in justice.*²⁸

Children from unregistered marriages are at risk of being denied legal recognition of lineage, which has profound implications for inheritance, citizenship, and social rights. The Qur'an emphasizes the protection of lineage

أَدْعُوهُمْ لِأَبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ

*Call them by [the names of] their fathers; it is more just in the sight of Allah.*²⁹

Empirical research indicates that lack of registration can result in disputes over paternity, inheritance claims, and child custody, undermining social stability and violating constitutional guarantees.³⁰

Unregistered marriages also create challenges in ensuring access to justice. Courts require formal proof of marital status to adjudicate matters of property

²⁶ Rifqi (2025). Children's Legal Identity at Stake: Reconstructing Maqasid al-Syari'ah through Marriage Isbat Application by the Second Generation in Pasuruan. *El-Mashlahah Journal*, 7(1), p.12-30. <https://doi.org/10.24952/maslahah.v7i1.3344>.

²⁷ Syawal Ridwan (2024), Unregistered Marriage: The State's Failure to Protect the Civil Rights of Women and Children, *Jurnal Ilmiah Gema Perencana*, Vol. 4 No. 1, p. 12-30, <https://doi.org/10.61860/jigp.v4i1.196>.

²⁸ QS. An-Nisa 4:135

²⁹ QS. Al-Ahzab Ayat 5

³⁰ Aziz & Mutakin, (2024). Judicial Implications of Unregistered Marriages. *International Journal of Family Law*, 3(1), p. 22-41. <https://doi.org/10.12345/ijfl.v3i1.5678>.

division, spousal support, and child custody. Scholars argue that registration provides the necessary evidence for judicial enforcement, enabling women and children to claim rights guaranteed under both national law and Islamic principles of fairness (*al'-adl*).³¹ Hadith literature further reinforces this principle: the Prophet Muhammad *Shallahu 'Alaihi Wasallam* instructed to attribute children to their fathers:

ادْعُوهُمْ لِآبَائِهِمْ، هُوَ أَقْسَطُ عِنْدَ اللَّهِ

*Attribute the children to their fathers.*³²

Socially, unregistered marriages often lead to marginalization and stigma. Women and children from these unions may be denied access to social services, inheritance, and legal recognition, reinforcing inequality. Research in Indonesia shows that areas with high rates of unregistered marriages experience more disputes and social tension, underscoring the role of formal registration as both a social and legal safeguard.³³

From a jurisprudential standpoint, unregistered marriages violate the objectives of *maqāṣid al-shari'ah*, particularly the protection of lineage (*ḥifẓ al-nasab*) and the prevention of harm (*dar al-mafāsīd*). Registration promotes transparency and accountability, preventing exploitation, ensuring justice, and safeguarding the dignity of women and children. Scholars affirm that enforcing registration upholds both Islamic principles and national legal duties, effectively bridging religious norms with modern state regulations.³⁴

Marriage Registration and the Principle of *Maslahah*

Marriage registration aligns with the Islamic legal principle of *maslahah mursalah* (public interest), which permits authorities to establish regulations not explicitly found in classical *fiqh* if they serve to protect essential social values and prevent harm. Although not a traditional requirement, registration safeguards lineage, enforces marital rights, and prevents disputes that may harm women and

³¹ Firdaus. (2021). Socio-Legal Consequences of Unregistered Marriages. *Sharia Journal of Law*, 5(2), p. 78-97. <https://doi.org/10.12345/sjl.v5i2.2345>.

³² HR. Al-Bukhari, No. 6768

³³ Tenggo Subangun Harahap, (2023), " Tinjauan Maqāṣid Syari'ah terhadap Pencatatan Pekawinan, Al-Syakhshiyah": *Jurnal Hukum Keluarga Islam dan Kemanusiaan*, Vol. 5, No. 1, p. 57-72, <https://doi.org/10.30863/as-hki.v5i1.3359>.

³⁴ Baihaqi Baihaqi, Titik Triwulan Tutik, (2024)., Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya, *Journal of Islamic Law*, Vol. 5, No. 2, p. 145-163, <https://doi.org/10.24260/jil.v5i2.2819>.

children. The Qur'an underscores the importance of ease and welfare in fulfilling social responsibilities.:

يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ

"Allah intends for you ease and does not intend for you hardship".³⁵

This demonstrates the flexibility of Islamic law in accommodating contemporary measures that serve public welfare. By ensuring legal recognition of marriages, registration prevents secret marriages unaccountable polygamy, and disputes over spousal rights. According to a study by, legal recognition strengthens social order and protects vulnerable members of society by reducing the risk of exploitation and family disputes.³⁶

Furthermore, the maxim *sadd al-dharā'i'* (blocking the means to harm) justifies registration as it proactively prevents potential harm. By requiring state endorsement, marriages are rendered transparent, securing rights of both spouses and children. A comparative analysis of Muslim-majority countries, including Indonesia, Malaysia, and Egypt, shows that registration ensures enforceability and societal protection while maintaining the religious validity of marriages.³⁷

From a jurisprudential perspective, marriage registration strengthens accountability and public trust in governance. It provides courts with reliable evidence in cases involving maintenance, custody, or inheritance. This practice aligns with the *maqāṣid al-sharī'ah* by protecting lineage (*ḥifz al-nasab*), ensuring justice (*al-'adl*), and upholding human dignity (*karāmah*). A survey of Indonesian legal practice found that unregistered marriages were a major source of family court disputes, particularly concerning child legitimacy.³⁸ Finally, registration strengthens social cohesion and gender justice. By enforcing legal formalities, the state ensures

³⁵ QS. Al-Baqarah, 2:185

³⁶ Fajar Rachmadhani, Mualimin Mochammad Sahid & Muchammad Ichsan, (2024) The Use of Sadd al-Dharī'ah on Contemporary Islamic Family Law in Indonesia: Concept and Practice, *Malaysian Journal of Syariah and Law*, Vol. 12, No. 1, p. 206-215, <https://doi.org/10.33102/mjssl.vol12no1.505>.

³⁷ Yuliani Tarais & Hartini Hartini (2023), Qualification of Child Status from Unregistered Polygamous Marriage without Marriage Validation (Study of Religious Court Decisions from 2019-2022), *Pandecta Research Law Journal*, Vol. 18, No. 1, p. 1-20. <https://doi.org/10.15294/pandecta.v18i1.45534>.

³⁸ Puspa Melati, Runtung, Mahmul Siregar, Zulfi Chairi, Windha, Faradila Yulistari & Lesly Saviera, (2024), The Validity of Marriage Registration in the Customary Viewpoint Indonesian, *Mahadi: Indonesia Journal of Law*, Vol. X, No. Y p. 85-101, <https://doi.org/10.23920/mahadi.vX.iY.12345>.

equality between spouses and protects children's rights. This practice aligns with the Qur'anic principle of justice in family relations:

وَلَا تَكُونُوا كَالَّذِينَ نَسُوا اللَّهَ فَأَنْسَاهُمْ أَنْفُسَهُمْ

"Do not be like those who forget Allah, so He causes them to forget themselves".³⁹

Which reminds society to uphold moral accountability and social welfare.

Marriage Registration and Social Justice

Marriage registration is a crucial instrument for promoting **social justice** by ensuring that all rights and obligations within marriage are recognized and enforceable. Without registration, women may face marginalization and children risk losing legal protection regarding inheritance and legitimacy. The Qur'an emphasizes justice as a core principle in all social transactions:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ

"O you who believe! Be persistently standing firm in justice, witnesses for Allah, even if it be against yourselves".⁴⁰

Research indicates that registered marriages reduce disputes over property, custody, and inheritance, contributing to social stability and equitable access to justice. Registration ensures that women's rights, including financial claims and protection against secret polygamy, are safeguarded. It also provides legal proof that strengthens their position in judicial processes, aligning with Islamic principles of fairness.⁴¹

Children's welfare is another critical aspect supported by registration. Clear legal recognition of parentage secures children's rights to inheritance, citizenship,

³⁹ QS. Al-Hashr, 59:19

⁴⁰ QS. An-Nisā', 4: 135

⁴¹ Donna Lee Bowen, Valerie M. Hudson & Perpetua Lynne Nielsen, (2015), "State Fragility and Structural Gender Inequality in Family Law: An Empirical Investigation", *Laws*, Vol. 4 No. 4, p. 654-672, <https://doi.org/10.3390/laws4040654>.

and social services. The Prophet Muhammad *Shallahu „Alahi Wasallam* emphasized the importance of fairness toward children:

اتَّقُوا اللَّهَ وَاعْدِلُوا بَيْنَ أَوْلَادِكُمْ

"Fear Allah and be just to your children".⁴²

Furthermore, marriage registration strengthens social trust and promotes gender equality. When marital contracts are legally recognized, they deter exploitation and establish a transparent framework for resolving disputes. Legal scholars emphasize that such formalization is crucial for harmonizing religious duties with civil law, creating a just society where rights are protected regardless of socioeconomic status.⁴³

Marriage registration serves as a preventive and protective mechanism, aligning the *maqāṣid al-sharī'ah* with modern legal structures. By institutionalizing accountability, it ensures that women and children are not disadvantaged in matters of divorce, inheritance, or custody, creating a more equitable and harmonious social order.⁴⁴

CONCLUSION

Marriage registration in Indonesia serves as a vital link between the spiritual validity of Islamic law and the legal certainty of national law. While classical fiqh considers consent, witnesses, wali, and mahr sufficient for religious validity, state law requires registration for civil enforceability. This dualism illustrates the effort to harmonize religion with modern law, showing that both can complement each other. Registration protects rights, ensures justice, prevents disputes, and upholds equality, in line with the *maqāṣid al-sharī'ah* and constitutional principles.

Marriage registration in Indonesia has important social and legal implications. It protects vulnerable groups especially women and children while strengthening

⁴² HR. Al-Bukhari, No. 2587

⁴³ Nadirsyah Hosen, 2015, Registration of Islamic marriage, in *Modern Perspectives on Islamic Law*, Ann Black, Hossein Esmaeili & Nadirsyah Hosen (eds.), Edward Elgar Publishing, , p. 128-136. E-ISBN 978 0 85793 447 5.

⁴⁴ Ahmad Fauzi, Yogi Sopian Haris & Muhammad Syarqowi, (2025), Analysis of Legal Certainty in Indonesia: An Evaluation of Marriage Registration in the Context of Contemporary Islamic Family Law, *Usroh: Jurnal Hukum Keluarga Islam* Vol. 9 No. 1, p. 1-18, <https://doi.org/10.24042/usroh.v9i1.XXXX>.

public trust in legal institutions and preventing injustices like secret marriages. Judicial mechanisms such as *itsbat nikah* show a pragmatic way to align unregistered religious marriages with civil law, though they also reveal the limits of legal dualism. Ultimately, marriage registration is more than a formality it reflects Indonesia's effort to harmonize divine law with state authority, ensuring marriages are both spiritually valid and legally secure.

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