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Analysis of Marriage Law Issues: State Law and Islamic Law

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ABSTRACT

Many parties argue that the Marriage Law urgently needs revision because it is considered outdated and unable to address various marital issues in the modern era. Therefore, there are still many provisions that need to be amended or added to the Marriage Law. The purpose of this study is to analyze legal issues related to marriage in Indonesia based on state law and Islamic law. This research focuses on a normative-juridical analysis covering legal principles, legal systematics, and legal synchronization. The research specification is descriptive-analytical, while the data analysis is conducted using a qualitative-juridical approach. To complement the secondary data, interviews are planned with informants including judges from the religious courts and the general courts, as well as legal practitioners. The results show that interfaith marriage is clearly prohibited in Islam and generally also not permitted in other religions. Same-sex marriage is also strictly prohibited under both religious law and state law, because one of the main purposes of marriage is to produce offspring and ensure the continuity of human life. Meanwhile, unregistered marriages (sirri) and contract marriages are considered invalid because they are not officially registered at the Office of Religious Affairs (KUA) or the Civil Registry Office. This study concludes that there remain a number of provisions in the Marriage Law that need to be revised, particularly regarding the establishment of firm and clear sanctions for violations of marriage law, especially for those involved in interfaith marriages, same-sex marriages, unregistered marriages, and contract marriages.

Keywords: children; marriage; domestic violence.

INTRODUCTION

One of the main characteristics of law in a modern society is its conscious use by the community. Law is not only used to reinforce patterns of custom and behavior that exist within society, but also to direct them toward desired goals, eliminate practices that are no longer considered appropriate, create new patterns of behavior, and so on. This is what is referred to as the modern view of law, which leads to the use of law as an instrument.¹

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¹ Galih Orlando. "Hukum Sebagai Kontrol Sosial dan Social Engineering (Telaah Terhadap Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan)", *Tarbiyah bil Qalam Jurnal Pendidikan, Agama dan Sains*, 6, no. 1, (2023). p. 32-48.

The conscious use of law to transform society is referred to as social engineering. Law regulates relationships between individuals within society and can compel individuals to comply with these regulations. In this way, law can shape patterns of behavior that are mutually accepted.² Law No. 1 of 2019 concerning the Amendment to Law No. 1 of 1974 on Marriage (hereinafter referred to as the *Marriage Law*) can be viewed, in terms of its substance, as a tool of social engineering. A regulation will be effective if its content aligns with the values upheld by society. The preamble of the Marriage Law states that, in accordance with the philosophy of Pancasila and the aspiration to develop a national legal system, there is a need for a marriage law that applies to all citizens. Based on Article 66 of the Marriage Law, which explicitly states that for marriages and all matters related to marriage governed by this law, the provisions contained in the Civil Code (*Burgerlijk Wetboek*), the Christian Indonesian Marriage Ordinance (*Huwelijks Ordonnantie Christen Indonesia S.1933 No.74*), and the Mixed Marriage Regulation (*Regeling op de Gemengde Huwelijken S.1898 No.158*) are no longer applicable.

The purpose of marriage is still expected to refer to the principles of Belief in One Supreme God. The inclusion of this principle reflects that the Indonesian state is based on Pancasila, whose first principle is Belief in One Supreme God.³ The Government Regulation that governs the implementing provisions of the Marriage Law is Government Regulation No. 9 of 1975. This regulation addresses matters related to the registration of marriages, the procedures for conducting a marriage, the procedures for divorce, how to file for divorce, the waiting period for women after a marriage ends, annulment of marriage, provisions regarding a husband having more than one wife, and other related matters. This regulation is expected to facilitate and safeguard the implementation of the Marriage Law.⁴

Based on electronic searches, there are no studies that analyze the issue of marriage comprehensively. Studies that examine marriage issues only address a single issue, such as the study by Elisabeth Putri Lahitani Tampubolon, which examines the causes and effects of the phenomenon of early marriage in Indonesia.⁵ research to find out “why there are still unregistered marriages in the jurisdiction of the Arso District Religious Affairs Office” while research conducted by Andri Muda Nst, Asrul Hamid, Raja

² Yunanto. “Pembaharuan Hukum Perkawinan Indonesia”, *Diponegoro Private Law Review*, 3, no. 1, (2018). p. 261.

³ Hajar Kusmayanti dan Agus Mulya Karsona. “Perlindungan Hukum Terhadap Anak Diluar Perkawinan bagi Tenaga Kerja Wanita di Kabupaten Cianjur”, *Jurnal Ilmu Hukum*, 4, no. 1, (2020). p. 39-45. DOI: 10.30656/ajudikasi.v4i1.2162.

⁴ Peraturan Pemerintah Republik Indonesia Nomor 9 Tahun 1975 tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan.

⁵ Elisabeth Putri Lahitani Tampubolon. “Permasalahan Perkawinan Dini di Indonesia”. *Jurnal Indonesia Sosial Sains*, 2, no. 05, (2021). 738-746. <https://doi.org/10.59141/jiss.v2i05.279>.

Ritonga, Zuhdi Hsb, and Ilham Ramadan Siregar ⁶ researching the implementation of the principle of *maslahat* in marriage registration policies and evaluating its effectiveness in preventing the exploitation of women and children. Other research related to marriage issues concerns the practice of underage marriage in Indonesia and the impact of underage marriage on the fulfillment of the right to education, as well as sanctions against parents who force their children into underage marriage.⁷ The latest research that the author found is that the validity of interfaith marriages outside Indonesian jurisdiction remains controversial because there is more than one law governing the validity of such marriages.⁸

In addition to the statutory regulations mentioned above, this discussion of the Marriage Law also includes provisions or rules that have been effectively used by judges in Religious Courts as guidelines in resolving marriage cases namely, the Compilation of Islamic Law in Indonesia, which was disseminated through Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law. One of the objectives of Islamic Sharia is to preserve the continuity of lineage through marriages that are valid according to religion, recognized by law, and accepted as part of the community's culture. As society continues to evolve, the issues that arise have become increasingly complex. In relation to marriage, the media has frequently reported on cases of marriage that are considered problematic in social life. Therefore, the researcher aims to study marriage law issues in Indonesia from the perspective of Islamic law.

RESEARCH METHODS

The approach method used in this study is normative juridical research through legal principles, legal systematics, legal synchronization, and legal comparison.⁹ This research takes a legal/juridical perspective with a focus on the normative aspect related to the rules/norms of marriage law. Through legal principles, it examines the legal norms of Islamic customary law and the Marriage Law, which serve as standards for appropriate behavior.¹⁰

⁶ Andri Muda Nst, Asrul Hamid, Raja Ritonga, Zuhdi Hsb dan Ilham Ramadan Siregar. "The Principle of *Maslahah* in Marriage Registration Policy: Preventing the Exploitation of Women and Children in Mandailing Natal Regency", *Jurnal Madania*, 29 no. 2, (2025). 273-284, DOI: <http://dx.doi.org/10.29300/madania.v29i2.7342>.

⁷ Sonny Dewi Judiasih. "Kontroversi Perkawinan Bawah Umur: Realita dan Tantangan Bagi Penegakan Hukum Keluarga di Indonesia". *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan*, 6, no. 2, (2023). 174 - 192. <https://doi.org/10.23920/acta.V6i2.1295>.

⁸ Fatahullah, et al. Problems of the Legality of Marriage with Different Religions That Are Conducted Outside the Territory of Indonesian Law, *Jurnal Kompilasi Hukum*, 5, no. 1, (2020). 41-55. <https://doi.org/10.29303/jkh.v5i1.36>.

⁹ Muhaimin. *Metodologi Penelitian Hukum*, (Mataram: Mataram University Press, 2020), p. 1.

¹⁰ Soerjono Soekanto dan Sri Mamudji. *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta: PT. Raja Grafindo Persada, 2011). p. 19.

The research specification used is descriptive-analytical, which involves providing data or a depiction of the subject. The research is conducted in two stages: library research to obtain secondary data and field research in the form of interviews to gather primary data. The library research is aimed at collecting secondary data in the form of legal materials, which consist of: Primary legal materials, including the 1945 Constitution (Fourth Amendment), the Marriage Law, and other laws and regulations related to customary marriage and other relevant legal matters; Secondary legal materials, such as books closely related to the research subject; and Tertiary legal materials.

DISCUSSION

Marriage Issues in Indonesia from the Perspective of Islamic Law

According to the provisions of the Marriage Law, marriage is a bond made between a man and a woman from birth with the intention of creating a lasting and happy family (household) based on Belief in One Supreme God. A marriage is carried out in accordance with the laws and beliefs of each religion and is registered according to all applicable laws and regulations; thus, it is legally valid. However, many marriages today deviate from the norms of law, religion, and socially accepted values. This includes types of marriages that are contrary to and considered violations of religious and legal principles, particularly:¹¹

1. Interfaith Marriage

Interfaith marriage is the union between a man and a woman who adhere to differing religious doctrines or laws. Article 2 paragraph (1) of the Marriage Law states: "*A marriage is legal if it is conducted according to the laws of each religion and belief.*" There is no provision for civil marriage outside of religious norms, and the laws of each religion and belief must align with the 1945 Constitution, as reinforced by the wording in Article 2, paragraph 1.

According to this clause, a marriage can only be conducted if both parties share the same religion. There are several approaches typically taken by interfaith couples when they wish to marry despite religious differences:

1. Obtaining a court order first. Based on such a decision, the couple marries at the Civil Registry Office. However, this procedure has no longer been permitted since the issuance of Presidential Decree No. 12 of 1983.
2. Marriage is conducted according to each religion's rules. In this case, the bride is often married off first according to the laws of her religion.

¹¹ Novita Lestari. "Problematika Hukum Perkawinan di Indonesia". *Jurnal Mizani: Wacana Hukum, Ekonomi, dan Keagamaan*, 4, no. 1, (2017). p. 47-51.

3. Legislative choice (conversion). This involves one party converting to the other's religion. Some argue that this must comply with public law first. In many cases, one party "converts" not out of faith but as a formal legal compliance this is sometimes considered a form of legal manipulation.
4. Getting married abroad. This is a frequently used method by some individuals attempting to bypass the legal and religious challenges surrounding interfaith marriage in Indonesia.¹²

According to the Marriage Law, both in its articles and explanatory notes as well as in its implementing regulations, there is no provision that explicitly regulates interfaith marriage. However, Article 2 paragraph (1), which states that *a marriage is valid if it is conducted according to the laws of each religion and belief*, indicates that the law delegates to each religion the authority to determine the procedures and requirements for conducting a marriage, in addition to the requirements set by the state. Thus, whether a marriage is prohibited or not depends not only on the provisions of the Marriage Law, but also on the respective religious laws of the parties involved.

In Islamic law, interfaith marriage is prohibited. This prohibition is found in the Qur'an, which is the primary source of Islamic law. The prohibition is stated in Surah Al-Baqarah, verse 221, which clearly declares that interfaith marriage is *haram* (forbidden). This is further reinforced in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) in Articles 40 and 44, which state that a Muslim woman is forbidden (*haram*) to marry a non-Muslim man, and likewise, a Muslim man is not allowed to marry a non-Muslim woman.

The prohibition of interfaith marriage generally also applies in non-Islamic religions. In Protestant Christianity, the church generally discourages interfaith marriages. Only under unavoidable circumstances will the church permit such marriages, and even then, with certain conditions. In Catholic Christianity, differences in religion should be avoided as much as possible. However, in specific and unavoidable cases, the church may allow an interfaith marriage to take place.¹³

Article 2 paragraph (2) of the Marriage Law states that: *"Every marriage must be registered according to the prevailing laws and regulations."* The role of the government is limited to recording the marriage, meaning that the government only regulates the administrative aspects of marriage. However, in practice, both paragraphs of Article 2 namely paragraph (1) and (2) are applied cumulatively, meaning both must be fulfilled for a marriage to be considered legally valid. As a result, even if a marriage is deemed

¹² Djanuardi, Hazar Kusmayanti, Linda Rachmainy. *Masalah-Masalah Hukum Perkawinan, Islam di Indonesia*, (Jatinangor: Unpad Press, 2021).

¹³ Junaidi dan M Martindo Merta. "Perkawinan Beda Agama dan Akibat Hukum Kewarisan Dalam Perspektif Hukum Islam". *Jurnal Staibslg*, 1, no. 1, (2020). p. 271-272.

valid according to a particular religious law, it is not recognized by the state if it has not been registered with the appropriate government authority (either the Office of Religious Affairs (KUA) for Muslims or the Civil Registry Office (KCS) for non-Muslims). In many cases, the legal validity of a marriage must be proven through a marriage certificate issued by KUA or KCS.

This requirement leads to various legal and social implications for interfaith couples for example, children born from such unions may not be recognized as legitimate offspring, and the spouses may face difficulties in obtaining civil rights that arise from the marriage. Another issue arising from the requirement of marriage registration is that such registration is only available for religions officially recognized by the state, as stipulated in Law No. 1/PNPS/1965, which lists only six recognized religions in Indonesia: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism (Kong Hu Chu). Beyond these, civil rights are not recognized by the state, meaning that individuals who belong to religions outside these six must either deceive the state and themselves in order to have their marriage officially recognized.

2. Sirri Marriage

Literally, Nikah Sirri comes from the Arabic language and consists of two words: "*nikah*" and "*sirri*." The word "*nikah*" in Arabic means *to unite, to bring together, or to insert*, and is often used to refer to sexual intercourse (*wathi*). However, it is also commonly used to mean marriage contract or ceremony (*akad nikah*). The word "*sirri*" is derived from the Arabic word "*sirr*", which means secret.¹⁴ Nikah sirri is a marriage conducted by a couple without any notification or registration at the Office of Religious Affairs (KUA). However, this type of marriage already fulfills the essential elements of marriage in Islam, which include: the bride and groom, two witnesses, a guardian (*wali*), the marriage contract (*ijab-qabul*), and a dowry (*mahar*).

Nikah sirri is considered religiously valid, but not valid under positive law (state law). Therefore, a nikah sirri that is not registered at the KUA has no legal standing. As a result, if the couple later encounters household issues such as divorce, domestic violence, inheritance, child custody disputes, and so on, the KUA and the Religious Court cannot adjudicate or even accept their complaints. From the perspective of the legal system in Indonesia, nikah sirri is a marriage that is not in accordance with the applicable laws and regulations. According to Article 2 paragraphs (1) and (2) of the Marriage Law in conjunction with Articles 4 and 5 paragraphs (1) and (2) of the Compilation of Islamic Law (KHI), a marriage must not only be conducted in accordance

¹⁴ Enik, Isnaini. "Perkawinan Dalam Perspektif Hukum Islam, Hukum Positif, dan Hak Asasi Manusia". *Jurnal Independent*, 2, no. 1, (2014). p. 54.

with religious law but must also be registered with the authorized official. Thus, from the standpoint of statutory law, nikah sirri is an illegal and invalid marriage.

3. Perkawinan Sejenis

Article 1 of the Marriage Law on Marriage states: "*Marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the aim of forming a happy and eternal family (household) based on the belief in One Supreme God.*" Based on Article 1 of the Marriage Law, it is clear that marriage can only take place between a man and a woman as husband and wife.

In Indonesia, marriage is not merely a union between two individuals, a man and a woman but also involves the wider community, particularly the families of both parties who wish to marry. Since a valid marriage must be conducted in accordance with one's religion, as stated in Article 2 paragraph (1) of the Marriage Law: "*A marriage is valid if it is conducted according to the laws of the respective religions and beliefs,*" the social life in Indonesia, which is deeply rooted in tradition and customary practices, also significantly influences the marriage process, making it closely connected to family and community.

From a legal standpoint, the only marriages recognized in Indonesia are those that are carried out according to religious teachings and the laws of the state. Marriage can only occur between a man and a woman, not between two men (homosexual) or two women (lesbian). Such marriages are not recognized by the religions practiced in Indonesia and are also in contradiction with the legal system, particularly the Marriage Law, which serves as the legal basis for the state to recognize and register a marriage.¹⁵

The same applies to the religious teachings followed by each Indonesian citizen there is not a single religion in the country that legalizes same-sex marriage. This is because religion serves as a guide or a way of life intended to bring peace and well-being to its followers. For example, Islam clearly prohibits and condemns same-sex marriage, as stated in the words of Allah SWT in Surah Al-A'raf [7]: 80-84:¹⁶ "And (We also sent) Lot (as a messenger to his people). (Remember) when he said to them: 'Do you commit such an immoral act as no one in the world has ever done before you? Indeed, you approach men with lust instead of women. You are truly a transgressing people.' But the only answer his people gave was, 'Expel them from your town! They are a group of people who pretend to be pure.' So We saved him and his followers, except for his wife she was among those who stayed behind (and was destroyed). And We rained upon

¹⁵ Hamid Chalid dan Arief Ainul Yaqin. "The Global Debate and Phenomenon of Same Sex Marriage Legalization: Case Studies of the United States, Singapore and Indonesia". *Jurnal Konstitusi*, 18, no. 1, (2021). p. 139-167. DOI: <https://doi.org/10.31078/jk1817>.

¹⁶ Dilla Selvia Panjaitan. "Sanksi Hukum Pemalsuan Jenis Kelamin Untuk Perkawinan Sejenis (Analisis Hukum Positif dan Hukum Pidana Islam)". *Skripsi*, Universitas Islam Negeri Sumatera Utara, (2021). p. 22.

them a shower (of stones). So see what was the end of the wicked.” The purpose of marriage is to have offspring and to ensure the continuation of human life. Through a valid marriage, legitimate offspring are born children who are recognized by law and society. The emergence of new generations can only occur when marriage takes place between a man and a woman. Without marriage, the preservation of human lineage becomes difficult; and even if a new human being is born, it is often the result of illicit relationships, which can negatively affect the quality and legal status of the individual.

In the case of same-sex marriage, it is even more impossible to have offspring. If same-sex marriage were to be legitimized, humanity could gradually head toward extinction. Marriage is not merely a means of satisfying lust, managing finances, or seeking pleasure; it carries a noble mission: to produce a generation of high-quality and capable human beings. Therefore, not only from a religious perspective, but also from a logical and rational standpoint, the concept of same-sex marriage does not align with the core values and purposes of marriage.

4. Contract marriage

Contract marriage refers to a marriage entered into by a man and a woman for a specific, predetermined period of time, as stated in a contract. In Islam, this is known as "nikah mut'ah." The ruling on such a marriage is that it is haram (forbidden), and the marriage contract is invalid (null and void).¹⁷ This is comparable to someone performing prayer (shalat) without ablution (wudu') the prayer is considered invalid and not accepted by Allah SWT as an act of worship. Likewise, for someone who engages in a contract marriage, the marriage contract is invalid, and the act is not accepted by Allah SWT as a righteous deed. This is because the Qur'anic and Hadith texts on marriage do not associate the marriage contract with a specific time limit. From the perspective of the Qur'an and Hadith, marriage is meant to be permanent, intended to last for a lifetime not for a temporary period. Therefore, entering into a contract marriage that is limited in duration is invalid in Islamic law, as it contradicts the Qur'anic verses and Hadiths, which never mention or permit time-bound marriages.¹⁸

Contract marriage, or mut'ah marriage, which is commonly known in several regions of Indonesia, refers to an unregistered marriage conducted by two prospective spouses based on an agreement for a specific period of time. Since it is performed unofficially or *under the table*, this type of marriage is not registered with the authorized

¹⁷ Elis Mila Rosa. "Pernikahan Kontrak dalam Perspektif Dekonstruksi Jacques Derrida". *Aqlania*, 14, no. 1, (2023). p. 1-20. DOI:10.32678/aqlania.v14i1.7891.

¹⁸ Dewi Anggraeni dan Muhammad Affan Gofar. "Perspektif Kawin Kontrak Dalam Hukum Nasional dan Hukum Islam Beserta Akibat Hukum yang Ditimbulkannya". *Jurnal Hukum Islam*, 3, no. 2, (2019). p. 229.

civil or religious offices. Legally, contract marriage is not permitted, as it violates the provisions of the Marriage Law.¹⁹

Article 1 of the Marriage Law states that marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the purpose of establishing a happy and lasting family based on Belief in One Supreme God. Furthermore, Article 2 paragraph (1) states that *a marriage is valid if it is conducted according to the laws of the respective religions and beliefs of the parties*. This means that if a marriage is not carried out based on the religion and belief systems of both individuals, it will not be legally recognized.

In this context, the religious requirement does not only refer to fulfilling concrete conditions such as the presence of two spouses, parental consent, dowry, and so on, but also fulfilling the intended purpose of marriage itself, which is to form a physically and spiritually harmonious family based on divine values. Therefore, contract marriage is not considered a valid marriage, because it is not based on the noble purpose of obeying God's command or establishing a sincere, lasting household. Rather, it is driven by economic or biological interests alone. In addition, contract marriage violates the Marriage Law, particularly Article 2 paragraph (2), which requires every marriage to be officially registered. It is also important to note that contract marriages can negatively impact any children born from such unions, as they may not be granted legal status or have a legally recognized father.

5. Child Marriage

In Indonesia, marriage is regulated by the Marriage Law, which states that marriage is a physical and spiritual bond between a man and a woman as husband and wife, with the purpose of forming a happy and lasting family based on the belief in One Supreme God. Regarding the legal age for marriage, Chapter II Article 7 paragraph (1) of the Marriage Law specifies that marriage is only permitted if the man is at least 19 years old and the woman is at least 16 years old. The government's policy in determining this minimum age requirement has gone through a process of careful consideration. This requirement is intended to ensure that both parties are truly prepared and mature physically, mentally, and emotionally. Furthermore, Article 6 paragraph (2) of the Marriage Law explains that anyone under the age of 21 must obtain parental consent to marry. However, in practice, many people in society continue to marry at a young age or below the legal age, which leads to significant consequences especially for girls.

¹⁹ Muhamad Ali. "Hukum Nikah Mut'ah dan Hubungannya dengan Pembentukan Keluarga Sakinah (Studi Keluarga Sakinah Model Kementerian Agama)". *Jurnal Risalah*, 1, no. 1, (2016). p. 30-41.

Child marriage affects the reproductive health of young girls. Girls aged 10–14 are five times more likely to die during childbirth compared to women aged 20–25. Girls aged 15–19 are twice as likely to face such risks. Prof. Dr. Dadang Hawari, a psychiatrist, states that psychologically and biologically, a person is considered mature enough for reproduction and responsible enough to manage a household at the age of 20–25 for women, and 25–30 for men. Marrying before this age is considered too early and is referred to by him as "pre-cocks", meaning maturity before its time.²⁰

The substance of Islamic law is to create social benefit (maslahah) for humanity, both in the present and in the future. Islamic law is broad and flexible, humanistic, and always brings mercy (rahmah) to all of mankind. Included within this framework are the Qur'anic verses and the Hadiths of the Prophet that address the topic of marriage, because in principle, all actions of a mature Muslim (mukallaf) are governed by Islamic legal rulings (shar'i law). Initially, the ruling on marriage is sunnah (recommended), as stated in the Qur'an in Surah An-Nisa [4]: 3: *"And if you fear that you will not deal justly with the orphan girls (whom you wish to marry), then marry other women you like: two, three, or four. But if you fear that you will not be just, then (marry) only one or those your right hand possesses. That is more likely to prevent you from doing injustice."*

The command to marry in the above verse is a directive to perform an act (thalab al-fi'l), but this directive is considered sunnah (recommended) rather than obligatory. This is because the verse allows a choice between marriage and owning slaves, indicating it is not a strict obligation. However, this original ruling of sunnah can change depending on a person's circumstances; it can become obligatory (wajib), prohibited (haram), or discouraged (makruh). For example, if a person cannot preserve their chastity or morality without marriage, then marriage becomes wajib (obligatory) for them, because preserving chastity and good character is a religious obligation upon every Muslim. As for marriage at a young age, such as during adolescence or early adulthood rather than old age, it is also considered sunnah (recommended) in Islamic teachings.²¹

CONCLUSIONS

Same-sex marriage is also strictly prohibited under both religious and state law, as one of the fundamental purposes of marriage is to produce offspring and preserve human life. Meanwhile, unregistered marriages (nikah sirri) and contract marriages are considered illegal because they are not recorded with the Office of Religious Affairs (KUA) or the Civil Registry Office. Although Indonesia is not a theocratic (religious)

²⁰ Dwi Rifiani. "Pernikahan Anak dalam Perspektif Hukum Islam". *Jurnal Syariah dan Hukum*, 3, no. 2, (2011). p. 126.

²¹ *Ibid.*

state, it upholds the principle of Belief in One Supreme God, which means that all Indonesian citizens are expected to follow a religion. There are still many provisions in the Marriage Law that need to be revised or added, such as clear and strict sanctions for violations of marriage laws, whether it involves interfaith marriage, same-sex marriage, unregistered marriage (*sirri*), or contract marriage.

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