

Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles

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Abstract: *Marriage registration plays a central role in regulating marital relations and has a significant impact on the rights and obligations of married couples. However, there are still those who view marriage registration as merely a state document without a clear textual basis, leading to the prevalence of unregistered marriages in Indonesia. This research aims to analyze the urgency and implications of marriage registration in the context of Islamic law. The research adopts a library-based approach. The findings indicate that marriage registration under Islamic law carries significant implications. Apart from providing legal validity to the husband and wife bond, marriage registration also plays an important role in protecting the marital rights of each individual, including inheritance rights, maintenance and other rights. It was found that marriage registration not only prevents potential future disputes through clarifying marital status, but can also be considered as fulfilling the conditions for marriage in accordance with Islamic principles. Furthermore, the confirms that marriage registration makes a positive contribution to social order in Islamic society, makes it easier to regulate and monitor marital relations and maintain morality and ethics in family institutions. Therefore, this research supports the importance of marriage registration within the framework of Islamic law as a solid foundation for maintaining justice, order and prosperity within marriage.*

Introduction

The dynamics of modern society, characterized by increasing social interaction and a high level of aggressiveness, face new challenges with the ease of access to digital information via social media (Rahmawati, 2023). This condition allows individuals to gain knowledge through these platforms, although the scientific quality of these sources still requires further validation and testing. Interestingly, as information becomes easier to access, many people become involved in the knowledge-seeking network and begin to use this knowledge to blame other groups (Khaeruman & Saebani, 2010). This also occurs in the context of marriage registration, which is not explicitly mentioned in the Qur'an or hadith. Some people are of the opinion that marriage registration is only a state document without any basis in the texts (sharia postulates), except in muamalah transactions (Sugitanata et al., 2021).

This problem is crucial because it can damage the order of social life. A debate has arisen between the obligation to register marriages imposed by the state and the view that this is not explicitly mentioned in the Koran (Yudhistira, 2013). As a result, unregistered marriages or unregistered

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marriages occur, where marriages are carried out secretly without the marriage registrar knowing. In this context, a wise and holistic approach is needed to overcome the tension between the state's marriage registration obligations and society's views on the foundations of Islamic law (Setiawan, 2014). An in-depth study of Islamic law, dialogue between stakeholders, and public education are key steps to resolving this debate and maintaining harmony and justice in society (Maulana, 2022).

In Islamic law, marriage is defined as a union that forms a very strong bond or contract (Nur, 1993). It is a sacred agreement, marriage is a great moment that is presented in a sacred manner and is difficult to ignore. Therefore, it is important to record it officially through a state institution, namely the Marriage Registrar at the District Religious Affairs Office. Marriage registration is not only an administrative obligation, but also a form of authentication of the sanctity and legitimacy of the bond (Yudowibowo, 2012).

The importance of this recording is in line with Islamic teachings, where Allah SWT states that a marriage agreement is a very strong bond, known as "misaqan galizan" (Amin, 2017). Marriage registration is not just a form of government regulation, but is also an effort to immortalize this sacred moment, creating authentic evidence that can provide legal protection and rights in accordance with Islamic principles. Thus, marriage registration is not only an obligation but also a reflection of the sanctity and strength of the marital bond within the framework of Islamic law (Bariah, 2014).

Marriage is a significant institution for everyone, as it aims to create a happy and lasting family. To achieve this, marriage must be conducted in accordance with both religious law and state law (Barkah & Wulandari, 2022). Marriage is not only a civil agreement, but also a customary agreement and at the same time a neighboring family arrangement (Wiranata et al., 2023).

In the context of Islamic law, marriage registration is not recognized as a condition for the validity of a marriage. A marriage is considered valid if it fulfills the pillars and conditions that have been determined, such as the presence of a prospective groom and bride, a guardian, two witnesses, a dowry, and a marriage contract *sighat* (*ijab and qabul*) (Multazim, 2020). Other requirements include that the bride and groom must be Muslim, not mahram, not in *ihram*, and not married under duress. Although marriage registration is not mandatory, early Islamic tradition included *i'lan al-nikah* (publicly announcing the marriage), one form of which was the *walimah al-'urusy* (Maloko, 2014).

It is important to note that although marriage registration was not the norm in the early days of Islam, the spirit and substance of what marriage registration aims to achieve were already present, albeit in a simpler form (Luthfia, 2022). Traditions such as *walimah al 'urusy* demonstrate an attempt to give recognition and legitimacy to marriages. As time goes by, this practice can be interpreted as an initial step towards a more formal concept of marriage registration (Asnawi et al., 2022).

Additionally, the concept of recording in Islam is also applied to *muamalah* (transactional) dealings, as outlined in Surah Al-Baqarah (2:282). Allah SWT orders to record non-cash *muamalah* transactions, emphasizing the

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importance of track records and transparency in related matters. with rights and obligations (Siregar, 2015). Thus, although marriage registration is not explained explicitly, the values of transparency and documentation in Islam have been emphasized through the concept of registration in the context of muamalah (Wati, 2020).

In Indonesia, the marriage registration process is mandatory and regulated by law. For those who adhere to Islam, registration is carried out at the District Religious Affairs Office in accordance with Law Number 22 of 1946 (Zamroni, 2019). For citizens of religions other than Islam, registration is carried out at the Civil Registry Office, registration takes place at the Civil Registry Office, as stipulated in Law Number 23 of 2016. The state grants full authority to these two institutions to register and administer all marriages (Faishol, 2019).

The need for marriage registration arises from the sacred and binding nature of the marriage contract, which is the basis for the formation of the husband and wife bond. In line with the principle of muamalah transactions, where every contract needs to be recorded for the common good, marriage contracts are considered to have the same value (Sayyad, 2018). This registration is not just a formal administration, but rather a step to create an authentic and transparent track record of the purity and strength of the marriage bond. By referring to the principle of mutual benefit, marriage registration is an important step to provide legal protection and rights in accordance with religious values and morality. Therefore, this registration is not only a legal obligation, but also a concrete expression of the values that underpin marriage in Indonesian society (Wahyudani et al., 2023).

Research related to marriage registration has been widely conducted by previous researchers, such as Abdul Halim (2020) who in his research stated that the purpose of marriage registration is so that marriages among Muslims are not illegal and receive legal guarantees in the future. Marriage registration as authentic evidence of a marriage (Quthny & Muzakki, 2022). The legality of marriage registration can also be done through isbat nkaah (Zainuddin, 2022). The regulations governing the framework of marriage registration in Indonesia align with the paradigm of contemporary Islamic law, which emphasizes holistic legal arguments (Aziz & Islamy, 2022).

In contrast to the previous research, this study aims to analyze the importance of marriage registration according to Islamic law, with a focus on the Indonesian context. By detailing the marriage registration process for both Muslims and non-Muslims in Indonesia, this research also aims to contribute to increasing public awareness of the existence of marriage registration as a legal means and protection of marriage rights. The benefits include providing in-depth insight to the community, government and stakeholders regarding the urgency of registering marriages in managing marital relations in accordance with the provisions of Islamic law and applicable social norms.

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Method

This research adopts a literature study research with a focus on reviewing various sources related to the urgency of registering marriages in the context of Islamic law. The bibliographic method, as a qualitative research method, involves exploration and analysis of literature related to the topic. The location and location of research is carried out in various information sources such as libraries, documents, archives and other sources. In line with Nyoman Kutha Ratna's definition, the library method is defined as a research approach that collects data through sources stored in the library (Prastowo, 2016). This approach allows researchers to explore the views and arguments that have been expressed by experts, scholars and previous researchers regarding the urgency of registering marriages within the framework of Islamic law. Through this method, this research aims to develop a solid and in-depth theoretical foundation to support the analysis of the role and importance of marriage registration from both religious and legal perspective in Indonesia.

Results and Discussion

The Importance of Marriage Registration

According to the Regulation of the Minister of Religion Number 20 of 2019 concerning Marriage Registration, marriage registration is an administrative activity for marriage activities by an assistant marriage registrar located in a village or sub-district or an official marriage registrar at the sub-district *KUA* (Office of Religious Affairs).

Marriage registration plays a very crucial role in a marriage because marriage registration is a requirement for whether or not a marriage is recognized by the state. If a marriage is not registered, the marriage is not recognized by the state, as are the consequences arising from the marriage (Tagel, 2020).

In Indonesia, many marriages remain unregistered, as evidenced by the large number of participants attending marriage confirmation events at various religious courts. The Morotai Religious Court conducted the 2022 Integrated Marriage Confirmation for the Morotai Island Regency with 100 couples (200 people) participating (Badilag, 2023). Wonosari Religious Court In 2023, the Integrated Isbat Trial was held in Gunungkidul Regency which was held twice, namely at the Monggol Village Hall, Saptosari (May 25, 2023) with 40 bridal couples (80 participants) and at the Jetis Village Hall, Saptosari District (October 12, 2023) with 20 bridal couples (40 participants) from Jetis Village and Kepek Village, Saptosari District (Dukcapil Gunung Kidul, 2023).

In addition to mass *isbat*, independent isbat is also carried out by couples who do not yet have a marriage certificate. As expressed by the clerk of the Lubuk Sikaping Religious Court, Elfa, he said that the implementation of independent isbat was carried out enthusiastically by the participants. He also said that currently there are still many reports from the public who come to the Religious Court hoping that the marriage isbat activity can be held at their place of domicile (Yusra, 2024). Factors contributing to unregistered marriages include socio-economic status, a lack of awareness about marriage registration, and the absence of a marriage certificate (Kumari et al., 2022).

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Marriage registration serves the primary purpose of establishing order in the administrative activities related to marriage within society, as well as protecting and guaranteeing the rights of husbands, wives, and children born from the marriage. In community life, it is clear that there is a problem including in a marriage relationship, for this reason it is necessary for the intervention of state officials to carry out registration in order to avoid unwanted things such as problems regarding the rights and obligations between husband, wife and children (Jannah et al., 2021).

Unregistered marriages illustrate a lack of evidence regarding the existence of the marriage in the form of a marriage certificate, leading to a lack of legal certainty. Thus, a husband who has an unregistered marriage can not recognize his wife's child. This certainly has an impact on the psychology and rights of a child. The right to obtain legal protection, education, or social welfare (Mahera & Rahim, 2022).

The position of marriage registration in positive law in Indonesia is an obligation that must be fulfilled in order to obtain normative-judicial validation, which means that the marriage has fulfilled the pillars and requirements according to the laws of each religion and positive law in Indonesia. The registration of the marriage will provide legitimacy and recognition by the state. However, on the other hand, a marriage that is not registered but has fulfilled the requirements and pillars, then the marriage will still be valid normatively-theologically, which means that the marriage is valid only from a religious perspective, and does not have state validity. Since the pillars and requirements of marriage and marriage registration carry different legal consequences, registration cannot be considered a pillar of marriage (Ghafur et al., 2020).

Marriage Registration from an Islamic Law Perspective

Hazairin argued that the provisions in Law Number 1 of 1974 concerning Marriage can be considered a new *ijtihad*. Marriage registration, which is the focus of the Compilation of Islamic Law (KHI), is realized as an implementation of the general explanation of number 4 letter b in the law. Even though the term "must be recorded" is used in the general explanation of number 4 letter b, this does not mean that the registration of a marriage is equivalent or commensurate with the provisions for the validity of a marriage as regulated in Article 2 paragraph (1) jo. Article 1 Marriage Law.

The importance of registering marriages, as explained in Article 5 paragraph (1) of the KHI, can be interpreted as an effort to ensure orderly marriages in Islamic society without causing marriages to become invalid if they are not recorded. Thus, the focus is not only on administrative aspects, but on aspects of the orderliness and validity of marriage in the context of Islamic society. This understanding illustrates that marriage registration in Indonesia, particularly from the perspective of Islamic law, aims to facilitate social and administrative order while preserving the legal conditions for marriage as defined by law.

Musdah presents at least two reasons for advocating that marriage registration should be considered a condition for the validity of a marriage. The first reason is to make an analogy of marriage registration with recording

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muamalah transactions (debts and receivables). This analogy exists because it emphasizes marriage as a civil aspect (social contract) rather than religion. Musdah took as a basis the argument of Surah al-Baqarah verse 282 which means: *O you who believe, if you do not pay in cash (debt) for a specified time, you should write it down...*

The second reason, namely; from the aspect of its purpose, which is that there is benefit in registering marriages, namely to provide protection for husband and wife and even children. A marriage that is not registered can have a very negative impact on the husband, wife and children, in this case the wife and children are the objects most vulnerable to harm. Because legally, a wife/husband cannot be considered a legal wife/husband, because they do not have a marriage certificate, a wife cannot sue her husband if the husband does not provide maintenance, a wife/husband cannot claim inheritance and shared assets if in the future the day a divorce occurs or someone dies between the two. Furthermore, children born from an unregistered marriage may be deemed illegitimate, as their birth certificate would serve only as a certificate of acknowledgment rather than a formal registration of their legitimacy.

In the author's opinion, the importance of marriage registration according to Islamic law is as follows:

Legal Validity

By registering marriages, not only is the order of community marriages established, but each man and woman also obtains authentic evidence of their marital status. This registration ensures that their marriage has legal certainty, providing both parties with recognized rights and responsibilities as a married couple (Quthny & Muzakki, 2022).

Marriage registration in Islamic law is not only administrative in nature, but has deep implications related to the legal validity of the husband and wife bond. The concepts of clarity and order are central values in Islamic teachings, and marriage registration is a form of implementation of these values. By registering a marriage, a legal basis is created that provides official recognition of the husband and wife relationship, confirming that the bond is valid and recognized by the state. Consequently, marriage attains legal standing as it is regulated by law (Sholihuddin et al., 2024).

From an Islamic legal perspective, the importance of clarity includes a clear understanding of marital status, the rights and obligations of each partner, as well as rights related to the institution of the family. Marriage registration is an instrument that ensures transparency and provides a strong legal basis for protecting marriage rights. This aligns with the principles of justice and the safeguarding of individual rights as emphasized in Islamic teachings.

In addition, the concept of order in a marriage relationship involves social and moral responsibility. Marriage registration is a means of creating social order by ensuring that every marriage is carried out in accordance with religious and legal norms. With proper records in place, society and the government can more easily manage, supervise and uphold moral values in family life. Thus, marriage registration in Islamic law not only affirms the legal

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validity of the husband and wife bond but also delineates a framework that fosters clarity, order, and prosperity within the family institution.

Protection of Rights

Marriage registration in Islamic law is crucial for safeguarding the marital rights of all parties involved. One of the main goals is to provide protection for inheritance rights. In situations where there is no registration, the claims and inheritance process can become complicated and risky, resulting in potential conflicts between heirs. With registration, the existence of marriage ties is officially recognized by the state, so that inheritance rights can be obtained more clearly and protected in accordance with the principles of Islamic law.

In addition to safeguarding inheritance rights, marriage registration serves as a mechanism to ensure the fulfillment of maintenance rights. With the transparency resulting from recording, husbands and wives can confidently know their respective responsibilities regarding maintenance. Recording creates a strong legal basis for enforcing financial obligations, making the process of resolving disputes and accountability for livelihood rights more structured and efficient.

Marriage registration also involves the recognition and protection of various other rights, such as joint asset ownership and social rights. By having official documents, each party can guarantee that their rights are legally recognized and protected in accordance with the provisions of Islamic law. Marriage registration, in this context, is not just an administrative action, but rather a proactive step to provide comprehensive guarantees and protection for marriage rights, creating a basis for justice and balance in the family institution. Unregistered marriage will result in neglect of rights in the household. In Islamic family law, this is an act of defiance of justice (Barkah et al., 2022).

The negative impact of unregistered marriages is often felt most acutely by the wife or the woman involved. Even if the unregistered marriage is carried out without good intentions, such as a marriage between a woman and a husband who has a wife without the consent of the legal wife (without going through the Polygamy permit mechanism to the court), then the woman does not have the right to material rights as husband and wife in general, such as *zaujyah* maintenance, joint property, or inheritance (Al-Hasan, 2024).

Avoid Disputes

Marriage registration serves not only as an official recognition of the husband and wife relationship in Islamic law but also plays a crucial role in preventing potential disputes in the future. The clarity and certainty of marital status obtained through registration creates a solid basis for reducing potential conflicts between married couples. By having an official document, couples can avoid ambiguity which is often a source of disagreement and dispute. As revealed by Nazarudin et al. (2023) the consequences of unregistered marriages can cause many problems in the future.

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Marriage registration establishes a clear legal basis, minimizing the potential for varying interpretations of marital status and rights. Couples can easily verify information related to their marriage, reducing the risk of misunderstandings that could lead to disputes. In this context, registration is not merely a formal act; it serves as a proactive measure to maintain harmony and stability within the marriage bond.

Moreover, marriage registration plays a crucial role in resolving conflicts in a more structured manner. This official document can be used as a reference in resolving disputes, helping the parties involved in finding solutions that are fair and in accordance with the norms of Islamic law. Thus, marriage registration not only has a preventive impact on conflict, but can also be an effective tool in handling and resolving disputes should they arise in the future. Record keeping provides a strong foundation for building trust and openness between couples, creating a solid foundation for the continuity and harmony of the marital relationship.

Social Order

Marriage registration is not just an administrative measure; it is a vital contributor to social order in Islamic societies. Marriage registration regulations act as an instrument for regulating and monitoring marital relations, which directly creates order in family life. By following registration regulations, society can ensure that every marriage is legally recognized, avoiding the potential for invalid marriages and the social consequences that may arise.

Marriage registration also provides a strong basis for creating statistics and research related to marriage relationships in society. Data obtained from registration can help the government and related institutions to design more targeted policies to improve family welfare and ensure the protection of marriage rights. In this way, marriage registration acts as an effective tool for establishing social order through the structured regulation and monitoring of the institution of marriage.

The significance of social order in Islamic society encompasses moral and ethical dimensions as well. With the existence of marriage registration regulations, people can more easily maintain the moral and ethical values that are upheld in Islam. Marriage registration can be an effort to prevent acts that are contrary to religious teachings, ensuring that marriage relations are carried out in accordance with the norms that apply in Muslim society. As a result, marriage registration not only creates physical and administrative social order, but also becomes an instrument for maintaining morals and ethics in family life.

Fulfillment of Marriage Requirements

Marriage registration is viewed as an essential effort to meet the requirements for the validity of a marriage in accordance with Islamic principles. This concept not only covers administrative aspects, but also has a close connection with the validity and clarity of a marriage in the context of Islamic law. From the perspective of religious teachings, marriage registration

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is considered a form of transparency that supports the fulfillment of the requirements for a valid marriage.

Fulfilling marriage requirements through registration is a proactive step to uphold the values of justice and truth in the marriage bond. Registration is not only an administrative obligation, but also a form of implementation of Islamic law provisions related to marriage. By registering their union, married couples can ensure that their marriage meets the standards and requirements recognized by religious teachings, thereby affirming their legal and spiritual commitment.

The importance of registration as a legal requirement for marriage is also related to the protection of individual rights and clarity of marital status. By having official documents, couples can confidently confirm that their marriage is valid and recognized by Islamic law. This helps prevent the occurrence of invalid or controversial marriages, reminds couples of the responsibilities and obligations inherent in the bonds of marriage. Ultimately, this creates a solid foundation for a harmonious family life within the framework of Islamic law and religious norms.

Conclusion

Marriage registration in Islamic law encompasses several crucial dimensions. First, registration provides legal validity to the husband and wife bond, in accordance with Islamic teachings which emphasize the importance of clarity and order in all matters. Second, marriage registration safeguards marital rights, including inheritance, maintenance, and other essential rights, ensuring that each party has guarantees and certainty in their marriage. Furthermore, it plays a vital role in preventing potential disputes by clarifying marital status and fulfilling the requirements for marriage in accordance with Islamic principles. Registration is a form of transparency, ensuring that marriages are carried out legally, transparently and in accordance with religious norms. Lastly, the importance of marriage registration lies in its contribution to social order in Islamic societies. By enforcing registration regulations, society can more easily regulate and monitor marital relations, creating order in family life. Record keeping is not only an administrative obligation, but also a proactive effort to maintain morality, ethics and harmony within the family institution. Overall, marriage registration is not just an administrative foundation; it involves deep dimensions from legal, religious, and social perspectives. In the context of Islamic law, marriage registration reflects the unity of religious values, social order, and the protection of individual rights within marriage.

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