



Beyond Administration: Reconstructing Marriage Registration as a Preventive Legal Protection for Women and Children in Indonesia

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Abstract:

This study examines marriage registration as a legal protection instrument for women and children through the perspectives of *Maqāṣid al-Sharī'ah* and *Sadd al-Dharī'ah*. This study employs normative legal research using statutory, conceptual, and Islamic legal-philosophical approaches. Legal materials were collected through legal document and literature studies involving legislation, court decisions, Islamic legal sources, scholarly literature, and relevant previous studies. The materials were analyzed using normative-qualitative analysis by interpreting and synthesizing legal norms based on *Maqāṣid al-Sharī'ah* and *Sadd al-Dharī'ah*. The findings show that marriage registration is not merely an administrative requirement but a preventive legal protection instrument that provides legal certainty and facilitates the fulfillment of women's and children's rights. From the *Maqāṣid al-Sharī'ah* perspective, registration supports the protection of lineage, property, life, and dignity, while *Sadd al-Dharī'ah* positions registration as a mechanism for preventing potential harms arising from unregistered marriages. The study contributes a normative reconstruction of marriage registration as a *maqāṣid*-based legal protection instrument, providing a conceptual basis for strengthening marriage registration policies and protecting women and children.

INTRODUCTION

Marriage is not merely a religious ceremony but a legal institution creating rights and obligations for spouses, children, and families. Its legal consequences include maintenance, property, inheritance, guardianship, lineage, and family status, making legal certainty essential to effective rights protection (Dhuli & Dhuli, 2024; Yasin et al., 2024). Marriage registration provides documentary recognition that enables family members, especially women and children, to establish and exercise rights arising from the marital relationship. Studies indicate that registration strengthens legal certainty and civil rights protection, especially where marital disputes or property claims arise (Krestianto, 2025; Nugraha & Aziz, 2025; Athifah et al., 2025). For women, registration can reduce vulnerability in claiming maintenance, marital property, inheritance, and other remedies. For children, it supports certainty regarding identity, lineage, and parental responsibilities. Accordingly, registration should be positioned as a legal mechanism to secure family rights and prevent legal vulnerability for families.

In Indonesia, marriage registration has a clear statutory foundation. Article 2 of Law No. 1 of 1974, as amended by Law No. 16 of 2019, requires marriages to be registered according to applicable regulations, while Government Regulation No. 9 of 1975 regulates its implementation. The framework treats registration as a means of legal certainty and civil-rights protection (Zainuddin et al., 2022; Septiandani et al., 2026; Febriansah et al., 2025). Nevertheless, unregistered marriages remain a significant legal concern because their consequences may affect wives and children when disputes arise. Women may struggle to prove marital status, claim property or inheritance, or obtain protection, while children may face problems with identity and family rights (Mokoagow et al., 2025; Miqat et al., 2026). Comparative research also shows that registration requirements are closely connected to legal compliance and marriage and family protection. Thus, Indonesia shows a persistent gap between formal registration obligations and their practical implementation. This challenge requires sustained institutional attention and public awareness.

Marriage registration requires an integrated theoretical and legal framework. Legal protection theory distinguishes preventive protection, which seeks to prevent rights violations and disputes, from repressive protection provided after violations occur (Sabbaha, 2022). This distinction matters because registration can create evidence before disputes emerge. From an Islamic legal perspective, Maqāṣid al-Sharīʿah evaluates legal norms by their purposes, public benefit, and protection of essential interests in family life. Contemporary studies apply this framework to marriage registration and emphasize legal certainty, family welfare, and rights protection (Arifin, 2026; Rani et al., 2025). Sadd al-Dharīʿah complements maqāṣid reasoning by preventing permissible means from becoming pathways to harm. Its application to unregistered marriage highlights risks affecting women and children (Efendi & Waid, 2026; Maruan et al., 2025). Together, these perspectives provide a normative foundation for assessing registration as protective and preventive.

The legal problem is that marriage registration is frequently perceived as an administrative formality rather than as a substantive mechanism of legal protection. This understanding may separate religious validity from the legal consequences that require state recognition and documentary evidence. Recent scholarship shows that the absence of registration can weaken women's access to marital property, inheritance, maintenance, and other civil rights (Arifin & Mahardika, 2026; Nurliana & T, 2025). Children may similarly face difficulties related to identity, inheritance, parental relationships, and legal protection (Muchsin & Said, 2024; Miqat et al., 2026; Febrianty et al., 2025). Consequently, registration extends beyond administrative order. It creates a formal evidentiary basis that can prevent disputes and facilitate access to legal remedies. Reframing registration in this manner is especially important because preventive protection is stronger when legal status and evidence are established before rights are contested or disputes emerge. This preventive dimension deserves emphasis.

Previous studies address marriage registration through legal certainty, administrative compliance, women's protection, children's rights, and consequences of unregistered marriages. Research has emphasized the need to strengthen registration as a legal obligation and a means of protecting civil rights (Krestianto, 2025; Yuda & Yufrizal, 2025; Fitra et al., 2025). Other studies have examined the vulnerability of women and

children arising from undocumented marital relationships, including problems concerning property, inheritance, identity, and socioeconomic protection (Arifin & Mahardika, 2026; Miqat et al., 2026). However, the literature is fragmented because *maqāṣid*-oriented studies and preventive legal analyses are often discussed separately. This fragmentation leaves insufficient explanation of how registration can pursue Sharia objectives while preventing concrete legal harms. This study addresses this gap through an integrated framework connecting both perspectives. A clearer synthesis is therefore needed to connect legal certainty, protection, and Islamic preventive reasoning.

This study reconstructs marriage registration as preventive legal protection by integrating *Maqāṣid al-Sharīʿah* and *Sadd al-Dharīʿah*. This reconstruction moves beyond viewing registration as merely recording a completed marriage. Instead, registration is conceptualized as a preventive legal mechanism that establishes certainty, protects rights, and reduces foreseeable harms affecting women and children. *Maqāṣid al-Sharīʿah* provides the substantive orientation by identifying the interests that marriage law should protect. In contrast, *Sadd al-Dharīʿah* provides the preventive logic for restricting pathways that may produce harm. Their integration positions registration as a bridge between religiously recognized marriage and enforceable civil rights. This perspective positions legal documentation as part of the broader objectives of Islamic family law, particularly justice, welfare, dignity, lineage, and property protection. This approach offers a broader conceptualization of marriage registration within modern family law. The approach responds directly to contemporary challenges.

Three questions guide this study: how marriage registration is positioned within Indonesian positive law, how registration protects the rights of women and children, and how its obligation can be justified through *Maqāṣid al-Sharīʿah* and *Sadd al-Dharīʿah*. The study argues that registration constitutes a protection instrument because it provides authoritative evidence of marital status, facilitates access to rights, and prevents foreseeable disputes and rights violations. Its contribution is theoretical: it integrates two Islamic legal approaches and strengthens the argument that registration constitutes family-law protection rather than administrative compliance. This integrated approach contributes to Indonesian marriage law by connecting state legal certainty with Islamic legal objectives. It also provides policymakers and legal institutions with a conceptual basis for strengthening policies and practices that protect women, children, and family welfare. The study offers a framework for future research in contemporary Indonesian family law and policy.

RESEARCH METHODS

This study uses normative legal research because it focuses on legal norms, principles, doctrines, and Islamic legal concepts related to marriage registration as an instrument of legal protection. This approach enables systematic examination of the normative position, legal consequences, and protective function of marriage registration within Indonesian marriage law. Recent studies emphasize that registration contributes to legal certainty and protects women's and children's rights (Krestianto, 2025; Nugraha & Aziz, 2025). The study applies three approaches: the statutory approach, which examines legislation governing marriage registration; the conceptual approach, which analyzes legal protection, legal certainty, and preventive protection; and the Islamic legal-philosophical approach, which examines registration through *Maqāṣid al-Sharīʿah* and

Sadd al-Dharī'ah. These approaches enable an integrated examination of registration within positive law and Islamic legal principles (Rani et al., 2025; Septiandani et al., 2026; Syahril & Hasan, 2025).

The legal materials consist of legislation, judicial decisions, legal doctrines, expert opinions, and relevant Islamic legal sources. Primary materials include the 1945 Constitution of the Republic of Indonesia, Law No. 1 of 1974 on Marriage and its amendments, Government Regulation No. 9 of 1975, the Compilation of Islamic Law, legislation on population administration and child protection, and relevant court decisions. Secondary materials include scholarly works on Islamic family law, *Maqāṣid al-Sharī'ah*, *Sadd al-Dharī'ah*, and contemporary studies of unregistered marriage. The selection of materials considers their relevance to legal certainty and the protection of women and children (Arifin & Mahardika, 2026; Miqat et al., 2026). Legal materials were collected through legal document and literature study, involving systematic searching, identification, selection, classification, and examination of relevant legislation, judicial decisions, scholarly literature, and Islamic legal sources.

The collected materials were analyzed using normative-qualitative analysis through interpretation and synthesis. The analysis first identifies and interprets legal norms governing marriage registration and their implications for women's and children's legal protection. The materials are then examined through *Maqāṣid al-Sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), life (*ḥifẓ al-nafs*), and dignity (*ḥifẓ al-'ird*). Subsequently, *Sadd al-Dharī'ah* is applied to assess registration as a preventive mechanism for reducing potential harms arising from unregistered marriages. This framework aligns with contemporary studies that emphasize marriage registration as a means of preventing legal vulnerability and strengthening family protection (Efendi & Waid, 2026; Maruan et al., 2025). The findings are finally synthesized into a normative argument positioning marriage registration as a preventive legal protection instrument within Indonesian positive law and Islamic legal objectives.

RESULTS AND DISCUSSION

The Role of Marriage Registration in the Indonesian Legal System

Under Indonesian law, marriage is a multidimensional institution that creates religious and legal relationships involving spouses, children, and the state. The Indonesian marriage system therefore integrates religious validity with state registration: religious law determines the validity of marriage, while registration provides legal certainty and state recognition of its legal consequences (Arifuddin, 2024; Nugraha & Aziz, 2025).

The legal basis for registration is Article 2 of Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019. Article 2(1) recognizes religious validity, while Article 2(2) requires every marriage to be registered according to applicable law (Republic of Indonesia, 2019). Government Regulation No. 9 of 1975 further regulates the registration procedures through the authorized institutions. Accordingly, registration functions as the state's mechanism for formally recognizing family relationships.

Registration is also closely related to legal certainty because a marriage certificate provides authoritative evidence of marital status and facilitates the exercise of rights concerning maintenance, marital property, inheritance, and children. Recent studies therefore emphasize that registration should be understood not merely as an administrative requirement but as a substantive legal obligation that secures civil rights (Krestianto, 2025; Septiandani et al., 2026).

Beyond certainty, registration performs a preventive legal-protection function. By establishing evidence before disputes arise, it reduces the evidentiary burden on spouses

and children when asserting their rights. Conversely, unregistered marriages may require marriage validation or other forms of evidence before legal claims can be pursued (Abdillah, 2025; Rani et al., 2025).

Nevertheless, *nikah siri* remains prevalent due to economic considerations, administrative avoidance, unauthorized polygamy, early marriage, and the perception that religious validity is sufficient. This persistence reflects a gap between legal norms and social practices (Efendi & Waid, 2026; Mokoagow et al., 2025). Its consequences are particularly significant for women and children, who may face difficulties in establishing marital or family relationships and accessing maintenance, property, inheritance, and other civil rights (Miqat et al., 2026; Arifin & Mahardika, 2026).

The preventive importance of registration is further illustrated by Constitutional Court Decision No. 46/PUU-VIII/2010, which expanded the civil relationship between children born outside registered marriage and their biological fathers based on legally recognized evidence. Although this decision provides remedial protection, it also demonstrates the importance of preventing legal uncertainty through registration from the outset.

Thus, marriage registration should be reconceptualized beyond administrative compliance. It is a legal instrument for establishing certainty, securing civil rights, and preventing disproportionate harm to women and children. This perspective supports a shift from an administrative paradigm toward a preventive legal-protection paradigm in Indonesian family law (Nugraha & Aziz, 2025; Krestianto, 2025).

Legal Protection for Women and Children Through Marriage Registration

Marriage registration constitutes an important mechanism for protecting women and children because it establishes formal evidence of the family relationship and enables the state to recognize and enforce rights arising from marriage. Its protective function is particularly significant where one spouse or a child occupies a weaker legal or socioeconomic position. Recent studies emphasize that the absence of registration can create substantial barriers to exercising rights and therefore requires the issue to be approached not merely as an administrative matter but as a question of legal protection (Abdillah, 2025; Miqat et al., 2026).

From the perspective of preventive legal protection, registration reduces the possibility of future disputes by establishing authoritative evidence of marital status from the beginning of the relationship. A marriage certificate can facilitate claims concerning marital rights, maintenance, property, inheritance, and parental responsibilities without requiring the parties to first establish the marriage through additional proceedings. The preventive character of registration is therefore particularly important because it addresses vulnerability before rights are violated rather than relying exclusively on judicial remedies after harm has occurred (Rani et al., 2025; Septiandani et al., 2026).

Legal Protection for Women

Women are particularly vulnerable to the consequences of unregistered marriage because the absence of formal evidence may weaken their position when asserting rights arising from marriage. Difficulties may arise in claims for maintenance, divorce, joint property, and inheritance, particularly where the husband denies the marital relationship or fails to fulfill his legal obligations. Socio-legal research shows that women in unregistered marriages may consequently need to develop additional strategies to obtain

property and other rights that would ordinarily be easier to establish through formal registration (Arifin & Mahardika, 2026; Nurliana & T, 2025).

Registration also reduces the evidentiary burden women face in legal proceedings. A marriage certificate provides formal proof of the marital relationship. In contrast, women in unregistered marriages may need to seek marriage validation or rely on other forms of evidence before pursuing related claims. Such additional procedures may involve financial, procedural, and evidentiary barriers. Consequently, registration provides not only formal recognition but also practical access to legal remedies (Yuda & Yufrizal, 2025; Krestianto, 2025).

The protective function extends to women's economic rights. Formal recognition strengthens the legal basis for claims concerning maintenance, marital property, and inheritance. Conversely, the absence of registration can expose women to the denial or uncertainty of such rights, particularly following separation or the death of a husband. The problem is therefore not limited to marital status but concerns the distribution of economic rights and power within the family (Arifin & Mahardika, 2026; Abdillah, 2025).

Marriage registration can also be understood as a mechanism for strengthening women's position against discriminatory or exploitative marital practices. Recent scholarship on unregistered polygamy and early-age unregistered marriage demonstrates that the absence of formal recognition may intensify women's vulnerability by limiting their access to legal remedies and institutional protection (Asnaye, 2026; Winestia et al., 2026). Registration therefore functions preventively by establishing a legal status through which women can more effectively invoke the protection provided by family law.

Legal Protection for Children

Children are directly affected by the consequences of unregistered marriage. Marriage registration provides formal evidence of family relationships, supports civil identity, and strengthens access to education, health services, social protection, maintenance, and inheritance rights (Muchsin & Said, 2024; Yasin et al., 2024).

Without registration, establishing the legal relationship between a child and the biological father may become more difficult. Constitutional Court Decision No. 46/PUU-VIII/2010 provides remedial protection by recognizing such a relationship based on scientific and other legally valid evidence. However, this mechanism is reactive and may require additional legal proceedings. Registration therefore remains the more effective preventive mechanism for avoiding evidentiary uncertainty.

The absence of registration can also create uncertainty regarding children's maintenance, inheritance, and parental responsibilities (Firman et al., 2026; Nurliana & T, 2025). Accordingly, marriage registration should be understood not merely as documentation of the parents' marital status but as a preventive legal instrument that secures children's rights and reduces the legal and procedural burdens arising from unregistered marriage.

Overall, reconstructing marriage registration as a preventive legal-protection mechanism strengthens legal certainty and provides women and children with a more secure basis for exercising their civil rights.

Marriage Registration as an Instrument for the Protection of Human Rights

Marriage registration reflects the state's responsibility to protect fundamental rights, particularly legal identity, family status, and access to justice. For women and

children, formal registration provides the legal evidence necessary to claim rights arising from marriage and reduces vulnerability caused by the absence of state recognition (Abdillah, 2025; Miqat et al., 2026). Therefore, registration should be understood not merely as an administrative requirement but as an instrument through which the state fulfills its obligation to ensure legal certainty and effective rights protection.

An Analysis of Maqāṣid al-Sharī'ah Regarding the Obligation to Register Marriages

Islamic law is oriented toward achieving *maṣlaḥah* and preventing *mafsadah*. Within this framework, *Maqāṣid al-Sharī'ah* provides a substantive basis for interpreting legal provisions according to their objectives and social consequences. Contemporary approaches emphasize that Islamic legal norms should be understood through their broader objectives, including justice, protection, and human welfare (Ahmed, 2025; Arifin, 2026).

Although classical Islamic sources do not prescribe marriage registration in the form of modern state administration, its substance corresponds with the objectives of Sharia. Registration provides legal certainty, protects family members, and prevents harm resulting from denial of marital status or the loss of civil rights. Recent studies consequently identify registration as an important contemporary mechanism for realizing *Maqāṣid al-Sharī'ah* in family law (Efendi & Waid, 2026; Rani et al., 2025).

Marriage Registration from the Perspective of Ḥifẓ al-Dīn (Protection of Religion)

Ḥifẓ al-Dīn may be understood not only as protecting faith and worship but also as ensuring that religious obligations are carried out responsibly. Marriage, as both a religious contract and a social institution, requires transparency and accountability. Registration supports these values by reducing the possibility of secrecy, manipulation of marital status, and misuse of religious legitimacy, including in cases of unregistered polygamy (Asnaye, 2026; Efendi & Waid, 2026).

Marriage Registration from the Perspective of Ḥifẓ al-Nafs (Protection of Life)

Ḥifẓ al-nafs encompasses the protection of human security, dignity, and well-being. In family law, registration strengthens a wife's legal position by establishing evidence of marital status and facilitating access to maintenance, divorce, and legal remedies when her rights are violated. The absence of registration can instead increase women's vulnerability to abandonment and rights violations (Abdillah, 2025; Winestia et al., 2026). Thus, registration functions as a preventive mechanism for protecting women's welfare and security within marriage.

Marriage Registration from the Perspective of Ḥifẓ al-Nasl (Protection of Progeny)

Ḥifẓ al-nasl is particularly relevant to marriage registration because it concerns lineage, family continuity, and the protection of children's rights. Registration strengthens the evidentiary basis for establishing family relationships and supports children's rights to identity, parental responsibility, maintenance, and inheritance (Muchsin & Said, 2024; Firman et al., 2026).

The absence of registration may create uncertainty regarding parentage and children's civil and economic rights. Although judicial mechanisms can provide remedial protection, such mechanisms generally operate after a dispute has emerged. Registration is therefore more consistent with the preventive orientation of *Maqāṣid al-Sharī'ah*

because it establishes certainty before harm occurs (Nurliana & T, 2025; Nugraha & Aziz, 2025).

Marriage Registration from the Perspective of Ḥifẓ al-Māl (Protection of Property)

Ḥifẓ al-māl emphasizes the protection and fair distribution of property. Within marriage, this objective is closely related to maintenance, joint property, and inheritance. Registration provides authoritative evidence of the marital relationship, thereby strengthening the legal basis for women and children to assert economic rights (Arifin & Mahardika, 2026; Nurliana & T, 2025).

Conversely, unregistered marriage may complicate claims concerning marital property and inheritance because the underlying marital relationship may be difficult to prove. Registration therefore contributes to economic security and reduces the potential for disputes or denial of property rights.

Marriage Registration from the Perspective of Ḥifẓ al-ʿIrd (Protection of Honor)

Ḥifẓ al-ʿird emphasizes protecting human dignity, honor, and social standing. The absence of formal marital recognition can expose women and children to social stigma, legal uncertainty, and marginalization. Registration provides official recognition of family status and strengthens the dignity and legal standing of family members (Miqat et al., 2026; Mokoagow et al., 2025).

Accordingly, marriage registration embodies not only administrative compliance but also the protection of human dignity (*karāmah al-insān*). From a *Maqāṣid al-Sharīʿah* perspective, its preventive function lies in ensuring that women and children are not required to bear the legal and social consequences of an unregistered marital relationship.

Integrative Analysis of Maqāṣid al-Sharīʿah

The five primary objectives of *Maqāṣid al-Sharīʿah* demonstrate that marriage registration serves more than an administrative function. It protects family rights, prevents harm, and promotes legal certainty and social welfare. Although registration is not a pillar or classical condition of a valid marriage, its contemporary importance increases because access to civil rights increasingly depends on documented family relationships (Efendi & Waid, 2026; Nugraha & Aziz, 2025).

From a contemporary *maqāṣid* perspective, registration can therefore be understood as an institutional means of realizing *maṣlaḥah* and preventing *mafsadah*. Its function corresponds particularly to protecting religion, life, progeny, property, and honor, while also strengthening justice and human dignity. The obligation to register marriage thus represents a contextual form of legal development that connects Islamic legal objectives with the institutional requirements of the modern state (Ahmed, 2025; Arifin, 2026).

Accordingly, marriage registration possesses strong *maqāṣid* legitimacy even though it is not explicitly formulated as a classical condition of marriage. Its legal significance derives from its capacity to prevent rights violations and secure the interests of women, children, and families (Rani et al., 2025; Asnaye, 2026).

An Analysis of Sadd al-Dharīʿah Regarding the Obligation to Register Marriages

Sadd al-dharīʿah provides a preventive framework by restricting means that may lead to *mafsadah*. The principle is particularly relevant when an otherwise permissible practice can produce substantial harm under changing social circumstances. In this

context, Islamic law may regulate the means of marriage to prevent foreseeable violations of rights.

Marriage registration is not traditionally classified among the pillars or validity conditions of marriage in classical fiqh. However, contemporary studies show that unregistered marriages may generate difficulties concerning marital status, women’s rights, children’s identity, and inheritance (Miftah et al., 2025; Efendi & Waid, 2026). Registration can therefore be understood through *sadd al-dharī’ah* as a preventive legal instrument designed to block these foreseeable harms.

School of Thought Perspectives on Sadd al-Dharī’ah

The application of *sadd al-dharī’ah* differs among Islamic legal schools. The Mālikī and Hanbalī traditions generally recognize it as an important method of legal reasoning. In contrast, the Shāfi’ī and Ḥanafī traditions tend to apply it more cautiously and require a stronger connection between the means and the anticipated harm. Despite these methodological differences, preventing harm remains a shared objective of Islamic law.

This principle provides a reasonable basis for regulating marriage registration in contemporary Indonesia. Where non-registration demonstrably creates risks to women’s and children’s rights, requiring registration can be justified as a preventive measure consistent with the broader objectives of Islamic law (Asnaye, 2026; Miqat et al., 2026).

Table 1. Summary of the Analysis

No.	Potential Harm	Impact on Women and Children	Preventive Function of Marriage Registration
1	Denial of marital status	Difficulties in claiming maintenance, divorce, and legal protection	Provides formal and valid evidence of marriage
2	Paternity uncertainty	Difficulties concerning identity, inheritance, and parental rights	Establishes documented family relationships
3	Unregulated polygamy	Increased vulnerability to unequal treatment and loss of rights	Enables legal verification and institutional oversight
4	Property and inheritance disputes	Uncertainty over joint property, maintenance, and inheritance	Strengthens legal certainty regarding family property rights
5	Child marriage and identity manipulation	Violations of children’s rights and legal protections	Enables verification of age, identity, and marital status

The table shows that the preventive function of marriage registration operates through the same logic as *sadd al-dharī’ah*: identifying foreseeable harm and establishing institutional safeguards before it occurs. Registration therefore represents not merely administrative compliance but a preventive legal mechanism consistent with the objectives of Islamic family law.

Reconsidering the Role of Marriage Registration as an Instrument of Legal Protection

The discourse on marriage registration in Islamic law has often been framed as a distinction between religious validity and state administration. Although fulfillment of the pillars and conditions establishes the religious validity of marriage, registration provides formal recognition and legal certainty within the state system. Recent scholarship suggests that reducing registration to an administrative formality overlooks its substantive role in securing family rights (Nugraha & Aziz, 2025; Krestianto, 2025). This study

therefore reconstructs marriage registration as a preventive legal-protection instrument grounded in both Islamic legal objectives and Indonesian positive law.

This reconstruction integrates *Maqāṣid al-Sharī'ah* and *sadd al-dharī'ah* as complementary analytical approaches. *Maqāṣid al-Sharī'ah* provides the normative orientation through the realization of *maṣlaḥah* and the protection of religion, life, progeny, property, and honor. In contrast, *sadd al-dharī'ah* provides the preventive rationale by restricting means that may lead to foreseeable harm. Thus, although registration is not a classical pillar or condition of marriage, its contemporary obligation can be justified by its capacity to protect rights and prevent harm (Efendi & Waid, 2026; Asnaye, 2026).

In contemporary family law, registration has consequences extending beyond administrative documentation. Formal evidence of marriage facilitates the recognition and enforcement of rights concerning marital status, maintenance, joint property, inheritance, parental responsibility, and children's civil identity. Conversely, unregistered marriage can create legal uncertainty and disproportionate burdens, particularly for women and children (Miqat et al., 2026; Arifin & Mahardika, 2026). Registration should therefore be understood as a mechanism that secures the legal consequences of marriage rather than merely records its occurrence.

Based on this integration, the function of marriage registration can be reconstructed into four interconnected dimensions: administrative, legal, preventive, and *maqāṣid*-based. Administratively, registration records the marriage through authorized institutions; legally, it provides authoritative evidence and legal certainty; preventively, it reduces disputes, denial of marital status, and violations of family rights; and from a *maqāṣid* perspective, it contributes to the protection of religion, life, progeny, property, and honor. Together, these dimensions position registration as a comprehensive mechanism of family protection (Rani et al., 2025; Septiandani et al., 2026).

Conceptually, registration bridges the religious validity of marriage and the protection of civil rights within the state legal system. Registration does not replace Sharia validity but institutionalizes its protective objectives by providing legal certainty and facilitating the enforcement of family rights. This perspective also has practical implications: strengthening marriage registration requires not only regulatory enforcement but also public education and institutional support to ensure that communities understand registration as a form of legal protection (Arifuddin, 2024; Mokoagow et al., 2025).

This study's novelty lies in integrating *Maqāṣid al-Sharī'ah* and *sadd al-dharī'ah* into a single framework for conceptualizing marriage registration as a preventive legal-protection instrument for women and children. Unlike approaches that treat registration primarily as an administrative or evidentiary requirement, this framework connects Sharia validity, state legal certainty, harm prevention, and human-rights protection. Marriage registration is therefore reconstructed not as an end in itself, but as a strategic instrument for harmonizing Sharia objectives with the requirements of the modern Indonesian legal system.

CONCLUSION

This study finds that marriage registration should be understood not merely as an administrative obligation but as a preventive legal protection instrument for women and

children, reflecting the *Maqāṣid al-Sharī'ah* objectives of protecting lineage, property, life, and dignity while applying *Sadd al-Dharī'ah* to prevent potential harm arising from unregistered marriages. The study's main lesson is that legal registration can bridge Islamic marital validity and state-based protection of civil rights. Its scholarly contribution lies in integrating *Maqāṣid al-Sharī'ah* and *Sadd al-Dharī'ah* into a unified normative framework that reconstructs marriage registration as a maqāṣid-based legal protection instrument. However, this study is limited to normative legal analysis and does not examine empirical experiences, institutional implementation, or community compliance. Future research should therefore employ socio-legal or empirical approaches to examine how registration policies are implemented, experienced by women and children, and strengthened through accessible and effective legal protection mechanisms.

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