



Harmonization of Islamic Law and State Law in Marriage Regulations

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ABSTRACT

The main problem is the occurrence of disharmony between Islamic law and state law in marriage regulations, which causes confusion and potential legal conflicts due to differences in provisions and the low understanding of society towards both legal systems. This study aims to analyze the harmonization between Islamic law and state law in marriage regulations and to identify supporting and inhibiting factors in this process. The issue examined arises from the differences between Islamic legal norms, which are theological in nature, and state law, which is administrative in nature, in community life practices. This study uses a qualitative method with a practical library research approach, utilizing primary legal sources such as the Qur'an, hadith, and legislation, supported by scientific literature and relevant empirical studies. The research results indicate that harmonization is reflected in various regulations such as marriage registration, marriage age restrictions, and divorce arrangements through religious courts. Supporting factors include accommodative regulations, the role of judicial institutions, the maqashid al-shariah approach, and increasing public legal awareness, while inhibiting factors include differences in interpretation, legal dualism, cultural factors, and weak law enforcement. This study confirms that the integration between normative and sociological approaches is key to creating adaptive and responsive regulations. The implications of this research are expected to contribute to the development of Islamic family law and serve as a reference for policymakers and the public.

ARTICLE INFO

Article history:

Received : 5/3/2026

Revised : 14/3/2026

Accepted : 30/03/2026

Keywords:

Harmonization of Law,
Marriage Law, State
Law, Marriage
Regulations

INTRODUCTION

Marriage is a fundamental institution in human life that not only has a social dimension but also religious and legal dimensions that are interconnected (Florea, 2022; Sharma, 2024). From the perspective of Islamic law, marriage is regarded as a sacred contract aimed at realizing a harmonious life filled with love and oriented towards the continuity of offspring. Meanwhile, within the framework of state law, marriage is regulated as a legal event that has administrative, juridical, and protective implications for the rights and obligations of citizens (Adekile, 2024; Nugraha & Aziz, 2025). The interaction between Islamic law and state law in marriage regulation reflects an effort to accommodate religious values within the positive legal system (Husain et al., 2024; Ismail et al., 2024). This reality shows that the law does not stand alone, but operates within a

plural and dynamic social sphere. The presence of state regulation serves to provide legal certainty while maintaining social order in marriage practices. The relationship between these two legal systems becomes interesting to study because it involves normative and implementational dimensions in society. This complexity requires an approach that can explain the relationship between religious values and state regulation comprehensively.

Indonesia, as a country with a majority Muslim population, the harmonization between Islamic law and state law becomes a very important issue in marriage regulation (Amin et al., 2023). The state, through various laws and regulations, strives to integrate the principles of Islamic law into the national legal system, as reflected in the Marriage Law and the Compilation of Islamic Law (Ismail et al., 2024). This effort is not only aimed at providing legal legitimacy to religious practices but also at creating uniformity in the application of law in society. However, the continuously developing social dynamics present their own challenges in this harmonization process (Bryndin, 2020). Differences in interpretation of religious texts, changes in social values, as well as the influence of globalization also affect marriage practices in society. This condition shows that harmonization is not a static process, but rather dynamic and continuously evolving. The role of the state becomes very important in bridging various existing interests. This interaction demonstrates the presence of negotiation between normative values and practical needs in social life.

The problem of harmonizing Islamic law and state law in marriage regulations often arises in the form of discrepancies between religious norms and positive legal regulations. Some issues, such as the minimum age of marriage, polygamy practices, marriage registration, and divorce, are concrete examples of the differing perspectives between Islamic law and state law. In practice, society is often faced with the choice of either following religious provisions literally or complying with binding state regulations. This situation can cause confusion, and even legal conflicts that affect the protection of individual rights, particularly those of women and children. In addition, the weak understanding of the applicable regulations by the public also becomes a factor that complicates the implementation of the law. This condition shows that harmonization not only concerns regulatory aspects but also aspects of public legal understanding and awareness. Efforts to align these two legal systems require an approach that is not only normative but also contextual and educational. This challenge becomes an important space for academic studies to provide a contribution of solution-oriented thinking.

Research conducted by Sebyar, Muhamad Hasan shows that the harmonization between Islamic legal institutions and customary law in marriage dispensation cases at the Panyabungan Religious Court still faces various obstacles, especially regarding differences in practices and legal considerations that affect the rulings (Sebyar, 2023). Research conducted by Kamna shows that international marriages of Muslim couples face various cross-jurisdictional legal conflicts, thus requiring a harmonization approach capable of bridging the differences in the legal systems prevailing in different countries (Kamna, 2024). Research conducted by Saputra, Ronny, and Putri Anggi shows that the resolution of marriage disputes requires a more effective harmonization between Islamic family law and national civil law so that decisions are more just, consistent, and in accordance with the needs of society (Saputra & Anggi, 2026). Research conducted by Sembodo, Cipto, et al. shows that the reform of Islamic family law in the Compilation of Islamic Law requires a conflict resolution approach as a legal bridge that goes beyond mere harmonization to achieve justice and regulatory effectiveness (Sembodo et al., 2025).

Based on previous research studies, there is a gap indicating that the harmonization between Islamic law and state law has not yet been fully examined through an integrative approach that combines normative and sociological aspects in a balanced manner. Most studies tend to focus on regulatory aspects or social practices separately, thus not providing a complete picture of the relationship between the two. In addition, studies that specifically discuss how the harmonization process can produce regulations that are adaptive and responsive to social changes are still limited. The lack of attention to the implementation dimension in society is also one of the shortcomings of previous research. This condition indicates a need to develop studies that can bridge theory and practice in a more comprehensive manner. This research offers novelty by integrating normative analysis of Islamic law with social realities in the context of state regulation. This approach is expected to provide a new perspective in understanding the harmonization of law. The contribution of this research lies in the effort to present a more contextual and applicable analytical model.

This research aims to analyze the harmonization between Islamic law and state law in marriage regulations using an integrative and comprehensive approach. Specifically, this study aims to examine the normative concepts of Islamic law related to marriage, understand the applicable state regulations, and analyze the interaction

between the two in social practice. In addition, this research also aims to identify factors that influence the success or obstacles in the harmonization process. The results of the study are expected to provide theoretical contributions to the development of Islamic law and family law studies. Practically, this research is expected to serve as a reference for policymakers, legal practitioners, and the community in understanding and implementing marriage regulations more effectively.

METHOD

This study uses a qualitative approach with a type of library research that is practical and applicable in examining the harmonization of Islamic law and state law in marriage regulation (Safarudin et al., 2023; Setiawan, 2018)s. This approach not only focuses on the collection and study of theories but is also aimed at understanding how these legal provisions are implemented in the practice of community life. The primary data sources include primary legal materials such as the Qur'an, Hadith, the Marriage Law, as well as the Compilation of Islamic Law, which are referenced in legal practice in Indonesia. In addition, secondary materials such as scientific journals, books, and research reports that describe empirical cases related to marriage and divorce practices are also used.

Data collection techniques were carried out through documentation studies directed at sources that have a direct connection with marriage regulation practices. The obtained data were then classified based on themes such as Islamic legal concepts, state regulations, and harmonization practices in society (Nurfajriani et al., 2024). Data analysis used a descriptive-analytical method with an emphasis on practical aspects, namely how legal rules are applied, interpreted, and responded to by society. A normative approach was used to understand the applicable legal basis, while a sociological approach was used to read the social reality that emerges in practice. These two approaches were combined to see the conformity between the rules and their implementation in the field. Analysis was also conducted by examining concrete cases found in the literature to identify patterns of harmonization as well as potential legal conflicts.

The validity of the data is maintained through the technique of source triangulation by comparing various legal references, research results, and practical documents such as court decisions. Validity is also reinforced by selecting sources that are credible and have a direct connection to legal practice in Indonesia. The analysis process is carried out repeatedly and critically to ensure that the findings truly reflect the

actual conditions. This research emphasizes the relationship between norms and implementation, so the interpretation of data is not abstract but oriented towards practical reality. The research results are systematically arranged according to the problem formulation, with an emphasis on findings that have practical value for the community and policymakers. This approach is expected to make a real contribution to understanding and strengthening the harmonization of Islamic law and state law.

RESULT AND DISCUSSION

1. The Concept of Islamic Law and State Law in Marriage Regulations

Islamic law views marriage as a sacred institution that not only binds socially but also carries a strong dimension of worship (Uddin, 2023). The basic concept of marriage in Islam is based on a valid contract between a man and a woman with the aim of forming a harmonious family. Principles such as justice, responsibility, as well as the fulfillment of rights and obligations form the main foundation in the husband-wife relationship. Furthermore, Islamic law also emphasizes the importance of moral, spiritual, and social readiness in building a household. In fiqh, the regulation of marriage includes the conditions, pillars, and provisions that comprehensively govern the husband-wife relationship. This shows that Islamic law has a clear normative framework in regulating family life. The inherent spiritual dimension makes marriage a means to draw closer to God. These values serve as the basis for understanding marriage regulations in a broader sense.

State law, on the other hand, regulates marriage within the framework of positive law aimed at providing legal certainty and protection for citizens. State regulations such as the Marriage Law and the Compilation of Islamic Law become important instruments in regulating the administrative and juridical aspects of marriage (Aziz, 2024). The state plays a role in ensuring that every marriage is officially registered to guarantee the legal rights of the parties. In addition, state law also regulates various aspects such as the minimum age of marriage, divorce procedures, and protection for women and children. This approach shows that the state not only accommodates religious values but also considers social aspects and legal protection. The regulations made aim to create order and justice in society. The role of the state becomes important in bridging individual interests and public interests. This legal framework provides a clear structure in marriage practice.

The interaction between Islamic law and state law in marriage regulation shows a dynamic integration process. State law adopts many principles of Islamic law, especially in the context of Muslim communities such as in Indonesia. This integration is seen in various regulations that accommodate fiqh provisions, while still being adjusted to the needs of modern society. This process does not always run without challenges, because there are differences in interpretation and implementation. Nevertheless, this integration shows an effort to create harmony between religious values and the national legal system. This approach allows Islamic law to remain relevant in modern life. This relationship reflects a dialogue between religious norms and social needs. This dynamic becomes an important part of the development of family law.

The principle of justice becomes one of the main foundations in both legal systems. Islamic law emphasizes justice as a fundamental value in every aspect of life, including family relations (Solikin & Wasik, 2023). Meanwhile, state law seeks to translate the principle of justice into regulations that can be applied universally. This principle becomes a point of convergence between Islamic law and state law in regulating marriage. Besides justice, the principle of public interest (*maslahah*) also serves as an important basis in both legal systems. *Maslahah* is understood as an effort to realize good and prevent harm in societal life. This principle provides flexibility in responding to social change. These values form the basis for formulating adaptive policies. The harmonization between these two principles strengthens the relevance of law in societal life.

In addition to the principles of justice and public welfare, the protection of individual rights also becomes a focus in marriage regulations. Islamic law pays great attention to the rights of women, children, and other family members. The state law then strengthens this protection through more detailed and operational regulations. For example, rules regarding marriage registration are aimed at protecting the legal rights of the parties involved. This protection becomes very important in preventing abuse in marriage practices. The two legal systems complement each other in ensuring the fulfillment of these rights. This approach shows that the law is not only normative but also protective. Legal protection becomes an integral part of marriage regulations.

In practice, the implementation of Islamic law and state law often requires adjustments to the evolving social conditions. Changes in social values, technological

developments, and economic dynamics influence marriage practices in society. Islamic law, through *ijtihad*, provides room for such adjustments. Meanwhile, state law revises regulations to align with the needs of society. This process shows that both legal systems are dynamic and adaptive. These adjustments are important to maintain the relevance of the law. A flexible approach allows the law to remain effective in regulating community life. This dynamic becomes part of the ongoing development of law. The normative foundation of the concept of marriage in Islam can be found in the Qur'an, one of which is in QS. Ar-Rum verse 21, which reads:

وَمِنْ آيَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً وَرَحْمَةً إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

meaning: Among His signs is that He created mates for you from yourselves so that you may find tranquility in them. He placed between you affection and mercy. Indeed in that are certainly signs for people who reflect(Q.S Ar-rum:21)

The verse above emphasizes that the purpose of marriage is to create tranquility, love, and affection. This verse shows that marriage not only has a legal dimension but also a deep spiritual and social dimension. These values become the foundation for building a harmonious family relationship. From the perspective of state law, these values are translated into regulations aimed at maintaining family stability. The integration between normative values and state regulations strengthens the foundation of marriage law. Understanding this verse provides a broader perspective in viewing the purpose of marriage. This shows that Islamic law and state law have a convergence in the basic values they carry. This synergy becomes the basis for building regulations that are just.

2. Forms of Harmonization between Islamic Law and State Law in the Practice of Marriage Regulation in Society

The harmonization between Islamic law and state law in the practice of marriage regulation can be seen from the integration of religious norms into the national legal system. The state accommodates the principles of Islamic law in various regulations governing marriage, especially for the Muslim community (Banoo & Ahmed, 2024). This shows recognition of religious values within the state legal system. This integration is not only formal but also substantive in regulating family life. This practice demonstrates that Islamic law plays an important role in the formation of

national law. This relationship reflects a synergy between the two legal systems. The harmonization process becomes the foundation for creating social order. This implementation shows the cohesion between norms and practice.

One form of tangible harmonization is the obligation of marriage registration by the state. In Islamic law, the validity of a marriage is determined by the fulfillment of its pillars and conditions, while the state adds an administrative obligation for registration (Arifuddin, 2024). This registration aims to provide legal certainty and protection for the rights of the parties. This practice demonstrates an adjustment between religious norms and the administrative needs of the state. This harmonization provides significant benefits in societal life. The community not only follows religious teachings but also receives legal protection. This integration becomes a concrete example of the application of adaptive law. This approach strengthens the family law system.

Another form of harmonization is seen in the regulation of the minimum marriage age set by the state. This provision aims to protect individuals from the negative impacts of early marriage. In Islamic law, there is no explicit age limit, but there is a principle of maturity and readiness. The state then translates this principle into a more concrete form of regulation. This shows an interpretation of religious values in the modern era. This harmonization aims to safeguard the welfare of individuals and families. This approach reflects protection for the younger generation. This integration becomes part of a preventive effort in family law.

Regulations regarding polygamy also become one of the examples of harmonization between Islamic law and state law. Islamic law permits polygamy under certain conditions, such as fairness and capability. The state then regulates the practice with stricter requirements to prevent abuse. This process shows the existence of limitations aimed at protecting women's rights. This harmonization reflects efforts to balance individual freedom and social protection. The existing regulations aim to ensure that the practice of polygamy is carried out responsibly. This approach demonstrates the role of the state in controlling social practices. This integration becomes a concrete form of legal harmonization.

In divorce practice, harmonization is seen in the obligation to resolve the process through the courts. Islamic law allows divorce as a last resort in resolving household conflicts. The state then regulates the divorce procedure to ensure that the

process is carried out fairly and in a controlled manner. The presence of religious courts serves as a means to integrate Islamic law and state law. This process provides space for mediation and peaceful conflict resolution. This harmonization aims to minimize the negative impact of divorce. This approach shows that the law is not only repressive but also solution-oriented. This integration strengthens the family dispute resolution system.

The role of legal and educational institutions also becomes an important part of the harmonization process. Religious courts not only function as adjudicative bodies but also as mediators in family conflicts (Kapoor, 2025). Meanwhile, premarital education becomes a means to enhance public understanding of marriage law. This effort shows that harmonization is carried out not only through regulation but also through education. This approach aims to build legal awareness in society. The role of institutions becomes very important in the implementation of law. Synergy between various parties strengthens the harmonization process. This effort becomes part of sustainable legal development. The normative basis of this harmonization can also be found in the Qur'an, one of which is in Surah An-Nisa verse 59 which states:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ فَإِن تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ
 إِن كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

Meaning: O you who have believed, obey Allah and obey the Messenger (Prophet Muhammad) and those in authority among you. And if you disagree over anything, refer it back to Allah (the Qur'an) and the Messenger (his Sunnah) if you truly believe in Allah and the Last Day. That is better for you and has a better outcome (in this world and the hereafter) (Q.S An-Nisa:59)

The verse above emphasizes the importance of obedience to Allah, the Messenger, and those in authority in social life. This verse can be understood as a basis for complying with rules established by legitimate authorities, including the state. This value reinforces the legitimacy of state law in regulating social life. Harmonization between Islamic law and state law becomes part of the implementation of this value. Understanding this verse provides religious legitimacy to state regulations. This integration strengthens the relationship between religion and the state. This shows that harmonization has a strong normative basis in Islamic teachings.

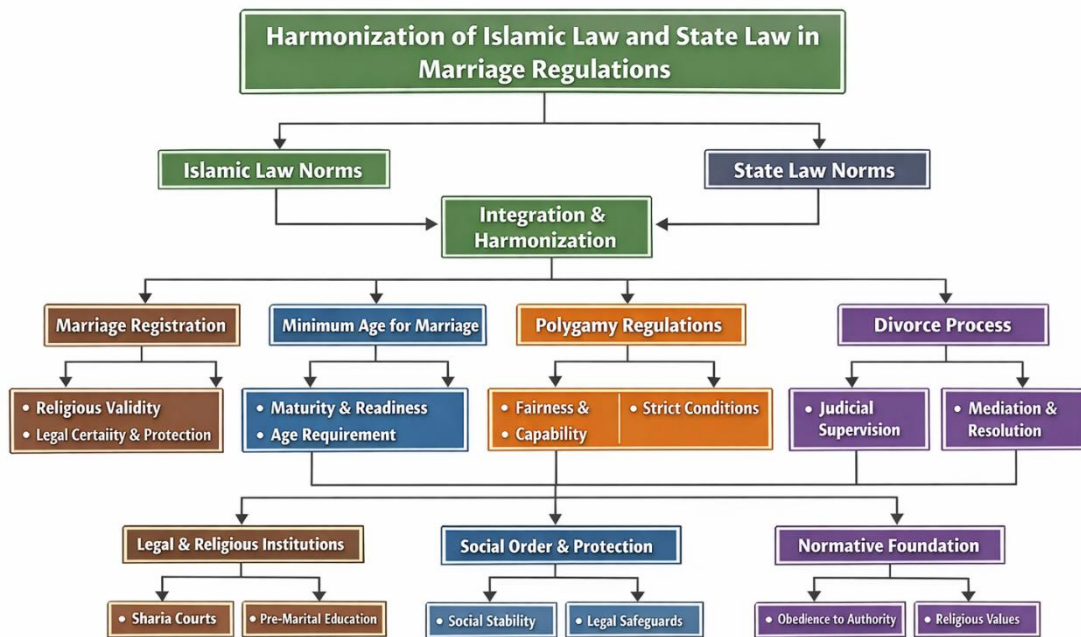


Figure 1 Harmonization between Islamic Law and State Law

3. supporting and inhibiting factors in the process of harmonizing Islamic law and state law in marriage regulations

a. Inhibiting Factors

In an effort to integrate Islamic law with state law in the field of marriage, there are various unavoidable challenges. Differences in religious understanding, social conditions of the community, and the complexity of the legal system are factors that influence this harmonization process. The reality on the ground shows that the implementation of the law not only depends on formal regulations but is also influenced by awareness, culture, and institutional capacity. Therefore, it is important to identify the factors that act as obstacles so that appropriate strategies can be formulated to address them. The following are some of the hindering factors in the process of harmonizing Islamic law and state law, including:

1. Differences in Interpretation of Islamic Law

Differences in the interpretation of the Quranic texts, hadiths, and fiqh often become obstacles in harmonization. Each school of thought or scholar has different views in understanding the concept of marriage, such as the marriageable age, polygamy, and divorce. When the state sets certain regulations, not all parties can accept them because they are considered not in accordance with their religious understanding. This causes resistance in society. These differences in interpretation also slow down the process of

unifying religious norms and state law. This condition shows that theological aspects have a strong influence on legal practice. This situation becomes a major challenge in building mutual understanding.

2. Low Awareness and Legal Literacy of the Community

Some members of society have not understood the importance of state regulation in marriage, such as marriage registration or legal divorce procedures. Many marriage practices are carried out solely based on religion without involving formal legal aspects. This has the potential to cause legal problems in the future, especially regarding the rights of women and children. The lack of legal education causes society to be unaware of the consequences of these actions. Low legal literacy also makes the implementation of regulations less than optimal. This condition indicates the need to increase legal understanding at the community level. Education becomes an important aspect in overcoming this obstacle.

3. Dualisme Sistem Hukum

The existence of two legal systems, namely Islamic law and state law, often causes confusion in practice. Society is faced with the choice between following religious provisions literally or complying with state regulations. This dualism can lead to normative conflicts in decision-making. In addition, not all aspects of Islamic law are fully accommodated in state law. This causes inconsistencies in practice. This dualism also has the potential to create legal uncertainty. This situation becomes a challenge in creating a harmonious legal system.

4. Social and Cultural Factors

Local culture and community traditions often influence marriage practices that do not always align with national law. Practices such as child marriage or unregistered marriages (*nikah siri*) still occur in some areas. These cultural factors are difficult to change because they are deeply rooted in people's lives. In addition, social pressure and customary norms also affect individuals' decisions in marriage. This condition makes law enforcement less than optimal. Social change requires time and the right approach. Cultural factors pose a unique challenge in the harmonization of law.

5. Limitations of Law Enforcement

The enforcement of law that is not yet optimal also becomes an obstacle to harmonization. There are still cases of violations of marriage regulations that are not dealt with firmly. This results in low public compliance with applicable rules. In addition, limited access to legal institutions also becomes an obstacle for communities in certain areas. Uneven legal services weaken the implementation of regulations. This condition indicates the need for strengthening the law enforcement system. The role of institutions becomes very important in ensuring the effectiveness of law.

b. Supporting Factor

In addition to various existing obstacles, the process of harmonizing Islamic law and state law is also supported by several factors that strengthen the integration of the two. This support comes from regulatory, institutional aspects, as well as the development of Islamic legal thought that is more adaptive to the changing times. Furthermore, the increasing public awareness and the active role of the government in carrying out legal reforms also accelerate the realization of harmony between religious norms and positive law. These factors serve as an important foundation in creating a legal system that not only has formal legitimacy but is also socially and religiously accepted. The following are the supporting factors in the harmonization process, among others:

1. The Existence of Regulations that Accommodate Islamic Law

The state has integrated the principles of Islamic law into marriage regulations, such as in the Marriage Law and the Compilation of Islamic Law. This makes it easier for the Muslim community to accept state regulations because they have a religious basis. This integration becomes the main foundation in the harmonization process. Adaptive regulations help bridge the gap between religious norms and positive law. The existence of these rules provides legal certainty for the community. It also strengthens the legitimacy of state law. This integration becomes a strength in building a harmonized legal system.

2. The Role of Religious Courts

Religious courts have a strategic role in integrating Islamic law and state law. This institution not only carries out judicial functions but also acts as a

mediator in family conflicts. The mediation process helps resolve issues peacefully and in accordance with Islamic values. The existence of religious courts makes it easier for the community to access justice. This institution serves as a bridge between religious norms and state regulations. This role is very important in the practice of harmonization. This institution strengthens the implementation of law in a tangible way.

3. The Maqashid al-Shariah Approach

The maqashid al-shariah approach provides a flexible framework for understanding Islamic law. The objectives of sharia, such as preserving religion, life, intellect, lineage, and property, serve as the basis for formulating regulations. This approach allows Islamic law to adapt to social changes. It facilitates integration with state laws, which are also oriented towards public welfare. This approach becomes a solution in overcoming differences in interpretation. This flexibility strengthens the relevance of Islamic law. This approach serves as an important foundation in harmonization.

4. Development of Education and Legal Awareness

The increasing access to education and information also supports the process of legal harmonization. People who have a good understanding of the law tend to comply more with the applicable regulations. Education about the importance of marriage registration and legal protection is increasingly being socialized. This helps reduce practices that are not in accordance with the country's law. Legal awareness becomes an important factor in the successful implementation of regulations. The role of education is very strategic in shaping the mindset of society. The improvement of legal literacy strengthens harmonization.

5. Policy Support and Legal Reform

The government is actively carrying out legal reforms to adjust regulations to the developments of the times. Policy changes, such as increasing the marriage age limit, show a response to social issues. These reforms aim to protect individual rights and improve the quality of families. Responsive policies help create a more adaptive legal system. Political support and policies are important factors in harmonization. These efforts demonstrate the state's

commitment to integrating Islamic law and state law. Legal reform becomes part of an ongoing dynamic.

CONCLUSION

The harmonization between Islamic law and state law in marriage regulations demonstrates a dynamic relationship between normative values and practical needs in society. Islamic law provides a strong theological and moral foundation through principles of justice, welfare, and the aim of forming a harmonious family, while state law offers legal certainty through rules that are administrative and juridical in nature. In practice, this harmonization can be seen in various policies such as marriage registration, the regulation of marriage age, and divorce mechanisms through religious court institutions. This process is supported by accommodating regulations, the role of legal institutions, and increased public awareness, yet it still faces several challenges such as differences in interpretation, cultural influences, and limitations in law enforcement. Integration between normative and sociological approaches becomes key to understanding and developing this harmonization more comprehensively.

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