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JOURNAL OF INDONESIAN ISLAMIC STUDIES

<https://ejournal.iainpalopo.ac.id/index.php/jiis/index>

Economic Exploitation and Wali Adhal in Islamic Marriage: A Socio-Legal Study from Indramayu, Indonesia

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Articles

Information

History:

Received: March

Approved: April

Publish: May

Keywords: Economic Exploitation; Wali Adhal; Islamic Marriage; Socio-Legal Studies; Access to Justice

Abstract

This study examines the phenomenon of wali adhal in Islamic marriage through a socio-legal analysis of a case in Pilangsari Village, Indramayu, Indonesia. While previous studies have primarily focused on the legal aspects of guardianship refusal and judicial mechanisms for transferring guardianship authority, limited attention has been given to economic exploitation as a motive underlying marriage obstruction. This research aims to analyze how economic interests shape guardianship practices and influence women's access to marriage and legal protection. Employing a qualitative empirical legal research design with a socio-legal approach, data were collected through in-depth interviews, participant observation, and document analysis involving the prospective bride, prospective groom, lineage guardian, family members, community leaders, and officials from the local Office of Religious Affairs (KUA). The findings reveal that the guardian's refusal to approve the marriage constituted wali adhal because it was not based on legitimate Islamic legal considerations but rather on economic motives, including financial demands and efforts to maintain long-standing economic benefits derived from the daughter's income as an Indonesian migrant worker. The study further demonstrates that economic exploitation was reinforced by patriarchal authority and unequal family power relations, transforming guardianship from a protective institution into a mechanism of economic control. As a consequence, the prospective bride ultimately entered into an unregistered (sirri) marriage after mediation efforts failed. This study contributes to Islamic family law scholarship by introducing economic exploitation as an analytical framework for understanding contemporary manifestations of wali adhal and highlights the importance of strengthening legal literacy, improving access to justice, and enhancing institutional protection for women facing guardianship-related marriage obstruction.

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Introduction

Marriage occupies a central position in Islamic teachings as a sacred institution intended to preserve religion, lineage, and social order. In Islamic family law, marriage is not merely a contractual relationship between a man and a woman but also a religiously regulated institution designed to ensure justice, responsibility, and the protection of individual rights. One of the essential elements in the validity of marriage according to the majority of Islamic jurists is the presence of a marriage guardian (*wali*), particularly for the bride. The Shafi'i, Maliki, and Hanbali schools maintain that a marriage conducted without a valid guardian is legally invalid, based on prophetic traditions emphasizing the guardian's role in safeguarding women's interests and ensuring the legitimacy of marital unions (Muzakka & Fida, 2023; Parinduri & Adly, 2025). In Indonesia, this principle is incorporated into the national legal system through the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), which recognizes the guardian as one of the fundamental pillars of marriage.

Although guardianship is intended to function as a mechanism of protection, its implementation is not free from social and legal problems. In practice, the authority granted to guardians may be exercised in ways that restrict women's rights to marry. One manifestation of such abuse is the phenomenon of *wali adhal*, namely a guardian who refuses to marry off a woman under his guardianship without a legitimate reason recognized by Islamic law. Classical Islamic jurisprudence generally regards *wali adhal* as an unlawful obstruction because it prevents women from exercising their right to enter into marriage with a suitable partner (*kufu'*) (Fitria et al., 2025; Herawati, 2025). The Qur'an explicitly prohibits such conduct, as reflected in Q.S. Al-Baqarah [2]:232, which forbids guardians from preventing women from marrying prospective spouses when mutual consent exists between both parties (Mufidah & Masruhan, 2021).

The prohibition of *wali adhal* has also been institutionalized within Indonesian positive law. Article 23 paragraph (2) of the Compilation of Islamic Law stipulates that when a lineage guardian refuses to perform his guardianship duties without valid justification, the authority may be transferred to a *wali hakim* through a judicial determination. This provision aims to ensure legal protection for women whose access to marriage is obstructed by the arbitrary exercise of guardianship authority (Fajri, 2021; Hidayati, 2023). Accordingly, both Islamic law and state law recognize that guardianship should function as a means of protection rather than domination.

Despite the existence of clear legal regulations, cases of *wali adhal* continue to emerge in various regions of Indonesia. Existing studies generally demonstrate that guardians' refusal to approve marriages is often associated with concerns regarding social status, family honor, educational background, ethnicity, or perceptions of compatibility (*kafa'ah*) (Fitria et al., 2025; Herawati, 2025; Nasution et al., 2025). In many instances, the discussion of *wali adhal* remains concentrated on normative legal analysis, judicial considerations in Religious Court decisions, and procedural mechanisms for transferring guardianship authority. Consequently, scholarly attention has largely focused on legal doctrine rather than on the underlying social structures that motivate guardians to obstruct marriage.

A review of the existing literature reveals a significant gap in the study of *wali adhal*. While previous research has examined the legal consequences of guardianship refusal and the role of Religious Courts in resolving such disputes, limited attention has been paid to

the role of economic exploitation as a driving force behind marriage obstruction. In particular, little is known about how guardianship authority may be transformed into an instrument of economic control over adult daughters and how economic dependency relationships within families shape decisions regarding marriage. Furthermore, socio-legal investigations connecting guardianship, economic power, and gendered family relations remain relatively underdeveloped within contemporary Islamic family law scholarship.

This issue becomes particularly important in regions characterized by extensive labor migration and transnational family economies. In several migrant-worker communities in Indonesia, women often become primary income earners through overseas employment, creating new patterns of economic dependency within families. While such economic transformations may improve household welfare, they may also generate tensions regarding authority, control over income, and family decision-making. Under certain circumstances, guardians may perceive marriage as a threat to existing economic arrangements, thereby using their legal and cultural authority to obstruct their daughters' marital choices. In such contexts, *wali adhal* cannot be understood solely as a legal issue but must also be analyzed as a socio-economic phenomenon involving power relations, economic interests, and gendered forms of control.

The case examined in this study occurred in Pilangsari Village, Indramayu Regency, West Java, where a lineage guardian refused to marry off his adult daughter despite the absence of any recognized religious or legal impediment to the marriage. Field findings indicate that the refusal was closely linked to economic demands imposed by the guardian and concerns regarding the loss of financial benefits previously obtained from the daughter's income as an Indonesian migrant worker. The case further involved threats of violence, failed mediation efforts, and ultimately the decision of the prospective bride to enter into an unregistered (*sirri*) marriage. These circumstances provide a valuable opportunity to explore how economic interests can intersect with guardianship authority and produce forms of marriage obstruction that challenge both Islamic legal principles and state regulations.

Against this background, this study seeks to analyze the phenomenon of *wali adhal* through a socio-legal perspective by examining the relationship between economic exploitation, guardianship authority, and women's access to marriage. Unlike previous studies that primarily focus on doctrinal legal issues, this research introduces economic exploitation as an analytical framework for understanding *wali adhal*. It argues that guardianship authority may be transformed from a mechanism of protection into an instrument of economic control when family relationships become structured by dependency and unequal power relations. Therefore, this study aims to contribute to the development of Islamic family law scholarship by bridging normative legal analysis with sociological understandings of authority, economic dependency, and gender justice in contemporary Muslim societies.

Method

This study employed a qualitative empirical legal research design using a socio-legal approach. Socio-legal research was selected because the phenomenon of *wali adhal* cannot be adequately understood solely through normative legal analysis but must also be examined within its social context. This approach enables the researcher to investigate the

interaction between legal norms governing marriage guardianship and the social realities that shape the implementation of those norms in everyday life. In this regard, the study sought to explore the gap between legal prescriptions (*law in books*) and actual social practices (*law in action*) concerning guardianship authority in Islamic marriage.

The research was conducted in Pilangsari Village, Indramayu Regency, West Java, Indonesia. The site was selected purposively because it represents a unique case of *wali adhal* in which the guardian's refusal to approve a marriage was closely associated with economic interests and family dependency relations. The case also involved community mediation, intervention from religious authorities, and the eventual occurrence of an unregistered (*sirri*) marriage, making it a suitable setting for socio-legal inquiry.

The study utilized both primary and secondary data sources. Primary data were obtained through in-depth semi-structured interviews, participant observation, and document analysis. The key informants were selected through purposive sampling based on their direct involvement in, or substantial knowledge of, the case under investigation. The principal informants included the prospective bride, the prospective groom, the lineage guardian (*wali nasab*), family members, community leaders involved in mediation efforts, and officials from the local Office of Religious Affairs (*Kantor Urusan Agama*). These participants were chosen to ensure a comprehensive understanding of the legal, social, and economic dimensions of the case.

Secondary data consisted of legal and academic materials relevant to guardianship and marriage law in Islam and Indonesia. These materials included the Qur'an, Hadith, classical and contemporary works of Islamic jurisprudence (*fiqh munakahat*), Law Number 1 of 1974 concerning Marriage, the Compilation of Islamic Law, regulations governing the appointment of *wali hakim*, court decisions, scholarly journal articles, books, and other relevant legal documents. These sources were used to provide a normative framework for interpreting the empirical findings.

Data collection was carried out from March to April 2026. In-depth interviews were conducted to explore participants' experiences, perceptions, and interpretations regarding the refusal of marriage by the guardian. Participant observation was employed to understand the broader social environment surrounding the conflict, including family interactions and community responses. Documentary evidence, including administrative records and legal documents, was also examined to corroborate information obtained from interviews and observations.

Data were analyzed using the interactive model developed by Miles, Huberman, and Saldaña, which consists of four interrelated stages: data collection, data condensation, data display, and conclusion drawing and verification. Data condensation involved selecting, coding, categorizing, and simplifying information relevant to the research objectives. The condensed data were then organized into thematic displays to facilitate the identification of patterns, relationships, and recurring issues. Finally, conclusions were drawn through an iterative process of comparison between empirical findings, Islamic legal principles, and socio-legal theories concerning authority, power relations, and economic dependency.

To ensure the trustworthiness of the findings, several validation strategies were employed. First, source triangulation was conducted by comparing information obtained from different categories of informants, including family members, religious officials, and community leaders. Second, method triangulation was applied through the integration of

interviews, observation, and document analysis. Third, member checking was undertaken by confirming key findings with selected participants to ensure the accuracy of interpretations. These procedures enhanced the credibility, dependability, and confirmability of the research findings.

Ethically, the study adhered to the principles of voluntary participation, confidentiality, and informed consent. The identities of participants were protected where necessary, and all information was used solely for academic purposes. Given the sensitive nature of family conflict and marriage-related disputes, particular attention was paid to ensuring that participation did not expose informants to additional social or psychological risks.

Results

Economic Dependency as the Root of Conflict

Figure 1 presents the chronology of the wali adhal case investigated in this study. The findings reveal that the conflict did not emerge suddenly during the marriage process but was rooted in a long-standing pattern of economic dependency within the family.

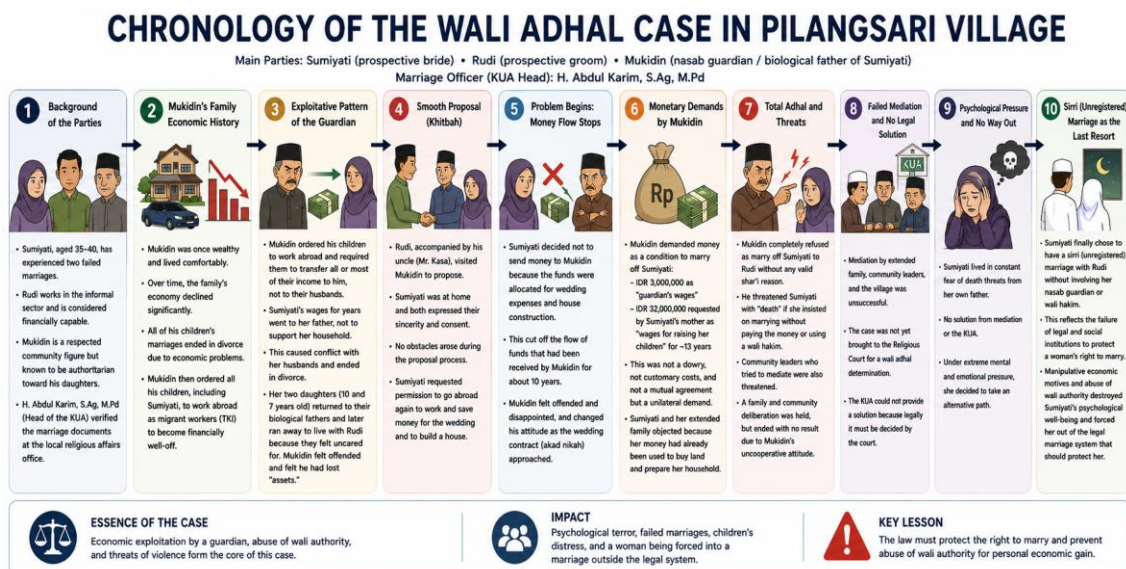


Figure 1. Chronology of the Wali Adhal Case in Pilangsari Village
 (Source: Author's Analysis)

The case involved three principal actors: Sumiyati as the prospective bride, Rudi as the prospective groom, and Mukidin as the lineage guardian (*wali nasab*). Interview data indicate that Sumiyati had previously worked as an Indonesian migrant worker (*Tenaga Kerja Indonesia/TKI*) for several years. During this period, a substantial portion of her income was regularly transferred to her parents, particularly her father, Mukidin.

According to information obtained from family members and community informants, this financial arrangement continued for approximately a decade and gradually created a dependency relationship within the household. Sumiyati's earnings became an important source of family income, while the guardian increasingly relied on these transfers to sustain household expenditures. Consequently, economic support from the

daughter evolved from an act of filial assistance into a structural pattern of financial dependency.

The conflict began to intensify when Sumiyati decided to prepare for marriage with Rudi. Unlike previous periods of overseas employment, she chose to allocate her earnings for wedding preparations and the purchase of land intended for establishing a new household. This decision significantly altered the existing flow of financial resources within the family. Interviews revealed that the guardian perceived this change as a loss of economic control and financial benefit, which subsequently contributed to his refusal to approve the marriage.

These findings suggest that the roots of the conflict were closely connected to economic dependency rather than to concerns regarding the religious, moral, or social suitability of the prospective husband. No evidence was found indicating that Rudi lacked the capacity to provide financial support or failed to meet the general standards of *kafa'ah* recognized by Islamic law.

Economic Demands as a Form of Marriage Obstruction

The findings further demonstrate that economic considerations became explicitly articulated during the final stages of the marriage preparation process. Several informants consistently reported that the guardian imposed financial demands as a condition for granting marriage approval.

The demands consisted of two separate components. First, Mukidin requested IDR 3,000,000 for himself as compensation associated with his role as guardian. Second, Sumiyati's mother demanded IDR 32,000,000, which she described as reimbursement for the costs of raising Sumiyati and caring for her children over previous years. These demands were communicated shortly before the planned marriage ceremony, after most preparations had already been completed.

Interview data indicate that neither demand was associated with the Islamic concept of *mahar* (dower), customary marriage expenses, nor any formally agreed family arrangement. Instead, the requests were presented as unilateral conditions that had to be fulfilled before the marriage could proceed. Family members and community leaders involved in mediation efforts confirmed that the demands originated from the guardian and were not supported by other parties.

The timing of these demands is particularly significant. By introducing the financial conditions immediately before the marriage contract, the guardian occupied a strategic position that increased pressure on the prospective bride and groom. The findings therefore indicate that economic demands functioned not merely as expressions of financial concern but as mechanisms for controlling access to marriage through guardianship authority.

Psychological Pressure and Abuse of Guardianship Authority

Beyond economic demands, the findings reveal the presence of significant psychological pressure exerted upon the prospective bride. Several informants reported that the guardian not only refused to approve the marriage but also expressed verbal threats when his demands were rejected.

According to interview data, these threats included statements implying physical harm and death should the marriage proceed without the guardian's approval. Community leaders who attempted to mediate the dispute also reported experiencing hostile responses from the guardian. As a result, family mediation efforts repeatedly failed to produce a mutually acceptable resolution.

The consequences of these actions were particularly evident in Sumiyati's psychological condition. Interviews indicate that she experienced fear, anxiety, and uncertainty regarding her future. The combination of emotional pressure, economic coercion, and threats of violence substantially limited her ability to exercise autonomous decision-making regarding marriage.

The findings further demonstrate how guardianship authority may be transformed from a protective institution into a mechanism of domination. Rather than functioning to safeguard the interests of the prospective bride, the authority of the guardian was used to impose economic conditions and restrict access to marriage. This transformation represents a significant deviation from the normative objectives of guardianship in Islamic family law.

Sirri Marriage as a Consequence of Failed Legal Protection

The final stage of the conflict resulted in the decision to conduct an unregistered (*sirri*) marriage. This outcome emerged after repeated mediation efforts failed and no effective legal intervention was pursued.

Although Indonesian law provides mechanisms for resolving *wali adhal* disputes through the appointment of a *wali hakim* following a Religious Court determination, this option was not utilized in the present case. Interview findings indicate that fear, psychological pressure, limited legal awareness, and the urgency of resolving the conflict influenced the decision to avoid formal legal procedures.

Consequently, Sumiyati and Rudi chose to proceed with a *sirri* marriage outside the official registration system. This decision illustrates the broader social consequences of unresolved *wali adhal* cases. When legal protections are inaccessible or perceived as ineffective, individuals may resort to informal alternatives despite the legal and administrative risks involved.

The findings therefore demonstrate that *wali adhal* motivated by economic interests can have consequences extending beyond family conflict. It may restrict women's access to legal marriage, undermine legal certainty, and encourage the emergence of unregistered marriages as alternative pathways to family formation.

Discussion

Economic Exploitation as a Form of Wali Adhal

The findings of this study demonstrate that the refusal of marriage in the Pilangsari case cannot be understood merely as a disagreement concerning marital compatibility or family preference. Rather, the evidence suggests that economic exploitation constituted the primary motive underlying the guardian's decision to obstruct the marriage. This finding extends existing discussions on *wali adhal*, which have predominantly focused on procedural legal issues, judicial determinations, and the transfer of guardianship authority (Fitria et al., 2025; Herawati, 2025; Nasution et al., 2025).

Classical Islamic jurisprudence recognizes that a guardian may object to a marriage under limited circumstances, particularly when the proposed marriage is likely to cause harm to the woman or when the prospective husband fails to meet basic requirements associated with *kafa'ah* (compatibility). However, the majority of jurists agree that personal financial interests cannot serve as a legitimate basis for refusing a marriage (Al-Jaziri, 2003; Az-Zuhaili, 2011). The findings indicate that the guardian's refusal was not linked to concerns regarding religion, morality, lineage, or the economic incapacity of the prospective husband. Instead, the refusal emerged after the prospective bride ceased transferring her income to her parents and prioritized the establishment of an independent household.

From a socio-legal perspective, this case reveals how guardianship authority may be transformed into an instrument of economic control. The guardian's demands for financial compensation, presented as prerequisites for marriage approval, demonstrate the commodification of guardianship authority. Rather than functioning as a protective mechanism intended to safeguard women's welfare, guardianship was employed as a means of preserving access to economic resources generated by the daughter. This finding contributes to Islamic family law scholarship by introducing economic exploitation as an analytical lens for understanding contemporary manifestations of *wali adhal*.

The case further illustrates a shift in the function of guardianship from protection to extraction. Islamic legal doctrine conceptualizes guardianship as a trust (*amanah*) intended to advance the welfare (*maslahah*) of the woman under guardianship. In contrast, the guardian in this case utilized his authority to secure personal economic benefits. Such practices contradict the objectives of Islamic marriage law, which emphasize justice, protection, and the preservation of human dignity (Az-Zuhaili, 2011). Therefore, the findings suggest that economic exploitation should be recognized as a significant socio-legal factor contributing to the persistence of *wali adhal* in contemporary Muslim societies.

Guardianship Authority, Patriarchal Power, and Symbolic Violence

The findings also reveal that the conflict cannot be explained solely through economic considerations. Economic interests were reinforced by broader structures of authority and power operating within the family. The guardian's ability to impose financial demands and restrict his daughter's marital choices reflects a patriarchal system in which parental authority is granted extensive social legitimacy.

Max Weber's concept of traditional authority provides a useful framework for understanding this phenomenon. According to Weber (1978), traditional authority derives its legitimacy from established customs and inherited social norms. In many rural communities, parental authority—particularly paternal authority—is regarded as inherently legitimate and therefore rarely challenged. The findings indicate that the guardian's refusal was not immediately questioned by family members because his position as father and guardian carried considerable symbolic power within the local social structure.

The findings are also consistent with Pierre Bourdieu's theory of symbolic violence. Bourdieu (1991) argues that domination often operates through cultural acceptance rather than direct physical coercion. Individuals subjected to domination may perceive unequal relationships as natural or legitimate because they have internalized prevailing social norms. In the present case, the prolonged transfer of income from daughter to father was

widely accepted within the family, despite creating an unequal and exploitative relationship. The normalization of such practices enabled the guardian to maintain control over economic resources while simultaneously preserving moral authority within the family.

Furthermore, Michel Foucault's conception of power helps explain how economic control became intertwined with social discipline. Foucault (1980) argues that power is productive because it shapes behavior, identities, and perceptions. The findings suggest that Sumiyati's long-standing compliance with her father's demands was not merely the result of economic dependency but also of social conditioning that positioned obedience to parental authority as a moral obligation. Consequently, resistance to exploitation became difficult because the structures of power were embedded within everyday family relationships.

Taken together, these theoretical perspectives suggest that *wali adhal* should not be viewed solely as a legal violation but also as a manifestation of unequal power relations. The guardian's authority was sustained not only by legal recognition but also by cultural norms that legitimized parental domination over adult daughters. This finding enriches existing studies on *wali adhal* by demonstrating how economic exploitation and patriarchal authority operate simultaneously to restrict women's autonomy in marriage decisions.

Women's Access to Justice and the Emergence of Sirri Marriage

Another important finding concerns the relationship between *wali adhal* and women's access to justice. Indonesian Islamic family law provides a clear legal mechanism for resolving guardianship disputes through the appointment of a *wali hakim* after a Religious Court determination. Article 23 paragraph (2) of the Compilation of Islamic Law was specifically designed to protect women from arbitrary refusals by lineage guardians (Fajri, 2021; Hidayati, 2023).

Nevertheless, the findings indicate that legal availability does not automatically guarantee legal accessibility. Although a formal legal solution existed, the prospective bride did not pursue judicial intervention. Instead, she ultimately chose to enter into an unregistered (*sirri*) marriage. This outcome demonstrates that barriers to justice are not exclusively legal in nature but may also be psychological, social, and cultural.

The threats of violence reported in this study played a significant role in limiting the woman's ability to seek legal remedies. Fear, emotional pressure, and family conflict created conditions in which formal legal procedures appeared inaccessible or ineffective. This finding supports socio-legal scholarship emphasizing that access to justice depends not only on the existence of legal institutions but also on individuals' capacity to utilize them effectively (Merry, 2006; Griffiths, 1986).

The emergence of *sirri* marriage in this case may therefore be understood as a consequence of institutional failure. When legal protections are perceived as distant, slow, or difficult to access, individuals may resort to informal alternatives despite their legal risks. Similar patterns have been observed in studies of legal pluralism, where community members often navigate between state law, religious norms, and informal social mechanisms in pursuit of practical solutions (Hooker, 1975; Menski, 2006).

From an Islamic legal perspective, the occurrence of *sirri* marriage in this case represents a paradox. While Islamic law seeks to facilitate lawful marriage and prevent harm, the misuse of guardianship authority ultimately pushed the prospective bride outside

the formal legal framework designed to protect her rights. This finding highlights the urgent need for stronger legal literacy, more accessible legal assistance, and proactive intervention by Religious Affairs Offices, Religious Courts, and local authorities in cases involving *wali adhal*.

Overall, the findings suggest that *wali adhal* motivated by economic exploitation extends beyond a private family dispute. It represents a socio-legal problem situated at the intersection of economic dependency, patriarchal authority, and unequal access to justice. Understanding these interconnected dimensions is essential for developing more effective legal and social strategies to protect women's rights within Islamic marriage institutions.

Conclusion

This study concludes that the *wali adhal* case in Pilangsari Village, Indramayu, cannot be adequately explained solely through normative legal perspectives concerning guardianship in Islamic marriage. The findings demonstrate that economic exploitation constituted the central motive underlying the guardian's refusal to approve the marriage. The guardian's demands for financial compensation, combined with the loss of long-standing economic benefits derived from the daughter's income as an Indonesian migrant worker, transformed guardianship authority into a mechanism of economic control rather than a means of protection. Consequently, the refusal was not based on legitimate considerations recognized by Islamic law, such as religious incompatibility, moral concerns, or the prospective husband's inability to provide maintenance.

From a socio-legal perspective, this study reveals that *wali adhal* is closely connected to broader structures of patriarchal authority, economic dependency, and unequal power relations within the family. The findings indicate that economic interests were reinforced by culturally legitimized forms of parental domination, enabling the guardian to exercise control over the daughter's marital decisions. In this context, guardianship functioned not only as a legal institution but also as a social instrument through which economic and symbolic power were maintained.

This study contributes to the development of Islamic family law scholarship by introducing economic exploitation as an analytical framework for understanding contemporary manifestations of *wali adhal*. While previous studies have largely focused on legal doctrine, court decisions, and procedural aspects of guardianship transfer, the present research demonstrates that economic dependency and family power relations are equally important factors in explaining marriage obstruction. The study therefore bridges normative Islamic legal analysis with socio-legal perspectives on authority, gender, and access to justice.

The findings also highlight important practical implications. Strengthening public literacy regarding Islamic marriage law, particularly the concept of *wali adhal* and the legal role of *wali hakim*, is essential for preventing the misuse of guardianship authority. Religious Affairs Offices (*KUA*), Religious Courts, and local government institutions should adopt more proactive approaches in providing legal education, mediation, and assistance for women facing guardianship-related disputes. Early intervention mechanisms are particularly important to prevent cases from escalating into unregistered (*sirri*) marriages that may undermine women's legal protection and marital rights.

This study is limited by its focus on a single case within a specific socio-cultural context. Therefore, the findings cannot be generalized to all cases of *wali adhal* in Indonesia. Future research may explore comparative cases across different regions and cultural settings to examine how economic dependency, migration patterns, and family power relations shape guardianship practices in diverse Muslim communities. Such studies would contribute to a broader understanding of the socio-legal dynamics underlying marriage obstruction and women's access to justice in contemporary Islamic societies.

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