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Marriage Registration in Indonesia: Between Legal Certainty and Social Reality

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Abstract

Marriage registration is essential for ensuring legal certainty and protecting family rights. However, unregistered marriages persist in Indonesia, reflecting a gap between formal law and social reality. This study examines the legal position of marriage registration, analyzes unregistered marriages through state law, Islamic law, and social norms, and develops an integrative framework for family protection. It employs normative legal research based on literature review, using statutory, conceptual, and historical approaches. Legal materials are analyzed descriptively and interpretively through legal certainty, legal protection, living law, legal pluralism, and maqāṣid al-sharīʿah. The findings show that marriage registration serves not merely as an administrative procedure but also as a means of legal proof, certainty, and protection for spouses and children. The persistence of unregistered marriages reflects interactions among state law, Islamic law, customary law, and social norms, alongside challenges in registration services and population administration. From the perspective of maqāṣid al-sharīʿah, registration supports the protection of lineage (ḥifẓ al-nasl), property (ḥifẓ al-māl), and family welfare. This study proposes a preventive–protective–corrective framework integrating legal certainty with social realities. Accordingly, registration policies should ensure accessible, responsive services that strengthen legal certainty and safeguard family rights.

Keywords: *Marriage Registration, Legal Certainty, Social Reality, Living Law, Maqāṣid al-Sharīʿah.*

Abstrak

Pencatatan perkawinan merupakan instrumen penting untuk menjamin kepastian hukum dan melindungi hak keluarga. Namun, perkawinan tidak tercatat masih berlangsung di Indonesia, mencerminkan kesenjangan antara hukum formal dan realitas sosial. Penelitian ini bertujuan mengkaji kedudukan pencatatan perkawinan, menganalisis perkawinan tidak tercatat dari perspektif hukum negara, hukum Islam, dan norma sosial, serta merumuskan kerangka integratif untuk perlindungan keluarga. Penelitian ini menggunakan metode hukum normatif berbasis studi kepustakaan dengan pendekatan perundang-undangan, konseptual, dan historis. Bahan hukum dianalisis secara deskriptif dan interpretatif melalui perspektif kepastian hukum,

perlindungan hukum, living law, pluralisme hukum, dan maqāṣid al-sharīʻah. Hasil penelitian menunjukkan bahwa pencatatan perkawinan tidak hanya berfungsi sebagai prosedur administratif, tetapi juga sebagai instrumen pembuktian, kepastian hukum, dan perlindungan hak suami, istri, serta anak. Keberlangsungan perkawinan tidak tercatat mencerminkan interaksi hukum negara, hukum Islam, hukum adat, dan norma sosial, disertai tantangan pelayanan pencatatan dan administrasi kependudukan. Dalam perspektif maqāṣid al-sharīʻah, pencatatan perkawinan menjadi sarana perlindungan keturunan (ḥifẓ al-nasl), harta (ḥifẓ al-māl), dan kesejahteraan keluarga. Penelitian ini menawarkan kerangka preventif–protektif–korektif yang mengintegrasikan kepastian hukum dengan realitas sosial. Oleh karena itu, kebijakan pencatatan perkawinan perlu menjamin layanan yang mudah diakses, responsif, dan berorientasi pada perlindungan hak keluarga.

Kata kunci: *Pencatatan Perkawinan, Kepastian Hukum, Realitas Sosial, Living Law, Maqāṣid al-Sharīʻah.*

Introduction

Marriage is a religious, social, and legal institution with consequences for marital relations, children's legal status, property, maintenance, inheritance, and population administration. In Islam, marriage is regarded as a *mīthāqan ghalīẓan* that establishes rights and obligations between the spouses. Within the Indonesian legal system, marriage therefore concerns not only the validity of the marital contract but also legal certainty and the protection of family members' civil rights. In this context, marriage registration serves as an important instrument of legal proof, legal certainty, and family protection (Syofiyullah et al., 2023).

The obligation to register marriages is established under Indonesia's marriage-law framework through Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019, Government Regulation Number 9 of 1975, the Compilation of Islamic Law, and Minister of Religious Affairs Regulation Number 30 of 2024 on Marriage Registration. These regulations indicate that marriage registration is not merely an administrative procedure. It also constitutes part of the state's legal mechanism for maintaining orderly marriage administration and providing documentary evidence of marital status. The absence of formal registration may make it difficult to establish the existence of a marriage and to obtain legal protection concerning divorce, maintenance, joint property, inheritance, children's civil status, and population administration (Republic of Indonesia, 1974, 1975, 1991, 2019, 2024).

The issue becomes more complex when a marriage is conducted in accordance with religious requirements but remains unregistered under state law. Unregistered marriages continue to occur despite the regulatory framework requiring marriage registration. Recent studies indicate that their persistence is associated with social, economic, cultural, legal-awareness, and administrative factors. Warman et al., for example, show that marriage-

registration policies in Indonesia and Malaysia have not completely eliminated unregistered marriages and that their implementation continues to face social and policy challenges. Syofiyullah, Susanti, and Setiawan likewise demonstrate that the absence of formal marriage registration may weaken legal certainty and create significant consequences for wives and children. The problem, therefore, cannot be reduced to an administrative matter alone. The absence of registration may also affect family members' ability to establish and exercise legally protected rights (Warman et al., 2023; Syofiyullah et al., 2023).

The persistence of unregistered marriages should also be examined through the interaction between formal law and socially embedded norms. The concept of living law, particularly associated with Eugen Ehrlich, draws attention to norms that actually operate within social relationships rather than focusing exclusively on formally enacted rules. From this perspective, legal behavior is influenced not only by statutory provisions but also by social norms, values, customs, and practices that are recognized within a community. This perspective is particularly relevant in Indonesia, where marital practices may continue to be shaped by religious understandings, customary norms, community expectations, and local practices even when they do not fully correspond to formal state law. Recent research applying Ehrlich's living-law perspective to marriage demonstrates how socially embedded norms may influence legal behavior and generate tension between social acceptance and formal legal certainty (Ehrlich, 1936; Siregar & Gumiri, 2025).

The concept of legal pluralism complements the living-law perspective by explaining the coexistence and interaction of different normative orders within the same social environment. John Griffiths conceptualizes legal pluralism in terms of the coexistence of more than one legal order within a social field, thereby challenging an exclusively state-centered understanding of law. This perspective is particularly relevant to marriage in Indonesia because state law, Islamic law, customary law, and other socially embedded norms may simultaneously influence marital practices. Recent research confirms that national law, Islamic law, and customary law may intersect and interact in regulating marriage and marital property in Indonesia. Unregistered marriage should therefore not be viewed solely as non-compliance with state administrative requirements. It should also be examined as a social and legal phenomenon shaped by the interaction of multiple normative orders (Griffiths, 1986; Akbar & Laman, 2025).

This complexity is also reflected in population administration through the recognition of the administrative status "married but not registered." This administrative status, however, should be distinguished from formal

documentary proof of marriage. Khasanah examines the legal and administrative implications of issuing a family card to couples whose marriage has not been formally registered. Accordingly, the "married but not registered" status should not be equated with a marriage book or marriage certificate as formal evidence of marriage. Maintaining this distinction is essential to avoid uncertainty regarding the legal position and consequences of unregistered marriages (Khasanah, 2024).

From the perspective of Islamic law, the importance of marriage registration can be situated within the framework of *maqāṣid al-sharīʿah*, particularly the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and family welfare. Mubarok and Hidayati examine marriage registration through Jasser Auda's *maqāṣid* framework and relate it to legal certainty and the protection of the parties to marriage. Qoneta likewise emphasizes the protective significance of marriage registration for women and children from the perspective of al-Shāṭibī's *maqāṣid al-sharīʿah*. Within this framework, marriage registration can be understood as a *wasīlah*—a legal instrument for securing rights and obligations, strengthening evidentiary protection, and preventing harm arising from the absence of formal proof of marriage. It is therefore not merely an administrative requirement but may also serve the broader objectives of protecting family rights and welfare (Mubarok & Hidayati, 2023; Qoneta, 2025).

Recent scholarship demonstrates the increasingly multidimensional nature of the marriage-registration debate. Syofiyullah, Susanti, and Setiawan emphasize legal certainty for wives and children affected by unregistered marriages. Warman et al. examine the implementation and reform of marriage-registration policies in Indonesia and Malaysia. Mubarok and Hidayati analyze marriage registration through Jasser Auda's *maqāṣid* framework. Khasanah examines the administrative implications of the "married but not registered" status. Qoneta highlights the protective significance of marriage registration for women and children. Meanwhile, Akbar and Laman demonstrate the continuing relevance of the interaction between national law, Islamic law, and customary law in understanding marriage practices in Indonesia. Taken together, these studies show that marriage registration has implications extending beyond administrative order to legal certainty, family protection, Islamic legal objectives, population administration, and the interaction of plural normative systems (Syofiyullah et al., 2023; Warman et al., 2023; Mubarok & Hidayati, 2023; Khasanah, 2024; Qoneta, 2025; Akbar & Laman, 2025).

Nevertheless, existing studies largely examine these dimensions separately. Studies of legal certainty focus on the consequences of unregistered marriages for wives and children; policy-oriented studies examine the implementation of marriage registration; *maqāṣid*-based studies emphasize protection and welfare; population-administration studies address the status of marriages that have not been formally registered; and studies of legal pluralism examine interactions among state, Islamic, and customary norms. What remains insufficiently explored is an integrated analytical framework connecting marriage registration, legal certainty, family protection, living law, legal pluralism, population administration, and *maqāṣid al-sharīʿah*. This gap is significant because the persistence of unregistered marriages cannot be adequately explained by formal legal requirements alone. It must also be examined in relation to the social and normative environment in which marital practices are embedded (Syofiyullah et al., 2023; Warman et al., 2023; Mubarok & Hidayati, 2023; Khasanah, 2024; Akbar & Laman, 2025).

Against this background, this study addresses three questions: (1) What is the position and significance of marriage registration within the Indonesian legal system? (2) How can unregistered marriages be understood through the interaction of state law, Islamic law, and social norms prevailing in society? and (3) How can marriage registration be developed as an instrument of legal certainty that is responsive to social reality and oriented toward family welfare? The study aims to analyze the legal position and significance of marriage registration, identify the legal and social problems associated with unregistered marriages, and formulate an integrative perspective that connects legal certainty, family protection, living law, legal pluralism, and *maqāṣid al-sharīʿah*.

The novelty of this study lies in its integrative construction of marriage registration as a meeting point between legal certainty and social reality. Rather than treating registration solely as an administrative obligation, the study conceptualizes it as a multidimensional legal instrument with three interconnected functions: preventive, by encouraging registration before legal disputes and rights violations arise; protective, by strengthening documentary evidence and protecting the rights of spouses and children; and corrective, by providing legal and administrative mechanisms for addressing the consequences of existing unregistered marriages. This framework allows state law to retain its function of providing legal certainty while recognizing the living law and plural normative orders that influence marital practices. The study therefore seeks to contribute conceptually to the development of Islamic

family law and practically to the formulation of marriage-registration policies that are more responsive, inclusive, and oriented toward family protection.

Method

This study employs normative legal research based on a literature review. It examines the position and significance of marriage registration within the Indonesian legal system and its relationship to legal certainty, family protection, and the social realities surrounding marriage practices. The research employs three principal approaches. First, the statutory approach is used to examine the legal framework governing marriage registration and related population-administration matters. Second, the conceptual approach is used to analyze the concepts of legal certainty, legal protection, living law, legal pluralism, and *maqāṣid al-sharīʿah*. Third, a limited historical approach is employed to trace the development of marriage-registration policies in Indonesia. A contextual socio-legal perspective is used only to interpret the gap between formal legal norms and social practices; it does not involve empirical fieldwork or constitute an empirical socio-legal research design.

The legal materials consist of primary and secondary legal materials. Primary legal materials include Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019; Government Regulation Number 9 of 1975; the Compilation of Islamic Law; Minister of Religious Affairs Regulation Number 30 of 2024 on Marriage Registration; and relevant regulations governing population administration. Secondary legal materials comprise scholarly journal articles, books, research findings, and other academic publications relevant to marriage registration, unregistered marriages, legal certainty, legal protection, living law, legal pluralism, and *maqāṣid al-sharīʿah*. Recent literature, particularly publications from the last five years, is prioritized to identify current academic developments and debates. Classical works are retained where necessary to provide the theoretical foundations of living law, legal pluralism, and other relevant concepts.

The legal materials were collected through a structured literature-review process involving identification, selection, classification, and critical examination of relevant sources. The materials were classified according to the principal analytical themes of legal certainty, family protection, unregistered marriages, social realities, living law, legal pluralism, and family welfare. The analysis was conducted descriptively, analytically, and interpretively. It involved examining the substance and consistency of relevant legislation, comparing scholarly arguments, identifying areas of convergence and tension among normative perspectives, and examining the gap between

the formal legal construction of marriage registration and the social practices surrounding marriage. The analysis then synthesized these findings to develop an integrative understanding of marriage registration as an instrument of legal certainty and family protection.

The analysis employs five complementary perspectives. The legal-certainty perspective examines marriage registration as an instrument of recognition, documentary proof, and legal certainty concerning marital status. The living-law perspective explains how socially embedded norms, values, and practices may influence legal behavior. The legal-pluralism perspective examines the interaction among state law, Islamic law, customary law, and other social norms in shaping marriage practices. The legal-protection perspective assesses the extent to which marriage registration provides protection for the rights and interests of spouses and children. Finally, *maqāṣid al-sharīʿah* provides a normative framework for assessing the significance of marriage registration in relation to the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and family welfare.

The credibility of the analysis is strengthened through cross-checking and comparison among different categories of legal materials, particularly legislation, scholarly literature, and relevant sources of Islamic law. This process is used to ensure that legal claims are supported by appropriate sources and that the interpretation of marriage registration remains consistent with both the positive-law framework and the Islamic legal perspectives examined in the study. The resulting analysis provides the basis for formulating an integrative preventive–protective–corrective perspective on marriage registration: preventive in encouraging formal registration before legal problems arise, protective in strengthening legal evidence and safeguarding family rights, and corrective in addressing the legal and administrative consequences of existing unregistered marriages.

Result and Discussion

1. The Position of Marriage Registration within the Indonesian Legal System

The analysis shows that marriage registration occupies an important position within the Indonesian legal system as an instrument of legal certainty, documentary proof, and family protection. Registration is not merely an administrative requirement; it provides a formal basis for establishing the existence of a marriage and the legal status of the parties. This is important because marriage gives rise to various legal consequences, including the rights

and obligations of spouses, children's legal status, property, maintenance, and inheritance (Arifuddin, 2024).

For Muslim communities, marriage registration is carried out through the Office of Religious Affairs (Kantor Urusan Agama, KUA) in accordance with the applicable legal framework, including Minister of Religious Affairs Regulation Number 30 of 2024 on Marriage Registration. The regulation places registration within the broader governance of marriage and provides an administrative framework for documenting marital status. Documentary evidence of marriage enables the marital relationship to be more readily established when legal disputes arise or when the parties require administrative services relating to family status (Ministry of Religious Affairs of the Republic of Indonesia, 2024).

This analysis is consistent with Arifuddin's argument that marriage registration contributes to the preservation of rights and obligations within marriage according to Islamic principles. Fauzi, Haris, and Syarqowi likewise emphasize the strategic role of marriage registration in establishing legal certainty within contemporary Islamic family law. Accordingly, legal certainty should not be understood merely as the existence of rules requiring registration but also as the capacity of the legal system to provide effective documentary evidence and protection for family members (Arifuddin, 2024; Fauzi et al., 2025).

Marriage registration should also be distinguished from the question of marital validity under religious law. An unregistered marriage should not automatically be reduced to a dichotomy of "valid" and "invalid," because registration primarily concerns documentary evidence and the legal consequences of marriage within the state legal system. Setyawan demonstrates that marriage registration occupies an important space between state legality and *sharīʿah* validity. Registration can therefore be understood as a legal mechanism for strengthening certainty concerning the legal consequences arising from marriage and for facilitating the protection of the rights attached to those consequences (Setyawan, 2024).

From the perspective of family protection, the importance of marriage registration becomes increasingly apparent when an unregistered marriage creates difficulties for wives and children in establishing and exercising their legal rights. Syofiyullah, Susanti, and Setiawan identify problems of legal certainty affecting wives and children in unregistered marriages. On this basis, marriage registration can be understood as serving three principal functions: documentary, legal-certainty, and family-protection functions. Registration thus constitutes an important component of family-law governance and

provides a basis for addressing the legal and social consequences of unregistered marriage (Syofiyullah et al., 2023).

2. Unregistered Marriage: The Gap between Legal Certainty and Social

The analysis reveals a significant gap between legal norms requiring marriage registration and the social reality in which unregistered marriages continue to occur. The state positions marriage registration as an instrument of legal certainty and family protection, while some communities continue to recognize unregistered marriages as religiously and socially legitimate. This gap becomes particularly problematic when legal proof of marriage is required in matters concerning divorce, spousal maintenance, marital property, inheritance, and children's rights. Simanjuntak demonstrates that unregistered marriage may create difficulties in establishing legal relationships and determining rights to inherited property.

The consequences of unregistered marriage are not experienced equally by all family members. Women and children may be placed in vulnerable positions when the exercise of their rights depends on their ability to establish the marital relationship and the resulting legal status. Aprinelita and Nelli demonstrate that unregistered marriage has significant implications for the protection of women's and children's rights and should therefore be examined from the perspective of *maqāṣid al-sharīʿah*. The problem of marriage registration, therefore, extends beyond administrative compliance and is closely connected with the broader protection of family rights.

However, the persistence of unregistered marriage cannot be attributed solely to limited legal awareness. Socioeconomic conditions, access to public services, geographical constraints, administrative circumstances, cultural practices, and religious understandings may also influence individuals' decisions to register their marriages. Studies on marriage-registration services indicate that the accessibility and quality of public services are important factors in determining the effectiveness of marriage registration. Accordingly, the gap between legal norms and social practice should not be attributed solely to societal factors but also to the capacity of state service institutions to respond effectively to citizens' needs (Purba et al., 2025).

These findings indicate that the effective implementation of marriage-registration law cannot depend solely on reaffirming formal legal obligations. It also requires accessible public services, adequate legal literacy, and approaches that take into account the social norms and circumstances prevailing within communities. Such an approach provides a basis for

developing marriage-registration policies that maintain legal certainty while remaining responsive to social realities.

The phenomenon can further be understood through the concepts of living law and legal pluralism. Religious norms, customary practices, social habits, and community values may influence legal behavior alongside state law. In the context of marriage, the continued social acceptance of unregistered marriage demonstrates the interaction between state law and the normative systems operating within society. Muhyidin and Setyawan demonstrate that marriage registration within customary communities reflects a complex relationship between the unification of state law and the persistence of customary legal pluralism. M. B. Hooker's analysis of Indonesian syariah likewise shows that Islamic legal norms in Indonesia operate through a changing relationship among classical *fiqh*, state institutions, and locally situated social practices. This provides an established theoretical basis for reading marriage registration as part of Indonesia's plural legal order rather than as a purely administrative phenomenon (Muhyidin & Setyawan, 2025; Hooker, 2008). Accordingly, unregistered marriage should not be understood merely as a form of non-compliance with state law but as a phenomenon situated at the intersection of legal certainty, religious norms, customary practices, and social reality.

This perspective demonstrates that strengthening marriage registration requires more than the enforcement of formal legal requirements. It requires an integrated approach that combines legal certainty with accessible public services, social engagement, and protection of the rights of women and children. Marriage registration can therefore function not only as a mechanism for documenting marital status but also as a preventive and protective instrument within the broader system of family-law governance.

3. Marriage Registration as an Instrument of Family Protection and *Maqāṣid al-sharīʿah*

The analysis demonstrates that the importance of marriage registration becomes more apparent when examined from the perspective of family protection. Registration provides formal evidence of the marital relationship, enabling the rights and obligations of spouses and children to be established and protected when legal disputes or administrative difficulties arise. It therefore serves a preventive function by reducing uncertainty regarding marital status and minimizing difficulties in establishing and exercising legal rights in the future (Republic of Indonesia, 1974, 2019).

From the perspective of Islamic law, the function of marriage registration can be understood in relation to the objectives of *maqāṣid al-sharīʿah*, particularly the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and family welfare. Registration provides an institutional mechanism for establishing the legal relationships among husbands, wives, and children and for securing the rights arising from marriage. In this respect, marriage documentation contributes to preventing potential harm resulting from the inability to establish or legally prove marital and familial relationships (al-Shāṭibī, 1997; Qoneta, 2025).

Marriage registration, therefore, need not be regarded as one of the pillars (*arkān*) or substantive conditions (*shurūṭ*) of the marriage contract in the classical *fiqh* tradition. Classical *fiqh* primarily determines the validity of marriage through the elements and conditions of the contract, while documentary registration belongs to a different institutional question. The contemporary *maqāṣid* approach does not require abandoning that classical distinction. Rather, it allows registration to be conceptualized as a *wasīlah* (means) for realizing established objectives of family law under changed social and administrative conditions. In other words, the *maqāṣid* framework shifts the analytical question from whether registration constitutes a classical condition of validity to how documentation can secure rights, prevent foreseeable harm, and preserve family interests within a modern state. This is consistent with the contemporary Indonesian development of Islamic family law, in which classical *fiqh* remains a reference while state institutions select and institutionalize rules considered appropriate to particular social and legal circumstances (al-Shāṭibī, 1997; Hooker, 2008; Mubarok & Hidayati, 2023).

The perspective of *maqāṣid al-sharīʿah* provides a substantive rationale for strengthening marriage registration. Registration is important not merely because it is formally required by state law but also because it can generate *maṣlaḥah* for families by facilitating the recognition, protection, and exercise of marital and family rights. Conversely, the absence of registration may generate *mafsadah* when spouses or children encounter difficulties in obtaining legal recognition, documentary proof, or access to rights and public services. Marriage registration can therefore be understood as a *wasīlah* for realizing family welfare and preventing harm, while preserving the distinction between the validity of the marital contract and the institutional mechanisms used to protect its legal consequences (Rahman, 2023; Dibaj & Sauqi, 2026).

Accordingly, marriage registration should be understood not merely as an administrative obligation but also as an instrument of family protection and welfare. This understanding does not diminish the authority of state law;

rather, it provides a substantive justification for compliance with registration requirements. By integrating legal certainty with the objectives of *maqāṣid al-sharīʿah*, marriage registration can be positioned as a legal mechanism that connects the requirements of state administration with the broader objectives of family protection, legal certainty, and social welfare (Dibaj & Sauqi, 2026).

4. Reconstructing Marriage Registration: Integrating Legal Certainty and Social Reality

The analysis indicates that the problem of marriage registration lies not merely in the availability of formal evidence but also in the gap between formal legal frameworks and the capacity of registration systems to respond effectively to social realities. Accordingly, improving marriage registration cannot be achieved solely by strengthening administrative obligations. It also requires policies that are responsive to the social, economic, geographical, cultural, and religious conditions of communities. Research on marriage-registration services indicates that accessibility and service quality are important factors in determining the effectiveness of registration (Purba et al., 2025).

Based on these findings, this study proposes a reconstruction of the marriage-registration system through three complementary strategies: preventive, protective, and corrective. These strategies are intended to integrate legal certainty, accessibility, and family protection rather than treating marriage registration merely as an administrative obligation (Muhammadong, 2026).

First, the preventive strategy aims to prevent unregistered marriages by providing registration services that are simple, accessible, affordable, and supported by adequate legal and religious literacy. The state needs to improve the quality and accessibility of registration services so that communities understand marriage registration not merely as a bureaucratic requirement but also as a means of establishing legal proof and protecting the rights of husbands, wives, and children. Preventive measures should also take into account the social, economic, cultural, geographical, and religious factors that influence decisions concerning marriage registration (Fitra et al., 2025).

Second, the protective strategy aims to safeguard the rights of women and children when an unregistered marriage has already occurred. Such protection is necessary to ensure that the absence of formal registration does not unnecessarily restrict access to family-related civil rights, particularly those concerning marital status, maintenance, property, inheritance, and children's rights. From the perspective of *maqāṣid al-sharīʿah*, this strategy is

consistent with the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and family welfare (Qoneta, 2025; Rahman, 2023).

Third, the corrective strategy aims to provide legal certainty for marriages that have already taken place but remain unregistered. The state needs to ensure the availability of legal mechanisms, in accordance with applicable legislation, through which marital status can be formally established. In this context, the administrative status "married but not registered" should be clearly distinguished from a marriage book or other formal documentation serving as legal proof of marriage. This distinction is important because population administration may record a person's factual circumstances without necessarily equating an administrative status with formal proof of marriage (Republic of Indonesia, 1991; Sudarmo et al., 2026).

These three strategies form an interconnected sequence: preventive → protective → corrective. The preventive strategy seeks to prevent legal risks before they arise; the protective strategy safeguards family rights when registration-related problems have already occurred; and the corrective strategy provides a legal pathway toward certainty for marriages that remain unregistered. Accordingly, the reconstruction of marriage registration should not be limited to administrative compliance but should integrate legal certainty, service accessibility, family protection, living law, legal pluralism, and *maqāṣid al-sharīʿah* (Dibaj & Sauqi, 2026).

The implementation of these strategies should also be supported by collaborative governance involving state institutions, religious authorities, community leaders, families, and local communities. Decisions concerning marriage registration are influenced not only by state law but also by religious understanding, cultural practices, social norms, and the accessibility of public services. A collaborative approach is therefore necessary to ensure that registration policies are socially responsive while maintaining the authority and effectiveness of the state legal system (Muhammadong, 2026).

Based on this model, marriage registration can be reconstructed as a preventive, protective, and corrective legal institution: preventing legal risks before they arise, protecting family rights when problems occur, and providing corrective mechanisms for obtaining legal certainty. This model positions legal certainty and social reality as mutually reinforcing elements. By integrating legal certainty, service accessibility, family protection, living law, legal pluralism, and *maqāṣid al-sharīʿah*, marriage registration can function as a legal institution that connects state norms with social needs and contributes to the realization of family welfare (Dibaj & Sauqi, 2026).

Conclusion

This study demonstrates that marriage registration within the Indonesian legal system should not be understood merely as an administrative obligation but as an important legal instrument for establishing legal certainty, documenting marital status, and protecting family rights. Registration provides a formal basis for couples to obtain legal recognition and protection, particularly in matters concerning divorce, maintenance, marital property, inheritance, population administration, and the fulfillment of children's rights. Accordingly, marriage registration performs both preventive and protective functions in family-law governance.

The study also identifies a significant gap between formal legal norms and social reality. Unregistered marriages continue to occur due to religious, social, cultural, economic, administrative, and service-access factors. This phenomenon demonstrates that state law interacts with living law and multiple normative systems operating within society, including Islamic law, customary law, and social norms. Marriage registration should therefore not be understood solely as an issue of non-compliance with state law, but also as a phenomenon reflecting legal pluralism and requiring a more contextual and responsive approach.

From the perspective of *maqāṣid al-sharīʿah*, marriage registration is closely related to the protection of lineage (*ḥifẓ al-nasl*), property (*ḥifẓ al-māl*), and family welfare. Registration can be understood as a *wasīlah* (means) for preventing harm and ensuring that family rights can be legally established, documented, and protected. It should therefore not be viewed merely as a state-imposed formality but as an institutional mechanism that supports the objectives of family protection in contemporary society.

The principal contribution of this study lies in integrating legal certainty with social reality through the perspectives of living law, legal pluralism, family protection, and *maqāṣid al-sharīʿah*. On this basis, the governance of marriage registration should be directed toward a three-pronged responsive model: preventive, protective, and corrective. The preventive dimension requires improved access to registration services and strengthened legal literacy; the protective dimension emphasizes enhanced legal protection for women and children; and the corrective dimension provides accessible legal mechanisms for marriages that have already taken place but remain unregistered. This approach enables legal certainty to be maintained while remaining responsive to the social conditions in which marriage practices occur.

Accordingly, legal certainty and social reality should not be positioned as competing interests. Rather, legal certainty becomes more effective when

registration policies are designed to respond to social conditions, expand access to registration services, and prioritize family protection and welfare. This perspective positions marriage registration not merely as an administrative responsibility but as an integrated legal and social instrument for establishing families whose rights are protected and whose marital status is legally secure.

This study has limitations because it relies exclusively on normative legal materials and published literature and therefore does not directly capture the experiences of couples, registration officers, religious authorities, or communities that encounter registration practices in different local settings. The preventive–protective–corrective framework proposed here should consequently be understood as a conceptual construction rather than as an empirically validated model.

Future research should employ empirical socio-legal methods to examine how the three dimensions operate in practice, including the accessibility of registration services, community perceptions, institutional responses, and the effectiveness of corrective mechanisms for unregistered marriages. Comparative field studies across regions could further test whether the framework adequately accommodates differences in religious, customary, socioeconomic, and administrative conditions.

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