

Islamic Legal Politics in Islamic Family Law Legislation in Indonesia: An Analysis of the Marriage Law

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Abstrak

Kata Kunci:

Politik Hukum Islam,
Hukum Keluarga Islam,
Hukum Perkawinan

Studi ini meneliti politik hukum Islam dalam legislasi hukum keluarga Islam di Indonesia, khususnya terkait dengan Undang-Undang Perkawinan. Penelitian ini didasarkan pada asumsi bahwa perumusan hukum keluarga di Indonesia bukan hanya proses yuridis, tetapi juga negosiasi politik yang melibatkan nilai-nilai agama, otoritas negara, dan perubahan sosial. Tujuan studi ini adalah untuk menganalisis bagaimana prinsip-prinsip hukum Islam diakomodasi, ditransformasikan, dan diinstitusionalisasikan dalam kerangka hukum nasional melalui legislasi perkawinan. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan hukum perundang-undangan, konseptual, dan historis. Materi hukum terdiri dari sumber primer, termasuk undang-undang dan peraturan terkait perkawinan, dan sumber sekunder berupa karya ilmiah tentang hukum Islam, politik hukum, dan reformasi hukum keluarga. Data dianalisis secara kualitatif melalui interpretasi hukum dan pemeriksaan sistematis terhadap perkembangan legislatif. Temuan menunjukkan bahwa Undang-Undang Perkawinan mencerminkan kompromi antara ajaran normatif Islam, tradisi hukum yang plural, dan kepentingan negara dalam penyatuan hukum. Akomodasi ini menunjukkan bahwa politik hukum Islam di Indonesia beroperasi melalui model yang moderat dan adaptif, di mana nilai-nilai Islam secara substansial diintegrasikan ke dalam hukum nasional tanpa sepenuhnya mengubah negara menjadi sistem hukum agama yang formalistik. Studi ini lebih lanjut mengungkapkan bahwa legislasi hukum keluarga Islam dibentuk oleh kontestasi ideologis, tekanan sosio-politik, dan kebutuhan untuk menanggapi isu-isu kontemporer seperti keadilan gender, kepastian hukum, dan ketertiban sosial. Disimpulkan bahwa politik hukum Islam dalam legislasi perkawinan di Indonesia mewakili proses harmonisasi yang dinamis antara prinsip-prinsip syariah, nilai-nilai konstitusional, dan tujuan yang lebih luas dari hukum nasional.

Abstract

Key Word:

Islamic Legal Politics,
Islamic Family Law,
Marriage Law

This study examines the politics of Islamic law in the legislation of Islamic family law in Indonesia, with particular reference to the Marriage Law. The research is grounded in the assumption that the formulation of family law in Indonesia is not merely a juridical process, but also a political negotiation involving religious values, state authority, and social change. The objective of this study is to analyze how Islamic legal principles are accommodated, transformed, and institutionalized within the national legal framework through marriage legislation. This research employs a normative juridical method with statutory, conceptual, and historical approaches. Legal materials consist of primary sources, including laws and regulations related to marriage, and secondary sources in the form of scholarly works on Islamic law, legal politics, and family law reform. The data are analyzed qualitatively through legal interpretation and systematic examination of legislative development. The findings demonstrate that the Marriage Law reflects a compromise between Islamic normative teachings, plural legal traditions, and the state's interest in legal unification. This accommodation indicates that Islamic legal politics in Indonesia operates through a moderate and adaptive model, where Islamic values are substantively integrated into national law without fully transforming the state into a formalistic religious legal system. The study further reveals that the legislation of Islamic family law is shaped by ideological contestation, sociopolitical pressures, and the need to respond to contemporary issues such as gender.

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PENDAHULUAN

Islamic family law is one of the branches of Islamic law most closely related to the social life of Muslim communities (Aziz & Mutakin, 2024), as it regulates fundamental aspects of the family life cycle, such as marriage, divorce, lineage, child custody, and inheritance. This scope demonstrates that Islamic

family law functions not only as a set of religious norms but also as a social instrument that shapes relationships between family members and the broader societal order (Bedner & Huis, 2010). In the Indonesian context, the existence of Islamic family law gains even greater significance because the majority of the population is Muslim and uses religious values as an ethical and normative foundation in both private and public life. However, the existence of Islamic family law cannot be understood separately from the pluralistic character of Indonesia's national legal system, a system that reconciles religious law, customary law, and state law within a single constitutional framework (Nurishlah et al., 2024). This plurality places Islamic family law in a unique position, as it must interact, adapt, and even compromise with other legal sources that also exist and develop within Indonesian society (Norhartijah & Kurniawan, 2025).

Within this framework, legal policy becomes a crucial instrument for the state in determining the direction, form, and substance of the laws to be developed and enforced. Legal politics not only reflects legislative policy choices but also reflects the state's ideological orientation in responding to diverse values, social interests, and the demands of changing times (Nasir, 2022). Therefore, the formation of Islamic family law in Indonesia, particularly in the area of marriage, is not merely a process of transforming Islamic jurisprudence norms into positive law, but also the result of a dialectic between Islamic teachings, state interests, constitutional principles, and the social needs of modern society (Bakar, 2019). The relevance of Islamic legal politics is clearly evident in the legislative process in the area of marriage, as this area serves as a strategic arena for the state to substantively accommodate sharia values without neglecting the principles of legal unification, justice, and legal certainty. Therefore, a study of Islamic legal politics in marriage legislation is crucial for understanding how the state constructs Islamic family law as part of the development of a national law that is responsive, inclusive, and rooted in Indonesia's socio-religious reality (Hududillah et al., 2025).

The growing need to harmonize Islamic sharia values with the principles of a modern constitutional state is a significant phenomenon in the development of family law in Indonesia. In the context of a religious Muslim society living within a constitutional state, law is no longer understood solely as a normative command derived from religious teachings, but also as an instrument that must fulfill the principles of legal certainty, justice, expediency, and protection of citizens' rights (Nurishlah et al., 2024). This situation places marriage law in a strategic position, as it directly intersects religious dimensions, individual rights, and the public interest. Therefore, the process of formulating marriage law demands a proportional synthesis of Islamic sharia principles with a modern legal paradigm that emphasizes constitutional supremacy, equality before the law, and protection of vulnerable groups in family relations (Yuzaini et al., 2024).

Furthermore, marriage, as a legal, religious, and social institution, continues to undergo changes in line with societal developments (Norhartijah & Kurniawan, 2025). Marriage is no longer viewed solely as a private relationship between a man and a woman, but also as an institution related to family formation, child protection, the distribution of rights and obligations, and broader social order. Changes in social structures, increased education, increased awareness of rights, and the development of gender justice discourse have influenced how society understands the purpose and practice of marriage (Hududillah et al., 2025). In the Indonesian context, these dynamics have impacted the formation of marriage law, which is constantly influenced by the tension between religious aspirations, the state's interest in creating legal unification, and the demands of modernity that drive legal reform to be more responsive to social realities. Thus, marriage law cannot be separated from the political dimension of legislation, as it serves as an arena where various normative and social interests are negotiated within state policy (Ramadhan, 2020).

Realistic facts and conditions demonstrate that the Marriage Law in Indonesia occupies a central position as a legal product governing family life nationally (Aziz & Mutakin, 2024). The substance of its regulations demonstrates an accommodation to Islamic legal principles, particularly because family law is a field closely linked to the religious beliefs of the Muslim community, although the formulation of its norms is not entirely identical to classical fiqh constructions. In legislative practice and its implementation, Islamic family law frequently gives rise to debates regarding the place of religion in national law, issues of gender equality, the protection of the rights of wives and children, and the boundaries between religious norms and state policy. Ongoing social change also demonstrates that a purely formal legal approach is no longer adequate to address the complexities of contemporary family issues. Therefore, a re-examination of the political direction of Islamic law in marriage legislation is necessary so that the laws created are not only normatively valid but also capable of realizing substantive justice in family and community life (Nurishlah et al., 2024).

The problem identification in this research stems from the fact that the formation of Islamic family law legislation in Indonesia cannot be understood solely as a normative process translating Islamic teachings into

statutory regulations. Rather, such legislation is the result of a legal political process involving the interaction of Islamic values, state interests, constitutional structures, and social dynamics (Hopipah et al., 2023). In this context, the primary issue that needs to be examined is how Islamic legal politics operates in the formation of Islamic family law legislation in Indonesia, particularly through the Marriage Law, one of the most strategic legal instruments. This research also highlights how the Marriage Law represents an accommodation, transformation, or even compromise of Islamic legal values within the national legal system, thus determining the extent to which Islamic norms are maintained, adapted, or reconstructed within a positive legal framework. Furthermore, it is important to analyze the factors influencing the direction of Islamic legal politics in marriage legislation, including ideological, juridical, sociological, and political factors (Aziz & Mutakin, 2024).

Furthermore, this research is urgent because the formation of Islamic family law is not essentially born in a sterile normative space, but rather through a legal political process that reflects the relationship between Islamic teachings, state policy, and the needs of contemporary society (Nurishlah et al., 2024). This urgency lies in the importance of assessing the extent to which marriage legislation is able to reflect the objectives of sharia, guarantee legal certainty, and realize social justice in family life (Sumarni, 2024). From an academic perspective, this research is expected to enrich the body of knowledge regarding Islamic legal politics and family law reform in Indonesia, particularly in interpreting the Marriage Law as a product of the dialectic between religious norms and state policy. From a practical perspective, the results of this research are expected to provide a conceptual contribution to the development of more just, responsive, and constitutional family legislation, so that the laws created are not only formally valid but also relevant to the demands of substantive justice in a constantly changing society (Aziz & Mutakin, 2024).

The unclear direction of Islamic legal policy in family law legislation has the potential to create disharmony between religious norms and state law, especially when the two are not formulated within a framework that is philosophically, juridically, and sociologically aligned (Nurishlah et al., 2024). In the context of marriage law, this situation can give rise to interpretive tensions both at the level of norm formation and in its implementation by the judiciary and society. The legal impact of this situation is evident in the potential for differing interpretations of the substance of marriage law, particularly in cases concerning the rights and obligations of husband and wife, child protection, divorce, and the relationship between statutory provisions and prevailing religious understandings (Nasir, 2022). At the social level, the unclear orientation of Islamic legal policy can also increase the potential for injustice in family relations, particularly for women and children, who are often in vulnerable positions. Therefore, this issue not only impacts normative and implementative aspects but also demands the formulation of family law that is not merely formally valid but also able to address social realities in a just and proportional manner.

Previous research on Islamic legal politics has generally focused on the relationship between Islam and the state, the formalization of sharia, and the dynamics of Islamic legal reform in Indonesia. Meanwhile, studies on Islamic family law have focused more on issues of marriage law reform, the status of the Compilation of Islamic Law, and gender issues and the protection of rights within the family (Hududillah et al., 2025). While a number of studies have addressed the Marriage Law from normative, sociological, and Islamic legal perspectives, these discussions generally focus on the content of norms or general legal reform. Consequently, there are still limitations in research specifically linking Islamic legal politics to the legislative process of Islamic family law, particularly in examining the Marriage Law as a product of political, ideological, and institutional compromise (Nasohah, 2024). Thus, there is a significant research gap for a more in-depth examination of how the state shapes, directs, and constructs Islamic family law through a legal political approach.

Based on these conditions, this study aims to analyze the Marriage Law as a manifestation of Islamic legal politics within the Indonesian national legal system. The primary focus of the research is on identifying forms of accommodation of Islamic legal values, examining the process of transforming fiqh norms into positive legal norms, and analyzing the ideological, social, and political factors influencing its formation. In addition, this research also aims to assess the political character of Islamic law as reflected in the Marriage Law, whether it tends to be formalistic, substantive, moderate, or adaptive in responding to societal needs and the principles of a modern rule of law. Ultimately, this research aims to produce a more comprehensive understanding of the position of Islamic family law in the development of Indonesian national law, while also offering an academic foundation for the formation of family legislation that is more responsive, equitable, and relevant to social developments.

METODE PENELITIAN

This research employs a normative legal research method with a juridical-qualitative approach, as the object of study focuses on Islamic legal politics within Islamic family law legislation in Indonesia, specifically the Marriage Law. Normative legal research was chosen because it positions law as a norm, system, and policy analyzed through statutory regulations, legal principles, doctrines, and the thoughts of scholars. The approaches employed include a statutory approach, a conceptual approach, and a historical approach. The statutory approach is used to examine various provisions related to Islamic marriage and family law; the conceptual approach is used to understand the concept of Islamic legal politics, legislation, and the transformation of sharia norms into national law; and the historical approach is used to trace the background to the formation and development of marriage law regulations in Indonesia.

The legal sources used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 1 of 1974 concerning Marriage and its amendments, the Compilation of Islamic Law, related laws and regulations, and relevant decisions. Secondary legal materials include books, journal articles, previous research results, and scientific works discussing Islamic legal politics, Islamic family law, and national legal reform. Meanwhile, tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources. The legal materials were collected through literature review, while analysis was conducted qualitatively and descriptively by interpreting, connecting, and systematizing all legal materials to address the research focus. Through this method, the research is expected to comprehensively explain how Islamic legal politics works in the formation of marriage legislation, while assessing its relevance to the objectives of sharia, legal certainty, and social justice.

HASIL DAN PEMBAHASAN

Islamic Legal Politics in the Formation of Islamic Family Law Legislation in Indonesia

The political implications of Islamic law in the formation of Islamic family law legislation in Indonesia demonstrate that the state occupies a central position as the primary actor in transforming Islamic legal norms into positive law (Yuningsih, 2023). In the context of a pluralistic rule of law, this transformation does not occur automatically or linearly, but rather through a legislative process involving ideological, constitutional, and sociological considerations (Tahir & Muslih, 2024). The state functions not only as a regulator but also as an institution that selects, interprets, and reformulates Islamic norms so that they can be applied within the national legal system. Therefore, Islamic family law legislation is essentially the result of the state's construction of sharia values deemed suitable for integration into the national legal system.

The state's role is evident in its ability to transform Islamic legal norms, originally contained within the *fiqh* (Islamic jurisprudence) into legal norms with general and formal binding force. This process marks a shift from doctrinal religious authority to juridical state authority. Within this framework, the state acts not merely as an interpreter of religious norms but as a normative agent that places Islamic law within the structure of legislation. As a result, Islamic family law legalized by the state no longer merely reflects classical *fiqh* formulations, but also reflects the orientation of national legal policy aimed at creating certainty, order, and social benefit (Parsons & Mietzner, 2008).

Substantively, Islamic legal politics operates through a mechanism of selection, adaptation, and institutionalization of sharia principles. This selection mechanism is evident in the state's choice of certain norms within Islamic law deemed most appropriate to the needs of society and the fundamental principles of the state (Rahman, 2025). Adaptation is then carried out by adjusting these norms to the Indonesian social context, the development of citizens' rights, and the demands of the modern legal system. Institutionalization is realized through the ratification of norms in the form of laws, implementing regulations, and the strengthening of judicial and administrative institutions authorized to enforce them. Through these mechanisms, Islamic law exists not merely as a moral norm, but as part of an operational and binding legal system.

These findings indicate that the formation of Islamic family law legislation in Indonesia is not carried out by adopting *fiqh* in its entirety and literally. Instead, the state takes a selective stance by selecting norms deemed relevant to national needs, societal structures, and Indonesian legal ideals. This choice demonstrates the difference between Islamic law as a product of Islamic scholars' thinking within the *fiqh* tradition and Islamic law as a state norm in the form of legislation (Aziz et al., 2025). In this process, some *fiqh* teachings are substantively accommodated, while others are reformulated, limited, or even abandoned if deemed inconsistent with constitutional principles, social justice, and the protection of family rights. Therefore, Islamic family law legislation is more accurately understood as the result of normative transformation rather than a textual reproduction of classical *fiqh*.

Furthermore, the nature of this legislative formation demonstrates the integrative nature of Islamic legal politics in Indonesia. This means that Islamic family law legislation is not built on the orientation of total formalization of sharia, but rather through efforts to reconcile religious aspirations with state interests. The state strives to maintain a balance between recognizing Islamic values as a material source of law and the need to maintain the national, inclusive, and constitutional character of the Indonesian legal system. This integrative model demonstrates that Islamic family law is placed in the public sphere as part of national legal development, rather than as a stand-alone legal system outside the state framework (Nasohah, 2024).

Thus, the political nature of Islamic law in the formation of Islamic family law legislation in Indonesia reflects a dialectical process between religion, state, and society. The resulting legislation is not merely the result of state domination over religion or the subordination of religion to the state, but rather the product of ongoing negotiations between sharia values, national legal interests, and social change (Yuningsih, 2023). From this perspective, Islamic family law serves as a crucial arena for examining how the state constructs religious norms into legal norms with both formal legitimacy and social relevance. These findings confirm that the formation of Islamic family law legislation in Indonesia essentially represents a moderate, adaptive legal policy oriented toward harmonizing Islamic values and the goals of a modern rule of law.

Factors Influencing the Direction of Islamic Legal Politics in Marriage Legislation

The political direction of Islamic law in marriage legislation in Indonesia is influenced by a number of interrelated factors, including ideological, juridical, sociological, and political. These factors determine how Islamic legal norms are positioned, sorted, and formulated within the national legal system. In the context of a state that is not based on a particular religion but still recognizes the importance of divine values in national life, the formation of marriage law cannot be separated from the basic framework of the relationship between Islam, the state, and society (Hopipah et al., 2023). Therefore, the political direction of Islamic law in marriage legislation must be understood as the result of the interaction between national legal ideals and the socio-religious dynamics developing in Indonesia.

Ideologically, the relationship between Islam and the state within the framework of Pancasila serves as the primary foundation influencing Islamic legal politics in the formation of marriage legislation. (Nasohah, 2024; Bakar, 2019) Pancasila places divine values as the moral and ethical foundation of national life, but at the same time does not make Indonesia a religious state. Consequently, religion plays a crucial role as a source of material in the formation of national law, including in the area of family law. However, it must be processed within a framework of nationality, pluralism, and constitutionality. In this context, the state's orientation toward legal unification also serves as a crucial ideological factor, as it is interested in establishing a national legal system capable of integrating diverse social and religious norms without diminishing its national identity. Thus, marriage legislation is the result of ideological efforts to balance Islamic aspirations with the need for a uniform and inclusive national legal system (Norhartijah & Kurniawan, 2025).

Juridical factors also play a significant role in determining the political direction of Islamic law in marriage legislation. The need to harmonize Islamic family law with the national legal system demands the development of norms that are not only aligned with religious values but also consistent with the principles of the rule of law, the hierarchy of regulations, and the principle of legality. In the family sector, the demand for legal certainty is crucial because marriage law directly relates to personal status, civil rights, the validity of family relationships, and the protection of vulnerable parties. Therefore, the legislative process is directed towards creating more written, definite, and uniformly applicable norms. In this regard, the legislative body plays a role in formulating and establishing the normative direction of legal policy, while the judiciary strengthens and develops the meaning of marriage norms through their interpretation and application in judicial practice.

Furthermore, sociological factors are also crucial, given that marriage law essentially regulates constantly evolving social relations. Changes in family structure, increased social mobility, educational advancements, and shifting patterns of relationships between men and women have influenced how society views the institution of marriage. The growing awareness of women's and children's rights is also a significant factor driving a re-reading of Islamic family law norms to better align them with the principles of protection and justice. In Indonesia's continuously transforming Muslim society, the need for responsive law is increasingly pressing (Nurishlah et al., 2024). Therefore, Islamic legal policy in marriage legislation cannot be static but must be open to social dynamics so that the laws created remain relevant and effective in addressing contemporary family issues.

Political factors further demonstrate that marriage legislation is never neutral from vested interests. The formation of Islamic family law norms is often influenced by the competing interests of religious groups, the state, and civil society, each of which has different orientations, agendas, and normative interests. Religious groups tend to emphasize the importance of protecting sharia values, while the state is concerned with maintaining stability, legal order, and national integration (Isla & Amelia, 2023). At the same time, civil society often pushes for family legislation to be more sensitive to issues of justice, human rights, and the protection of vulnerable groups. This situation indicates that the direction of family law reform is heavily influenced by state policy and the configuration of political forces developing at a given time.

Thus, the marriage legislation process can be understood as a complex arena for negotiating ideas, values, and interests. The politics of Islamic law in this area are determined not only by the normative validity of Islamic teachings, but also by the state's ability to effectively manage ideological, juridical, sociological, and political demands.

Problems and Limitations of Marriage Law Legislation

The problems and limitations of marriage law legislation in Indonesia are fundamentally rooted in the nature of this legal field, which lies at the intersection of religious norms, state law, and constantly changing social realities. Marriage law not only regulates private relationships between individuals but also contains powerful theological, moral, and social dimensions in the lives of Muslim communities. Consequently, every legislative effort in this area consistently faces the challenge of formulating norms that are religiously acceptable, constitutionally valid, and sociologically relevant. In practice, the harmonization of these three dimensions does not always occur ideally, resulting in tensions between the normative demands of religion, the state's interest in legal unification, and the increasingly complex real needs of society (Norhartijah & Kurniawan, 2025).

This tension arises because religious norms inherently have a transcendental basis of legitimacy, while state law is formed through political and constitutional processes that demand general applicability to all citizens. On the other hand, social reality does not always conform to the normative constructs formulated in legal texts (Nasir, 2022). In this context, marriage law legislation often finds itself in a difficult position: if it overemphasizes the formal religious dimension, the law could potentially lose its adaptability to social change. Conversely, if the state's legalistic approach is overly emphasized, the law can be seen as deviating from the sensitivity of religious values prevalent in society. Therefore, the main problem with marriage law legislation lies in the failure to fully achieve a balance between normative legitimacy, legal validity, and social acceptance.

Furthermore, several provisions in marriage law legislation are not fully able to address contemporary issues affecting Muslim families. Social transformations marked by changing patterns of relationships within the household, increased participation of women in the public sphere, growing awareness of children's rights, and growing demands for protection for vulnerable groups give rise to new issues that cannot always be adequately addressed by existing normative formulations. In many cases (Widodo & Saefudin, 2026), regulations formulated within a specific social context face limitations when confronted with the far more complex dynamics of contemporary society. This demonstrates that marriage law legislation cannot simply focus on normative stability but also requires responsiveness to remain relevant to changing social structures and evolving needs for legal protection.

Another equally significant problem is the potential for differing interpretations in the implementation of marriage law, both within the judiciary and within society. As a legal field rooted in religious doctrine and codified in positive law, marriage law opens up considerable scope for interpretation regarding the meaning and purpose of norms. In judicial practice, differences in interpretation can arise due to varying approaches by judges in understanding the relationship between statutory provisions, Islamic legal principles, and the prevailing sense of justice in society. Meanwhile, at the societal level, understanding of marriage law is often influenced by local traditions, religious views, and varying levels of legal literacy (Mustofa et al., 2024). This situation can lead to unequal application of the law and even potentially create uncertainty for justice seekers.

This situation demonstrates that marriage law legislation still faces serious challenges in aligning legal certainty with substantive justice (Yuningsih, 2023). Legal certainty is necessary to establish clear standards for regulating marital status, the rights and obligations of the parties, and mechanisms for resolving family disputes. However, in family matters, which are closely intertwined with ethical, social, and humanitarian dimensions, overly rigid legal certainty sometimes fails to capture the complexities of the facts faced by individuals in real life. Conversely, an overly heavy focus on substantive justice without a strong normative

foundation can also lead to inconsistencies in legal application. Thus, the issue of marriage law legislation is not simply how to establish formally valid norms, but also how to ensure that these norms can produce real justice for legal subjects (Hopipah et al., 2023).

Ultimately, the problems and limitations of marriage law legislation demonstrate that reforming Islamic family law in Indonesia is an ongoing agenda and cannot be considered complete with the creation of a law alone. Existing legislation needs to be continually reviewed, evaluated, and developed in accordance with societal dynamics, developments in Islamic legal thought, and the demands of the community.

KESIMPULAN

Based on the research results it can be concluded that the politics of Islamic law in Islamic family law legislation in Indonesia, particularly through the Marriage Law, demonstrates an integrative, moderate, and adaptive character. The state plays a primary role in transforming Islamic legal norms into positive law through mechanisms of selection, adaptation, and institutionalization, so that the resulting law does not completely reproduce classical fiqh literally, but rather accommodates sharia values deemed in line with national needs, constitutional principles, and societal developments. Thus, the Marriage Law can be understood as a product of compromise between religious aspirations, state interests, and the demands of legal modernity. This finding confirms that the politics of Islamic law in marriage legislation in Indonesia does not move toward total formalization of sharia, but rather emphasizes the integration of the substance of Islamic values into a pluralistic national legal framework.

DAFTAR REFERENSI

- Aziz, A., Hasbi, N., & Abubakar, A. (2025). A contemporary socio-legal evaluation of Indonesia's post-reformation child marriage policies, 4(2), 1393–1426.
- Aziz, A., & Mutakin, A. (2024). Criticism of mixed marriage and child citizenship rights: Family law reform in Indonesia, 9(2). <https://doi.org/10.22515/shahih.v9i2.10111>
- Bakar, A. (2019). Islamic family law reform: Early marriage and criminalization (A comparative study of legal law in Indonesia and Pakistan). *Jurnal Ilmu Syari'ah dan Hukum*, 4.
- Bedner, A., & Huis, S. van. (2010). Plurality of marriage law and marriage registration for Muslims in Indonesia: A plea for pragmatism, 6(2), 175–191.
- Hopipah, E. N., Astarudin, T., & Djati, G. (2023). Political transformation of Islamic law in the context of national family law: Between idealism and reality *Eva*, 2(2), 59–76.
- Hududillah, T. H., Nikmah, S., Hamdi, F., & Bawana, T. A. (2025). Reconstructing Islamic family law in ASEAN: A normative analysis of marriage, divorce, and inheritance in plural legal systems, 2(2), 183–210. <https://doi.org/10.62976/ajisc.v1i1.1427>
- Isla, R., & Amelia, L. (2023). Islamic family law reform: Iddah for husbands as an effort for gender equality, 6(1), 1–16.
- Mustofa, K. N., Fakhria, S., Quintana, M. K., & Nainin, D. M. (2024). Religious authority and family law reform in Indonesia: The response and influence of the Indonesian Ulema Council on interfaith marriage, 23(2), 383–393. <https://doi.org/10.31958/juris.v23i2.11849>
- Nasir, M. A. (2022). Negotiating Muslim interfaith marriage in Indonesia: Integration and conflict in Islamic law, 21(2), 155–186.
- Nasohah, Z. (2024). Family law as one of the important components in Islamic law. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, 8(1), 1–19. <https://doi.org/10.22373/sjhk.v8i1.16553>
- Norhartijah, H., & Kurniawan, C. S. (2025). The legal traditions of Southeast Asia are inherently pluralistic, with Islamic law (Shari'ah) co-existing alongside state law and, 2(1), 1–25. <https://doi.org/10.19105/ajisc.vX1iX.XXXX>
- Nurishlah, L., Badruzaman, D., & Yudiyanto, M. (2024). Legality of interfaith marriages in Indonesia: Legal review, implementation management, and psychological impact on families, 5(2), 1780–1787.
- Parsons, N., & Mietzner, M. (2008). *Sharia by-laws in Indonesia: A legal and political analysis*.
- Rahman, A. (2025). Analysis of ideal marriage age perspective of Islamic family law, 6(1), 90–116.
- Ramadhan, S. (2020). Islamic law, politics and legislation: Development of Islamic law reform in political legislation of Indonesia. *ADHKI: Journal of Islamic Family Law*. https://www.researchgate.net/profile/Suci-Ramadhan/publication/344014815_ISLAMIC_LAW_POLITICS_AND_LEGISLATION_DEVELOPMENT_OF_ISLAMIC_LAW_REFORM_IN_POLITICAL_LEGISLATION_OF_INDONESIA/links/

5f4dfbe3a6fdcc14c5044d2b/ISLAMIC-LAW-POLITICS-AND-LEGISLATION-DEVELOPMENT-OF-ISLAMIC-LAW-REFORM-IN-POLITICAL-LEGISLATION-OF-INDONESIA.pdf

- Sumarni. (2024). Historical study of marriage law between the norms and the problematics, 1–19.
- Tahir, P., & Muslih, M. (2024). Islamic family law: The legality of interfaith marriage the perspective of Islamic law and Law No. 16 of 2019 concerning marriage, 2024(16), 316–329. <https://doi.org/10.18502/kss.v9i24.16846>
- Widodo, S., & Saefudin, Y. (2026). Comparative study of polygamy in the marriage law based on Islamic law and feminism perspective, 11(June), 52–64. <https://doi.org/10.30596/dll.v11i1.27327>
- Yuningsih, H. (2023). Islamic law, the state, and human rights: The contestation of interfaith marriage discourse on social media in Indonesia, 22(2), 381–391.
- Yuzaini, Z., Candra, A., Mulyani, R., Fadli, K., Sasralina, R., & Nafian, Z. I. (2024). The development of ideas for reform and transformation of Islamic family law becoming legislation in Islamic countries, 2, 67–74.