

## **ANALYSIS OF THE ROLE OF WALI MUHAKKAM IN THE MARRIAGE LEGALIZATION (ISBAT NIKAH) CASE INVOLVING A PASTOR'S CHILD: A STUDY OF KARAWANG RELIGIOUS COURT DECISION NUMBER 248/PDT.P/2021/PA.KRW**

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### **ABSTRACT**

In Indonesia, marriage is regulated by positive law and religious principles, making it a social agreement and a sacred covenant imbued with spiritual dimensions. The Marriage Law highlights the significance of physical and emotional bonds as the foundation for building a prosperous and enduring family life, grounded in devotion to God Almighty. Within Islamic law and the Compilation of Islamic Law (KHI), the presence of a nasab guardian for the bride is a fundamental requirement for the marriage's validity. This guardian, typically a male relative from the bride's lineage, plays a crucial role in ensuring the legality of the union according to Islamic tenets. However, challenges may arise regarding the availability or presence of the nasab guardian. For instance, in the marriage between Sadam Husen bin Aji Sena and Dwi Yanthi Pranatalia Sipayung, the absence of the nasab guardian was due to religious differences within the bride's family. Other common issues include the guardian's refusal or inability to attend the marriage ceremony. In such cases, some individuals appoint a wali muhakkam, a guardian selected through community consensus or custom. However, the role of wali muhakkam has yet to be formally acknowledged in Indonesian marriage law. This study employs a qualitative approach with descriptive analysis to explore the isbat nikah case in the Karawang Religious Court (Decision No. 248/Pdt.P/2021/PA.Krw), which validated a marriage involving a wali muhakkam. Through interviews, observations, and document analysis, findings suggest that isbat nikah is often utilized to address nasab guardian issues, though its application should be carefully regulated to prevent misuse. Premarital education is recommended to enhance public awareness and ensure adherence to legal marriage procedures.

**Keywords:** *Wali Muhakkam, Isbat Nikah, Religious Court*

### **INTRODUCTION**

Marriage is one of the social institutions with sacred meaning and value, based not only on social norms but also on favourable legal provisions and religious principles (Jarbi, 2019). In the Indonesian context, marriage is regulated by the Marriage Law, which states that marriage is a physical and mental bond between a man and a woman as husband and wife to form a happy and eternal family based on God Almighty (Romadhon et al., 2023). This principle follows Pancasila, especially the first principle, which emphasizes the importance of the vertical relationship between man and God as the foundation in every aspect of life, including marriage (Rusman et al., 2023). Therefore, marriage in Indonesia is not only a social covenant but also a sacred covenant that includes spiritual and religious aspects.

The meaning of marriage in Indonesian law is closely related to religion, given that most Indonesians view marriage as part of the practice of religious teachings. In

this case, marriage involves external and inner elements, including the spiritual relationship between husband and wife and their moral obligations towards God (Sujiman, 2024). Marriage is seen as a way to form a *sakinah, mawaddah, and rahmah* family, which not only fulfills material and physical needs but also emotional and spiritual needs (Syukran, 2021). Therefore, the success in forming a happy and lasting family, as mandated by the Marriage Law, depends on how the couple can balance their marriage's physical and spiritual aspects (Rahmadani et al., 2024).

To achieve the desired goal of marriage, there are several pillars and conditions that each prospective bride and groom must fulfil. Pillars in this context refer to things that must be present to determine whether a marriage is valid. In other words, the pillars are the essential elements that must be fulfilled for a marriage to be considered valid according to Islamic law (Demak, 2018). According to Musyafah, the pillars of marriage include the prospective bride and groom, the woman's guardian, two witnesses, the dowry, and *Ijab Kabul*. These elements serve as legal formalities and have a deep religious meaning, where each element reflects the moral and spiritual responsibilities that both parties must fulfil (Musyafah, 2020).

The legality of marriage is also determined by the fulfilment of predetermined conditions, both according to Islamic law and national law in Indonesia. These conditions include aspects of legality that must be met to ensure that the state officially recognizes the marriage. For example, in Islamic marriage, the presence of a *nasab* guardian is one of the most critical elements, as stipulated in the Compilation of Islamic Law (KHI) Article 19 (Sidek et al., 2020). The *nasab* guardian is a guardian who comes from the bride's lineage and must be present to legalize the marriage (Irawan, 2022). If the *nasab* guardian is absent or refuses his role, then the *judge* guardian, as stipulated in Article 23 KHI, can replace the role (Faizah, 2024).

However, in practice, the community is aware of the presence of the *nasab* guardian. One of the problems that often arises is the absence of a legal guardian, either for reasons of refusal, the absence of a qualified guardian, or religious incompatibility between the legal guardian and the bride (Marsanti et al., 2022). To overcome this problem, some communities choose to use a *wali muhakkam*, which is a guardian chosen by custom or community decision in an emergency situation, so that the marriage can be carried out immediately (Effendi, 2021). However, it is essential to note that *wali muhakkam* is not legally recognized in the Indonesian marriage system. Consequently, marriages conducted with *wali muhakkam* cannot be officially recorded at the Office of Religious Affairs (KUA), so the legal status of the marriage becomes invalid according to positive law in Indonesia (Imam Hafas, 2021).

The case between Sadam Husen bin Aji Sena and Dwi Yanthi Pranatalia Sipayung is one example of a couple marrying using a *wali muhakkam* guardian. In this case, the bride did not have a legal guardian due to religious differences between her and her family. In addition, the bride was also found to be pregnant before the official marriage took place, which added to the urgency of the marriage. To overcome these problems, the couple chose to use a *wali muhakkam* guardian so that the marriage could take place immediately. After the marriage, they applied for *isbat nikah* to the Karawang Religious Court to legally validate their marriage.

*Isbat nikah* is the process of legalizing a marriage that has been entered into unofficially, with the aim that the state recognizes the marriage and has legal force

(Hijawati & Sardana, 2023). In the case of SadamHusen bin Aji Sena and Dwi Yanthi Pranatalia Sipayung, the application forisbat nikah was filed because the marriage they had entered into with a muhakkam guardian was not valid under positive law, so they needed legalization from the court to have their marital status recognized by the state. In this case, the use of wali muhakkam reflects the complexity of the problems that people often face in marriage, especially when the absence of a legal guardian is a significant obstacle in the marriage process.

In the context of Islamic law and national law in Indonesia, the importance of the role of the nasab wali or wali hakim in marriage cannot be underestimated. The wali nasab is a formal requirement that must be fulfilled and has a deep religious and moral meaning. The presence of a nasab guardian reflects the family's responsibility towards the bride, where the guardian acts as a protector and guardian of the bride's rights in the marriage process. Therefore, the absence of a nasab guardian can lead to various legal and social problems, such as those that occur in the case of the use of wali muhakkam (Munthe et al., 2022).

The research planned by the author aims to examine further the importance of the role of the nasab wali or wali hakim in marriage, as well as the legal implications of using wali muhakkam. This research will focus on an analysis of decision number 248/Pdt.P/2021/PA.Krw at the Karawang Religious Court, where the cases of Sadam Husen bin Aji Sena and Dwi Yanthi Pranatalia Sipayung are relevant examples to explore how Indonesian positive law regulates the issue of guardians in marriage, as well as how such cases can be resolved through the mechanism of isbat nikah. It is hoped that this research can make a significant contribution to the development of the study of marriage law in Indonesia, especially in relation to the role of guardians and the legality of marriage.

## **METHOD**

This research uses a qualitative approach, which aims to understand in depth the phenomena experienced by the research subject. Qualitative research focuses on interpreting and understanding the context of the research subject's life and explores the meanings that arise from specific experiences or phenomena. This method is carried out holistically by paying attention to the overall situation and condition of the subject and describing the observed phenomena in the form of narratives or descriptions of words and language. Thus, this approach allows researchers to explore richer and deeper meanings to understand the problems in a particular context comprehensively (Sugiyono, 2018).

This research was conducted at the Karawang Religious Court, which is located at Jl. Jenderal Ahmad Yani No.53, Nagasari, West Karawang Sub-district, Karawang Regency, West Java. The focus of the research is on the case of Isbat Nikah Case with Decision Number 248/Pdt.P/2021/PA. Krw is the main subject of this study. This location was chosen because of its relevance to the research object, namely legal issues related to isbat nikah, especially the use of wali muhakkam in the context of marriages that require legal validation from the court.

Once the data has been collected through various scientific methods, including interviews, observations, and document reviews, it will be analyzed using a descriptive qualitative approach. This analysis aims to provide a clear picture of the findings by

describing the data narratively. Using a descriptive approach, researchers will explore patterns, relationships and meanings that emerge from the data so that the research results can provide a comprehensive understanding of the issue of isbat nikah and the role of wali muhakkam in court decisions.

## RESULTS AND DISCUSSION

### Examining the Subject Matter of the Karawang Religious Court Ruling in Case Number 248/Pdt.P/2021/PA.Krw

In the application for isbat nikah filed by Applicant I, Saddam Husseinbin Aji Sena, and Applicant II, Dwi Yanthi Pranatalia Sipayung bint Marulitua Sipayung, which was registered at the Karawang Religious Court with Case Number 248/Pdt.P/2021/PA.Krw, several legal considerations were raised. This application was filed on May 20, 2021, and raised several important points related to the marriage the two applicants entered on February 25, 2013.

Firstly, the applicants stated that their marriage took place in accordance with Islamic procedures in East Telukjambe Sub-district, Karawang District, with the marriage guardian being a judge, namely Ustadz Yusuf. Two witnesses, Mr Idam and Mr Sumarga, witnessed the marriage, and the dowry was Rp 100,000 paid in cash. Applicant I was a virgin, while Applicant II was a virgin. Both also confirmed that they were not related by blood or consanguinity, which meant that there was no legal impediment to the marriage to marriage in Sharia or state law.

Secondly, Applicant I and Applicant II stated that after the marriage, they lived together as husband and wife and had two children: Rayyan D'calvin, born on March 20, 2013, and Amelliyanda Maessaroh, born on November 8, 2014. A third party has never contested the marriage, and the applicants continue to practice their Islamic faith. They had never been divorced and needed an isbat nikah ruling from the Karawang Religious Court to complete various administrative documents, such as marriage books, children's birth certificates and family cards.

Thirdly, the application for isbat nikah was submitted because, at the time of the marriage, Applicant II was pregnant with the child of Applicant I. Therefore, the applicants immediately entered into the marriage without being able to register it officially at the Religious Affairs Office. For this reason, the applicants immediately entered into marriage without having time to register it at the Office of Religious Affairs officially. As a result, they are now facing difficulties in obtaining official marriage documents and birth certificates for their children. Therefore, they hope that the Karawang Religious Court will determine their marriage's validity and order it to be officially recorded.

During the trial, the applicants explained that when the marriage was to take place, the biological father of Applicant II, Marulitua Sipayung, was a Christian and could not be the marriage guardian for Applicant II. In addition, Applicant II had no brothers who were Muslim, and no paternal uncle who could act as a guardian. Therefore, Applicant II asked Ustadz Yusuf to act as a wali muhakkam, who then officiated the marriage contract with Applicant I. The marriage contract took place in the village office. The marriage contract occurred at the Telukjambe Timur Religious Affairs Office on February 25, 2013, with two witnesses, Mr Idam and Mr Sumarga.

In their evidence, the applicants submitted several supporting documents,

including photocopies of Applicant I's and Applicant II's identity cards and family cards showing that they had lived together as husband and wife. Applicant II also submitted a statement from her biological father, Marulitua Sipayung, acknowledging that he could not be the marriage guardian because of religious differences. In addition to documentary evidence, the applicants presented two witnesses, Akhmad Yani bin Iyan and Eko Yunanto bin Suharto. Both witnesses testified under oath that they had witnessed the marriage of the applicants, which was validly conducted according to Islam.

Akhmad Yani, in his testimony, revealed that he was a neighbour and brother-in-law of the first Applicant. He witnessed the marriage contract between Applicant I and Applicant II, which Ustadz Yusuf officiated as wali muhakkam. In addition, he confirmed that the marriage was carried out in compliance with all the legal requirements of marriage according to Islam and that the bride and groom were not related by blood or consanguinity. The witness also stated that Applicant II did not have a Muslim brother or sister, so the use of a wali muhakkam was deemed necessary.

The second witness, Eko Yunanto, also the brother of Applicant I, gave similar testimony. He confirmed that the marriage was valid in Islamic terms and that the applicants had lived together as husband and wife without any legal or religious problems. Both witnesses also corroborated that the purpose of the *isbat nikah* application was to apply for their children's birth certificates and other administrative purposes.

Based on witness testimony, evidence presented, and explanations from the applicants, the Panel of Judges decided to grant the application for *isbat nikah*. The Panel of Judges determined the validity of the marriage of Applicant I and Applicant II, which took place on February 25, 2013, in East Telukjambe Sub-district, Karawang Regency. The Panel of Judges also ordered that this marriage be officially registered at the local Religious Affairs Office, and imposed court costs in accordance with applicable legal provisions.

This decision is very important to the applicants because, with the determination of *isbat nikah*, they can apply for the necessary official documents, including birth certificates for their children. It also serves as a valid legal basis to ensure that the state legally recognizes their marriage. This decision also emphasizes the importance of officially recording marriages from the outset to avoid administrative problems in the future.

### **Foundational Factors for the Karawang Religious Court's Ruling in Case Number 248/Pdt.P/2021/PA.Krw**

According to the Karawang Religious Court judge, in the *isbat nikah* case filed by Applicant I and Applicant II, the Karawang Religious Court reviewed a number of important points based on the evidence submitted and witness testimony. The application was filed because the Applicants did not have an official document in the form of a marriage certificate, although they had entered into a religious marriage on February 25, 2013. The Plaintiffs needed a determination of *isbat nikah* for administrative purposes, including the production of a child's birth certificate.

The marriage occurred with the marriage guardian, Mr Amil Ustadz Yusuf, and

was witnessed by Mr Idam and Mr Sumarga. The dowry was given in the form of cash amounting to Rp. 100,000. However, because the Applicants did not have a nasab guardian, Applicant II appointed Ustadz Yusuf as a muhakkam guardian. The appointment of wali muhakkam was made because the natural guardian of Applicant II, namely her biological father, had converted to Christianity, and there was no other natural guardian.

The Karawang Religious Court has the authority to decide this case based on Law No. 7 of 1989 as amended by Laws No. 3 of 2006 and No. 50 of 2009, as well as based on Article 49 letter a and Article 7 paragraphs (2 and 3) of the Compilation of Islamic Law. In court, based on the evidence of letters and witness testimony, it was proven that Applicant I and Applicant II were married and lived as husband and wife. The witnesses also stated that their marriage was conducted in accordance with Islamic law, with wali muhakkam and there were no problems that could prevent their marriage.

The court then considered the issue of the marriage guardian raised by Applicant II. Under Article 2(1) of Regulation of the Minister of Religious Affairs of the Republic of Indonesia No. 2 of 1987, for a prospective bride who does not have a legal guardian or whose legal guardian does not meet the requirements, the marriage may be performed by a judge. However, the word "may" in the regulation is alternative, which means that the judge's wali is not the only option. Marriage can also occur with a wali muhakkam, who is appointed as a guardian by the bride-to-be in the absence of a nasab guardian or judge.

The court also cited scholarly opinions from several books, including Bughayatul Mustarsyidin, Al-Asybah Wan Nazdaair, and Fiqh Sunnah, which support that wali muhakkam can be used in an emergency when a nasab wali or judge wali is not available. In the book Bughayatul Mustarsyidin, it reads, "If a woman asks to be married, but the sultan does not approve it, then the shortest way is for the woman to appoint a judge (muhakkam) a just person to marry her to the prospective bridegroom because of an emergency. This can be done if no judge is willing to marry her off so as not to cause damage (adultery)" (Zahid, 2012).

Kitab Al-Ashbah Wan Nazdaair, "The reasons for allowing a wali hakim to marry a woman are 20 (twenty) kinds: ..... fifthly, because her guardian is travelling for a distance that permits Qashar prayer (two marhalah, approximately 77 km) " (Rahadian, 2024). Fiqh Sunnah states that if a woman in the community does not have a guardian and she appoints a man (muhakkam) to give her in marriage, this is permissible. That is because that is an act of appointing a judge (muhakkam). Furthermore, the person appointed by the judge (muhakkam) is in the same position as the judge (sultan) himself" (Munthe et al., 2022).

So, in this case, because the biological father of Applicant II could not be a guardian because of different religions and other nasab guardians did not exist, the appointment of Ustadz Yusuf as a muhakkam guardian was considered valid according to Islamic law and applicable regulations. The facts of the trial also revealed that the marriage of Applicant I and Applicant II was carried out according to Islamic law, and no legal obstacles prevented the marriage. Therefore, the Panel of Judges declared that their marriage was valid according to Islam and fulfilled all the conditions and pillars of marriage. Thus, the marriage was declared legally valid following Article 2

paragraph (1) of Law Number 1 Year 1974 jo, Article 4 of the Compilation of Islamic Law.

The Panel of Judges also took into account Supreme Court Circular Letter No. 3/2014 concerning procedures for isbat nikah services in integrated services. This case's determination letter will be submitted to the Marriage Registrar at the Religious Affairs Office of Rengasdengklok District to record the marriage of the Plaintiffs officially. In its decision, the Karawang Religious Court stated that the application for isbat nikah filed by Applicant I and Applicant II could be granted. Based on Article 7, paragraphs 2 and 3 of the Compilation of Islamic Law, the application was declared eligible, and the truth was proven. Overall, this decision confirms that the marriage of Applicant I and Applicant II was valid under religious and state law. The court had considered various legal aspects, including the absence of a nasab guardian and the appointment of a muhakkam guardian, and based its decision on relevant principles of Islamic law.

### **Juridical Examination of the Role of Wali Muhakkam in Ruling Number 248/Pdt.P/2021/PA.Krw**

Religious Courts have absolute authority in handling cases related to marriage for Muslims in Indonesia. One of these authorities is to hear and decide on isbat nikah cases for couples who do not have a marriage certificate, as stipulated in Law Number 7 of 1989 concerning Religious Courts which has undergone several amendments through Law Number 3 of 2006 and Law Number 50 of 2009. In the context of this case, the Karawang Religious Court handled an application for isbat nikah filed by Applicant I and Applicant II who had entered into a religious marriage but still needed to have a marriage certificate that was valid under state law.

Isbat nikah is a very important instrument, especially for couples whose marriages are performed religiously but have not been registered with the state. A valid marriage certificate is required for various administrative purposes, such as the production of birth certificates for children and other legal matters. In this case, Applicant I and Applicant II applied for isbat nikah to validate their marriage, which had been religiously performed on February 25, 2013, in Telukjambe Timur Sub-District, Karawang District.

The marriage was solemnized with a Muhakkam guardian, Mr Amil Ustadz Yusuf, because Applicant II's nasab guardian was not eligible. Applicant II's biological father had converted to Christianity, and other nasab guardians were not available. In this case, the Karawang Religious Court was authorized to hear the case in accordance with the provisions of Article 49 of Law No. 7 of 1989 and the Compilation of Islamic Law (KHI) Article 7 paragraphs (2 and 3). This authority strengthens the position of the Religious Court as a judicial institution that focuses on Islamic religious issues, including marriage.

In its analysis, the Karawang Religious Court considered several essential aspects related to the validity of the wali muhakkam in the marriage. A wali muhakkam is appointed to replace the legal guardian when the legal guardian cannot perform his or her role, as stipulated in Article 2 paragraph (1) of Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 2 of 1987. The court emphasized that using the word "may" in the regulation indicates the alternative nature of the wali hakim. It means that the judge wali is one of many options when the nasab wali is not

available; a wali muhakkam can also be appointed as a valid substitute.

This opinion is corroborated by references to several classical fiqh books that are used as references in making decisions by the court. Bughayatul Mustarsyidin states that if a woman asks to be married and there is no judge to grant her request, then the woman can appoint a muhakkam to marry her off because of an emergency. Similarly, in Fiqh Sunnah, Imam Shafi'i argues that the wali muhakkam is equal to the judge (sultan) in certain circumstances. These opinions confirm that the appointment of Ustadz Yusuf as wali muhakkam, in this case, is valid and follows Islamic law principles.

The court also considered various pieces of evidence, including letters and witness testimony, that supported the marriage of Applicant I and Applicant II by Islamic law. The facts of the trial showed that the two Applicants had carried out all the pillars and conditions of marriage following Islamic teachings, and no obstacles could invalidate the marriage. Therefore, the Karawang Religious Court decided that the marriage was valid under religious and state law.

As a next step, based on Supreme Court Circular Letter No. 3/2014, the Karawang Religious Court instructed that this case be determined to the Marriage Registrar at the Rengasdengklok Sub-District Religious Affairs Office for official marriage registration. This is a form of integration between religious and state law in the Indonesian legal system, where civil authorities must also document court decisions regarding the validity of marriages.

Based on Article 7 paragraphs (2 and 3) of the Compilation of Islamic Law, the application for isbat nikah by Applicant I and Applicant II was declared eligible and proven correct. The court declared that their marriage was valid under religious and state law, and the application for isbat nikah was granted. Thus, in this case, the Karawang Religious Court has applied relevant Islamic law principles while considering aspects of positive law in Indonesia. The appointment of a muhakkam guardian as a substitute for an ineligible nasab guardian is valid according to Islamic law and applicable regulations, and this decision is under the principles of justice that safeguard the rights of the litigants.

## CONCLUSION

Based on the analysis of the isbat nikah case with decision Number 248/Pdt.P/2021/PA.Krw discusses the legalization of marriage with wali muhakkam, and several important things can be concluded. First, the panel of judges considered some factors in deciding on this case. One of the considerations was that Applicant I and Applicant II applied for isbat nikah to fulfil administrative requirements, such as producing birth certificates. In addition, the Panel of Judges also considered that the two applicants had lived together as husband and wife in a family bond. In other considerations, the Panel of Judges referred to Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 2 of 1987 Article 2 paragraph (1), which stipulates that a prospective bride who does not have a nasab guardian may be married by a judge.

However, the word "may" in this regulation is an alternative, which gives the bride-to-be the freedom to use a judge's wali or wali muhakkam. In this case, the marriage using a muhakkam guardian was legalized by the Panel of Judges on the



condition that the marriage had to be officially registered at the Religious Affairs Office (KUA) of Rengasdengklok Subdistrict, Karawang Regency so that the bride and groom could obtain a marriage book as legal proof of marriage. The implications of this decision show that *isbat nikah* cases can be a solution for people who marry using *wali muhakkam* so that their marriages can be legalized and have legal force. This decision also emphasizes the importance of officially recording marriages at the K.U.A. to fulfil the community's administrative needs, such as making birth certificates and other documents.

Based on the results of this study, several suggestions can be made. First, there needs to be more intensive premarital education in the community to prevent the use of *wali muhakkam*, which is not in accordance with legal provisions. This education is essential to increase public understanding of the importance of following legal and legally recognized marriage procedures. Secondly, the community is expected to understand that *wali muhakkam* is not an ideal solution in marriage but only a temporary option when it is challenging to find *w ali nasab*. The bride and groom should try to obtain a legal *nasab* guardian or use a judicial guardian recognized by the law to make their marriage legal in religion and state law.

## REFERENCES

- Demak, R. P. K. (2018). RUKUN DAN SYARAT PERKAWINAN MENURUT HUKUM ISLAM DI INDONESIA. *Lex Privatum*, 6(6), 122–129. <http://dx.doi.org/10.1016/j.gde.2016.09.008%0>.
- Effendi, E. (2021). Penggunaan Wali Hakim Dalam Pernikahan. *Mozaic : Islam Nusantara*, 6(1), 19–34. <https://doi.org/10.47776/mozaic.v6i1.156>
- Faizah, N. (2024). KONSEP WALI NIKAH DALAM PERSPEKTIF ULAMA KLASIK DAN MODERN. *Al-Muqararah: Jurnal Perbandingan Madzhab*, 2(1), 82–89.
- Hijawati, H., & Sardana, L. (2023). ISBAT NIKAH SUDUT PANDANG UNDANG-UNDANG PERKAWINAN. *Jurnal Solusi*, 1(Januari), 102–110.
- Imam Hafas. (2021). Pelaksanaan Perkawinan Dengan Menggunakan Wali Hakim (Studi di Kantor Urusan Agama Pademawu) Imam. *Al-Syakhsyiyah: Journal of Law and Family Studies*, 3(2), 58–74.
- Irawan, A. S. (2022). Eksistensi Wali Dalam Akad Pernikahan Perspektif Teori Double Movement Fazlur Rahman. *El-Ahli : Jurnal Hukum Keluarga Islam*, 3(2), 227–243. <https://doi.org/10.56874/el-ahli.v3i2.968>
- Jarbi, M. (2019). Pernikahan Menurut hukum Islam. *Pendais*, 1(1), 56–68.
- Marsanti, Q. U. P., Syakirin, A., & Hasanah, H. M. A. (2022). PROBLEMATIKA PENGEMBANGAN WALI NASAB TANPA IZIN PENGADILAN AGAMA (Studi Analisis Penetapan *Itsbat Nikah* No.55/Pdt.P/PA.PO/2021). *Jurnal Antologi Hukum*, 2(1), 93–107.
- Munthe, H., Prasetya, N. H., & Harahap, A. M. (2022). KEABSAHAN WALI MUHAKKAM SEBAGAI WALI NIKAH DI INDONESIA ANALISIS TERHADAP PUTUSAN NO. 197/Pdt. P/2020/Pa. Ppg MAHKAMAH AGUNG MENURUT PERSPEKTIF SYAD AL ZARIYAH. *Al-Mashlahah: Jurnal Hukum Islam dan Pranata Sosial Islam*, 10(2), 1017–1028. <https://doi.org/10.30868/am.v10i02.3184>
- Musyafah, A. A. (2020). Perkawinan Dalam Perspektif Filosofis Hukum Islam. *Crepido*, 2(2), 111–122. <https://doi.org/10.14710/crepido.2.2.111-122>

- Rahadian, M. F. (2024). REKONSTRUKSI FIKIH WALI MUHAKKAM DALAM PERKARA PENGESAHAN NIKAH. *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, 18(3), 1878–1893.
- Rahmadani, G., Arfa, M. F. A., & Nasution, M. S. A. (2024). KONSEP PERNIKAHAN SAKINAH MAWADDAH DAN WARAHMAH MENURUT ULAMA TAFSIR. *Jurnal Darma Agung*, 32(1), 220–230.
- Romadhon, A. D., Holish, A. M., & Bahori, A. (2023). Inter-religious Marriage in Indonesia: Pros and Cons in the Administrative and Constitutional Law. *Indonesian State Law Review (ISLRev)*, 6(1). <https://doi.org/10.15294/islrev.v6i1.64973>
- Rusman, R., Hidayat, Y., & Rifai, A. (2023). Religious Marriage in Indonesia in the Perspective of Islamic Law and Positive Law in Indonesia : Legal Complexities and the Issuance of Supreme Court Circular Letter No. 2 of 2023. *Indonesian Journal of Innovation Studies*, 25, 1–18. <https://doi.org/10.21070/ijins.v25i.975>
- Sidek, A., Syahfitri, D., & Fatmawati, F. (2020). Penunjukan Wali Nikah Bagi Anak Dibawah Umur Menurut Imam Mazhab dan KHI Pada Penerapannya Di Pengadilan Agama Stabat. *Action Research Literate*, 4(1), 1–13.
- Sugiyono. (2018). *Metode Penelitian Kuantitatif, Kualitatif, dan R&D*. Alfabeta.
- Sujiman, Z. (2024). Interfaith Marriage Perspective of Positive Law and Islamic Law in Indonesia. *Yudisia: Jurnal Pemikiran Hukum dan Hukum Islam*, 15(1), 125–136.
- Syukran, M. (2021). Persfektif Hukum Islam Tentang Konsep Keluarga Sakinah Dalam Keluarga Karir. *Jurnal Tana Mana*, 2(2), 115–121. <http://ojs.staialfurqan.ac.id/jtm/article/view/221>
- Zahid, M. (2012). Keabsahan Pengangkatan Wâli Muhakkam Di Madura Berdasarkan Fikih Syâfi'î. *KARSA Journal of Social and Islamic Culture*, 20(2), 297–311. <https://ejournal.iainmadura.ac.id/index.php/karsa/article/view/48>