

## MARRIAGE REGISTRATION PERSPECTIVE OF ISLAMIC LAW AND LAW NUMBER 1 OF 1974 IN THE COMMUNITY OF PERCUT SEI TUAN DELISERDANG DISTRICT

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**Abstract:**

This research discusses marriage registration from the perspective of Islamic law and Law Number 1 of 1974 concerning Marriage, with a focus on the people of Percut Sei Tuan District, Deliserdang. Marriage registration is an important issue because it relates to the legal validity of marriage and state administration. In Islamic law, a marriage is valid if it meets the pillars and requirements, but does not regulate the obligation to officially register it. Meanwhile, Law Number 1 of 1974 requires marriage registration as a step to protect the legal rights of married couples and children born to them. This research uses a normative juridical approach by examining secondary data and interviews to identify how the community understands and applies legal provisions related to marriage registration. The research results show that although there is awareness about the importance of marriage registration, there are still social and cultural barriers that influence the implementation of official registration.

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### INTRODUCTION

Marriage is one of the most important bonds in human life. As a fundamental institution in forming families and society, marriage has very complex dimensions, both from a religious, legal and social perspective. In a legal context, each country has different rules regarding marriage. In Indonesia, marriage is regulated in Law Number 1 of 1974 concerning Marriage, which regulates various aspects of marriage, including marriage registration. This registration aims to provide legal protection for married couples and children born from the marriage. However, in practice, there are still many people who do not officially register their marriages. In Indonesia, the path to pursuing this level of marriage is implemented in the form of Law Number 1 of 1974 and the Compilation of Islamic Law, which regulates the procedures for carrying out marriages. With the aim that the Marriage Law will function as a guide for the

implementation of marriage in order to maintain the noble values of a family structure. (Khairul M. Rambe, 2017: 1-2). Marriage in the perspective of Law Number 1 of 1974 states that "marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the belief in the Almighty God. (Fence, 2010: 16).

In Islamic teachings, marriage is a highly recommended act of worship and sunnah of the Prophet. Islamic law regulates the conditions and pillars of marriage that must be fulfilled for a marriage to be religiously valid. However, Islamic law does not explicitly require official registration of marriages. This is different from the existing regulations in positive law in Indonesia, especially in the Marriage Law. In Law Number 1 of 1974, marriage registration is mandatory and is considered an important part of the validity of a marriage according to state law. This recording obligation is intended to protect the rights of couples, especially in terms of inheritance, recognition of children, and other rights that arise from the husband and wife relationship. These differences in views often cause confusion among society, especially in rural areas or areas where traditions and customs are strongly held.

One interesting area to research is Percut Sei Tuan District, Deliserdang, North Sumatra. The people in this area have unique characteristics, where traditions and religious values greatly influence daily life, including marriage. Many of them married religiously, but did not immediately register their marriage officially. This condition gives rise to various problems, especially when conflicts or legal issues arise regarding marital rights, such as the division of joint property, recognition of children and inheritance rights.

The high number of marriages that are not officially registered shows that there is a gap between people's understanding of the importance of registering marriages according to positive law and marriage practices based on Islamic law. This phenomenon is often caused by the public's lack of knowledge about the legal implications of not registering their marriage, as well as social and economic obstacles that make marriage registration something that is considered unnecessary or not urgent. Furthermore, many people in Percut Sei Tuan District still adhere to customs and culture and believe that a valid religious marriage is sufficient, without the need to

follow official registration procedures. In fact, without legal marriage registration, married couples do not have a strong legal basis to protect their rights in the eyes of the state. This often causes problems when there is a divorce, division of inheritance, or recognition of children's status in state law.

In this context, research on marriage registration from the perspective of Islamic law and Law Number 1 of 1974 becomes very relevant. It is hoped that this research can provide a deeper understanding of how the people of Percut Sei Tuan District view and implement marriage registration, as well as how the differences between Islamic law and positive law in Indonesia in terms of marriage registration can be harmonized. Apart from that, this research also aims to explore the factors that influence people in whether or not to register marriages, so that effective solutions can be formulated to encourage compliance with the obligation to register marriages.

Thus, it is important to understand that marriage registration is not just a matter of formality, but is also related to the legal protection given to married couples and their children. The absence of official registration can have a negative impact in the long term, especially when legal problems arise involving the marriage. It is hoped that this research can contribute to efforts to increase public awareness about the importance of registering marriages and the legal implications of not officially registering a marriage.

## **RESEARCH METHODS**

The type of research used in this research is qualitative research. Where qualitative research is based on reality or phenomena that occur in the field or events that take place in the field. What is faced in research is everyday social life. Research seeks to look at what is happening in the world and place the findings obtained within it. Therefore. What researchers do while in the field is included in a case-based position. which directs attention to the specifics of particular cases. The approach taken in this research is in the form of a sociological legal approach or empirical legal research. namely research based on evidence of reality in the field or social reality. The research method in this thesis is to use a qualitative analysis approach, namely the approach used to examine the results of in-depth interviews. then analyze the results of

the data obtained to obtain research conclusions. (Burhan, 2001: 82).

The data source in this research is the origin of the information used for analysis, research or decision making purposes. This data can be divided into categories based on how it was collected. First, primary data sources come directly from the field, namely from direct observation, interviews, questionnaires, or experiments carried out by researchers. This is data that has never been processed or interpreted before, so it is considered more accurate and relevant for certain purposes. Second, secondary data sources are data that has been collected and published by other parties, such as government reports, scientific articles, books and statistical databases. Even though they are not the result of direct collection, these secondary sources are very useful because they provide information that has been structured and analyzed. Finally, tertiary data sources are summaries or compilations of primary and secondary data, such as encyclopedias, textbooks, or online databases. This source is usually used to get a general overview of a topic or facilitate access to more in-depth information.

## **RESULTS AND DISCUSSION**

### **Understanding Marriage**

Etymologically, marriage in Arabic means marriage or *zawaj*. These two words are used in the daily life of Arabs and are often found in the Al-Qur'an and the Hadith of the Prophet. Al-Nikah means Al-Wath'i, Al-Dhomm, Al-Tadakhul, Al-jam'u or like 'an al-wath aqd which means intercourse, sexual intercourse, gathering, *jima'* and contract. (Mardani, 2011: 4). The word marriage contains two meanings, namely the actual meaning (*haqiqat*) and the figurative meaning (*majaaz*). In the real sense, the word *nikah* means gathering, while in the figurative sense it means *aqad* or entering into a marriage agreement (Sakban Lubis, 2023:1). According to Fiqh experts, marriage is essentially a contract regulated by religion to give a man the right to own and enjoy the vagina and/or the woman's entire body and form a household (Khuzaimah, 1994: 54).

Marriage or marriage in Islam is a teaching based on Naqli postulates. It can be seen in the Qur'an and Sunnah and is expressed in various expressions. This teaching is prescribed considering that the human tendency is to love the opposite sex and indeed

Allah created his creatures in pairs. The basic arguments for Naqli include Surah ar-Ra'du verse/13 verse 38:

وَأَقْدَرُ أَرْسَلْنَا رُسُلًا مِّن قَبْلِكَ وَجَعَلْنَا لَهُمْ أَزْوَاجًا وَذُرِّيَّةً وَمَا كَانَ لِرَسُولٍ أَنْ يَأْتِيَ  
بِآيَةٍ إِلَّا بِإِذْنِ اللَّهِ تَكُفُّلٌ أَجَلٍ كِتَابٌ

Meaning: Indeed, We have indeed sent messengers before you (Prophet Muhammad) and We have given them wives and offspring. It is impossible for an apostle to produce evidence (miracles) except with Allah's permission. For each period there are conditions.

Marriage regulations have existed since the people before the prophet Muhammad SAW. Allah explains in this verse that the messengers before Muhammad were sent and they were given wives and offspring. In another verse, Allah also explains the command to marry good women to be his life partner. Allah will provide sustenance to those who implement this teaching, and this is Allah's guarantee that their lives together and their descendants will be provided for by Allah. Allah says in surah al-Nur verse/24 verse 32:

وَأَنْكِحُوا الْأَيَامَىٰ مِنكُمْ وَالصَّالِحِينَ مِنْ عِبَادِكُمْ وَإِمَائِكُمْ ۚ إِن يَكُونُوا فُقَرَاءَ يُغْنِهِمُ اللَّهُ  
مِنْ فَضْلِهِ ۗ وَاللَّهُ وَاسِعٌ عَلِيمٌ

Meaning: Marry those who are still single among you and also those who are worthy (to marry) of your servants, both men and women. If they are poor, Allah will empower them with His grace. Allah is All-Encompassing (His gifts) and All-Knowing.

### **Marriage Registration in Islam**

The term marriage registration is not found in classical jurisprudence books. (Khuduri Bik, t.t: 170). The discussion revolves around unregistered marriages related to witnesses. According to most scholars, a marriage is considered valid if it fulfills the pillars and conditions as stated in the book of jurisprudence. Likewise, the presence of two witnesses is a condition for the validity of a marriage based on the haddist of the Prophet as narrated by Imam Darul Qutni and Ibnu Hibban. (M. Romli, 2012:31).

عَنْ أَبِي مُوسَى قَالَ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: لَا نِكَاحَ إِلَّا بِوَلِيِّ

Meaning: From Abu Musa, he said, Rasulullah ﷺ said: "No marriage is valid except with a guardian. (Hadith narrated by Abu Dawud, no. 2085).

Imam Tirmidhi's history of this hadith is also found in Sunan at-Tirmidhi, where Imam Tirmidhi mentions a similar hadith, and he considers this hadith to be an authentic hasan hadith.

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، قَالَتْ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَيُّمَا امْرَأَةٍ نَكَحْتُ بِغَيْرِ  
إِذْنٍ وَلِيِّهَا فَنِكَاحُهَا بَاطِلٌ

Meaning: From Aisyah Rasulullah said: Any woman who marries without her guardian's permission, her marriage is in vain. (Hadith narrated by Tirmidhi, no. 1102).

There are differences of opinion among the ulama regarding the message of the bride and groom to keep their marriage a secret from witnesses. Imam Malik views such a marriage as invalid and must be legalized and if it is legally proven that the two of them had sexual relations, both of them must be sentenced to death or stoning. Meanwhile, other ulama' are of the opinion that the presence of witnesses at the marriage is an indication that the marriage is no longer considered a sirri marriage and thus the marriage is considered valid. A similar view as above was expressed by Hanabilah scholars that the sirri marriage contract by keeping it a secret is still valid but the law is makruh. According to Wahbah az-Zuhaili, a secret marriage (sirri) is a marriage that is attended by witnesses, but these witnesses are ordered to keep the marriage a secret, both to the family and to the community. (Wahbah, 1989: 81). A similar view as above was expressed by the Hanabilah ulama that the sirri marriage contract by keeping it a secret is still valid but the law is makruh. According to Wahbah az-Zuhaili, a secret marriage (sirri) is a marriage that is attended by witnesses, but these witnesses are ordered to keep the marriage a secret, both to the family and to society. (Wahbah, 1989: 81). Abu Zahrah said that all fiqh scholars at all times agree that the ultimate goal of the importance of marriage witnesses is the announcement to the public about the existence of a marriage. The purpose of the recording is to

differentiate between marriages that are halal and those that are not. (M. Abu Zahra, t.t: 91).

According to Mahmud Syaltut, sirri marriage is a marriage contract carried out by both parties (husband and wife) without being attended by witnesses, not published, and also not recorded in an official deed, (M. Syaltut, t.t: 268). Marriage must be registered in an official certificate. According to Shaltut, the purpose of marriage registration is to maintain the rights and obligations of the parties to the marriage, namely the rights of the husband or wife and children or descendants, such as maintenance and inheritance. This recording is an effort to anticipate the increasingly depleting faith of a Muslim. Because according to Shaltut, one of the consequences of the depletion of Muslim faith is that there are more and more broken promises which result in an excuse to run away from obligations. Because the measure of faith is something hidden (abstract), one way out as a preventive measure so that people do not run away from responsibility is to produce written evidence. (M. Syaltut, t.t: 268).

In Q.S. al Baqarah verse 282 which is known by scholars as verse al mudayanah (verse about debts and receivables) states:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ ۚ وَلْيَكْتُب بَيْنَكُمْ كَاتِبٌ بِالْعَدْلِ وَلَا يَأْب  
كَاتِبٌ أَنْ يَكْتُبَ كَمَا عَلَّمَهُ اللَّهُ فَلْيَكْتُبْ وَلْيَمْلِكِ الَّذِي عَلَيْهِ الْحَقُّ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسْ مِنْهُ  
شَيْئًا ۚ

Meaning: O you who believe, if you owe a debt for a specified time, you should write it down. Let a note taker among you write it down correctly. Let not the recorder refuse to write it down as Allah has taught him. Let him record (it) and the person who owes it dictate (it). Let him fear Allah, his Lord, and let him not reduce it in the slightest.

The substance of this verse talks about the recommendation, even according to some scholars it is an obligation, to record debts and receivables and testify them before a trusted third party. Apart from that, this verse also emphasizes the need to write down debts, even if they are only small, along with the amount and time frame. (M. Quraisy S, 2021: 602). In this case, the Qur'an wants justice to be realized, property preserved, the rights of people who provide debt guaranteed, and to prevent

misunderstandings. (M. Quraisy S, 2021: 603). Some scholars then used this verse as the basis for the provisions for marriage registration using the concept of qiyas

### **Purpose of Marriage Registration in Islam**

Marriage registration is also a matter of hajjiyyah, which is necessary to make human life easier. Even though it is not an emergency, this registration provides convenience and benefits for married couples and the community. In this regard, ash-Syathibi (W.790.H) in his work *Al-Muwafaqat*, emphasizes that the enactment of Islamic teachings is nothing but to maintain the benefit of humanity in this world and the hereafter. (Abu Ishaq, t.t: 6). *Mashlahah* is closely related to social phenomena that exist in society, therefore prosperity in a certain era is not necessarily *mashlahah* for another era. *Mashlahah* differs according to the times. In this way, legal products based on *mashlahah* will dynamically follow existing developments. In this connection, Ibnu Qayyim al-jauziyah (W. 751 H), once made a statement which became very popular, namely, "Changes in fatwas are caused by changes in time, place and circumstances." (Ibnu Qayyim, t.t: 11).

To realize this benefit, according to Syatibi, there are three levels of *maqasid al-shari'ah*, namely *maqasid al-daruriyat*, *maqasid al-hajiyat*, and *maqasid al tahsiniyat*. *Maqasid al-daruriyat* is a necessity that must exist without which the safety of humanity will be threatened both in this world and in the afterlife. There are five things included in this category, namely maintaining: religion, soul, honor, offspring and property. It is to maintain these five basic things that Islamic law was revealed. (Yanti, R, 2020:50). *Maqasid al-hajiyat* is intended to eliminate difficulties in realizing these five elements by providing the law of *rukhsah* so that maintenance of it becomes better. Meanwhile, *maqasid al-tahsiniyat* is intended so that humans can do their best to perfect the five main elements. Ignoring this aspect will result in imperfect efforts to maintain these five elements. (A-Syatibi, 1975: 89).

The validity of marriage registration as one of the pillars can be seen through the perspective of al-Thufi's benefit model.

1. Look for the benefits contained in marriage registration. In this modern era, the need for administrative order is very high. For all important human events from birth to



death, the modern world demands authentic, black and white, written evidence. Human birth is proven by a birth certificate, as well as death, must be proven by a death certificate, to prove the human's identity. Marriage, as an important human event, really needs to be recorded. This is in addition to anticipating (syaddud dzarâ`i) concerns about a husband and wife deviating from their rights and obligations, both those related to the two of them and those related to the children, as well as to support the continuity of family life in facing modern life. And what is even more important is in order to protect the rights of women and children who are often victims of their husbands' lies. If registration occurs, the rights of the wife and children are better protected. The family ties that are built can be legally proven, so that when a problem occurs someday, the rights of the wife and children can be protected.

2. The Mashlahah formulated above relies on the truth of reason and is universally recognized, and is not based on texts.
3. In connection with the text, there are supporting verses; namely QS. 2;282. Even though it does not directly talk about marriage registration, the value contained is universal, namely recording in mu'amalah. (Idaul Hasanah, 2024).

### **Marriage Registration According to Law Number 1 of 1974**

In understanding Law Number 1 of 1974 Article 2, paragraphs (1) and (2), legal experts can be grouped into two: first, legal experts who adhere to the legism (linguistic) way of interpreting. They are of the opinion that marriages carried out in a manner based on the religious rules and beliefs of both parties to the marriage are valid; Marriage registration is not a legal requirement for marriage. but only as a requirement for the completeness of marriage administration.

Second, legal experts who adhere to a systematic method of interpretation (interpretation of laws with the assumption that one article and another explain each other and form a single unit). They argue that marriage registration is a legal requirement for a marriage. Therefore, marriages that are not registered (private marriages) are considered to have no legal force. Apart from these two interpretation approaches, there is another way of interpreting statutory regulations, namely historical interpretation. One way to understand it from a historical perspective is that

it is necessary to reveal the marriage regulations before Law Number 1 of 1974 was implemented.

Judging from the explanation of Law Number 1 of 1974 concerning Marriage, the interpretation that tends to be in accordance with the wishes of the state is the second interpretation, namely the structural interpretation. Explanations regarding the validity of marriage and marriage registration are not separated as contained in the body of Law Number 1 of 1974 concerning Marriage. The tendency to make registration one of the conditions for marriage is emphasized again in Government Regulation Number 9 of 1975 concerning the implementation of Law Number 1 of 1974 concerning Marriage. In Government Regulation Number 9 of 1975 it is stipulated that: first, registration of marriages carried out according to the Islamic religion, is carried out by Marriage Registrar Officers; secondly, every person wishing to enter into a marriage shall notify their wishes to the Marriage Registrar Officer at the place where the marriage will take place at least ten working days before the marriage takes place; notification can be made verbally or in writing, by the person concerned, their parents or representatives; and third, the marriage is carried out in the presence of a Registrar's Officer and attended by two witnesses.

### **Marriage Registration Perspective of Islamic Law and Law Number 1 of 1974 in the Community of Percut Sei Tuan Deliserdang District.**

To obtain this data, researchers directly conducted interviews with a number of people, namely:

Name of Resource Person : H. Zulkarnain Siregar, S.Ag  
Position : Head of the Religious Affairs Office (KUA) Percut Sei Tuan District  
Interview Date : September 10, 2024  
Location : Percut Sei Tuan Religious Affairs Office (KUA), Deliserdang

1. What is your view regarding the importance of marriage registration from the perspective of Islamic law?

H. Zulkarnain:

In Islamic law, marriage registration is not a requirement for the validity of a marriage. The conditions for a valid marriage in Islam are a marriage contract involving the bride and groom, guardian, two witnesses and a dowry. However,

even though it is not a legal requirement, marriage registration has a very important role as part of maintaining the benefit of the people. This includes protecting the rights of women and children, and ensuring that marriage relationships are recognized by both religion and the state. In the *maslahah* concept, marriage registration aims to maintain order and clarity of legal status, especially in matters of inheritance and management of children's rights.

2. How is Law Number 1 of 1974 implemented in Percut Sei Tuan District regarding marriage registration?

H. Zulkarnain:

Law Number 1 of 1974 concerning Marriage in Indonesia regulates that a marriage is considered valid if it is carried out in accordance with religion and is registered by the state. In Percut Sei Tuan District, we at KUA always strive to make the public aware of the importance of marriage registration. Currently, there are still people who carry out serial marriages without registration. In some cases, this is due to a lack of understanding or economic difficulties, but we continue to provide education so that they understand that marriage registration is important to ensure legal protection for their partners and children.

3. What obstacles have you encountered regarding marriage registration in this area?

H. Zulkarnain:

There are still several obstacles in terms of marriage registration in our area. One of them is unregistered marriage, which still occurs even though we have provided understanding to the community. Many couples believe that a religious contract is sufficient, and they feel that registration is not necessary. Most of this occurs in people with a low level of education or who do not really understand state regulations. Apart from that, there are also problems from the administrative side, such as couples who do not have the documents needed to register a marriage, such as an KTP or birth certificate.

4. How do you see the relationship between Islamic law and Law no. 1 of 1974 regarding marriage registration? Is there a significant difference?

H. Zulkarnain:

In Islamic law, the main thing is the validity of the marriage contract. However, Law Number 1 of 1974 emphasizes the need for marriage registration to provide

legal certainty. So, even though Islam does not explicitly require recording, we must see this as a form of obeying the law in the context of a state that aims to maintain the benefit. "There is no significant difference in terms of objectives, both in Islamic law and in this law, both aim to protect rights and provide certainty for the parties involved in marriage."

5. What is the role of the KUA in ensuring that every marriage is officially registered in Percut Sei Tuan District?

H. Zulkarnain:

KUA has an important role in the marriage registration process. Every couple who wants to get married must come to the KUA to register their marriage, and we ensure that all requirements are met, both in terms of religion and state law. We also conduct regular outreach to the public regarding the importance of marriage registration. "Apart from that, we are working with religious and community leaders to provide education about the dangers of unregistered marriages, especially regarding the legal implications that can harm certain parties, especially women and children."

6. What is your message to the public regarding marriage registration?

H. Zulkarnain:

I want to appeal to the people in Percut Sei Tuan District to realize the importance of officially registering marriages. Don't take this recording lightly, because the impact is very big, especially for women and children. With a registered marriage, the legal status of the family will be clearer, and rights will be protected. Apart from that, this is part of our obligation as law-abiding citizens, while maintaining the benefit of Islamic teachings.

### **Results of Interviews with Community Figures**

Name of Resource Person : Drs. H. Ahmad Nasution  
Position : Community Figure in Percut Sei Tuan District  
Interview Date : September 12, 2024  
Location : Residence of Drs. H. Ahmad Nasution, District Percut Sei Tuan, Deliserdang.

1. What is your view regarding marriage registration from the perspective of Islamic Law and Law Number 1 of 1974?

H. Ahmad Nasution:

In my view as a Muslim who follows the teachings of Islam, a marriage is valid if it is carried out in accordance with the Shari'a, namely with the presence of a guardian, witnesses, dowry and consent. However, Islam also teaches to follow state regulations as long as these regulations do not conflict with the Sharia. In this case, marriage registration is a good thing because it provides protection to the parties involved. In Law Number 1 of 1974, marriage registration is mandatory for it to be valid in the eyes of the law. This is important to avoid legal problems that may arise in the future, such as inheritance rights and child status.

2. Is marriage registration well understood by the people here?

H. Ahmad Nasution:

In fact, people's understanding of the importance of marriage registration still varies. Among older people, there are some who feel that a religious marriage contract is sufficient, without the need to register their marriage with the state. They argue that what is important is that it is religiously legal. However, the younger generation is starting to understand more about the importance of marriage registration. With outreach from the KUA and related parties, people are starting to understand that marriage registration provides legal certainty and protects their rights, especially for women and children.

3. What do you think are the impacts of marriages that are not officially registered?

H. Ahmad Nasution:

The impact is very large, especially for women and children. If marriages are not registered, women are often disadvantaged when problems occur in marriage, such as divorce. They have difficulty getting their rights, such as a living, and children become victims because their legal status is unclear. There are also risks for women in unregistered marriages, where they cannot claim inheritance rights or other rights when their husband dies. So, marriage registration is not just a formality, but also real protection for the family.

4. What is the role of community leaders in socializing the importance of marriage registration to residents?

H. Ahmad Nasution:

As a community figure, I feel I have a responsibility to educate residents about the importance of marriage registration. On various occasions, such as religious studies

or village events, I often remind people that marriage registration is not merely a requirement of the state, but also for our own good. I also often collaborate with the KUA to help provide understanding to the public, especially the older generation who may still be less aware of the importance of this recording.

5. Do you think there are any obstacles that make some people reluctant to register their marriages?

H. Ahmad Nasution:

There are several obstacles that I see in the field. One of them is the issue of cost. Even though the cost of registering a marriage at KUA is actually free if done at KUA, there are people who are misinformed and feel that the process is expensive. Apart from that, there are also those who do not have complete documents, such as KTP or family cards, so they find it difficult to register their marriage. Apart from that, there are still people who feel that religious marriage contracts are sufficient without considering the importance of official registration. This is what we need to continue to educate so that they understand.

6. What is your response regarding the role of Law no. 1 of 1974 in maintaining marriage rights in society?

H. Ahmad Nasution:

I consider Law no. 1 of 1974 concerning Marriage is very important in protecting the rights of all parties in a marriage. This is a regulation that functions to maintain order and provide legal protection, both to husbands, wives and children. Islamic law itself does not conflict with this law because the ultimate goal is the same, namely for the common good. Registered marriages provide legal certainty and ensure that individual rights, such as inheritance, child custody, and division of property, can be resolved in accordance with applicable regulations. This also avoids potential conflicts in the future.

7. What is your message to the public regarding the importance of registering marriages?

H. Ahmad Nasution:

I want to convey to the entire community, especially in Percut Sei Tuan District, that marriage registration is something that is very important to protect our families. Marriage that is legal according to religion must be prioritized, but don't forget to

register it officially. By registering a marriage, we not only follow state regulations, but also protect the rights of our partner and children. This is a wise step to take to avoid problems in the future.

### **Results of Interviews with Religious Figures**

Name of source : Ustadz Muhammad Iqbal

Position : Religious Figure and Chair of the Indonesian Ulema Council  
(MUI) Percut Sei Tuan District

Interview Date : September 14, 2024

Location : Al-Muhajirin Mosque, Percut Sei Tuan District, Deliserdang.

1. What is the Ustadz's view regarding marriage registration from the perspective of Islamic law?

Ustadz Muhammad Iqbal:

In Islam, marriage is considered valid if it meets the specified conditions, namely the presence of a guardian, witnesses, consent and dowry. Marriage registration is not a legal requirement according to Islamic law, but this is highly recommended as a form of compliance with state law and to maintain legal certainty. This registration helps avoid various problems that may arise, such as the rights of children and wives not being protected. Islam views marriage registration as a good step to protect the rights of all parties involved and to avoid legal confusion in the future.

2. To what extent do people in Percut Sei Tuan District know about the importance of marriage registration?

Ustadz Muhammad Iqbal:

Public knowledge about the importance of marriage registration varies. Among older or less educated people, they often focus more on carrying out religious marriage contracts and consider registration as less important. However, more and more people, especially the younger generation, are realizing the importance of this recording thanks to outreach from various parties, including the KUA and MUI. "We also often hold lectures and discussions to explain the benefits of marriage registration, both in terms of sharia law and state law."

3. What are the impacts of marriages that are not officially registered, according to Ustadz?

Ustadz Muhammad Iqbal:

Marriages that are not officially registered can result in various serious problems.

From a religious perspective, even though marriage is religiously legal, legal issues such as inheritance rights, maintenance and children's rights can become complicated. Children from unregistered marriages may face problems in terms of their legal status and rights. For wives, they may face difficulties in asserting their rights in the event of a divorce or if their husband dies. Marriage registration helps ensure that all these rights are clearly recognized and protected.

4. What is the role of religious leaders in encouraging people to officially register their marriages?

Ustadz Muhammad Iqbal:

As religious leaders, our role is to provide understanding and education to the public about the importance of marriage registration. We often hold lectures in mosques, give lectures, and speak in community forums to explain that marriage registration is part of our responsibility as citizens and is also in accordance with Islamic principles which encourage goodness and order. "We also collaborate with the KUA and other institutions to ensure information about marriage registration reaches the wider community."

5. Are there any obstacles faced in socializing the importance of marriage registration?

Ustadz Muhammad Iqbal:

Some of the obstacles we face include a lack of understanding among the public about the benefits of marriage registration and the perception that registration is just a formality. Apart from that, there are also administrative obstacles such as difficulties in completing the required documents. We also often meet people who still feel burdened by costs or processes that are considered complicated, even though marriage registration should be free and easy to do at KUA. These obstacles require a more intensive approach in education and outreach.

6. What is Ustadz's message to the public regarding the importance of registering marriages?

Ustadz Muhammad Iqbal:

I want to convey to all people that marriage registration is an important step that should not be ignored. Even though religious marriages are legal, marriage registration provides legal certainty which is very important to protect the rights of all parties, including women and children. This is a form of our responsibility as



citizens and as Muslims who care about order and protection of rights. "Let us together support efforts to register marriages so that our families are protected legally and socially."

## CONCLUSION

Based on the results of interviews with religious and community leaders regarding marriage registration from the perspective of Islamic Law and Law Number 1 of 1974 in Percut Sei Tuan District, Deliserdang, it can be concluded that:

1. Alignment of Islamic Law and Law Perspectives: Although in Islamic Law a marriage is considered valid if it meets religious requirements, registration of marriages in Law Number 1 of 1974 is important to ensure legal certainty. This registration functions to protect the rights of all parties involved, including inheritance rights, maintenance and child status.
2. The Importance of Marriage Registration: Marriage registration provides clear legal protection, which not only protects the rights of women and children, but also helps avoid various legal problems in the future. Registration ensures that marriages are officially recognized by the state, which is important for clarity of legal status and family administration.
3. Understanding and Socialization: Public knowledge about marriage registration is still diverse. There are some people, especially older or less educated ones, who may still consider recording as a formality. However, more and more people, especially the younger generation, are realizing the importance of recording thanks to outreach from various parties, including the KUA and religious leaders.
4. Obstacles in Registration: Some of the obstacles faced in registering marriages include a lack of understanding about the benefits of registration, administrative difficulties, and misinformation regarding costs. This requires a more intensive approach in education and outreach to overcome these problems.
5. Role of Religious and Community Leaders: Religious and community leaders play an important role in socializing the importance of marriage registration. They must continue to educate the public and collaborate with relevant institutions to ensure that the public understands and carries out marriage registration correctly.

By understanding and overcoming existing obstacles, as well as increasing

education about the importance of marriage registration, it is hoped that the public will be more aware of its benefits, so that their rights in marriage can be protected legally and socially.

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