

IMPLEMENTATION OF MAQĀṢID AL-SYARĪ'AH IN MARRIAGE REGULATIONS IN INDONESIA

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Abstract

Marriage in Islam is not only understood as an outward bond, but also as a sacred institution that has the purpose of preserving offspring, maintaining honor, and realizing peace of life. In the Indonesian context, marriage regulations are regulated through Law Number 1 of 1974 concerning Marriage which was later updated with Law Number 16 of 2019, as well as the Compilation of Islamic Law (KHI). This article aims to analyze the implementation of maqāṣid al-syarī'ah in marriage regulations in Indonesia, especially in the aspects of protecting the rights of spouses, preventing harm, and strengthening family institutions. Using a juridical-normative approach combined with the analysis of maqāṣid al-syarī'ah, this study found that marriage regulations in Indonesia have tried to accommodate sharia principles, such as maintaining religion (ḥifẓ al-dīn), preserving the soul (ḥifẓ al-nafs), preserving offspring (ḥifẓ al-nasl), preserving reason (ḥifẓ al-'aql), and take care of the treasures (ḥifẓ al-māl). This is reflected in the policy regarding the age limit for marriage, marriage registration, certain marriage prohibitions, and the regulation of the rights and obligations of husband and wife. However, implementation challenges remain, especially in practices at the local level that are often influenced by people's cultural and religious understanding. This article concludes that the synergy between maqāṣid al-syarī'ah and national regulations is very important to realize a harmonious, just, and gender-equitable family in Indonesia.

Keywords: maqāṣid al-syarī'ah, marriage regulation, Islamic law, family, Indonesia.

Introduction

In the discourse of Islamic law, the concept of *Maqāṣid al-Sharī'ah* plays a fundamental role as the main goal of sharia which is oriented towards the achievement of the benefit or welfare of mankind. This concept traditionally identifies the five points of protection or *al-maqāṣid al-khamsa*, including *hifẓ al-dīn* (preserving religion), *hifẓ al-nafs* (preserving the soul), *hifẓ al-'aql* (preserving the intellect), *hifẓ*

al-nasl (preserving posterity), and *hifzh al-māl* (preserving wealth) (Munir et al., 2022). These universal principles form the ethical and moral foundation in the formation of Islamic law, ensuring that any regulations enacted are aimed at protecting and improving the quality of human life.

Marriage, as one of the most important social and religious institutions, is intrinsically linked to *Maqāṣid al-Sharī'ah*, particularly in the aspect of *hifzh al-nasl*. Through marriage, the continuity of offspring can be guaranteed, family genealogy is protected, and the formation of a family that is *sakinah*, *mawaddah*, *wa rahmah* can be realized (Munir et al., 2022). In an Islamic perspective, marriage is seen as a solid covenant (*mitsaaqan gholidzon*) (Sunnyoto, 2021), not only a social bond, but also worship that is obedient to the commands of Allah SWT, demanding a great responsibility from the couple to maintain the harmony and welfare of the family.

In Indonesia, marriage regulations are comprehensively regulated through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law. This regulation emphasizes that the validity of a marriage is determined by the religious laws and beliefs of each party (Harahap, 2023; Suyaman & Alfiany, 2022). However, the implementation of these regulations is often faced with various challenges, including differences of understanding among Muslims regarding marriage registration. Some people consider registration as a condition of legality alone, while others argue that the validity of marriage is quite based on the fulfillment of the principles and conditions according to *fiqh*, regardless of the aspect of state registration (Harahap, 2023).

The phenomenon of marriage in Indonesia faces various urgent dynamics, which shows the urgency to examine more deeply the relevance of *Maqāṣid al-Syarī'ah* in existing regulations. The latest data from the Central Statistics Agency shows a significant decline in the number of marriages, which is by 28.63 percent in the last decade, with 1,577,255 marriages recorded in 2023, a decrease of 128,000 from the previous year (Rahman et al., 2024). On the other hand, the issue of divorce is also a concern, with research exploring the determinants of divorce in Indonesia, including socio-economic and demographic conditions (Handalusia et al., 2018). The change in the marriage age limit through the revision of Article 7 paragraph of Law No. 1 of 1974 to Law No. 16 of 2019 is also an effort by the government to overcome the problem of early marriage and improve the quality of marriage, a change that can be reviewed from the perspective of *Maqāṣid al-Syarī'ah* for the benefit of the ummah (Baharuddin & Sastrawati, 2021). Another challenge also arises from marriage registrars who face difficulties in implementing regulations amid diverse cultural and social values (Nurhayati et al., 2025).

Although *Maqāṣid al-Syarī'ah* theoretically provides a strong framework for Islamic law, its application in the Islamic family law paradigm in Indonesia is still not fully integrated as the main foundation (Zakaria, 2021). Studies on marriage

certificates, for example, have been analyzed through the lens of *Maqāṣid al-Syarī'ah* and *Maslahah Mursalah*, showing the importance of these documents as part of the protection of rights and benefits (Hasbullah, 2020). However, often, the focus of regulation tends to be on fulfilling aspects of legal formalities, similar to how some CSR (*corporate social responsibility*) programs are more oriented towards fulfilling corporate obligations rather than achieving deeper goals (Hendar, 2023), so that *the potential of Maqāṣid al-Syarī'ah* as a holistic approach has not been fully utilized.

Several previous studies have examined the relevance of *Maqāṣid al-Syarī'ah* in the context of marriage in Indonesia. For example, studies on the age of marriage have been analyzed from the perspective of *Maqāṣid al-Syarī'ah*, underlining efforts to achieve benefits through legal regulation (Baharuddin & Sastrawati, 2021). Other research explores postnuptial agreements within the framework of *Maqāṣid al-Syarī'ah* through the view of al-Syatibi, providing insight into how sharia principles can be applied in modern marriage contracts (Rafli et al., 2023). In addition, there is also a study on the contextualization of *Maqāṣid al-Syarī'ah* Jasser Auda's theory in Islamic family law practice, which shows a significant contribution to the development of a new paradigm oriented towards the protection of rights and family development (Zakaria, 2021).

Despite efforts to integrate *Maqāṣid al-Syarī'ah* in the study of Islamic family law, there are still research gaps that need to be addressed. Many studies focus on conceptual aspects or partial analysis of specific regulations. The main gap lies in the lack of research that comprehensively examines *the practical implementation and effectiveness of Maqāṣid al-Syarī'ah* in addressing contemporary issues of marriage in Indonesia, such as declining marriage rates, divorce challenges, or the issue of underage marriage, holistically. Further exploration is still needed on how the principles of family protection and development in *Maqāṣid al-Sharī'ah* can be concretely realized through existing marriage policies and regulations.

Based on the urgency of the problems and research gaps identified, this study aims to examine in depth the implementation of *Maqāṣid al-Syarī'ah* in marriage regulations in Indonesia. With a general to specific approach, this study will analyze the extent to which the goals of sharia have been achieved in the formulation and implementation of marriage laws, identify inhibiting factors, and formulate recommendations for strengthening the role of *Maqāṣid al-Syarī'ah* in creating a marriage legal system that is more just, beneficial, and responsive to the social dynamics of Indonesian society.

Research Methods

This study uses a juridical-normative research method with a conceptual and statutory approach to analyze the implementation of *maqāṣid al-syarī'ah* in marriage regulations in Indonesia. Primary data was obtained through a study of laws and

regulations related to marriage, such as Law Number 1 of 1974 concerning Marriage and its amendments, the Compilation of Islamic Law (KHI), and relevant implementing regulations. Meanwhile, secondary data was collected through literature studies in the form of Islamic law books, scientific journals, fatwas, and previous research that discussed *maqāṣid al-syarī'ah* and family law. The data collection technique is carried out through documentation and systematic literature analysis. Data analysis uses a descriptive-analytical method, namely by describing regulatory material and examining it through the perspective of *maqāṣid al-syarī'ah*, especially the principles of *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, and *ḥifẓ Al-Māl*. This approach aims to identify the extent to which the substance of marriage regulation in Indonesia has accommodated the basic objectives of sharia, both in terms of protecting rights, preventing *mafsadat*, and guaranteeing the benefits of the family and society. Thus, this research method allows a comprehensive analysis of the harmonization between positive legal norms and sharia values in the context of marriage in Indonesia.

Results and discussion

The Theoretical Foundations of *Maqāṣid al-Syarī'ah* in the Law of Marriage

Description of the concept of *maqāṣid al-syarī'ah* (*ḥifẓ al-dīn*, *ḥifẓ al-nafs*, *ḥifẓ al-'aql*, *ḥifẓ al-nasl*, *ḥifẓ al-māl*). This concept is rooted in the principle that Islamic law aims to realize benefits (goodness) and reject *mafsadat* (damage) for humanity, which fundamentally directs any legal establishment to be welfare-oriented (Farhan et al., 2021). This framework of *Maqāṣid al-Syarī'ah* includes the maintenance of religion, soul, intellect, descent, and property, which are collectively known as *ḍaruriyyat al-khams* (Farhan et al., 2021). In the context of marriage law, these five essential aspects form the basis for the evaluation and formulation of regulations to ensure that each provision contributes to the protection and improvement of the quality of family life (Rafli et al., 2023). The adoption of *Maqāṣid al-Syarī'ah* in marriage regulations in Indonesia, especially in the context of marriage registration, is believed to provide legitimacy and strong legal certainty, in line with sharia principles in maintaining social order (Harahap, 2023). This principle also views marriage registration as the result of *ijtihād* that is in line with the purpose of *syara'* to maintain religion and posterity, as well as ensure orderly administration and property protection in the context of marriage (Harahap, 2023). The approach of *Maqāṣid al-Sharī'ah* allows for adaptation and innovation in the interpretation of marriage law according to the demands of the times, ensuring the relevance of sharia in an ever-evolving social context (Mas'ulah et al., 2020).

The relevance of *maqāṣid* to the purpose of marriage in Islam. Specifically, the main goals of marriage in Islam, such as the formation of the family *sakinah*

mawaddah wa rahmah, the maintenance of offspring, and the creation of a stable environment for individual development, are in line with the essence of *ḍaruriyyāt al-khams* (Primanita et al., 2022). Marriage registration, as one of the aspects of regulation, has a crucial role in realizing these goals by providing legal protection and status certainty for couples and their descendants (Harahap, 2023). Without registration, a marriage is only religiously valid but does not have national legal protection, making it vulnerable to various problems in the future (Harahap, 2023). This has the potential to cause harm, especially for women and children, which is directly contrary to the principle of protection of life and offspring in *Maqāṣid al-Syarī'ah* (Iriani, 2018). Unregistered marriages (*nikah siri*) often lead to the marginalization of women heads of households, as they are unable to access basic services such as putting children on family cards or receiving social assistance, despite being economically vulnerable (Safira et al., 2025). Further, unregistered marriages can complicate the determination of inheritance and child custody, which threatens the preservation of property (*hifẓ al-māl*) and the continuity of offspring (*hifẓ al-nasl*) (Munir et al., 2022). Therefore, the urgency of registering marriages is emphasized to ensure the fulfillment of basic rights and minimize potential losses that can erode the benefits of families and communities (Kasim et al., 2022).

The theoretical construction of *maqāṣid* as the basis for the determination of the law (*istinbāt al-ḥukm*). This theoretical construction allows marriage law not only to adhere to normative texts, but also to respond to social needs and changes in order to achieve the common good (Baharuddin & Sastrawati, 2021). This approach indicates that *fiqh*, as a product of *ijtihād*, is accommodating to the development of the times and is not rigidly bound to the codification of the yellow book, but continues to be dialectic between doctrine and social reality (Mas'ulah et al., 2020). This means that *Maqāṣid al-Sharī'ah* allows for flexibility in legal interpretation to accommodate the needs of contemporary society without sacrificing the basic principles of *sharia* (Zakaria, 2021). This approach also allows for legal adjustments to ensure that any marriage regulation can provide optimal benefits for individuals and society, in line with the goals of *sharia* to achieve good in this world and the hereafter (Munawar, 2021). The application of the principle of *maslahah mursalah*, as an integral part of *Maqāṣid al-Syarī'ah*, justifies the formulation of regulations that are not explicitly regulated in the *nash*, but are necessary for the benefit of the *ummah*, such as the provisions of marriage certification (Hasbullah, 2020). This regulation on marriage certification aims to improve the quality of the family, minimize the potential for conflict, domestic violence, and divorce, and create a family that is *sakinah, mawaddah, wa rahmah* (Hasbullah, 2020). The integration of *Maqāṣid al-Syarī'ah* in national marriage regulations, such as the Marriage Law, reflects efforts to achieve substantive justice that goes beyond mere legal formalities, taking into account the holistic well-being of individuals and families (Faqihatin et al., 2025). This adaptive interpretation of law allows marriage law to remain relevant in various socio-cultural

contexts, especially in Indonesia which has a diversity of customs and traditions (Mas'ulah et al., 2020).

The application of fiqh rules that recognize changes in the law along with changes in situations and conditions is an important foundation in adapting marriage regulations in Indonesia (Mas'ulah et al., 2020). This rule emphasizes that fiqh has an accommodating attitude towards the development of time, space, time, and socio-culture, which allows for changes in legal opinions or fatwas in accordance with the dynamics of people's lives (Mas'ulah et al., 2020). This flexibility is in line with the view that Islamic law is not static, but dynamic and responsive to the ever-evolving needs of *ijtihad* to respond to rapid social change (Siregar, 2021) (Maulidi, 2015). This rule of fiqh, "*lā yunkaru tagayyur al-aḥkām bi tagayyur al-azminah wa al-amkinah*", became the foundation for the formation of an accommodating attitude towards the infinite dynamics of people's lives, making it a proof of the dynamic movement of fiqh as an implementation of Islamic teachings (Mas'ulah et al., 2020). This accommodating attitude allows fiqh to always be relevant and able to provide solutions to contemporary problems, including in the realm of marriage regulation, while adhering to universal sharia principles (Mas'ulah et al., 2020).

Analysis of Marriage Regulations in Indonesia in the Perspective of Maqāṣid al-Syarī'ah

Study of important articles in Law No. 1 of 1974 (and amendments to Law No. 16 of 2019). Law Number 1 of 1974 concerning Marriage, along with the Compilation of Islamic Law, is the main juridical foundation that regulates the essential aspects of marriage in Indonesia, which has implicitly adopted the principles of Maqāṣid al-Syarī'ah to ensure the achievement of benefits (Zakaria, 2021). Historically, this regulation has also become the main guideline for the community in carrying out marriage since it was promulgated (Hariati, 2023). The application of religious principles in marriage regulations in Indonesia, as enshrined in Law No. 1 of 1974, shows adaptation to the beliefs and culture of the community (Hariati, 2023). This is in line with Article 2 of the Compilation of Islamic Law which emphasizes that marriage is a *_mithaqan ghalizan_* (a very strong bond) to obey Allah's commands and carry it out is worship, and is also in line with the purpose of Law Number 1 of 1974 which mandates the formation of a happy and eternal family (Affaruddin & Nadhifah, 2019) (Taufik, 2021).

One of the crucial aspects regulated in Law No. 1 of 1974 is the age restriction of marriage which aims to protect the interests of individuals, especially women, from the negative effects of early marriage (Syifa' et al., 2020). This regulation explicitly prioritizes child protection, as affirmed in Law No. 23 of 2002 concerning Child Protection and Law No. 35 of 2014, where marriage at too young a age can hinder their physical and psychological growth and development (Sirajuddin, 2020). Furthermore, this regulation effectively prevents discrimination and guarantees the welfare of

children, in line with the principle of protection of life and posterity in *Maqāṣid al-Syarī'* (Sirajuddin, 2020). This age restriction on marriage also supports gender equality in the household, even though Article 31 Paragraph 3 of Law Number 1 of 1974 still identifies the husband as the head of the family (Safira et al., 2025). Nonetheless, this regulation sets a minimum age of marriage of 19 years for men and 16 years for women, with the possibility of a religious court dispensation for underage marriages (Asmara, 2023). The expansion of the marriage age limit which was originally regulated in Law Number 1 of 1974 was then revised through Law Number 16 of 2019, which equalized the minimum age of marriage for men and women to 19 years, reflecting a stronger commitment to child protection and the prevention of early marriage (Imran et al., 2021). This increase in the age limit aims to ensure the physical and mental maturity of the bride-to-be, so that they are able to carry out their marital roles and responsibilities optimally, in line with the goal of maintaining reason and offspring (Sugiarto & Sulistiyono, 2024) (Amal & Adha, 2021).

Comparison with KHI (Compilation of Islamic Law) and other implementing regulations. A comparative analysis between Law No. 1 of 1974 and the Compilation of Islamic Law and other implementing regulations reveals how legislative efforts in Indonesia integrate the principles of *Maqāṣid al-Syarī'ah* in a positive legal framework (Hasoloan & Rozzaqi, 2022). In particular, the change in the uniform age limit of marriage to 19 years for men and women in Law Number 16 of 2019 is a concrete manifestation of the protection of children's rights and anti-discrimination efforts (Pardede et al., 2021) (Liem et al., 2023). This regulation significantly reduces the rate of early marriage, which often causes reproductive, psychological, and self-concept health problems in adolescents (Regina & Novalina, 2022). This effort is also in line with the mandate of the 1945 Constitution Article 28B Paragraph 2, which guarantees the right of every child to survival, growth and development, and protection from violence and discrimination (Utami, 2018). In addition, this regulatory update shows consistency with the international convention on the elimination of discrimination against women, which Indonesia has ratified, as well as various domestic laws related to child protection and prevention of domestic violence (Sirajuddin, 2020). The alignment of the marriage age limit also reflects systematic efforts to eliminate the practice of child marriage, which is often correlated with poverty and women's powerlessness rates (Yaqini & Agustina, 2023).

Analysis of the conformity of marriage regulations with *maqāṣid*, for example: Age limit of marriage (*hifz al-nasl*). The restriction of the marriage age to 19 years for both brides, as stipulated in Law Number 16 of 2019, is a progressive step that directly has implications for the maintenance of *_hifz al-nasl_* (protection of offspring) and *_hifz al-'aql_* (protection of intellect), as it ensures the physical and mental maturity of the prospective spouse to form a stable and responsible family. This maturation of marriage age also significantly contributes to a decrease in reproductive health risks

for women as well as increased educational and self-development opportunities (Wuryandari & S, 2024) (Safira et al., 2025). This is in line with the state's efforts to support the fulfillment of children's basic rights, including the right to education and protection from exploitation, as mandated by Law Number 23 of 2006 concerning Population Administration and Law Number 52 of 2009 concerning Population Development and Family Development (Safira et al., 2025). This policy also prevents the negative impacts of early marriage, such as school dropouts and vulnerability to domestic violence, which are commonly experienced by individuals who marry at a young age (Sulaeman, 2019). Despite this, the phenomenon of child marriage is still a significant issue, especially in rural areas, which indicates that age restrictions alone are not fully effective without strict implementation and comprehensive societal understanding (Veronica & Dzakira, 2022) (Beta & Marwa, 2023). The need for a multisectoral approach involving governments, civil society, and religious institutions is essential to address these challenges, including the provision of better access to education and health for adolescents as well as the massive socialization of the negative impacts of child marriage (Liem et al., 2023) (Yaqini & Agustina, 2023).

Marriage registration (*hifz al-dīn* and *hifz al-nafs*). Marriage registration is a fundamental aspect of marriage regulation in Indonesia, which aims to ensure legal certainty and protect the rights of the parties involved (Salsabila et al., 2024). This practice, which is an implementation of *_hifz al-din_* and *_hifz al-nasl_*, ensures that marriage is legally recognized by the state and religion, while providing a strong legal basis for inheritance, maintenance, and child protection rights (Liem et al., 2023). This regulation effectively minimizes the potential for disputes in the future and facilitates the enforcement of justice in cases of divorce or division of *gono-gini* property. In addition, marriage registration is also crucial in providing accurate demographic data, which is essential for the formulation of effective public policies, including family health and education programs (Utomo et al., 2022). Furthermore, this marriage registration also serves as a monitoring mechanism for the practice of underage marriage and unregistered serial marriages, which often harm women and children (Fajriyah et al., 2023). This recording policy also supports efforts to prevent stunting in toddlers, which is often caused by pregnancy and birth in physically immature adolescence (Wuryandari & S, 2024).

Certain marriage prohibitions (*hifz al-nasl* and *hifz al-'aql*). This regulation mandates that every marriage must be registered by the competent institution, namely the Office of Religious Affairs for Muslims and the Civil Registry Office for non-Muslims, so that it is legally legal for the state and religion (Jamaluddin & Djabbar, 2021). This ensures the fulfillment of the harmony and conditions of marriage that are not only in accordance with Islamic law but also orderly in state administration, in order to prevent disputes in the future. This registration procedure is also essential to protect the rights of children born of such marriages, including the right to birth, inheritance,

and maintenance certificates, in line with the principles of progeny protection (*hifz al-nasl*) (Beta & Marwa, 2023). In addition, marriage registration is also crucial in preventing the practice of serial marriages or unregistered under-hand marriages, which often harm women and children due to the absence of formal legal recognition (Huzaimah et al., 2023). This regulation indirectly supports *maqāṣid al-syarī'ah* in the aspects of *hifz al-nasl* and *hifz al-māl* by providing a legal framework that protects lineage and property rights.

Challenges and Prospects for the Implementation of *Maqāṣid al-Syarī'ah* in Marriage Regulation

Implementation problems: child marriage, serial marriage, polygamy are not recorded. The phenomenon of child marriage and serial marriage, which is not officially recorded, has serious implications for the protection of the rights of women and children, including inheritance and maintenance rights, thus contradicting the principle of fundamental justice in Islamic law (Khoiroh et al., 2022) (Hasan et al., 2022). Unrecorded polygamy also exacerbates this complexity, as it often leads to ambiguity in legal status and economic vulnerability for the second or third wife and their children (Zakiyuddin, 2022). This condition confirms the need for stricter supervision and effective legal sanctions to ensure compliance with existing marriage regulations (Lisma & Nikmah, 2021). It is also necessary to address the underlying causes such as economic factors and low education levels that often encourage the practice of child marriage and unrecorded marriages (Wuryandari & S, 2024). In addition, regulations regarding the rights of children outside marriage need to be affirmed to provide clear legal protection and status for them, in line with the principles of *hifz al-nasl* (Nugroho & Safiudin, 2021). Furthermore, these implementation problems also include public ignorance of the legal implications of the practice, which is often exacerbated by a lack of socialization on the importance of marriage registration and the negative impact of illegal practices (Alhaidar et al., 2023).

Analysis of the gap between positive legal norms, *maqāṣid*, and social practice. This gap often arises due to different interpretations of sharia values, lack of public understanding, and resistance to legal modernization that is considered to be contrary to local traditions (Nurjanah & Nur, 2022) (Dr. et al., 2016). Alignment between these three aspects requires constructive dialogue and continuous education on the essence of *maqāṣid al-syarī'ah* in a contemporary context (Safira et al., 2025). A multicultural fiqh approach can bridge the rigidity of legal formalities with dynamic social realities, ensuring that Islamic sharia remains relevant and applicable in realizing public welfare and social justice (Mas'ulah et al., 2020). This alignment can also be achieved through the *ushul fiqh* approach, such as the concept of *sadd adz-dzara'i*, to close

the loopholes that allow harmful practices such as early or unrecorded marriages to continue to occur (Khairunnisa & Suprihatin, 2024).

Recommendations for strengthening regulations and implementation strategies for *maqāṣid* in the context of modern Indonesia. Strengthening regulations can be done through stricter revisions of laws on the practice of child marriage and serial marriage, as well as increasing the capacity of law enforcement officials in handling these cases (Affaruddin & Nadhifah, 2019) (Johanna et al., 2024). Increasing public awareness through intensive education about the negative impacts of child marriage and the importance of marriage registration is also crucial in creating behavioral changes and social norms that support sharia goals (Putri et al., 2024). This strategy should also involve women's empowerment and increased access to education as a preventive measure against the vulnerability of early and unrecorded marriage (Faqihatin et al., 2025). In addition, an ethical-esoteric approach to understanding *fiqh* can help transform the formalities of Islamic sharia to better suit the culture of society, without ignoring religious norms (Mas'ulah et al., 2020). This effort to understand multicultural *fiqh* is important to find a way out of the rigidity of sharia formalities, so that *fiqh* can be cultured and not limited to religious norms only (Mas'ulah et al., 2020).

Conclusion

The discussion of the implementation of *maqāṣid al-syarī'ah* in marriage regulations in Indonesia shows that positive law in Indonesia has accommodated the basic values of Islamic law, albeit with a normative approach mixed with the principles of national law. Law No. 1 of 1974 concerning Marriage and its amendments, the Compilation of Islamic Law, and various other derivative regulations, essentially aims to preserve religion (*ḥifẓ al-dīn*), protect the soul (*ḥifẓ al-nafs*), preserve offspring (*ḥifẓ al-nasl*), preserve reason (*ḥifẓ al-'aql*), and protect property (*ḥifẓ al-māl*).

However, the implementation of these principles cannot be separated from the problem. The difference in interpretation between regulations and societal practices often causes tension, for example in the issue of child marriage, polygamy, marriage registration, and women's rights after divorce. This shows that *maqāṣid al-syarī'ah* has not been fully internalized in the practice of family law, so there is still a gap between the ideals of sharia and social reality.

Therefore, strengthening the implementation of *maqāṣid al-syarī'ah* in marriage regulations needs to be directed at three main things: first, harmonization of regulations so that they are in harmony with the principles of justice and sharia benefits; second, strengthening the role of judicial institutions and marriage registrars

to ensure effective legal protection; third, legal education to the public so that the understanding of marriage is not only formalistic, but also substantive according to the purpose of sharia. Thus, marriage in Indonesia is not only legally valid, but also in harmony with maqāṣid al-syarī'ah in order to build a just, prosperous family, and based on Islamic values.

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