

**IMPLEMENTATION OF THE *KOPER PENGANTIN* PROGRAM AS A
SOLUTION TO THE LEGAL STATUS OF UNREGISTERED
MARRIAGES IN THE PERSPECTIVE OF AL-GHAZALI'S *MAŞLĀHAH*
*MURSALAH***

(A Case Study at the Office of Religious Affairs, Pesantren District, Kediri City)

THESIS

BY : ASYIQOH SALSABIL

SIN 220201110045



**ISLAMIC FAMILY LAW DEPARTMENT
SHARIA FACULTY
STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM
MALANG
2025**

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MALANG

2025

STATEMENT OF THE AUNTENTICITY

In the name of Allah, With consciousness and responsibility toward the development of science, the writer declares that thesis entitled:

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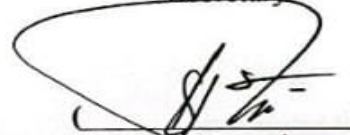
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MOTTO

وَمِنْ ءَايَاتِهِ أَنْ خَلَقَ لَكُمْ مِنْ أَنْفُسِكُمْ أَزْوَاجًا لِتَسْكُنُوا إِلَيْهَا وَجَعَلَ بَيْنَكُمْ مَوَدَّةً

وَرَحْمَةً ۚ إِنَّ فِي ذَلِكَ لَآيَاتٍ لِقَوْمٍ يَتَفَكَّرُونَ

“And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them. And He placed between you affection and mercy. Indeed, in that are surely signs for people who reflect.”

(Ar-Rūm (30) Ayat 21)

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With the guidance, support, and assistance, both materially and morally, granted to the writer. I wish to express my deepest and most sincere gratitude to:

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3. Erik Sabti Rahmawati, M.A. M.Ag. Head of the Islamic Family Law Study Program, Faculty of Sharia, State Islamic University Maulana Malik Ibrahim Malang.
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Malang, November 21st, 2025
Writer,

A handwritten signature in black ink, appearing to read 'Asyiqoh Salsabil', written in a cursive style.

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TRANSLITERATION GUIDANCE

Transliteration is the transfer of Arabic writing into Indonesian writing (Latin), not the translation of Arabic into Indonesian. Included in this category are Arabic names of Arabs, while Arabic names of non-Arab nations follow the spelling of their respective national languages, or as written in the book being referred to. The writing of book titles in footnotes and bibliographies, still uses this transliteration provision.

A. Consonants

The list of Arabic letters and their transliteration into Latin letters can be seen in the following table:

Arabic	Indonesian	Arabic	Indonesian
أ	`	ط	Ṭ
ب	B	ظ	Ẓ
ت	T	ع	‘
ث	Th	غ	Gh
ج	J	ف	F
ح	Ḥ	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dh	م	M
ر	R	ن	N
ز	Z	و	W
س	S	ه	H
ش	Sh	ء	’
ص	Ṣ	ي	Y
ض	Ḍ		

Hamzah (ء) at the beginning of a word follows its vowel without any sign.

If the hamzah (ء) is located in the middle or at the end, it is written with a sign (’).

B. Vowel

Arabic vowels, like Indonesian vowels, consist of single vowels or monophthongs and double vowels or diphthongs. Single vowels in Arabic, whose symbols are signs or harakat, are transliterated as follows:

Arabic Letters	Name	Latin Letters	Name
ا	Faṭḥah	A	A
إ	Kasrah	I	I
أ	Dammah	U	U

Arabic double vowels, whose symbols are a combination of harakat and letters, are transliterated as a combination of letters, namely:

Sign	Name	Latin Letters	Name
أَي	Faṭḥah and ya	Ai	A and I
أَوْ	Faṭḥah and wau	Au	A and U

Example:

كَيْفَ : *kaifa*

هَوْلَ : *hauḷa*

C. Maddah

Long vowels or *maddah* are in the form of harakat and letters, transliterated in the form of letters and signs, namely:

Harakat and Letters	Name	Letters and Sign	Name
اَ اِيّ	Fatḥah and alif or ya	Ā	a and the line above
يِ	Kasrah and ya	Ī	i and the line above
و-	Ḍammaḥ and wau	Ū	u and the line above

Example:

مَاتَ : *māta*

رَمَى : *ramā*

قِيلَ : *qīla*

يَمُوتُ : *yamūtu*

D. Ta Marbūṭah

There are two transliterations for *ta marbūṭah*, namely *ta marbūṭah* which is alive or gets *fatḥah*, *kasrah*, and *ḍammaḥ* the transliteration is [t]. While *ta marbūṭah* which is dead or gets the letter *sukun* is transliterated as [h]. If the last word with *ta marbūṭah* is followed by a word that uses the article *al-* and the reading of the two words is separated, then *ta marbūṭah* is transliterated with *ha* (h), for example:

رَوْضَةُ الْاَطْفَالِ : *rauḍah al-atfāl*

الحِكْمَةُ : *al-ḥikmah*

E. Syaddah (Tasydid)

Syaddah or *tasydīd* which in the Arabic writing system is symbolized by a *tasydīd* sign (ّ) in this transliteration is symbolized by a repetition of letters (double consonants) marked with a *syaddah* sign. For example:

رَبَّنَا : *rabbānā*

نَجِّنَا : *najjaīnā*

الْحَق : *al-hāqq*

نِعَم : *nu'ima*

أَعِدُوا : *aduwwu*

If the letter ى is *tasydīd* at the end of a word and is preceded by a letter with the letter *kasrah* (ِ) then it is transliterated as *maddah* (ī). For example:

عَلِي : *Alī* (not *'Aliyy* or *'Aly*)

عَرَبِي : *Arabī* (not *'Arabiyy* or *'Araby*)

F. Sandang Letters

The article in the Arabic writing system is symbolized by a letter (*alif lam ma'rifah*). In this transliteration guideline, the article of faith is transliterated as usual, al-, both when it is followed by a *syamsiah* letter and a *qamariah* letter. The article does not follow the sound of the letter directly following it. The article is written separately from the word that follows it and is connected with

a horizontal line (-). For example:

الشَّمْسُ : *al-syamsu* (not *asy-syamsu*),

الْبِلَادُ : *al-bilādu*

F. Hamzah

The letter hamzah when transliterated into apostrophe (') only applies to hamzahs located in the middle and end of words. However, if the hamzah is located.

At the beginning of the word, it is not symbolised because in Arabic writing it is an alif. For example:

النَّوْءُ : *al-nau'*,

شَيْءٌ : *syai'un*

G. Writing Arabic Words Commonly Used in the Indonesian Language

Arabic words, terms or sentences that are transliterated are words, terms or sentences that have not been standardized in the Indonesian language. Words, terms or sentences that are already common and part of the Indonesian language treasury, or are often written in Indonesian writing, are no longer written according to the above transliteration method. For example, the words Quran (from al-Qur'ān), sunnah, hadith, special and general. However, when these words are part of a series of Arabic texts, they must be transliterated as a whole. Example:

Fī ṣilāl al-Qur'ān

Al-Sunnah qabl al-tadwīn

Al- 'Ibārāt Fī 'Umūm al-Lafẓ lā bi khuṣūṣ al-sabab

H. Lafẓ Al-Jalālah

The word “Allah” which is preceded by particles such as *jarr* and other letters or acts as a *mudāf ilaih* (nominal phrase), is transliterated without the letter hamzah. Example:

دِينُ اللَّهِ : *dīnullāh*

As for the *ta marbūṭah* at the end of a word that is based on *lafẓ al-jalālah*, it is transliterated with the letter [t]. Example:

لَهُ : *hum fī raḥmatillāh*

I. Capital Letters

Although the Arabic writing system does not recognize capital letters (All Caps), in transliteration these letters are subject to the provisions on the use of capital letters based on the applicable Indonesian spelling guidelines (EYD). Capital letters, for example, are used to write the initial letters of proper names (person, place, month) and the first letter at the beginning of a sentence. When a proper name is preceded by the word *sandang* (al-), the initial letter of the proper name is written in capital letters, not the initial letter of the article. If it is at the beginning of a sentence, then the letter A of the article is capitalised (Al-). The same provision also applies to the initial letter of the title of the reference preceded by the article al-, both when it is written in the text and in the reference notes (CK, DP,

CDK, and DR). Example:

Wa mā Muḥammadun illā rasūl, Abū Naṣr al-Farābī

Syahru Ramaḍān al-laẓī unzila fīh al-Qur'ān

Naṣīr al-Dīn al-Ṭūs

Abū Naṣr al-Farābī

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ABSTRAK

Asyiqoh Salsabil 2025, **IMPLEMENTASI PROGRAM KOPER PENGANTIN SEBAGAI PENYELESAIAN STATUS HUKUM PERKAWINAN TIDAK TERCATAT PERSPEKTIF *MASLĀHAH MURSALAH* AL-GHAZALI** (Studi di Kantor Urusan Agama Kecamatan Pesantren Kota Kediri). Skripsi. Program Studi Hukum Keluarga Islam, Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang.

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Kata Kunci : Program Koper Pengantin, Status Hukum Perkawinan Tidak Tercatat, Masalah Mursalah Al-Ghazali

Pencatatan perkawinan merupakan kewajiban dalam hukum positif Indonesia untuk menjamin ketertiban administrasi dan perlindungan hak-hak keperdataan, namun di Kota Kediri masih banyak pasangan yang menikah hanya secara agama sehingga berstatus tidak tercatat dan menimbulkan berbagai akibat hukum, sehingga pemerintah menghadirkan Program Koper Pengantin sebagai layanan terpadu isbat nikah dan penerbitan dokumen kependudukan; penelitian ini merumuskan bagaimana implementasi program tersebut dalam menyelesaikan status perkawinan tidak tercatat serta bagaimana tinjauan Masalah Mursalah menurut al-Ghazali terhadap pelaksanaannya, dan hasil penelitian menunjukkan bahwa program ini selaras dengan prinsip kemaslahatan karena memberikan kepastian hukum, perlindungan perempuan dan anak, serta menolak kemudharatan bagi masyarakat Kota Kediri

Penelitian ini merupakan penelitian yuridis-empiris dengan pendekatan kualitatif yang dilaksanakan di KUA Kecamatan Pesantren Kota Kediri, dengan sumber data yang diperoleh melalui wawancara bersama Kepala KUA, petugas KUA, serta pasangan peserta Program Koper Pengantin, kemudian data direduksi, disajikan, dan ditarik kesimpulan untuk menganalisis implementasi program tersebut sebagai upaya penyelesaian status perkawinan tidak tercatat serta relevansinya dengan konsep Masalah Mursalah

Hasil penelitian menunjukkan bahwa Program Koper Pengantin merupakan layanan terpadu antara Pengadilan Agama, KUA, dan Disdukcapil untuk menyelesaikan perkawinan tidak tercatat melalui sidang keliling hingga penerbitan buku nikah. Program ini mempermudah akses layanan, memberikan kepastian hukum, dan meningkatkan tertib administrasi, namun pelaksanaannya masih terdapat beberapa kendala. Dalam perspektif *Maslahah Mursalah* pandangan Al-Ghazali, pencatatan perkawinan melalui program ini berada pada level *dharuriyah* (primer) bagi negara karena berkaitan dengan ketertiban hukum dan perlindungan nasab, sementara dalam hukum Islam berada pada level *hajiyyah* (sekunder) karena bukan syarat sahnya akad namun penting untuk menghindari masalah hukum. Dengan demikian, Program Koper Pengantin memiliki nilai kemaslahatan yang signifikan baik menurut negara maupun syariat.

ABSTRACT

Asyiqoh Salsabil 2025, **IMPLEMENTATION OF THE *KOPER PENGANTIN* PROGRAM AS A SOLUTION TO THE LEGAL STATUS OF UNREGISTERED MARRIAGES FROM THE PERSPECTIVE OF *MAŞĻĀHAH MURSALAH* ACCORDING TO AL-GHAZALI (A Case Study at the Office of Religious Affairs, Pesantren District, Kediri City)**. Thesis. Islamic Family Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.

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Keywords: *Koper Pengantin* program, Legal Status of Unregistered Marriage, *Maslahah Mursalah* of Al-Ghazali.

Marriage registration is a legal obligation under Indonesian positive law to ensure administrative order and the protection of civil rights. However, in Kediri City, many couples marry solely according to religious norms, resulting in unregistered marital status and various legal consequences. To address this issue, the government introduced the *Koper Pengantin* Program as an integrated service for *isbat nikah* and the issuance of civil documentation. This study aims to examine the implementation of the program in resolving the legal status of unregistered marriages and to analyze it through the lens of *Maslahah Mursalah* according to al-Ghazali. The findings indicate that the program aligns with principles of public interest, as it provides legal certainty, protects women and children, and prevents potential harm within the community of Kediri City.

This research employs a juridical-empirical method with a qualitative approach, conducted at the Office of Religious Affairs (KUA) of Pesantren District, Kediri City. Data were collected through interviews with the Head of KUA, KUA officers, and couples participating in the *Koper Pengantin* Program. The data were then reduced, presented, and concluded to analyze both the program's implementation and its relevance to the concept of *Maslahah Mursalah*.

The results of the study indicate that the *Koper Pengantin* Program is an integrated service involving the Religious Court, the Office of Religious Affairs (KUA), and the Civil Registry Office (Disdukcapil) to resolve unregistered marriages through circuit court hearings up to the issuance of marriage certificates. This program facilitates access to services, provides legal certainty, and improves administrative order; however, several challenges remain in its implementation. From the perspective of *Maslahah Mursalah* according to Al-Ghazali, the registration of marriage through this program is categorized at the *dharuriyah* (primary) level for the state because it relates to legal order and lineage protection, while in Islamic law it is positioned at the *hajiyyah* (secondary) level since it is not a requirement for the validity of the marriage contract although it remains important to prevent legal problems. Thus, the *Koper Pengantin* Program carries significant benefits (*maslahah*) from both the state and Islamic law perspectives.

خلاصة

عشيقه سلسيل ، ٢٠٢٥ ، ٢٠٢٥ ، المعهد الوطني للتعليم ، ٢٠٢٥ ، تنفيذ برنامج "كوبر بنغنتين" بوصفه
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يُعدّ تسجيل الزواج واجباً في القانون الإندونيسي لضمان انتظام الإدارة وحماية الحقوق المدنية. إلا أنّ
مدينة كيديري ما تزال تشهد عدداً من الأزواج الذين يعقدون زواجهم دينياً فقط دون تسجيل رسمي، مما يترتب عليه
آثار قانونية متعددة. ولأجل ذلك قدّمت الحكومة برنامج كوبر بنغنتين بوصفه خدمة متكاملة لإثبات الزواج وإصدار
الوثائق المدنية. ويهدف هذا البحث إلى بيان كيفية تنفيذ هذا البرنامج في معالجة وضعية الزواج غير المسجل، وبيان
تقييمه من منظور المصلحة المرسله وفقاً للغزالي. وقد أظهرت نتائج البحث انسجام هذا البرنامج مع مقاصد المصلحة
من خلال توفيره اليقين القانوني، وحماية المرأة والطفل، ودرء المفسدات عن مجتمع مدينة كيديري..

يعتمد هذا البحث على المنهج القانوني-الاجتماعي بالأسلوب النوعي، وتُقدّم في مكتب الشؤون الدينية
بمنطقة بسانتين في مدينة كيديري، واعتمد على بيانات جمّعت من خلال مقابلات مع رئيس المكتب وموظفيه
وبعض الأزواج المشاركين في البرنامج. ثم جرى تحليل البيانات من خلال عملية الاختزال والعرض والاستنتاج لتبيين
كيفية تنفيذ البرنامج كحلٍ لوضعية الزواج غير المسجل وبيان علاقته بمفهوم المصلحة المرسله.
تُشير نتائج هذا البحث إلى أنّ برنامج "كوثر فنكاتين" يمثّل خدمةً متكاملة بين المحكمة الشرعية، ومكتب
شؤون الزواج، ودائرة الأحوال المدنية، وذلك لمعالجة حالات الزواج غير المؤثّق من خلال جلسات المحكمة المتنقلة
وصولاً إلى إصدار وثيقة عقد الزواج. ويسهّل هذا البرنامج وصول المجتمع إلى الخدمات، ويُقدّم ضماناً قانونياً، ويُعزّز
الانضباط الإداري، غير أنّ تنفيذه لا يزال يواجه بعض التحديات. وفي ضوء مفهوم المصلحة المرسله عند الإمام
الغزالي، فإنّ توثيق الزواج من خلال هذا البرنامج يُعدّ في مرتبة الضروريات بالنسبة للدولة، لارتباطه بالنظام القانوني
وحماية الأنساب. أمّا في الفقه الإسلامي، فهو مُصنّف ضمن الحاجيات؛ إذ لا يُعدّ شرطاً لصحة العقد، إلا أنّه ذو
أهمية كبيرة في الوقاية من الإشكالات القانونية. وعليه، فإنّ برنامج "كوثر فنكاتين" يُحقّق مصلحةً معتبرة وذات
دلالة، سواء من منظور الدولة أو من منظور الشريعة الإسلامية

CHAPTER I

INTRODUCTION

A. Background

Based on the positive legal system in Indonesia, marriage is regulated under a specific statute, namely Law Number 1 of 1974 on Marriage. Article 1 of Law Number 1 of 1974 stipulates that: *“Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the purpose of forming a happy and enduring family based on the belief in the One and Only God.”*¹ In addition to Law Number 1 of 1974 on Marriage, matters concerning marriage are also regulated in the Compilation of Islamic Law (KHI). Article 2 of the Compilation of Islamic Law provides that: *“Marriage according to Islamic law is a union, namely a solemn and strong contract (mitssaqaan ghalidzan) established for the purpose of obeying God's commandments, and its implementation constitutes an act of worship”*.²

In Islam, the registration of marriage is not regulated explicitly in either the Qur’anic texts or the Hadith. During the time of the Prophet Muhammad and his companions, the practice of formal marriage registration was not yet known. At that time, a marriage was deemed valid merely by fulfilling its essential requirements and pillars. Since neither the Qur’an nor the Sunnah provides textual provisions concerning marriage registration, classical Islamic jurisprudence did not consider marriage documentation to be an essential matter. However, in contemporary

¹ Pasal 1 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

² Pasal 2 Kompilasi Hukum Islam.

practice, the registration of marriage has become highly necessary as valid evidence of the occurrence of a marital union..³ As stipulated in Article 2 Paragraph (2) of Law Number 1 of 1974 on Marriage, it is stated that: *“Every marriage shall be registered in accordance with the prevailing laws and regulations.”*⁴ The registration of marriage is a requirement that must be fulfilled by couples who plan to marry, as this matter is also regulated in Article 5 Paragraph (1) of the Compilation of Islamic Law (KHI), which states: *“In order to ensure orderliness in marriages within the Muslim community, every marriage must be registered.”* This regulation was established and enforced so that every Indonesian citizen who intends to enter into a marriage must first register it with the Office of Religious Affairs (Kantor Urusan Agama).

Any marriage that is not carried out in accordance with the prevailing laws and regulations will entail certain consequences in the future and may give rise to problems within family life. In addition to serving administrative purposes, marriage registration also plays a crucial role in protecting the rights of the wife and children in matters such as inheritance, joint marital property (harta gono-gini), and similar issues.⁵ The absence of registration has the potential to create social problems with long-term. Although an unregistered marriage may be deemed valid under Islamic law, its lack of legal validity under state law results in several legal

³ Dwi Arini Zubaidah, “Pencatatan Perkawinan sebagai Perlindungan hukum dalam Perspektif Maqāṣid asy-syarī’ah,” *Al-Ahwal: Jurnal Hukum Keluarga Islam* 12, no. 1 (2019): 15–28 <https://doi.org/10.14421/ahwal.2019.12102>.

⁴ Pasal 2 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

⁵ Laila Nadia dan Sumriyah Sumriyah, “Akibat Hukum Perkawinan tidak Tercatat terhadap Legalitas Anak di Dsn Tanjung Desa Taman Jrengik Sampang,” *Referendum : Jurnal Hukum Perdata dan Pidana* 1, no. 4 (2024): 104–15, <https://doi.org/10.62383/referendum.v1i4.285>.

consequences. Among these are: the status of a child born from an unregistered marriage is legally recognized only in relation to the mother and the mother's family; in matters of inheritance, neither the wife nor the child has the right to be considered legal heirs; and the wife does not receive legal protection in the event of marital conflict..⁶ The obligation to register marriages is also regulated in Law Number 24 of 2013 as part of the implementation of orderly population administration that carries legal force. Based on these considerations, marriage registration is therefore of paramount importance.

However, the social reality in the City of Kediri shows that many married couples continue to enter into religious marriages without registering their unions at the Office of Religious Affairs (Kantor Urusan Agama, KUA).⁷ This phenomenon gives rise to a category of unregistered marriages, which, from a legal standpoint, have no binding force in the eyes of the state. This is significant because an unregistered marriage does not result in the issuance of a marriage book. The marriage book or marriage certificate serves as an authentic and essential document that provides legal recognition of the validity of a marriage, whether viewed from the perspective of religious law or positive law. Marriage is a gateway to various important civil events and legal relationships, such as birth, divorce, and reconciliation, all of which have implications for matters such as inheritance. Therefore, the inability to obtain a marriage book due to the absence of registration

⁶ Aziz, Muhdi Abdul., "Fenomena nikah yang tidak dicatatkan (Studi di Kecamatan Rawa Lumbu Bekasi)." (Undergraduate Thesis UIN Sunan Kalijaga Yogyakarta, 2020) <https://digilib.uinsuka.ac.id/view/divisions/kum=5Fkel/>.

⁷ Dhaha News, "Penduduk dengan Status Kawin Tidak Tercatat Negara di Kota Kediri," Dhaha News, 26 Juli 2025, diakses 2 Agustus 2025 <https://www.dhahanews.com/kediri-raya/57515613204/8978-penduduk-dengan-status-kawin-tidak-tercatat-negara-di-kota-kediri>.

presents substantial legal disadvantages

Data from the Department of Population and Civil Registration (Dispendukcapil) shows that by the end of 2024, more than 8,000 residents in the City of Kediri were still recorded as having unregistered marriages.⁸ When compared with the number of residents of marriageable productive age in the City of Kediri (approximately 92,000 people), this figure represents 8.7% of individuals who are married without official registration. From a legal and policy standpoint, this percentage can be considered relatively high. This issue arises from various factors, including the failure of individuals to report their personal data, economic limitations, a lack of legal awareness, underage marriage, and incomplete administrative documentation.

In response to this issue, the Kediri City Government, in collaboration with various institutions such as the Department of Population and Civil Registration (Dispendukcapil), the Religious Court, the Ministry of Religious Affairs, and the Office of Religious Affairs (KUA), initiated an innovation known as the “*Koper Pengantin*” Program (Integrated Collaborative Service for Reducing the Status of Unregistered Marriages).⁹

The *Koper Pengantin* Program is a form of Integrated Mobile Court Services as mandated in Supreme Court Regulation Number 1 of 2015 concerning Integrated

⁸ Jatim Now, “Perkawinan 8.000 Penduduk di Kota Kediri Tidak Tercatat Negara,” Jatim Now, 25 Juli 2025, diakses 2 Agustus 2025, [jatimnow.com https://jatimnow.com/baca-77749-perkawinan-8000-penduduk-di-kota-kediri-tidak-tercatat-negara](https://jatimnow.com/baca-77749-perkawinan-8000-penduduk-di-kota-kediri-tidak-tercatat-negara).

⁹ Antar News, “Pemkot Kediri gandeng PA dan Kemenag untuk fasilitasi pasutri sidang isbat,” Antar News 26 Juli 2025, diakses 2 Agustus 2025 <https://jatim.antaranews.com/berita/951865/pemkot-kediri-gandeng-pa-dan-kemenag-untuk-fasilitasi-pasutri-sidang-isbat>.

Mobile Court Services of the District Court and the Religious Court/Sharia Court for the Issuance of Marriage Certificates, Marriage Books, and Birth Certificates. Within this series of activities, services are carried out jointly and in a coordinated manner by the Kediri District Court or the Kediri Religious Court, the Department of Population and Civil Registration of Kediri City, and the Offices of Religious Affairs (KUA) in all districts within Kediri City. At the regional level, the implementation of this program aligns with Regional Regulation Number 4 of 2018, which governs the administration of population affairs in the City of Kediri. It also serves as a follow-up effort to the provisions stipulated in the Circular Letter of the Director General of Islamic Community Guidance of the Ministry of Religious Affairs of the Republic of Indonesia Number 6 of 2025 concerning the Movement for Awareness of Marriage Registration.

This program facilitates collective *isbat nikah* (marriage validation) hearings aimed at legalizing the marriages of couples whose unions have not yet been officially recorded, while simultaneously providing official documents such as marriage books, identity cards (KTP), family cards (KK), and children's birth certificates. The *Koper Pengantin* Program is designed to assist couples who were married religiously but whose marriages have not been formally registered by the State. The presence of this program is expected to reduce the number of residents whose marital status remains unregistered, increase the coverage of marriage certificate ownership so that all marriages taking place in the City of Kediri are legally recognized under both religious law and state law, and ensure more effective

protection for women and children..¹⁰

The registration of marriage falls within the category of public welfare (*maslahah*) related to the fundamental needs of humanity in both worldly and religious affairs. Through marriage registration, the rights of all parties involved can be safeguarded, thereby fulfilling the objective of *syara'*, which is to bring benefit and prevent harm.¹¹ Thus, marriage registration is of great importance, as it leads to good practices and generates *maṣlahah* by ensuring the protection of those entering into marriage. This requirement aligns with the development of legal principles in realizing public welfare (*Maṣlahah Mursalah*).

In essence, marriage registration is not explicitly prescribed in Islamic law. However, considering its benefits, marriage registration is highly necessary and constitutes a regulation that must be accepted and implemented by Indonesian citizens. When examined from the perspective of *Maṣlāḥah Mursalah*, this policy reflects a principle oriented toward public welfare. *Maṣlāḥah Mursalah* refers to the establishment of legal rulings on matters that are not explicitly mentioned in the Qur'an or the Sunnah, based on considerations of human benefit and necessity. In explaining the concept of *maṣlahah*, Imam al-Ghazali states that *maṣlahah* essentially pertains to achieving benefits or preventing harm. From al-Ghazali's explanation, it can be understood that *maṣlahah* is the effort to obtain benefit and ward off harm in order to uphold the objectives of *syara'*, namely: the preservation

¹⁰ Berita Jatim, "Koper Pengantin, Upaya Kolaboratif Tingkatkan Cakupan Akta Nikah di Kota Kediri" Berita Jatim, 26 Juli 2025, diakses 2 Agustus 2025 <https://beritajatim.com/koper-pengantin-upaya-kolaboratif-tingkatkan-cakupan-akta-nikah-di-kota-kediri>.

¹¹ Yusmita Yusmita, "Dinamika Pencatatan Pernikahan Di Indonesia dalam Kajian Masalah Mursalah," *Berasan: Journal of Islamic Civil Law* 2, no. 1 (2023): 33 <https://doi.org/10.29240/berasan.v2i1.7218>.

of religion, life, intellect, lineage, and property.¹²

The Office of Religious Affairs (Kantor Urusan Agama, KUA) holds a state mandate as the institution responsible for the registration of marriages among Muslim communities. As an institution tasked with recording marriages and guiding religious affairs at the grassroots level, the KUA plays a strategic role in the implementation of this program. The KUA is not only a representation of the state in religious matters and marriage registration, but also the institution that is closest to and most directly engaged with the daily lives of the community, particularly in matters of marriage services and religious guidance. In addition to recording marriages that have been validated (*isbat nikah*) through the court, the KUA also carries an educational role in disseminating information to the public regarding the importance of marriage registration.

B. Problem Formulation

In relation to the background of the issues described above, the author formulates the problems which also serve as the scope and research questions as follows:

1. How is the implementation of the *Koper Pengantin* Program as an effort to resolve the legal status of unregistered marriages in the City of Kediri?
2. How is the *Maṣlāḥah Mursalah* perspective according to al-Ghazali on the implementation of the *Koper Pengantin* Program as a solution to

¹² Bahrum Jalil, "Maqasyid Al-Syari'ah Ditinjau Dari Segi Kemaslahatan," *Jurnal Syariah Volume 10*, (2013): 20.

unregistered marriage registration in the City of Kediri?

C. Research Objectives

1. To describe the *Koper Pengantin* Program as an effort to resolve the legal status of unregistered marriages in the City of Kediri.
2. To describe the *Maṣlāḥah Mursalah* perspective according to al-Ghazali on the implementation of the *Koper Pengantin* Program as a solution to unregistered marriage registration in the City of Kediri.

D. Research Scope

Based on the formulated research problems, the scope of this study is limited to examining the implementation of the *Koper Pengantin* Program as an effort to resolve the legal status of unregistered marriages from the perspective of *Maṣlāḥah Mursalah* at the Office of Religious Affairs (KUA) of Pesantren District, Kediri City.

E. Research Benefits

This study is expected to provide insight and serve as a reference for the academic community, particularly regarding the implementation of the *Koper Pengantin* Program as a means of resolving the legal status of unregistered marriages from the perspective of *Maṣlāḥah Mursalah* at the Office of Religious Affairs (KUA) of Pesantren District, Kediri City. The benefits of this research are explained as follows:

1. Theoretical Benefits : Theoretically, this research is expected to contribute and provide additional scholarly insight in the field of Islamic Family Law, particularly regarding the *Koper Pengantin* Program as an effort to resolve the legal status of unregistered marriages in the City of Kediri from the perspective of *Maṣlāḥah Mursalah*. This study is intended to benefit the general public, especially the Muslim community, and is expected to offer answers to contemporary issues both in the present and in the future
2. Practical Benefits : This research is expected to provide practical benefits for various stakeholders, particularly for the Office of Religious Affairs (KUA). The findings of this study may serve as an evaluative reference to improve the effectiveness of programs addressing unregistered marriages. Furthermore, for the government and the wider community, the results of this research can serve as a basis for formulating more effective policies aimed at reducing the prevalence of unregistered marriages.

F. Operational Definitions

To clarify the operational definitions used in this research, the following key terms are defined as follows:

1. Koper Pengantin

Koper Pengantin is an innovative integrated service program in the City of Kediri aimed at registering the marriages of couples who do not yet possess an official marriage book issued by the state, thereby providing

legal certainty for the couples and ensuring the rights of their children. This program involves collaboration between the Religious Court, the Office of Religious Affairs (KUA), the Department of Population and Civil Registration (DISDUKCAPIL), and the Kediri City Government.

2. Legal Status

Legal status refers to the position or standing of an individual or an action within the legal system, as determined by the applicable laws and regulations. In this study, legal status is operationalized through indicators of official recognition from authorized institutions in the form of legal documents (such as certificates, court rulings, or official statements) that demonstrate the certainty and validity of such legal standing.

3. *Maslāhah Mursalah*

Maslāhah Mursalah terminologically, consists of two words: *maṣlāhah* and *mursalah*. Linguistically, *maṣlāhah* means benefit, while *mursalah* means unrestricted or unattached¹³ Thus, *Maslāhah Mursalah* refers to something considered beneficial, yet for which there is no explicit legal ruling that either supports or rejects it. In practical terms, *Maslāhah Mursalah* refers to matters deemed good and reasonable by intellect, aligned with the objectives of *syari'ah* in establishing legal rulings, but for which no textual evidence from *syara'* explicitly affirms or denies it..¹⁴

¹³ Satria Effendi, *Ushul Fiqh*, (Jakarta : Kencana, 2017), 135

¹⁴ Amir Syarifuddin, *Ushul Fiqh*, (Jakarta : Prenada Media Group, 2011), 345.

G. Systematics of Discussion

The systematics of this research discussion is arranged in accordance with the thesis writing guidelines of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University. As this study falls within the category of empirical research, it is structured into five chapters as follows:

Chapter I includes an explanation of the background of the problem, outlining the urgency and the reasons why the author chose this topic. It discusses the phenomenon of the high number of unregistered marriages in the City of Kediri, the efforts to resolve this issue through an innovative program known as *Koper Pengantin*, the legal consequences of unregistered marriages, the importance of marriage registration, and an examination of marriage registration from the perspective of *Maṣlāḥah Mursalah* based on al-Ghazali's theory.

Following the background, this chapter presents the problem formulation and research objectives, which describe the direction of the study. The research objectives must correlate with the problem formulation to clearly indicate the expected outcomes. In addition, the significance of the study both theoretical and practical is outlined in this chapter. Lastly, the writing systematics are explained in a descriptive paragraph that outlines the structure of the thesis.

Chapter II consists of the literature review, which includes two main components: a review of previous studies and the theoretical framework. The review of previous studies covers information drawn from relevant sources such as books, journal articles, dissertations, theses, and prior research related to the topic. Meanwhile, the theoretical framework elaborates on the theories and concepts that

serve as the foundation for analyzing the problems addressed in this study. This includes a comprehensive discussion of the definition of efforts to resolve legal status issues, the definition of unregistered marriages, the impacts of unregistered marriages, the concept of *Maṣlāḥah Mursalah*, al-Ghazali's definition of *Maṣlāḥah Mursalah*, and the various classifications of *maṣlahah*.

Chapter III contains the research methodology, which outlines the scientific procedures used to obtain data. The components of the research methodology include the type of research, research approach, research location, types and sources of data, data collection methods, and the methods used for data analysis.

Chapter IV is the core chapter, as it contains the main discussion of the research conducted. The discussion in this chapter refers to the data obtained from the Office of Religious Affairs (KUA) of Pesantren District, Kediri City, regarding the *Koper Pengantin* Program as an effort to resolve the legal status of unregistered marriages through the *Koper Pengantin* program from the perspective of *Maṣlāḥah Mursalah* based on al-Ghazali's theory.

Chapter V serves as the closing chapter, which contains the conclusions of the research that has been carried out and is followed by recommendations. The conclusions of this study provide a concise answer regarding the efforts to resolve the legal status of unregistered marriages through the *Koper Pengantin* Program in the City of Kediri, as well as the implementation of the *Koper Pengantin* Program as a solution to unregistered marriages from the perspective of *Maṣlāḥah Mursalah*.

CHAPTER II

LITERATURE REVIEW

A. Previous Studies

The author attempts to relate this research to several previous studies that discuss unregistered marriages in order to provide contextual relevance for the present study:

1. A study conducted by Abdurrahman entitled “Pros and Cons of Marriage Registration in the Perspective of Religious Leaders (Kiai) in Pangtonggal Village, Proppo District, Pamekasan Regency.”¹⁵ The objectives of the study were to describe the factors and aspects that give rise to the pros and cons surrounding marriage registration within the community of Pantonggal Village, and to describe the social impacts experienced by community members—both those who register their marriages with the Marriage Registrar and those who do not. The findings of the study indicate that some *kiai* view marriage registration merely as an administrative procedure that burdens the community, while others consider it important for ensuring legal certainty, protecting the rights of women and children, and demonstrating compliance with state regulations. These differing perspectives have influenced marriage practices within the community. Unregistered marriages have resulted in various legal and social disadvantages, whereas registered marriages provide families with legal protection and a sense of security.

¹⁵ Abdurrahman, “Pro dan Kontra Pencatatan pPnikahan dalam Pandangan para kiai di Desa Pangtonggal Kecamatan Proppo Kabupaten Pamekasan” (Undergraduate thesis, UIN Sunan Kalijaga Yogyakarta, 2020) <https://digilib.uin-suka.ac.id/id/eprint/34208/>.

2. A study conducted by Fauziatul Munawwaroh entitled “Implementation of Marriage Registration Regulations in Law Number 1 of 1974 on Marriage in Marioriwawo District, Soppeng Regency.”¹⁶ This research examines the factors that cause marriages to remain unregistered as well as the extent of socialization regarding marriage registration under Law Number 1 of 1974 in Marioriwawo District, Soppeng Regency. The objectives of the study are to identify the factors contributing to unregistered marriages and to assess the socialization efforts related to marriage registration as mandated by Law Number 1 of 1974 in the district. The findings of the study show that some residents in Marioriwawo District still do not register their marriages due to a lack of understanding about the importance of marriage registration. As a result, many couples face legal difficulties, particularly concerning marriage certificates and birth certificates for their children. Nevertheless, the implementation of marriage registration regulations at the KUA of Marioriwawo District has generally been carried out effectively through socialization efforts and religious activities.
3. A study conducted by Ahmad Muztahid Fatwa entitled “Examining the Minister of Religious Affairs’ Proposal: Interfaith Marriage Registration from the Perspective of KUA Heads in Yogyakarta.”¹⁷ This research investigates the views and roles of KUA heads across Yogyakarta City regarding the Minister of

¹⁶ Munawwarah, Fauziatul, “Implementasi Aturan Pencatatan Nikah dalam Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan di Kecamatan Marioriwawo Kabupaten Soppeng” (Undergraduate thesis IAIN Parepare, 2021).

<https://repository.iainpare.ac.id/view/divisions/JHKI/2019.html>.

¹⁷ Fatwa, Ahmad Muztahid, “Mengupas Usulan Menteri Agama: Pencatatan Perkawinan lintas Agama dari Perspektif Kepala KUA Yogyakarta” (Undergraduate thesis UIN Sunan Kalijaga Yogyakarta, 2024), <https://digilib.uin-suka.ac.id/view/divisions/jur=5Faas/>.

Religious Affairs' proposal on the registration of interfaith marriages. The objectives of the study are to identify and explain the perspectives of KUA heads in Yogyakarta City concerning the Minister's proposal on marriage registration, and to analyze their opinions within the framework of Gustav Radbruch's legal theory. The findings of the study conclude that the Minister's proposal regarding interfaith marriage registration at the KUA generated both support and opposition among KUA heads in Yogyakarta City. Most expressed agreement because the proposal is considered neutral, facilitates public services, and strengthens social harmony, while others opposed it due to limited resources and concerns over the potential loss of the KUA's Islamic institutional identity. Overall, the discourse is viewed as having the potential to promote justice, utility, and legal certainty; however, it still requires comprehensive regulations and adequate preparation to be effectively implemented.

4. A study conducted by Tubagus Farhan Maulana entitled "Policy on Unregistered Marriages: A Perspective of Legal Certainty and *Maṣlāḥah Mursalah*."¹⁸ The objectives of this research are to determine the legal implications of the existence of unregistered marriage documentation within Indonesian legislation and to examine the legal considerations from the perspectives of legal certainty and *Maṣlāḥah Mursalah* regarding the accommodation of unregistered marriage registration. The findings of the study indicate that the policy on documenting unregistered marriages as regulated in Minister of Home Affairs Regulation

¹⁸ Maulana, Tubagus Farhan., "Kebijakan Perkawinan Belum Tercatat: Perspektif Kepastian Hukum dan *Mashlahah Mursalah*." (Undergraduate thesis UIN Syarif Hidayatullah Jakarta. 2024), <https://repository.uinjkt.ac.id/dspace/handle/123456789/134>.

Number 108 of 2019 does not constitute the legalization of *nikah siri*, but rather an administrative effort to record the factual occurrence of a marriage in order to provide legal protection for wives and children. This policy aligns with the principles of legal certainty and *Maṣlāḥah Mursalah*, as it aims to safeguard family welfare, ensure citizens' rights, and provide clarity regarding legal status without contravening the essential validity requirements of marriage as established by law.

5. A study conducted by Muhammad Sulthan Akbar entitled “Maṣlāḥah Mursalah in Marriage Registration within Islamic Family Law.”¹⁹ This research examines marriage registration in Islamic family law with the objectives of understanding the concept of marriage registration in Islamic Family Law and determining the relevance of *Maṣlāḥah Mursalah* to marriage registration. The findings reveal that marriage registration in Islamic family law is obligatory, as it is not merely administrative in nature but also has implications for the legitimacy of marital identity and the protection of family rights. From the perspective of *Maṣlāḥah Mursalah*, marriage registration falls into the category of essential (*daruriyyah*) benefits that safeguard life, property, and lineage. Therefore, it is not simply an administrative formality, but part of a broader effort to realize well-being in both worldly and religious contexts.

¹⁹ Muhammad, Sulthan Akbar., “Maṣlāḥah Mursalah Pencatatan Perkawinan dalam Hukum Keluarga Islam.” (Undergraduate thesis UIN Raden Intan Lampung, 2025)
<https://repository.radenintan.ac.id/37989/1/PUSAT%201%205.pdf>.

Table 1.1
Previous Studies

NO.	AUTHOR	TITLE	SIMILARITIES	DIFFERENCES
1	Abdurrahman	Pros and Cons of Marriage Registration in the Perspective of Kiai in Pangtonggal Village, Proppo District, Pamekasan Regency	There are similarities in the research methods and types used.	<p>The previous research examined different research objects and did not refer to the same program.</p> <p>In contrast, the present study explores the topic more comprehensively by examining the <i>Koper Pengantin</i> Program as an effort to resolve the legal status of unregistered marriages in the City of Kediri.</p>
2	Fauziatul Munauwaroh	Implementation of Marriage Registration Regulations in Law Number 1 of 1974 on Marriage in Marioriwawo District, Soppeng Regency	There are similarities in the research methods and types used.	<p>The previous study examined a research object that was still general in nature, focusing on marriage registration under Law Number 1 of 1974.</p> <p>In contrast, the present study examines a more specific topic, namely the <i>Koper Pengantin</i> Program as an</p>

				effort to resolve unregistered marriages in the City of Kediri.
3	Ahmad Muztahid Fatwa	Examining the Minister of Religious Affairs' Proposal: Interfaith Marriage Registration from the Perspective of KUA Heads in Yogyakarta	There is a similarity in that both studies focus on the same institution, namely the Office of Religious Affairs (KUA).	<p>The previous study had a broader research object.</p> <p>In contrast, the present research focuses more specifically on the <i>Koper Pengantin</i> Program as an effort to address unregistered marriages from the perspective of <i>Maṣlāḥah Mursalah</i> according to al-Ghazali.</p>
4	Tubagus Farhan Maulana	Policy on Unregistered Marriages: A Perspective of Legal Certainty and <i>Maṣlāḥah Mursalah</i>	There is a similarity in that both studies discuss unregistered marriages and employ the perspective of <i>Maṣlāḥah Mursalah</i>	<p>The previous study examined unregistered marriages through the policy framework of the Ministry of Home Affairs (Kemendagri).</p> <p>In contrast, the present research focuses more specifically on the <i>Koper Pengantin</i> Program as an effort to address</p>

				unregistered marriages from the perspective of <i>Maṣlāḥah Mursalah</i> according to al-Ghazali.
5	Muhammad Shultan Akbar	Maṣlāḥah Mursalah in Marriage Registration within Islamic Family Law	There is a similarity in that both studies use the perspective of <i>Maṣlāḥah Mursalah</i> in discussing marriage registration.	<p>The previous research examined marriage registration within the broader context of Islamic Family Law.</p> <p>In contrast, the present study focuses more specifically on the <i>Koper Pengantin</i> Program as an effort to resolve unregistered marriages from the perspective of <i>Maṣlāḥah Mursalah</i> according to al-Ghazali</p>

After using previous studies as references for the development of this research, the present study examines the *Koper Pengantin* Program in the City of Kediri as an effort to resolve the legal status of unregistered marriages by analyzing its functions, objectives, roles, and implementation efforts, with a

research object that differs from prior studies. This research specifically focuses on the *Koper Pengantin* Program in the City of Kediri as an initiative to address the legal status of unregistered marriages from the perspective of *Maṣlāḥah Mursalah*, with the KUA of Pesantren District, Kediri City, serving as the research site. This focus distinguishes the present study from previous research, as no prior study has examined this particular program within this specific theoretical and institutional context.

B. Theoretical Framework

1. Efforts to Resolve Legal Status Issues

a. Definition of Effort

The term effort refers to an attempt, initiative, or endeavor undertaken to achieve a particular objective or to prevent a problem from arising. It is an action carried out with a specific intention so that existing issues can be resolved properly and the desired goals can be attained. According to the Etymological Dictionary, *effort* means an approach or an attempt undertaken to reach a certain objective.²⁰

Effort is also defined as a systematic, planned, and directed activity aimed at preventing the expansion of a problem or the emergence of new issues. In this context, effort represents deliberate actions designed to maintain stability, resolve challenges, or achieve intended outcomes.

²⁰ Muhammad Ngajenan, *Kamus Etimologi Bahasa Indonesia*, Semarang: Dahara Prize, 1990, 141

b. Concept of Effort

The Indonesian Dictionary (KBBI) defines *effort* as an action carried out by someone to achieve their desired goals or as a form of strategy. Effort is a dynamic aspect of one's position or status in relation to something. When a person performs their rights and obligations in accordance with their status, they are undertaking an effort.

Types of efforts include:

- 1) Preventive effort refers to actions taken to prevent a problem or harmful situation from occurring. These efforts aim to avoid potential dangers, whether personal or societal.
- 2) Preservative effort refers to actions taken to maintain or preserve conditions that are already good or conducive, ensuring that no negative changes occur.
- 3) Curative effort is aimed at guiding someone back to the proper path. It seeks to transform individuals from problematic circumstances to a state where they can resolve issues and free themselves from difficulties. This effort also aims to rebuild self-confidence, enabling people to reintegrate socially with their environment.²¹

c. Definition of Legal Status

Legal status refers to the position or standing of an individual, legal entity, or object as determined by law, which defines the rights,

obligations, and responsibilities attached to it within a legal system or society. Legal status may include citizenship status, marital status, corporate status, and other classifications that grant specific legal rights and responsibilities. The legal status of an entity whether an individual or a legal body is determined by the national legal system or, in cases of international law, by the law applied by the adjudicating court (*lex fori*). In judicial practice, legal status also relates to *legal standing*, meaning the recognized position of a person or entity that grants them the right to file a petition or lawsuit before the court, such as in cases submitted to the Constitutional Court.²²

In the context of individuals, legal status can be pursued or established in accordance with applicable legal provisions. Marriage registration is an example of a procedural effort to obtain legal status so that individuals may receive the rights and protections provided by the prevailing legal system.

2. Unregistered Marriage

a. Definition of Unregistered Marriage

The term *unregistered marriage* can be understood through Article 2 Paragraph (2) of Law No. 1 of 1974, which states: “*Every marriage shall be registered in accordance with the prevailing laws and regulations.*”

Thus, every marriage must be registered in accordance with the applicable

²² Ali, Mansur Armin Bin, "Status Personal Dalam Rezim Hukum Perdata Internasional", *Mataram Journal of International Law* 1.1.(2023): 34.

legal provisions. Consequently, any marriage that is not registered at the Office of Religious Affairs (KUA) is not recognized by state law and may be categorized as an illegal (unregistered) marriage. Based on the inverse understanding of Article 2 Paragraph (2), any marriage not reported and registered with the KUA is referred to as an unregistered marriage.

Essentially, an unregistered marriage is a marriage conducted solely according to religious law without complying with the prevailing statutory regulations. An unregistered marriage involves a union between a man and a woman that does not follow the proper legal procedures as stipulated in the Marriage Law, particularly Article 2 Paragraph (2) of Law Number 1 of 1974 and the procedures outlined in Government Regulation Number 9 of 1975.²³

Article 2 Paragraph (2) of Law Number 1 of 1974 on Marriage states that: *“Every marriage shall be registered in accordance with the prevailing laws and regulations.”*²⁴ This provision is further clarified in Government Regulation Number 9 of 1975, which stipulates that *“a marriage is considered to have legal force before the law only if it is conducted in accordance with religious norms and is registered by the marriage registrar as mandated by this regulation.”*

Marriage registration is an important legal act because it serves as evidence in the event of a dispute regarding the existence of a marriage.

If even a sale-and-purchase transaction must be recorded in Islamic law,

²³ Beni Ahmad Saebani, *Fikih Munakahat 2* (CV.Pustaka Setia, 2018).118

²⁴ Pasal 2 ayat 2 Undang-Undang Nomor 1 Tahun 1974.

then marriage which gives rise to numerous rights and obligations certainly requires proper registration as well. This is what gives rise to the term *unregistered marriage*, commonly known as *nikah sirri* or *undocumented marriage*.²⁵ Unregistered marriage is similar to *nikah di bawah tangan* and *nikah urfi*, namely a marriage in which the essential requirements and pillars have been fulfilled but is not registered with the Marriage Registrar, as mandated by Law No. 1 of 1974.²⁶

An unregistered marriage is one in which the essential and formal requirements are fulfilled, but the marriage is not recorded or registered at the Office of Religious Affairs (KUA) and is not witnessed by an authorized official. Although such a marriage may be valid according to religious law, it lacks *barakah* and falls outside the scope of legal protection afforded by state institutions. As a result, an unregistered marriage does not possess legal force and fails to provide legal certainty. Thus, a marriage that is conducted without registration by a Marriage Registrar carries the potential to cause harm and to lead to neglect of marital obligations.²⁷

Based on Article 2 Paragraph (1) of Law Number 1 of 1974, which stipulates that a marriage is lawful when performed according to the laws of the couple's respective religion and belief, an unregistered marriage is

²⁵ Siti Rokhma, "Pandangan Hakim Pengadilan Agama Bangil Terhadap Itsbat Nikah Orang Yang Telah Meninggal Dunia" (Undergraduate Thesis Universitas Islam Negeri Maulana Malik Ibrahim, 2021). <http://etheses.uin-malang.ac.id/view/divisions/JAS/2021.html>

²⁶ M. Idris Ramulyo, *Hukum perkawinan, hukum kewarisan, hukum acara peradilan agama dan zakat menurut hukum Islam*, Cet. 1 (Sinar Grafika, 1995), 41

²⁷ Mardani, *Hukum Keluarga Islam di Indonesia*, (Jakarta : Kencana, 2016), 58.

considered religiously valid as long as the required pillars and conditions are met.²⁸ However, such a marriage is invalid under Law Number 1 of 1974 because it is not registered. For this reason, many legal scholars argue that marriages not registered at the KUA are valid religiously but lack administrative completeness. Nevertheless, when Article 2 Paragraph (2) is read in conjunction with Paragraph (1), it becomes clear that a valid marriage is one that is performed according to religious law and registered, as reinforced by Article 100 of the Civil Code, which states: *“The existence of a marriage cannot be proven by any means other than the marriage certificate recorded in the civil registry.”* For Muslims, this registration must be carried out at the KUA by the Marriage Registrar. Thus, the marriage certificate becomes the sole legal proof of the existence of a marriage.

Marriage registration aims to ensure orderliness within society. It represents a regulatory effort to protect the dignity and sanctity of marriage, especially for women within the household. Through marriage registration, evidenced by a marriage certificate copies of which are provided to each spouse legal recourse becomes possible in cases of dispute or refusal of responsibility by one party. With the certificate, spouses possess authentic legal proof of the marital contract they have entered into.²⁹ For Muslims in Indonesia, the validity of marriage, according to Article 2 of the 1973 Draft Marriage Law, is determined by

²⁸ Pasal 2 Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan.

²⁹ Ahmad Rofiq, *Hukum Perdata Islam di Indonesia*, (Depok: Rajawali Pers, 2017), 273.

marriage registration as a decisive element.

The registration of marriage aims to establish order in marital practices within society. This effort is regulated by statutory provisions to protect the dignity and sanctity of marriage, particularly for women in the household sphere. Through marriage registration, which is evidenced by a marriage certificate of which each spouse receives a copy, any disputes between them or any refusal by one party to take responsibility can be addressed through legal means to defend or obtain their respective rights. With this certificate, both husband and wife possess authentic proof of the legal act they have undertaken.³⁰

The validity of a marriage for Muslims in Indonesia, according to Article 2 of the 1973 Draft Marriage Law, is determined based on “Marriage Registration” as the decisive element. Religious law (Islamic law) may be applied insofar as it does not contradict this law, functioning merely as a complement rather than a determinant. Based on the explanations above, it can be concluded that an unregistered marriage is a marriage contract between a man and a woman whose implementation is solely based on Islamic religious provisions without regard to the requirements stipulated in Law Number 1 of 1974 on Marriage, Government Regulation Number 9 of 1975 Chapter II on Marriage Registration, and other related statutory regulations concerning marriage.

³⁰ Ahmad Rofiq, *Hukum Perdata Islam di Indonesia*, (Depok: Rajawali Pers, 2017), 273.

b. Impacts of Unregistered Marriage

As a state governed by law, problems arise when a marriage is not registered by the Marriage Registrar at the Office of Religious Affairs (KUA). From a formal juridical standpoint, such a situation generates negative consequences for the wife and children. Unregistered marriages carry several adverse impacts, including : ³¹

- 1) The marriage has no legal force in protecting the rights and fulfilling the obligations of either party, whether the husband or the wife.
- 2) If a violation is committed in the future, the disadvantaged party cannot legally claim any rights. A spouse who abandons their obligations is not legally required to take responsibility for their actions, because the marital bond they entered into does not conform to Indonesia's marriage laws, and such a marriage is considered illegal in the eyes of the law. Thus, a marriage conducted without being reported and registered by the Marriage Registrar has the potential to cause harm and result in the neglect of marital obligations.

In general, an unregistered marriage is essentially equivalent to allowing cohabitation outside of a legally recognized marriage, which greatly disadvantages the parties involved (particularly women), especially when children are born from such a union. Children born to parents whose marriage is not registered are legally recognized only in

³¹ Saifuddin Arif, *Notariat Syariah Dalam Praktik Jilid Ke I Hukum Keluarga Islam*, (Jakarta: Darunnajah Publishing, 2011), 138.

relation to their mother, meaning that they have no legal relationship with their father. In other words, from a juridical perspective, they are considered fatherless. In reality, there is no coercion requiring the community to register their marriages. An unregistered marriage is not a criminal act. However, it clearly results in legal consequences, particularly harming women and their children.³²

3. *Maṣlāḥah Mursalah* According to al-Ghazali

a. Definition of *Maṣlāḥah Mursalah*

Linguistically, the word *maṣlāḥah* derives from the root *ṣalaha* – *yaṣluḥu* – *ṣalāḥan* (صَلَحَ – يَصْلُحُ – صَلَاحًا),³³ which means something good, proper, and beneficial. The term *maṣlāḥah* in Indonesian borrowed from Arabic refers to something that brings benefit or advantage and prevents harm or damage.³⁴

In a broader sense, *Maṣlāḥah Mursalah* refers to a public interest or benefit that has no specific textual basis in the sources of Islamic law, yet also has no textual evidence that rejects it. When an issue arises for which there is no explicit ruling in the *sharī'ah* and no legal cause (*'illat*) established by the *sharī'ah* to determine its ruling, and when a

³² Laila Nadia dan Sumriyah Sumriyah, “Akibat Hukum Perkawinan tidak Tercatat terhadap Legalitas Anak di Dsn Tanjung Desa Taman Jrengik Sampang,” *Referendum : Jurnal Hukum Perdata dan Pidana* 1, no. 4 (2024): 104–15, <https://doi.org/10.62383/referendum.v1i4.285>.

³³ Muhammad Yunus, *Muhammad Yunus, Kamus Arab Indonesia*, Jakarta: Yayasan Penyelenggaraan Penerjemah dan Penafsir al-Qur'an, 1973, 219.

³⁴ Munawar Kholil, *Kembali Kepada al-Quran dan as-Sunnah*, (Semarang: Bulan Bintang) 1955, 43

consideration is found that aligns with the objectives of *sharī'ah* namely, preventing harm or producing benefit then such an issue is categorized as *Maṣlāḥah Mursalah*. The primary objective of *Maṣlāḥah Mursalah* is the attainment of welfare, which includes safeguarding individuals from harm and preserving beneficial interests.³⁵

According to scholars of *uṣūl al-fiqh*, *Maṣlāḥah Mursalah* is a type of benefit recognized by the *sharī'ah* through the establishment of legal rulings intended to bring about public welfare, even though there is no explicit textual evidence that either affirms or negates it. For this reason, *Maṣlāḥah Mursalah* is termed “unrestricted,” since no definitive textual proof exists to validate or invalidate it. Based on this understanding, legal rulings derived from considerations of *maṣlahah* are intended solely to pursue human welfare meaning the pursuit of what is beneficial and the avoidance of harm in a broad and practical sense. *Maṣlahah* is dynamic and develops according to the conditions and needs of society. In certain circumstances, a legal determination may be beneficial, while in others it may result in harm.³⁶

b. Definition of Maṣlāḥah Mursalah According to Imam al-Ghazali

Imam al-Ghazali was a prominent Muslim thinker who lived during the Abbasid Caliphate. His full name is Abu Hamid Muhammad ibn

³⁵ Ahmad Zaini, “Pemikiran Tasawuf Imam Al-Ghazali”, *Esoterik: Jurnal Akhlak Dan Tasawuf* 2, no. 1 (2019): 150.

³⁶ H A Djazuli, *H A Djazuli, Kaidah-Kaidah Fikih (jakaryta : Prenada Media, 2019) hal 43* (2019).

Muhammad ibn Ta'us Ahmad al-Tusi al-Syafi'i. He was born in 450 H/1058 CE in a small village called Ghazlah Thabran in the city of Thus, located in the Khurasan region of Iran.³⁷

Imam al-Ghazali was a distinguished scholar with exceptionally broad knowledge and is regarded as one of the greatest thinkers in the history of Islamic and world philosophy. In the field of fiqh, he adhered to the Shafi'i school of thought, while in theology he followed the Ash'ari tradition or Ahlus Sunnah wal Jama'ah. As a scholar with mastery over various branches of knowledge, the vast number of his works supports his reputation for expertise. As an expert in Islamic theology (*'ilm al-kalam*) and philosophy, his legal thought is deeply rooted in Islamic creed. His methodological approach to Islamic law is clearly reflected in his seminal work on *uṣūl al-fiqh*, *Al-Mustashfa*. According to al-Ghazali, religious law must originate from revelation, not solely from human reasoning³⁸

This position was a theological response to the viewpoints of the Mu'tazila, who believed that human intellect could also serve as a source of Islamic law. For al-Ghazali, revelation functions as a source of information for the intellect, and he firmly upheld this view. He feared that the influence of Greek rationalism which had permeated Muslim intellectual circles through *kalam* and philosophy could disrupt Islamic legal reasoning and threaten the purity of Islamic teachings.³⁹

³⁷ Amir Syariffudin, *Ushul Fiqh Jilid II*.

³⁸ Nur Asiah, "Maslahah Menurut Imam Al Ghazali," *Dictum: Jurnal Syariah Dan Hukum*, Volume 18 Nomor 1, (2020). 121-122.

³⁹ Muh Zuhri, *Hukum Islam dalam Lintasan Sejarah*, 1, Cet. 1 (Jakarta: PT. Raja Grafindo

Although Imam al-Ghazali placed strong emphasis on revelation, he also recognized the significant role of reason in legal matters. He understood that legal issues would continue to develop over time, whereas the textual sources of revelation are finite and would not increase. Therefore, he maintained that when a legal matter is not explicitly addressed in the textual sources (*nash*), *qiyās* (analogy) may be employed. The essence of *qiyās* is to identify a similarity between a case for which no explicit ruling exists and another case whose ruling is stated clearly in the *nash*. This similarity is known as the '*illah* (legal rationale).

According to Imam al-Ghazali, in a literal sense *maṣlāḥah* means attaining benefit and avoiding harm. However, the intended meaning of *maṣlāḥah* in this discussion is not merely that definition, but rather the preservation of the objectives of the *sharī'ah*. According to Imam al-Ghazali, the objectives of the *sharī'ah* consist of safeguarding five essential elements: the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Any legal ruling that preserves one of these five elements constitutes *maṣlāḥah*, while anything that negates them is considered *mafsadah*, and preventing *mafsadah* is a form of *maṣlāḥah*.⁴⁰

Imam al-Ghazali states that, in principle, *maṣlāḥah* is the pursuit of benefit and the avoidance of harm in order to preserve the objectives of

Persada, 1996). 132.

⁴⁰ M. Najich Syamsuddin, "Konsep Al-Maslahat Al-Mursalah Menurut Imam Al-Ghazali Dan Imam Malik, *Jurnal Keislaman, Hukum dan Pendidikan*, Volume 7 No 2, 106.

the *sharī'ah*. He explains:

المصلحة ما لم يشهد له من الشرع بالبطالن وال بالعبارنص معين

Meaning : “*Maṣlāḥah Mursalah* is that for which there is no specific textual evidence from the *sharī'ah* that invalidates it, nor any specific textual evidence that acknowledges it.”

Imam al-Ghazali argues that any consideration of public welfare must align with the objectives of the *sharī'ah*, even when it may conflict with human desires, because human interests are not always founded upon the aims of the *sharī'ah* but often driven by personal inclinations.⁴¹ Therefore, according to Imam al-Ghazali, the standard for determining *maṣlahah* is the will and objectives of the *sharī'ah*, not the desires or aims of human beings.⁴²

c. Types of *Maṣlāḥah*

Scholars of *uṣūl al-fiqh* classify *maṣlahah* into several categories based on specific criteria. When viewed in relation to the textual evidence (*nash*) of the *sharī'ah*, *maṣlahah* is divided into three types: ⁴³

- 1) *Maṣlāḥah Mulghāh* refers to something that, according to rational consideration, is deemed good and beneficial, and is also recognized and supported by the *sharī'ah*. This type of benefit is known as *regulated maṣlahah*, meaning a *maṣlahah* determined by reason but

⁴¹ Syarif Hidayatullah, *Maslahah Mursalah menurut al-ghazali*, 4, no. 1 (2012), 122

⁴³ Amir Syariffudin, *Ushul Fiqh Jilid II*, 241.

governed by the textual evidence (*nash*) of the *sharī'ah*. The attention or support from the *sharī'ah* exists in two forms:

- a) Direct support, where a *nash* or *ijmā'* explicitly affirms and establishes it as something to be considered.
 - b) Indirect support, meaning that although there is no specific *nash* or *ijmā'* that directly acknowledges or supports the benefit based on reason, the *sharī'ah* provides attention and support to similar matters.
- 2) *Maṣlāḥah Mu'tabarāh* refers to something that, according to rational consideration, is deemed beneficial, but is rejected or not acknowledged by the *sharī'ah*. For example, rational consideration might support equal inheritance between sons and daughters as beneficial or appropriate in contemporary times, but the *sharī'ah* prescribes an unequal distribution, such as a two-to-one ratio. This means that the *maṣlāḥah* is rejected by the *nash* of the *sharī'ah*.
- 3) *Maṣlāḥah Mursalah* refers to a benefit that, according to rational consideration, is deemed beneficial, but for which there is no attention or support from the *nash* of the *sharī'ah* and no opposition or rejection from it either.⁴⁴ Because it is based solely on reason, and the benefit is derived from reason, this type of *maṣlāḥah* is considered "free reasoning."

⁴⁴ Ahmad Munif Suratmaputra, *Filsafat Hukum Islam al-Ghazali, Maslahah Mursalah dan Relevansinya dengan Pembaharuan Hukum Islam*, (Jakarta: Pustaka Firdaus, 2002), Cet. I. 241

CHAPTER III

RESEARCH METHODOLOGY

A. Type and Approach of Research

This study is a juridical-empirical research. Juridical-empirical research is field research that examines the applicable legal provisions and what happens in reality in society.⁴⁵ This type of research is also known as field research, and it relies on primary data, which is usually obtained directly from the community as the primary source, through interviews.⁴⁶

The approach used in this research is a qualitative approach. The qualitative approach involves using verbal data rather than numerical data, with the goal of describing and analyzing the phenomena and events that occur in the field. Additionally, the research employs a legal effectiveness approach, where the study includes an analysis of public knowledge, awareness, and the application of law in society, explaining how legal provisions are implemented in everyday life.⁴⁷

B. Research Location

The research location or object of study is the place where the research is conducted according to the data required. The research conducted by the author is located at the Office of Religious Affairs (KUA) Pesantren, Jl. Betet Bawang No.35, Pakunden, Pesantren District, Kediri City, East Java 64129.

⁴⁵ Muhammad Abdulkadir, *Hukum Dan Penelitian Hukum*., (Bnadung: Citra Aditya Bakti, 2004). 134.

⁴⁶ Jonaedi dan Jhonny Ibrahim Efendi, *Metode Penelitian Hukum - Normatif Dan Empiris*, Depok: Prenamedia Group, 2018)

⁴⁷ Suteki and Galang Taufani, *Metodologi Penelitian Hukum*.

C. Type and Source of Data

The type of data used in this study is qualitative data, which is in the form of words, not numbers. Qualitative data is obtained through various data collection techniques such as interviews, document analysis, and observation.⁴⁸ The data collected in this research includes information from relevant parties about the *Koper Pengantin* program as an effort to resolve the legal status of unregistered marriages, as well as field analysis of the matter.

The data sources are the places from which data is obtained. The sources of data used in this study consist of primary data and secondary data.⁴⁹

1. Primary Data Source

The primary data source refers to data that is obtained directly from the source and from the field, whether through interviews, observations, or reports in the form of unofficial documents, which are then processed by the researcher. In this research, the primary data is obtained from interviews with the Head of KUA, KUA staff/organizers in Pesantren District, regarding efforts to resolve unregistered marriages through the *Koper Pengantin* program, as well as from the couples involved in the program.

a. Informant Selection Technique

The informant selection in this study uses the purposive sampling technique, meaning the technique for selecting informants is based on the criteria

⁴⁸ Fathor Rosyid, *Metodologi Penelitian Sosial Teori & Praktik*, (Bandung: Remaja Rosda. Karya, 2000), 96.

⁴⁹ Zaenal Arifin, *penelitian Pendidikan: Metode dan Paradigma Baru*, (Bandung: PT. Remaja Rosdakarya, 2014), 29.

determined by the researcher.⁵⁰ The reason for using purposive sampling in this study is to obtain information about the implementation of the *Koper Pengantin* program as a solution to the legal status of unregistered marriages from the perspective of *Maṣlāḥah Mursalah*. The informants selected are those who meet certain criteria based on the objectives of the research.

Table 2.1
List of Interview Informants

No	Name	Position/Status
1.	M.K.A Purboyo	Head of the Office of Religious Affairs (KUA) of Pesantren District
2.	Masruri	Officer of the Office of Religious Affairs (KUA) of Pesantren District
3.	Imam Syuhada'	Officer of the Office of Religious Affairs (KUA) of Pesantren District
4.	Couple with the initials E and W	Couple participating in the program

b. Interview Method

The interview method used in this study is a semi-structured interview to explore solutions in an open manner, meaning the interviewees are asked to provide explanations. In semi-structured interviews, the researcher is able to gain deeper insights into the participants' interpretations of the phenomena that occur.⁵¹

⁵⁰ Basuki Sulisty, *Metode Penelitian*. (Jakarta : Wedatama Widya Sastra, 2006), 202.

⁵¹ Sugiyono, *Metode Penelitian Kuantitatif Dan Kualitatif R&D* (Bandung: Alfabeta, 2015), 232.

2. Secondary Data Sources

Secondary data refers to primary data that has been processed further and presented either by the original data collectors or other parties. Secondary data can also be data that has been published or used by an organization that did not originally collect it. In this research, secondary data is used to support the primary data, such as books, journal articles, Islamic law compilations, and websites.⁵²

In this study, the researcher obtained data from several sources, including books, theses, journals, and websites such as Law No. 1 of 1974 on marriage, books, journals, theses, and dissertations related to marriage registration from the perspective of *Maṣlāḥah Mursalah* based on al-Ghazali's theory, previous research, writing guidelines from the Faculty of Sharia, and other sources that support this study.

D. Data Collection Techniques

The qualitative research method is the primary instrument. As such, the essence of the research, as the key instrument, is applied through the use of qualitative data collection techniques from two sources. The primary data sources include interviews and documentation:

1. Interviews

Semi-structured interviews are used to directly question the main informants, with the researcher preparing main questions in advance while leaving room for

⁵² Amiruddin, *Pengantar Metode Penelitian Hukum*, 30

new questions to emerge during the interview. This method aims to gather accurate information.⁵³ The questions are directed towards the Head of KUA, KUA staff, and the couples participating in the *Koper Pengantin* program. The questions are designed to explore the effectiveness, supporting factors, and obstacles in the implementation of the *Koper Pengantin* program at the Office of Religious Affairs, Pesantren District, Kediri City.

2. Documentation

The documentation study involves collecting data from documents, archives, or other written materials related to the research phenomenon. The researcher gathered supporting data to serve as evidence for the implementation of the *Koper Pengantin* program as a solution to the legal status of unregistered marriages in Kediri City

E. Data Analysis Techniques

1. Data Inspection (Editing)

The editing stage is conducted to review and examine the collected data to determine its reliability.⁵⁴ This step ensures that any errors can be corrected, and unnecessary words can be removed or added to make the sentences relevant. This process is particularly important for data that answers the research questions in this study.

⁵³ Masri Singarimbun dan Sofian Effendi, *Metode Penelitian Survei*, (Jakarta: Pustaka LP3ES Indonesia, 2006).192.

⁵⁴ Suteki and Galang Taufani, *Metodologi Penelitian Hukum*.

2. Classification (Classifying)

The classification stage occurs after the collected data has been revised. In this stage, the data is organized and grouped into specific patterns to facilitate the researcher's work according to what is needed. The researcher categorizes the data in line with the research questions, particularly regarding the *Koper Pengantin* program's implementation as an effort to resolve the legal status of unregistered marriages in Kediri City, and how the *Koper Pengantin* program serves as a solution to unregistered marriage registration in Kediri City from the perspective of *Maṣlāḥah Mursalah*.

3. Verification (Verifying)

. The verification stage involves gathering evidence to confirm the accuracy of the data and ensure its validity. In this study, the researcher meets with the selected informants to corroborate the data, which is then supported by photographs and written materials collected during the data gathering process (such as interviews). The goal of this stage is to prevent data falsification. The data obtained from interviews, along with references related to the research issue, are validated using triangulation techniques, which aim to confirm the truth of the data gathered.

4. Analisis (analysing)

The analysis stage is performed to answer the research questions once the data is considered valid. During this process, the researcher combines the results from interviews with relevant informants concerning the implementation of the *Koper*

Pengantin program and analyzes them in line with the *Maṣlāḥah Mursalah* perspective.

5. Conclusion (Concluding

The conclusion stage is the result of the analysis, which is summarized in a brief statement that focuses on the scope of the research questions.⁵⁵ In this case, the researcher draws conclusions in the form of answers to the questions outlined in the research problem and objectives, specifically regarding the implementation of the *Koper Pengantin* program as a solution to the legal status of unregistered marriages in Kediri City, and how the program serves as a solution to unregistered marriage registration in Kediri City from the perspective of *Maṣlāḥah Mursalah*. The conclusions are drawn by summarizing the answers obtained during the research.

⁵⁵ Bambang Sunggono, , *Metodologi Penelitian Hukum*, (Jakarta: Raja Grafindo Persada, 2003), 125

CHAPTER IV

RESULTS AND DISCUSSION

A. General Overview of the Office of Religious Affairs (KUA) of Pesantren District

1. Geographical Location of the Office of Religious Affairs (KUA) of Pesantren District

Pesantren District consists of 15 administrative villages (kelurahan), namely: Pesantren Urban Village, Burengan Urban Village, Ngletih Urban Village, Tempurejo Urban Village, Ketami Urban Village, Blabak Urban Village, Betet Urban Village, Singonegaran Urban Village, Tinalan Urban Village, Pakunden Urban Village, Banaran Urban Village, Tosaren Urban Village, Bangsal Urban Village, Jamsaren Urban Village, and Bawang Urban Village. Pesantren District of Kediri City has a total area of 23.903 km².

The Office of Religious Affairs (KUA) of Pesantren District is located at Jl. Raya Betet Bawang No. 35, Lingkungan Bence, Pakunden Village, Pesantren District, Kediri City, East Java. Pesantren District is situated approximately 4 km southeast of downtown Kediri City. Administratively, the boundaries of the KUA of Pesantren District are as follows: ⁵⁶

- a. North: Doko Village, Ngasem District, and Tugurejo Village, Ngasem District, Kediri Regency
- b. South: Blabak Village, Kandat District, Kediri Regency

⁵⁶ “Imam Syuhada’, Wawancara, (Pesantren, 05 November 2025).

- c. East: Turi Hamlet, Janti Village, Wates District, Kediri Regenc
- d. West: Ngronggo Village, Kediri City District

2. Sociocultural Conditions of the Office of Religious Affairs (KUA) of Pesantren District

Pesantren District is part of Kediri City, with approximately 60% of its area categorized as rural. The majority of its population belongs to the Javanese ethnic group. The rural characteristics of the region have led most residents to work as farmers and traders. The strong influence of traditional Javanese rural culture shapes the belief systems and customs that continue to be upheld by the local community. Therefore, government officials particularly those at the KUA must act wisely and understand the local cultural characteristics when providing services to avoid cultural conflicts or social disturbances.⁵⁷

3. Organizational Structure of the Office of Religious Affairs (KUA) of Pesantren District

Every institution requires an organizational structure in order to carry out its duties properly and proportionally. An organization must have a management structure that delineates responsibilities and authorities among its personnel. The organizational structure serves as a hierarchical framework that describes the components forming the organization.

The organizational structure of the KUA of Pesantren District consists

⁵⁷ “Imam Syuhada’, Wawancara, (Pesantren, 05 November 2025).

of the Head of KUA, penghulu, Islamic religious instructors, financial report administrator, data processor, general administrative officer, and non-permanent staff.

4. Vision and Mission of the Office of Religious Affairs (KUA) of Pesantren District

To fulfill its main duties and functions and achieve its objectives, the Office of Religious Affairs (KUA) of Pesantren District has established the following vision and mission:

Vision: “Realizing a Religious and Morally Upright Community in Pesantren District Based on the Concept of *Keluarga Sakinah* (Harmonious Families).”

A mission is something that must be carried out and fulfilled in accordance with the established vision in order to ensure that the objectives of the organization are properly implemented and achieved. To realize this vision, the Office of Religious Affairs (KUA) of Pesantren District has formulated the following missions: ⁵⁸

- 1) Enhancing the quality of services, supervision, registration, and reporting of marriage and reconciliation (rujuk).
- 2) Improving the quality of statistical preparation, documentation, and management of the marriage information system.
- 3) Enhancing the quality of administrative services and household

⁵⁸ Data KUA PUSAKA (Pusat Layanan Keagamaan) KUA Kec. Pesantren Kota Kediri.

management at the KUA.

- 4) Improving the quality of administrative implementation and services in a professional manner based on good, clean, and integrity-based governance.
- 5) Enhancing the quality of pre- and post-hajj guidance.
- 6) Improving the quality of services and guidance for *Keluarga Sakinah* (harmonious families).

Based on the vision and mission of the KUA of Pesantren District, there is a clear emphasis on improving the quality of marriage registration services and strengthening family guidance through professional, orderly, and integrity-driven administration. Efforts to improve the quality of marriage registration, administrative supervision, and family development serve as an important foundation for creating more effective services and encouraging the realization of harmonious families. In this context, the *Koper Pengantin* Program emerges as a concrete implementation of the vision and mission of KUA Pesantren.

5. Duties and Functions of the Office of Religious Affairs (KUA) of Pesantren Distric

The primary duty of the KUA of Pesantren District is to carry out part of the responsibilities of the Ministry of Religious Affairs of Kediri City in the field of Islamic religious affairs within the Pesantren District. To carry out these duties, the KUA of Pesantren District performs the following

functions:⁵⁹

1. Managing statistics and documentation.
2. Handling correspondence, document processing, archiving, typing, and household administration of the KUA.
3. Administering marriage and reconciliation (rujuk) registration; managing and supervising mosques; managing zakat, waqf, and social religious affairs; handling population-related religious services; providing marriage and *Keluarga Sakinah* guidance; and offering hajj ritual guidance in accordance with the policies established by the Directorate General of Islamic Community Guidance.

B. Implementation of the *Koper Pengantin* Program (Integrated Service Collaboration for Reducing the Status of Unregistered Marriages in the State System) as a Solution to Marriage Registration Issues in Kediri City

The *Koper Pengantin* Program (Integrated Service Collaboration for Reducing the Status of Unregistered Marriages in the State System) is an innovative cross-sector collaborative service in Kediri City that aims to reduce the number of couples whose marriages are not officially registered by the state. This program integrates *isbat nikah* (marriage validation), marriage legalization, and the issuance of marriage certificates or marriage books into a single comprehensive service conducted at the same time and place through the Mobile Integrated Court Service

⁵⁹ Data KUA PUSAKA (Pusat Layanan Keagamaan) KUA Kec. Pesantren Kota Kediri.

(*Pelayanan Terpadu Sidang Keliling*). The service involves the Religious Court of Kediri City, the Department of Population and Civil Registration (Disdukcapil), and the Offices of Religious Affairs (KUA) across all districts in Kediri City.

The primary target of this program is couples who have married according to religious law and fulfilled all the essential elements and requirements of marriage, but whose marriages have not been registered by the state, resulting in the absence of authentic legal proof. Through this program, couples no longer need to undergo lengthy and separate procedures across multiple institutions, making the process more efficient, time-saving, and legally protective for both the couples and their children.

The *Koper Pengantin* Program is implemented in accordance with Kediri City Regional Regulation Number 4 of 2018, which regulates the administration of population affairs within the City of Kediri. The obligation to register marriages is also stipulated in Law Number 24 of 2013 as part of an orderly population administration system that carries legal authority. The program is carried out through six stages, namely: *first*, public outreach and socialization conducted by the Office of Religious Affairs (KUA); *second*, data collection and verification of required documents by the Department of Population and Civil Registration (Disdukcapil) and KUA; *third*, scheduling of the *Koper Pengantin* Program (mobile court sessions); *fourth*, the implementation of *isbat nikah* or marriage legalization hearings; *fifth*, on-site marriage registration and issuance of marriage certificates/marriage books; *sixth*, the handover of documents to the couples.

Through these stages, the program aims to provide legal certainty and

protection for couples whose marriages are unregistered, ease public access to marriage legalization and registration services, and protect children's identity rights through the issuance of valid civil documents. Additionally, the program brings several benefits, such as improving population administrative order in Kediri City, saving time, cost, and effort for the community, strengthening inter-agency collaboration in public service delivery, and reducing the number of unregistered marriages.

As stated by Mr. M.KA. Purboyo, Head of the Office of Religious Affairs (KUA) of Pesantren District, in an interview:

“Saya sangat setuju sekali dengan Program Koper Pengantin sebenarnya tujuannya baik, adanya Program tersebut karena banyak perkawinan tidak tercatat di Kota Kediri dengn adanya koordinasi dengan Pengadilan Agama, Dukcapil, Pemkot dan Poinnya ada dari KUA se-kota Kediri. Saya sangat mendukung sekali dengan program ini. Inti dari program ini adalah menjaring dan membantu pasangan yang pernikahannya belum tercatat agar memperoleh status hukum yang jelas. Selama ini masih banyak kasus di mana seseorang tercatat sebagai janda atau duda di Dukcapil, padahal sudah menikah tetapi belum pernah dicatat secara resmi, Sebetulnya untuk mengembalikan status sesuai yang ada di negara ini. Kalo nikah ya betul nikah buka secara agama tetapi juga secara negara.”⁶⁰

Based on the interview results, the writer concludes that the *Koper Pengantin* Program has had a positive impact, and the Head of KUA of Pesantren District fully supports the program. Fundamentally, the *Koper Pengantin* Program serves as a solution for couples who have married religiously but have not obtained legal recognition from the state due to the absence of marriage registration. Without registration, a marriage has no legal force, which can lead to various legal issues in the future such as the legal status of children, inheritance rights, and spousal

⁶⁰ Purboyo, Wawancara, (Pesantren, 05 November 2025).

protection. Therefore, this program facilitates couples to complete the administrative registration process more easily, systematically, and in accordance with proper procedures.

This initiative aligns with Article 2 Paragraph (2) of Law No. 1 of 1974, which stipulates that every marriage must be registered according to applicable laws. Article 5 Paragraph (1) of the Compilation of Islamic Law (KHI) also emphasizes that marriage registration is an essential requirement for administrative validity. At the regional level, Kediri City Regional Regulation No. 4 of 2018 further reinforces the importance of orderly population administration. These regulations ensure that the implementation of the *Koper Pengantin* Program aligns with local government efforts to ensure that all vital events including marriages are properly recorded, thereby providing clear legal certainty and organized administrative services for the community.

In this subsection, the writer further explains the stages of the *Koper Pengantin* Program and the challenges encountered in its implementation. The explanation is based on interview data obtained from individuals directly involved in the program, providing a clear illustration of how the program operates in the field along with obstacles encountered during its execution.

1. Stages of Implementation of the *Koper Pengantin* Program

The stages of the *Koper Pengantin* Program as a mechanism for resolving the legal status of unregistered marriages are as follows:

a) Socialization to the Community by the Office of Religious Affairs (KUA)

The first stage of the *Koper Pengantin* Program is the socialization

process conducted by the Office of Religious Affairs (KUA) in collaboration with local *modin* (village marriage officers). This socialization aims to increase public awareness regarding the importance of marriage registration and to introduce the *Koper Pengantin* Program as a solution for couples who do not yet possess an official marriage certificate or marriage book. This is reflected in the statement made by Mr. Purboyo during the interview,

“KUA memiliki peran penting dalam program tersebut, Salah satu bentuk peran KUA adalah dengan aktif mempromosikan dan mensosialisasikan program ini kepada masyarakat. KUA bekerja sama dengan para modin untuk menyebarkan informasi ke setiap kelurahan, agar masyarakat mengetahui adanya program yang membantu penyelesaian perkawinan yang belum tercatat secara resmi. dengan mempromosikan program koper pengantin KUA turun ke masyarakat dibantu oleh modin, kita (KUA) menyebarkan kepada setiap kelurahan ada program seperti ini, menyebarkan informasi terkait koper pengantin kepada masyarakat.”⁶¹

Based on this statement, the researcher concludes that KUA seeks to improve public understanding of the importance of marriage registration while introducing *Koper Pengantin* as a facilitative service for couples who do not yet possess a marriage book. Through collaboration with *modin*, the dissemination of information reaches all administrative villages, demonstrating the strong commitment of KUA to ensure that the community understands the importance of legal marriage documentation and the available governmental support.

b) Data Collection and Verification of Required Documents by

⁶¹ Purboyo, Wawancara, (Pasantren, 205 November 2025).

Disdukcapil and KUA

At this stage, officers examine the requirements of prospective program participants. Data collection is carried out by KUA and the Department of Population and Civil Registration (DISDUKCAPIL) by gathering documents such as ID cards, family cards, religious marriage certificates, and statements confirming that the marriage has not been registered with the state. Officers then verify the authenticity of documents and the legal status of participants to ensure that there are no cases of dual marriages or administrative conflicts. This process aligns with the explanation provided by Mr. Masruri, a KUA officer involved in the program,

“Dalam pelaksanaan Program tersebut, proses yang dilakukan oleh KUA adalah memastikan kejelasan data terkait pernikahan pasangan yang akan mengikuti program. Pasangan harus mengetahui secara detail kapan pernikahan tersebut berlangsung termasuk tanggal, bulan, dan tahunnya serta siapa yang menikahkan, siapa saksi-saksinya, dan di mana tempat pernikahan dilaksanakan. Data-data tersebut sangat penting untuk melengkapi berkas pengajuan mengikuti program tersebut. Setelah semua data sudah jelas kemudian pihak KUA mengajukan untuk mengikuti program tersebut.”⁶²

The same concern was expressed by one of the program participants, who stated,

“Waktu itu kami diminta oleh pihak KUA untuk memastikan seluruh data mengenai pernikahan kami jelas dan lengkap mbak. Kami sampun agak tua ya mbak jadi sedikit-sedikit mengingat kapan akad nikah kami dilaksanakan mulai dari tanggal, bulan, hingga tahunnya, siapa yang menikahkan kami, siapa saja yang menjadi saksi, dan juga tempat akad kami, syukurnya saya ingat saya pernah mencatatat di buku saya dan saya taruh di lemari.”

Based on explanation, the researcher concludes that during the data

⁶² Masruri, Wawancara, (Pesantren, 05 November 2025).

collection stage, KUA and DISDUKCAPIL verify identity documents and religious marriage records. KUA emphasizes the importance of accurate information regarding the time, location, and persons involved in the marriage such as the guardian, witnesses, and the officiant. This clarity is necessary to validate the marriage before proceeding to *itsbat nikah*. Once all documents are verified as complete, KUA proposes the couples for participation in the *Koper Pengantin* Program.

c) Scheduling of the *Koper Pengantin* Program (Mobile Court Hearing)

Once the participant data is declared complete, the next stage is the scheduling of the mobile court hearings, involving the Religious Court, KUA, and DISDUKCAPIL. The hearings are conducted at a designated location, namely the Joyoboyo Government Hall of Kediri City. As stated by Mr. Imam Syuhada', as KUA officer,

“Istilah koper pengantin ini merupakan salah satu agenda atau Program Pemerintah Kota Kediri yang baru dilaksanakan tahun ini, bersamaan dengan hari ulang tahunnya pada Juli 2025 di ruang pemerintahan Joyoboyo Kota Kediri.”⁶³

From this explanation, it is understood that the program was conducted to coincide with Kediri City's anniversary celebration on July 2025. Through this program, couples do not need to visit each institution separately, as all processes are conducted at one place and at the same time. This makes the procedure more practical and efficient, while also providing

⁶³ Imam Syuhada', Wawancara, (Pesantren, 05 November 2025).

full legal protection for the couples and their children.

d) Implementation of the *Itsbat Nikah* (Marriage Legalization) Hearing

The *isbat nikah* hearing is led by a judge from the Religious Court at the Joyoboyo Government Hall. During this stage, the judge examines the testimonies of the couple and their witnesses to confirm that the marriage had indeed taken place in accordance with Islamic law (legally valid religiously). The same concern was expressed by one of the program participants, who stated,

“Pada saat saya ikut Program Koper Pengantin kemarin di Joyoboyo, disana hakim bertanya pada kami dan saksi-saksi mbak mengenai pelaksanaan akad agama kami dulu mulai dari siapa yang menikahkan, siapa saksinya, serta kapan dan di mana akadnya berlangsung. Alhamdulillah setelah kami jawab dengan jelas dan jujur, kata hakim bisa menetapkan bahwa pernikahan kami sah.”

Based on the explanation above, the author concludes that if a marriage is proven to be valid according to Islamic law and does not contradict state regulations, the judge may affirm the validity of the marriage and issue an *itsbat nikah* determination. This judicial document serves as the legal basis for the Office of Religious Affairs (KUA) to officially record the marriage.⁶⁴ Through the *Koper Pengantin* Program, the entire process is carried out in an integrated manner. The mobile hearing brings together religious court judges, marriage registration officers, and DISDUKCAPIL staff, enabling marriage registration and certificate issuance to take place immediately after the *itsbat* decree is issued.

⁶⁴ Imam Syuhada', Wawancara, (Pesantren, 05 November 2025).

e) **Marriage Registration and Issuance of Marriage Certificates/Marriage Books**

After the Religious Court issues the *itsbat* decree, KUA registers the marriage in the official marriage register and issues a marriage book to the couple. Meanwhile, DISDUKCAPIL updates the couple's marital status in the civil registry and population database. These documents signify that the marriage is now legally valid according to both religious and state law. As explained by Mr. Imam Syuhada',

*“KUA nanti akan mendapatkan hasil dari persidangan beberapa pasangan dan ada pemberitahuan lebih lanjut dari Pengadilan Agama. Mereka yg berhasil dan dapat penetapan dari pengadilan akan melengkapi data pencatatan perkawinan yg kemudian KUA akan mengeluarkan buku nikah untuk pasangan.”*⁶⁵

From the statement above, the author concludes that the KUA plays a role in recording the marriage and issuing the marriage book after the Religious Court has issued the *itsbat* determination. Before the recording process is carried out, the couple is required to complete all necessary data and administrative requirements to ensure that the information contained in the marriage book is accurate, complete, and in accordance with the court's determination.

Thus, the marriage registration conducted by the KUA serves as the final stage that ensures the marriage is valid according to religious law, recognized legally, and officially recorded by the state.

f) **Handover of Documents to the Couples**

⁶⁵ Imam Syuhada', Wawancara, (Pesantren, 05 November 2025).

The final stage is the official handover of documents, including the marriage book issued by KUA and the marriage certificate issued by DISDUKCAPIL. This ceremony, attended by officials from KUA, DISDUKCAPIL, and the local government, symbolizes the formal recognition of the marriage by the state. Through the direct handover, couples receive authentic, legally binding proof of their marriage.⁶⁶

2. Obstacles in the Implementation of the *Koper Pengantin* Program

In the implementation of the *Koper Pengantin* Program, several obstacles are frequently encountered by the organizers. These obstacles serve as factors that hinder the effective execution of the program. The organizers face the following challenges in carrying out their duties:

a) Limited time between socialization and implementation

One of the main obstacles in implementing this program is the limited time between the socialization stage and the actual execution. Information regarding the *Koper Pengantin* Program was disseminated only about one month before the event commenced. This relatively short period prevented the community from having sufficient time to prepare the required documents, such as a religious marriage certificate or the identity of witnesses. On the other hand, the KUA also faced difficulties in reaching all potential participants due to the short time frame for socialization and data collection. Consequently, many couples who actually met the program

⁶⁶ Imam Syuhada', Wawancara, (Pesantren, 05 November 2025).

criteria were unable to participate. This issue is consistent with the statement of Mr. Purboyo, Head of KUA Pesantren District, who explained,

“Program ini baru sekali ini diadakan, pelaksanaannya masih menghadapi beberapa kendala. Salah satu kendala utama adalah waktu pelaksanaan yang terlalu singkat, hanya sekitar satu bulan sejak informasi diterima. Waktu tersebut dirasa tidak cukup karena prosesnya melibatkan berbagai instansi, seperti pengurusan KTP di Dukcapil dan Pengadilan Agama. Sehingga kemarin hanya sedikit yang mengikuti karena kendalanya mepetnya waktu, yang seharusnya 3 bulan sebelumnya sudah harus diinformasikan.”⁶⁷

Similarly, Mr. Imam Syuhada’ stated,

“Kemaran itu ada beberapa pasangan yang ingin juga daftar tetapi ada Kendala di persyaratan administrasi. Mereka belum punya surat cerai yang resmi dari pengadilan, itu kan termasuk syaratnya juga. Mereka mau mengurus surat cerai ke Pengadilan sedangkan surat cerai itu pasti lama keluarnya. Jadi mereka belum bisa mengikuti program koper pengantin ini.”

Based on these testimonies, the author concludes that the primary obstacle faced by both the KUA and officer KUA is the limited amount of time available. The short interval between socialization and implementation hindered both the public and the officials from preparing the required administrative documents optimally.

b) Participants’ inability to recall details of their religious marriage

Another obstacle arises from couples who were married religiously many years ago. Some of them can no longer accurately recall the date, month, or year of their religious marriage ceremony, nor the names and identities of the witnesses present at that time. These details, however, are

⁶⁷ Purboyo, Wawancara, (Pesantren, 205 November 2025).

essential requirements for applying to the *Koper Pengantin* Program. This situation causes delays in the verification process because the information provided is incomplete or inconsistent with the required documentation. As explained by Mr. Masruri, one of the KUA officers involved in the program,

*“Salah satu kendala yang dihadapi dalam pelaksanaan program adalah calon peserta yang lupa kapan waktu pernikahannya yang dulu dilangsungkan. Kendala yang cukup fatal juga terjadi ketika ditemukan peserta yang ternyata masih berstatus sebagai istri atau suami orang lain, meskipun sudah lama berpisah secara tidak resmi dan belum menyelesaikan perceraian secara Negara. Kasus seperti ini harus diselesaikan terlebih dahulu, yakni dengan melakukan perceraian agar statusnya menjadi jelas. Jika status pernikahan masih terikat dengan pasangan lama, maka tidak dapat mengajukan mengikuti program ini. Selain itu, waktu pelaksanaan yang singkat juga membuat proses menjadi tergesa-gesa, jadi repot semua. Jika waktu pelaksanaannya dapat diperpanjang, misalnya empat sampai lima bulan, maka program ini bisa berjalan lebih optimal dan tertata dengan baik.”*⁶⁸

Similarly, Mr. Imam Syuhada’ stated,

*“Kendala yang ada di KUA mungkin hanya mepetnya waktu informasi yang diterima KUA ke akan dilaksanakannya program tersebut, menurut saya kendala itu terletak pada yg bersangkutan/pasangan. Sejauh mana mereka mempersiapkan syarat-syaratnya sehingga bisa mengikuti program tersebut, mereka punya keinginan kuat apa tidak untuk mencatatkan perkawinannya.”*⁶⁹

From these statements, the author concludes that one of the key obstacles arises from participants who cannot recall essential details of their religious marriage, such as the exact date, witnesses, or who have unresolved marital status due to an incomplete legal divorce. The success of the program is dependent on the participants’ readiness and commitment to fulfilling all necessary requirements.

⁶⁸ Masruri, Wawancara, (Pasantren, 05 November 2025).

⁶⁹ Imam Syuhada’, Wawancara, (Pasantren, 05 November 2025).

c) Absence of a designated budget

The absence of a designated budget has become a significant obstacle in the implementation of the *Koper Pengantin* Program, as all activities from socialization to the execution of the *itsbat* ruling require adequate financial support. Consequently, several essential aspects could not be carried out optimally, such as: the limited availability of media and socialization tools, including the inability to print brochures, banners, or other educational materials that would assist the community in understanding the program's procedures and requirements; and the difficulty in reaching communities, particularly those in remote areas, due to the lack of funds for transportation or field activities. As stated by the Head of KUA, Mr. Purboyo, "Begitu juga mungkin kendalanya juga di anggaran ya, karena masih program baru jadi belum ada anggaran khusus untuk program ini. Seperti anggaran buat brosur tentang program ini"⁷⁰

Based on the explanation above, the author concludes that the absence of a specific budget has hindered the optimal implementation of the *Koper Pengantin* Program. Socialization activities, the provision of informational media, and outreach efforts to remote areas were hampered due to the lack of financial resources.

From the descriptions above, it can also be concluded that the number of participants in the *Koper Pengantin* Program remains low because its implementation faces several important obstacles. The short period between

⁷⁰ Purboyo, Wawancara, (Pasantren, 205 November 2025).

socialization and program execution prevented many couples from preparing the required documents. Additionally, some prospective participants no longer remembered the details of their religious marriage or were still legally bound to a previous spouse due to incomplete divorce procedures, rendering them ineligible for the program. The absence of a designated budget further limited socialization efforts and the dissemination of information, particularly to remote areas. These factors collectively contributed to the low level of community participation in the program.

C. Analysis of al-Ghazali's Concept of *Maslahah Mursalah* on the Implementation of the *Koper Pengantin* Program as a Solution for Marriage Registration Issues in Pesantren District, Kediri City

The term *maslahah* in Arabic refers to “acts that lead to human goodness.” In general, it denotes anything that brings benefit to human beings either by generating advantages or pleasure, or by preventing harm or destruction. Thus, anything that contains benefit may be categorized as *maslahah*. Accordingly, *maslahah* contains two dimensions: attracting benefit and preventing harm.

Imam al-Ghazali defines *maslahah* as follows:

المصلحة ما لم يشهد له من الشرع بالبطلان ولا بالاعتبار نص معين

“Maslahah Mursalah is a form of benefit for which there is no specific textual evidence from the Sharia that either validates or nullifies it.” ⁷¹

⁷¹ Abu Hamid al Ghazali, *al-Mustasfa fi 'Ilmi al-Ushul*, (Bairut: Dar al-Kutub al 'Ilmiyah, 1983),

According to al-Ghazali, a *maslahah* must align with the objectives of the Sharia (*maqāṣid al-sharī'ah*), even if it contradicts human desires. This is because human interests are not always grounded in divine guidance, but often influenced by personal inclinations. The objectives of the Sharia as formulated by al-Ghazali consist of five essential elements: preservation of religion, life, intellect, lineage, and property. Any act aimed at safeguarding these five principles is considered a form of *maslahah*.⁷²

Essentially, the main purpose of the Sharia in establishing legal rulings is to create benefit (*maslahah*) and prevent harm (*mafsadah*) for human beings, both in worldly and spiritual matters. The objectives of the *Koper Pengantin* Program clearly align with recognized benefits namely, providing legal certainty and protection for unregistered marriages, and facilitating community access to marriage legalization and registration services.

When viewed from the perspective of *Maslahah Mursalah*, the *Koper Pengantin* Program represents an effort to maintain harmony and order in family life, particularly by assisting married couples to have their marriages officially registered by the state. Fundamentally, the program offers significant benefits to couples whose marriages have not yet been recorded by helping them complete necessary administrative procedures and giving them guidance on the importance of marriage registration. The ultimate goal is the establishment of marriages that are valid both religiously and legally. This aligns with the principles of *Maslahah*

Jilid I, hlm. 286

⁷² Syarif Hidayatullah, "Maslahah Mursalah Menurut Al-Ghazali."

Mursalah, which seeks to promote good and prevent harm as long as the practice does not contradict Sharia principles.

1. Viewed from the Position of *Maṣlaḥah Mursalah* as a Legal Method

Imam al-Ghazālī classifies *Maṣlaḥah Mursalah* into three categories based on the presence or absence of legitimacy from the sharī‘ah texts. The first is the *maṣlaḥah* that is acknowledged and validated by the sharī‘ah; the second is the *maṣlaḥah* that is rejected or invalidated by the sharī‘ah; and the third is the *maṣlaḥah* that is neither supported nor rejected by the sharī‘ah.⁷³ The *Maṣlaḥah Mursalah* category relevant to the Koper Pengantin Program in Kota Kediri falls under the third type, namely a *maṣlaḥah* that is neither expressly validated nor annulled by the sharī‘ah. The identification of *Maṣlaḥah Mursalah* must begin with examining whether there are commands or prohibitions related to the legal issue under study, either in the Qur‘an or the Hadith. If no explicit provision is found regulating the matter, *ijtihād* may then be exercised to determine the applicability of such a *maṣlaḥah*. In this context, the legal issue concerns the Koper Pengantin Program as an effort to resolve unregistered marriages.

In essence, the Koper Pengantin Program does not contradict Islamic teachings. All procedures within this program ranging from data collection, verification, *isbat nikah* sessions, to marriage registration constitute

⁷³ Mohammad Ramadan Habibi, “Implementasi Al Maslahah Al Mursalah Dalam Fatwa Politik Yusuf Al Qardhawi,” (Institut Agama Islam (IAI) Agus Salim Metro Lampung) <https://ejournal.unhasy.ac.id/index.php/menaratebuieng/article/download/948/732>.

administrative efforts that contain no elements prohibited by the sharī‘ah. As long as its implementation does not conflict with the principles of the Qur’an and Sunnah, the program is considered valid and permissible from a sharī‘ah perspective. Moreover, from the standpoint of *Maṣlaḥah Mursalah*, this program may be viewed as a concrete effort to uphold family welfare, particularly through the establishment of legal certainty, the protection of the rights of husbands, wives, and children, and the prevention of various harms that may arise due to the absence of official marriage registration.

This concept is in line with the Qur’anic verse and the fiqh maxim:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ ۖ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ

إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ ءَاخِرِ ۚ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

“O you who believe, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it back to Allah (the Qur’an) and the Messenger (his Sunnah), if you truly believe in Allah and the Last Day. That is the best (course of action) and best in result.” (Qur’an, An-Nisā’: 59).⁷⁴

دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

“Preventing harm must take precedence over bringing benefits.”

2. Viewed from the Requirements for Exercising Ijtihād through Maṣlaḥah

⁷⁴ Departemen Agama RI, Al-Qur’an dan Terjemahannya, 107

Al-Ghazali emphasizes that *maslahah* cannot stand alone as an independent legal basis; rather, it must be supported by other legal evidences. For this reason, he outlines several conditions that a *maslahah* must fulfill:⁷⁵

a. Viewed from the Requirements for Exercising Ijtihād through *Maṣlaḥah*

According to al-Ghazali, *Maslahah Mursalah* refers to something that brings benefit and prevents harm, ultimately serving the five principal objectives of the Sharia (*maqāṣid al-sharī'ah*): preservation of religion, life, intellect, lineage, and property. Within this framework, the *Koper Pengantin* Program contributes to achieving *maslahah* as follows:

1) Preservation of Religion (*ḥifẓ al-dīn*)

The program encourages the community to conduct and register marriages in accordance with Islamic principles and state regulations. It discourages the practice of unregistered marriages (*nikah siri*), which are often not legally recognized. A marriage that is valid both religiously and registered by the state reflects obedience to divine commandments and compliance with national regulations.

2) Preservation of Life (*ḥifẓ al-nafs*)

By facilitating official marriage registration, the program provides legal and social protection for spouses, ensuring that their rights and obligations can be fulfilled appropriately. Legal certainty also promotes emotional security and stability within the household an essential element in safeguarding human life and well-being.

⁷⁵ Imam Ghazali, *Al-Mustasfha Min Ilmi Al-Ushul*, trans. Malik Supar Masturi ilham (Jakarta: PustakaAl-Kautsar, 2008)581.

The program also provides psychological relief and peace of mind for participants. As observed in interviews, participants expressed feelings of relief and happiness after obtaining a marriage book, knowing that future administrative processes especially concerning their children would be easier and legally protected.

3) Preservation of Intellect (*ḥifẓ al-‘aql*)

The program plays an educational role by raising public awareness about the importance of marriage registration and the risks associated with unregistered marriages. Through socialization, the KUA helps improve both legal and religious literacy within the community. This prevents misunderstandings and ensures that the community develops a correct and rational understanding of Islamic marriage law

4) Preservation of Lineage (*ḥifẓ al-nasl*)

Through the *Koper Pengantin* Program, married couples obtain legal documentation for their marriage, ensuring that any children born from the marriage have clear legal status under both religious and state law. This protects children's rights to identity, inheritance, and legitimate guardianship thereby safeguarding the continuity and dignity of lineage.

b. The *Maslahah* Must Not Contradict the Qur'an and Sunnah

The *Koper Pengantin* Program was established in response to a specific social condition, namely the large number of couples in Kediri

City whose marriages remained unregistered and who needed this program to obtain an official marriage book and to understand the importance of state-recognized marriage registration. This objective does not contradict the Qur'an or the Sunnah, as the program's vision aligns with providing legal certainty and protection for couples whose marriages have not been officially recorded. Therefore, it can be concluded that the *Koper Pengantin* Program does not conflict with the textual sources of Islamic law, and thus the *maslahah* it produces is not contrary to the Qur'an and Sunnah.

c. The *Maslahah* Must Address a Real and Necessary Public Interest, Not a Speculative One

Imam Al-Ghazali provides a limitation that the *maṣlahah* contained within a program must fall under the level of *dharuriyah* (primary) or *hajiyyah* (secondary). From the perspective of the state, the public benefit inherent in the Bride and Groom Documentation Program (Program Koper Pengantin) is categorized as *dharuriyah*, because marriage registration constitutes a primary necessity to ensure legal order, certainty of family status, protection of a child's lineage, and the fulfillment of civil rights such as maintenance, inheritance, and joint property. Without such registration, fundamental elements such as life, lineage, and property are at risk of being compromised; therefore, the state considers it a necessity that must be fulfilled. Meanwhile, within the perspective of Islamic law,

marriage registration falls under the *hajiyah* level. This is because the validity of a marriage contract is not determined by state registration, but by the fulfillment of the essential pillars and conditions of marriage. Nevertheless, registration remains important as a secondary need to facilitate administrative affairs, safeguard lineage, and prevent couples from facing legal difficulties. Thus, the program is classified as *dharuriyah* (primary) from the viewpoint of the state, yet *hajiyah* (secondary) in Islamic law, as it primarily functions as an instrument of convenience and additional legal protection.

Al-Ghazali explains that *maṣlaḥah*, in its original sense, refers to something that brings benefit or advantage and prevents harm (*mafsadah*), which essentially serves to safeguard the objectives of the *sharī'ah* in establishing legal rulings. These objectives (*maqāṣid al-sharī'ah*) consist of the protection of religion, life, intellect, lineage, and property. If the marital status of an individual lacks legal recognition, it may lead to the deterioration of lineage, property, and personal dignity. Therefore, the implementation of the Bride and Groom Documentation Program (Program Koper Pengantin) in Kediri City, when viewed from the perspective of Islamic law, aligns with the principles governing marriage in Islam. Based on the concept of *maṣlaḥah mursalah*, the author concludes that the purpose of this program is to prevent potential harm that may arise concerning marriage in the future.

The existence of the program demonstrates the importance of marriage registration in forming a legally secure family structure. The Bride and Groom Documentation Program implemented by the government of Kediri City does not

contradict any legal principles established by *naṣṣ* or *ijmāʿ*, and thus falls within the category of *maṣlahah mursalah*. As previously described, the aim of the program is to obtain authentic and legally valid proof of marriage according to Indonesian law, and to achieve orderly administrative governance in marriage registration in accordance with the objectives of the *sharīʿah*.

Thus, marriage registration contains significant benefits and public interest, bringing substantial good to society. Conversely, if marriage is not clearly regulated through statutory provisions and is not formally registered, it may be exploited by certain individuals for personal gain, with the greatest harm falling upon the wife and the children born from the marriage. Therefore, every citizen particularly Muslims is legally obligated to conduct their marriage before an authorized official, namely the Marriage Registrar and the Office of Religious Affairs (KUA), and ensure that the marriage is recorded in accordance with the prevailing laws and regulations. However, if the practice results in greater harm (*mafsadat*), then preventive measures must be prioritized.

Ultimately, the *Koper Pengantin* Program effectively supports the objectives of *Maslahah Mursalah* in fulfilling the aims of Islamic law, particularly in safeguarding lineage (*ḥifẓ al-nasl*), preserving life (*ḥifẓ al-nafs*), and promoting sustainable benefit for the community.

CHAPTER V

CONCLUSION

A. Conclusion

1. The *Koper Pengantin* Program is a highly significant initiative aimed at supporting orderly marriage administration through the provision of integrated services for couples who have married religiously but whose marriages have not yet been registered by the state. This program offers a comprehensive service package, beginning with document verification, followed by *itsbat* hearings, marriage registration, and the issuance of the marriage book and marriage certificate all conducted in a single, streamlined process. Each stage is designed to ensure that couples obtain formal legal recognition without having to undergo lengthy procedures across multiple institutions. Implemented collaboratively by KUA, the Religious Court, and the Department of Population and Civil Registration (DISDUKCAPIL), this program provides efficiency, convenience, and legal certainty for couples and their children. Its integrated approach makes the *Koper Pengantin* Program an effective and practical solution that meets society's need for fast, accessible, and reliable marriage registration services.
2. The *Koper Pengantin* Program simplifies the process for the public to obtain legal recognition of marriage, provides legal certainty for couples, and ensures that children's legal status is protected. The benefits experienced by society through this program include: (1) legal certainty and protection, (2) improved access to marriage registration services, (3) increased public awareness of the

importance of marriage registration, (4) the prevention of disputes and administrative problems within the family, and (5) the creation of order and security in household life. From the perspective of *Maslahah Mursalah* as articulated by Imam al-Ghazali, the *Koper Pengantin* Program fulfills three essential indicators: (1) it aligns with the objectives of *Maqāṣid al-Sharī'ah*, particularly in preserving lineage, life, and property; (2) it does not contradict the Qur'an and Sunnah; and (3) it provides real and necessary benefits to the community. Thus, the *Koper Pengantin* Program possesses strong *maslahah* value and contributes significantly to the welfare of families as well as legal order within society.

B. Suggestions

Based on the findings of this study, several recommendations can be proposed for future researchers. Subsequent studies may expand the scope of the research area to compare the implementation of the Bride and Groom Documentation Program (*Program Koper Pengantin*) across different regions. In addition, future research could examine more effective socialization strategies and deepen the analysis of inter-agency coordination at each stage of the program. Researchers may also focus on identifying the most helpful forms of administrative assistance for couples in preparing required documents, as well as developing more systematic evaluation instruments to assess the program's effectiveness from multiple perspectives. Advancing research in these areas is expected to enhance understanding and provide more comprehensive recommendations for improving

the Bride and Groom Documentation Program.

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APPIENDIXES

APPENDIX 1 : Pre-research Letter and Response from the Office of Religious Affairs (KUA)



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Nomor : 812 /F.Sy.1/TL.01/10/2025
 Hal : **Pra-Penelitian** Malang, 09 Oktober 2025

Kepada Yth.
 Kepala Kantor Urusan Agama Kecamatan Pesantren Kota Kediri
 Jl. Betet Bawang No.35, Pakunden, Kec. Pesantren,
 Kota Kediri, Jawa Timur 64129

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:


Nama : Asyiqoh Salsabil
 NIM : 220201110045
 Fakultas : Syariah
 Program Studi : Hukum Keluarga Islam

mohon diperkenankan untuk mengadakan *Pra Research* dengan judul :
Koper Pengantin sebagai upaya penyelesaian status hukum perkawinan tidak tercatat Perspektif Masalah mursalah (Studi di KUA Kec. Pesantren Kota Kediri),
 pada instansi yang Bapak/Ibu Pimpin.


Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



a.n. Dekan
 Wakil Dekan Bidang Akademik




Sudirman

3/2025

Pesantren

Tembusan :

1. Dekan
2. Ketua Prodi Hukum Keluarga Islam
3. Kabag. Tata Usaha



APPENDIX 2 : Interview Guidelines

A. Interview with the Informant (Head of the Office of Religious Affairs/KUA, Pesantren District, Kediri City)

No.	Question	Indicator
1	Informant's Identity <ul style="list-style-type: none"> • How long have you served as the Head of the Office of Religious Affairs (KUA) of Pesantren District? • What types of cases have you handled? 	General
2	What is the current condition of marriage registration in Pesantren District?	Marriage Registration
3	What is your view regarding the Bridal Box Program (Koper Pengantin) implemented in Kediri City?	Personal opinion on the bridal box program
4	As the Head of the KUA in Pesantren District, how is the implementation process of the Bridal Box Program carried out in your office?	Information regarding the implementation of the bridal box program
5	What factors can accelerate the KUA's implementation of the Bridal Box Program?	Supporting factors of the program
6	What challenges or obstacles are experienced by the Pesantren District KUA in implementing the Bridal Box Program?	Challenges within the program
7	How is the community's response toward the Bridal Box Program?	Community acceptance of the program

B. Interview with the Informant (KUA Officer)

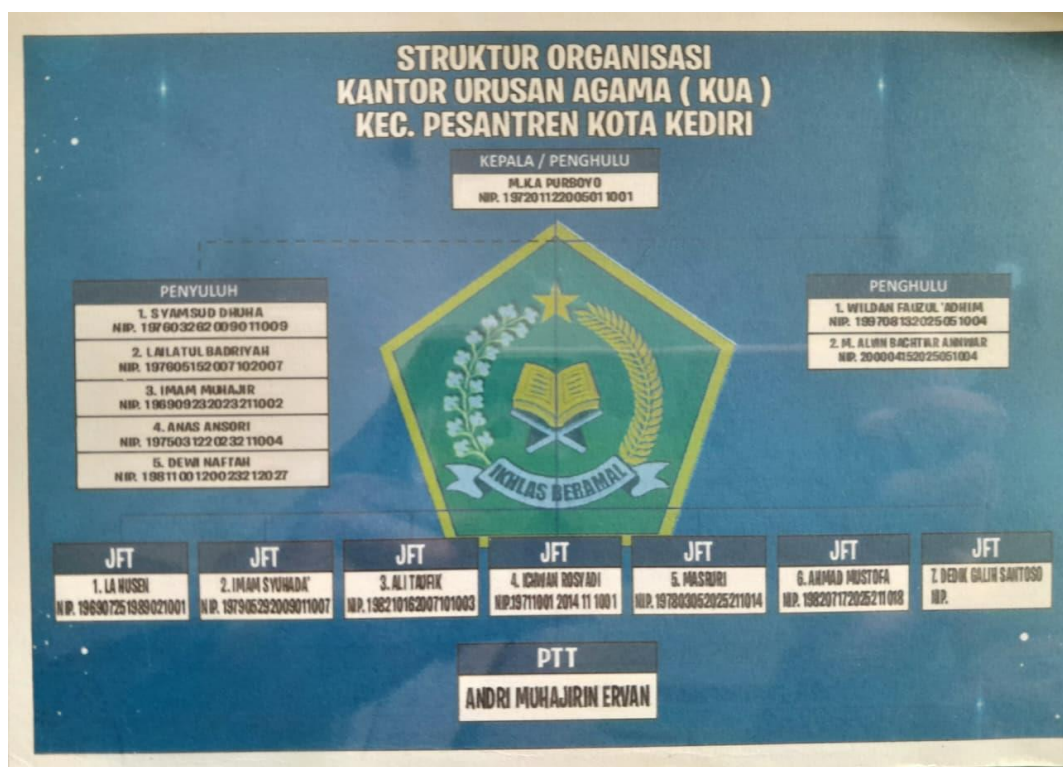
No.	Question	Indicator
1	Informant's Identity <ul style="list-style-type: none"> How long have you served as the Officer of the Office of Religious Affairs (KUA) of Pesantren District? 	General
2	What is the current condition of marriage registration in Pesantren District?	Marriage Registration
3	What is your view regarding the Bridal Box Program (Koper Pengantin) implemented in Kediri City?	Personal opinion on the bridal box program
4	As the Officer of the KUA in Pesantren District, how is the implementation process of the Bridal Box Program carried out in your office?	Information regarding the implementation of the bridal box program
5	What factors can accelerate the KUA's implementation of the Bridal Box Program?	Supporting factors of the program
6	What challenges or obstacles are experienced by the Pesantren District KUA in implementing the Bridal Box Program?	Challenges within the program
7	How is the community's response toward the Bridal Box Program?	Community acceptance of the program

C. Interview with the Couple Participating in the Koper Pengantin Program

No.	Question	Indicator
1	Informant's Identity <ul style="list-style-type: none"> What is your name? Since when has your marital status remained unregistered by the state, and what are the reasons behind it? 	General
2	What challenges have you encountered due to your marriage not being officially registered by the state?	Challenges related to unregistered marriage
3	How did you learn about the Bridal Box Program (Koper Pengantin) in Kediri City, and what reasons motivated you to participate in the program?	Reasons for joining the program
4	What has been your experience while participating in the Bridal Box Program?	Experience in the program
5	Have you encountered any obstacles or difficulties during your participation in the Bridal Box Program?	Obstacles in the program
6	How do you feel after your marital status has been officially registered by the state?	
7	What are your expectations for the Bridal Box Program in the future?	Community expectations regarding the program

APPENDIX 3 : Interview Evidence and Documentation

A. Organizational Structure of the Office of Religious Affairs (KUA) of Pesantren District



B. Interview with the Head of the Pesantren District Office of Religious Affairs (M.K.A Purbaya)

Wednesday, November 5th, 2025



C. Interview with the Officer of the Pesantren District Office of Religious Affairs (Masruri)

Wednesday, November 5th, 2025



**D. Interview with the Officer of the Pesantren District Office of Religious Affairs
(Imam Syuhada')**

Wednesday, November 5th, 2025



**E. Interview with a Couple Participating in the *Koper Pengantin* Program (Initials
E and W)**

Thursday, November 6th, 2025



Implementasi of the Koper Pengantin program as a solution
to teh legal status of unregistered marriages in tge
perspective al-ghazali's masalah mursalah

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