



Legal Considerations in Appointing a Marriage Guardian for a Child Born Out of Wedlock

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Abstract:

Marriage, as a sacred bond encompassing both physical and spiritual dimensions, necessitates recognition under positive law. This study aims to identify and analyze the legal status of marriage guardians for children born out of wedlock and the factors influencing the determination of such guardianship in Gorontalo City. Utilizing an empirical research approach, the study examines relevant legal frameworks and administrative practices. The analysis reveals that in Gorontalo City, the legal status of marriage guardians for children born out of wedlock is generally assigned to a court-appointed guardian. However, if the child is born more than six months after the parents' marriage, a lineage-based guardian may be appointed instead. Additionally, nine Religious Affairs Offices consistently apply the same legal status for children born out of wedlock. The factors influencing the determination of marriage guardianship in Gorontalo City include the completeness of the prospective bride and groom's documentation. The findings highlight the importance of standardized legal procedures to ensure the protection and welfare of children born outside of marriage.

Keywords: *Child Born Out of Wedlock; Guardian Status; Legal Framework.*

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Introduction

Marriage is a solemn covenant that encompasses sacred vows and should not be taken lightly, as its noble objective is to establish a harmonious family unit that thrives both in this life and in the hereafter. (Herawati 2021)

Marriage is a sacred covenant between a man and a woman intended to establish a happy family. According to Article 2 of the Compilation of Islamic Law (Kompilasi Hukum Islam), "Marriage in Islamic Law is a highly sacred covenant (*miitsaaqon gholiidhan*) to obey the commands of Allah, and fulfilling it constitutes an act of worship." The primary objective of marriage is to foster a household life

characterized by *sakinah* (tranquility), *mawadah* (mutual love), and *rahmah* (mercy). (Mahkamah Agung 2011)

Under the Indonesian Civil Code (*Kitab Undang-Undang Hukum Perdata*, KUHPerdata), the definition of marriage is not explicitly delineated through specific provisions. For example, Article 26 views marriage exclusively within the framework of civil relationships, and Article 27 establishes that marriage must adhere to the principle of monogamy. Furthermore, Article 103 mandates that husbands and wives must exhibit mutual fidelity, provide assistance, and offer support to one another (Azzahra 2024). Although a precise definition of marriage is absent from the KUHPerdata, legal scholarship endeavors to define marriage as a covenant between a man and a woman that is legally recognized by national legislation and intended to establish a perpetually enduring family unit. (Nurhayani 2015)

Every legal occurrence of marriage must inherently incorporate the fundamental pillars and conditions prescribed by both religious laws and statutory regulations. The pillars (*rukun*) constitute the essential elements of the legal event or legal act (e.g., the marriage ceremony), encompassing both the legal subjects and legal objects that form part of the legal act or event (marriage contract) during its execution. These pillars determine the validity or invalidity of a legal act or event. Should any one of the pillars within the legal act or event remain unfulfilled, the legal act or event is rendered invalid or its status is nullified by law. (Djubaidah 2010)

In the Compilation of Islamic Law (KHI), no distinction is made between the conditions (*syarat*) and pillars (*rukun*) of marriage; both are regarded as an integrated whole and are difficult to separate. The pillars of marriage are stipulated in Article 14 of the KHI. According to this article, the following must be present to conduct a marriage:

1. Prospective Husband

The individual who intends to enter into the marriage contract must be identified and must possess the legal capacity to marry. This includes being of appropriate age and possessing sound mental faculties.

2. Prospective Wife

The individual who is to be married must also be clearly identified and must meet the necessary legal and personal qualifications to enter into the marriage.

3. Marriage Guardian

A suitable guardian, typically appointed to oversee the marriage process, ensuring that the union aligns with Islamic principles and that the rights of both parties are upheld. The wali plays a crucial role in safeguarding the interests of the prospective bride.

4. Two Witnesses

The presence of two credible and competent witnesses is required to validate the marriage contract. These witnesses attest to the consent of both parties and the proper execution of the marriage rites.

5. Offer and Acceptance

The formal proposal (*Ijab*) by one party and the acceptance (*Kabul*) by the other constitute the verbal agreement that solidifies the marriage contract. This exchange must be clear, unequivocal, and conducted in the presence of the wali and witnesses to ensure mutual understanding and agreement.

The marriage guardian (*wali nikah*) is one of the essential pillars of marriage (Fauzia 2023). A *wali nikah* is an individual authorized to officiate or conduct the marriage contract based on a direct blood relationship with the bride's family. This includes the father, grandfather (the father of the bride's father), brothers who share both parents with the bride, sons of brothers who share only the same father with the bride, paternal uncles (the male siblings of the bride's father), the sons of these paternal uncles from the bride's father's side, and a judge or authoritative figure (Fikri 2023).

Failure to appoint an appropriate *wali nikah* in accordance with these stipulations may render the marriage contract invalid under Islamic law. (Mustofa Hasan 2011). Marriage is rendered invalid if any of its essential pillars are not fulfilled. A subsequent issue arises when an invalid marriage guardian (*wali nikah*) is present due to the prospective bride being an illegitimate child. In this context, the *wali nikah* specifically refers to the lineage guardian (*wali nasab*).

Such cases occur when a young woman intending to marry originates from a union that was preceded by the bride-to-be's pregnancy resulting from adultery or extramarital sexual relations. The child born under these circumstances, being female, matures into adulthood and seeks to enter into marriage with a suitor of her own choice or one selected by her family. Consequently, this situation creates a



problem in determining a suitable marriage guardian (*wali nikah*) for a female child born out of wedlock (Muhammad Hasan 2023).

Article 42 of Law Number 1 of 1974 concerning Marriage provides the definition of a legitimate child. According to this article, a legitimate child is one who is born within or as a result of a valid marriage. (Republik Indonesia 1974)

According to Article 99 of the Compilation of Islamic Law, a child is considered legitimate if he or she is born within or as a result of a valid marriage. This definition also encompasses a child conceived by a legally married couple outside of the womb and subsequently delivered by the wife..(Mahkamah Agung 2011)

This definition provides an interpretation that a legitimate child is one who is both conceived and born within a legally valid marriage. Furthermore, it extends to cases where a child is born into a valid marriage even though conception took place outside of that marriage, or where a child was conceived within a valid marriage but was born outside of it.(Rofiq 2011)

The Indonesian Civil Code stipulates that a child born or conceived during a marriage is legally recognized as the husband's offspring. This provision has sparked a debate between Islamic jurisprudence (*fiqh*) and statutory regulations in Indonesia, particularly concerning the legal status of a child born within such a marriage. Under Law No. 1 of 1974 and the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI), the child is considered legitimate by both parents. In contrast, from the perspective of *fiqh*, the child's lineage (*nasab*) is traced solely through the mother and her family. Consequently, if a daughter is recognized as legitimate by both parents, her father is entitled to serve as her *wali* (marriage guardian). However, if the daughter's lineage is acknowledged only through her mother and maternal relatives, as prescribed in *fiqh*, the father is not permitted to act as the *wali*.

Proceeding with a marriage without verifying the rightful *wali* can lead to complications, potentially rendering the union invalid because it involves appointing a *wali* who lacks a legitimate lineage connection. Additionally, most marriages do not thoroughly investigate the time interval between the parents' marriage and the child's birth. Nevertheless, children born to and acknowledged by a couple who previously engaged in *zina* (illicit sexual relations) but later married are indirectly granted legitimacy concerning the right to a *wali*.



From 2022 to 2023, numerous marriages in Gorontalo City employed a *wali hakim* (court-appointed marriage guardian) for various reasons, one of which was that the bride was officially registered under her mother's name only—based on the birth certificate issued by the Civil Registry Office. Data from all Religious Affairs Offices (*Kantor Urusan Agama*, KUA) in Gorontalo City reveal that, between 2022 and 2023, 26 couples resorted to a *wali hakim* because the bride's legal status was recorded as "child of the mother" on her birth certificate from the Civil Registry Office.

Method

This study employs an empirical legal research methodology, which focuses on analyzing the practical application of law in reality as it pertains to individuals, groups, communities, and legal institutions within society. The emphasis is placed on the behavior of individuals or communities, as well as organizations or legal institutions, in relation to the implementation and enforcement of legal norms.(Muhaimin 2020)

Discussion

Etymologically, the term "marriage" in Arabic is referred to as **nikah** or **zawaj**. Both terms are commonly used in the daily lives of Arabic-speaking individuals and are frequently mentioned in the Qur'an and the Hadith of the Prophet. The word **nikah** carries various meanings, including **al-wath'i** (sexual intercourse), **al-dhommu** (union), **al-tadakhul** (integration), **al-jam'u** (gathering), or as an expression of **'an al-wath aqd**, which refers to sexual relations, physical intimacy, union, and a marital contract..(Mardani 2011)

In a broader sense, marriage is defined as "a physical and spiritual bond between a man and a woman established for the purpose of procreation, conducted in accordance with Islamic law."(Abd.Somad 2012)

In Islamic law, marriage is defined as a contract (**akad**) that legitimizes the relationship between a man and a woman who are not prohibited (**mahram**) from marrying each other. It establishes mutual rights and obligations and promotes cooperation between the spouses. The primary purpose of marriage is to create a happy and lasting family. To achieve this, the husband and wife must support and complement each other, enabling both to develop their individual personalities and attain spiritual and material well-being.(Thaib and Harahap 2010)



Marriage must be based on mutual love and affection between husband and wife, with the hope that it will be harmonious, enduring, and eternal, founded upon belief in the Almighty God. This principle is articulated in Article 1 of Law No. 1 of 1974 concerning Marriage. Consequently, marriage has a profound connection to religion and spirituality, emphasizing that it encompasses not only physical and material elements but also deeply significant spiritual and emotional dimensions.(Thaib and Harahap 2010)

The Qur'an emphasizes that establishing a family is part of the tradition (*sunnah*) of the Prophets, from the earliest messengers to the final Prophet, Muhammad (peace be upon him). This is stated in Surah Ar-Ra'd, verse 38, which translates as: *"And we have certainly sent messengers before you, and We assigned to them wives and descendants."* This verse highlights the significance of marriage and family as a divine practice upheld by all Prophets throughout history.(Ghozali 2010)

In addition to being regulated in the Qur'an, there are several hadiths of the Prophet Muhammad (peace be upon him) concerning the rulings on marriage. For instance, a hadith narrated by a group of hadith scholars and Imam Muslim states: *"...and I marry women. Whoever dislikes my sunnah is not of me."* Another hadith, narrated by Imam Bukhari and Imam Muslim from Ibn Abbas, addresses young people, saying: *"O young people, whoever among you is able to marry should marry, for it helps lower the gaze and guards chastity."* These hadiths underscore the importance of marriage in preserving moral conduct and adhering to the sunnah of the Prophet.”(Ghozali 2010)

The purpose of marriage according to Islamic law is to uphold the principles of religion, to procreate, to prevent immoral behavior, and to establish a peaceful and orderly household. Marriage in Islamic law also serves the purpose of upholding the religion of Allah, which entails adhering to His commands and abstaining from His prohibitions.

The conditions that must be fulfilled for marriage according to Articles 6 to 12 of Law No. 1 of 1974 are as follows:

1. **Consent of the Parties:** Marriage must be based on the consent of both parties involved.
2. **Minimum Age Requirement:** The minimum age for marriage is 19 years for both men and women (as amended).

3. Parental or Guardian Consent: For individuals under 21 years of age, marriage requires parental or guardian consent.
4. No Legal Impediments: Marriage cannot proceed if there are legal impediments, such as a prior valid marriage that has not been dissolved.
5. Registration: Marriage must be registered according to applicable regulations to be recognized by the state.
6. Compliance with Religious Laws: The marriage must be conducted according to the religious beliefs and practices of the parties involved. (Syahrani 2013)

According to the Compilation of Islamic Law (Kompilasi Hukum Islam, KHI) in Article 14, the essential pillars (rukun) and conditions (syarat) for marriage include the following: Calon Suami dan Calon Isteri.

1. Marriage Guardian: A legitimate guardian from the bride's family or a court-appointed guardian (wali hakim) if no eligible family guardian is available.
2. Two Witnesses: Two male witnesses who are competent, Muslim, and fulfill the Islamic legal requirements.
3. Dowry: A mandatory gift from the groom to the bride as part of the marriage agreement, symbolizing commitment and responsibility.
4. Marriage Contract: A verbal agreement consisting of an offer (ijab) from the bride's guardian and acceptance (qabul) by the groom, signifying mutual consent and agreement to the marriage. (Mahkamah Agung 2011)

The marriage guardian (wali nikah, as a fundamental element (rukun) of marriage, is the person authorized to officiate the marriage of the bride or to grant approval for the marriage to take place. A marriage is considered invalid if performed without the consent of the (wali). Therefore, the presence of a (wali) for the bride is an obligatory requirement.

Before determining the (wali nikah), it is crucial to establish the lineage (nasab) of the child, identifying their origin and the marital status of their parents. This is essential because a child's parents may be bound by a valid marriage, an invalid marriage, or may have never been married at all.

The determination of a child's lineage is of great significance in Islamic legal perspectives, as it establishes the genealogical relationship between the child and the



father. While biologically every child is born from a man's sperm and ideally, that man should be recognized as the father, Islamic law provides specific regulations regarding the legitimacy of this relationship. These provisions are critical in deciding the validity of the (wali) and ensuring the marriage complies with Islamic principles. (Nuruddin and Tarigan 2014)

To determine the status of a child, according to Mardani, it is essential first to ascertain the child's lineage, identifying their origin and the individual responsible for their birth. The parents may be bound by a valid marriage, an invalid marriage, or may never have been married at all. This assessment is crucial in establishing the child's legal and genealogical status in accordance with applicable laws and principles. (Mardani 2016)

The status of a child in Islamic Law and the Marriage Law is categorized into two types: legitimate (*anak sah*) and illegitimate (*anak tidak sah*). This distinction is also outlined in Article 99 of the Compilation of Islamic Law (KHI), which states:

"A legitimate child is: (a) A child born within or as a result of a valid marriage; (b) A child conceived by a legally married couple outside the womb and subsequently delivered by the wife." This legal framework emphasizes the significance of marital legitimacy in determining the child's status under Islamic and statutory laws. (Mahkamah Agung 2011)

Meanwhile, an illegitimate child (*anak tidak sah*) is a child born outside of marriage. Such children are often referred to by various terms, including *anak jadah*, *anak zina*, *natuurlijke kinderen* (natural children), or *onwettige kinderen* (illegitimate children). In contrast, a legitimate child (*anak sah*) is referred to as *wettige kinderen* (legitimate children). These distinctions highlight the differences in status based on the marital circumstances of the parents. (Alhamdani 2002)

According to Amiur Nuruddin and Azhar Akmal Tarigan, a child is considered to have a legitimate *nasab* (lineage) relationship with their father if they are born from a valid marriage. Conversely, a child born outside of a valid marriage cannot be deemed legitimate and is often referred to as an *anak zina* (child of adultery) or a child born out of wedlock. This distinction underscores the importance of a valid marriage in establishing the legal and genealogical connection between a father and child under Islamic law. (Nuruddin and Tarigan 2014)



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According to Witanto, if the process leading to a child's birth is not valid, either under religious law or state law, the child will be classified as illegitimate (*anak tidak sah* or *anak luar kawin*), also referred to as a *natuurlijk kind* (natural child). This classification emphasizes the importance of legal and religious recognition of the marital relationship in determining the child's legitimacy. (Witanto 2012)

The status of a child born out of wedlock (*anak luar kawin*) carries both positive and negative legal consequences. To obtain rights equivalent to those of legitimate children, a child born out of wedlock must first fulfill specific conditions. The primary requirement is that the child must be legally acknowledged (*pengakuan sah*) by the biological parent.

According to the Burgerlijk Wetboek (BW) system, the principle is that only those with a legal relationship to the deceased (*pewaris*) are entitled to inheritance rights. This legal relationship arises as a result of recognition (*pengakuan*). Once recognized, the child gains inheritance rights, effectively changing their status to a recognized illegitimate child (Saputri 2024)

However, in Islamic Law, there is no concept of such recognition. The status of a child born out of wedlock (*anak zina*) cannot be transformed into that of a recognized illegitimate child as outlined in the Civil Code (KUHPperdata). Islamic Law maintains that such a child does not inherit through paternal lineage but is limited to rights through the mother and her family (Rahman 2024).

Legal Considerations of the Head of the Office of Religious Affairs (KUA) in Determining the Marriage Guardian (*Wali Nikah*) Status for Children Born Out of Wedlock in Gorontalo City

A marriage guardian (*wali nikah*) is an individual who has the right to officiate or perform the marriage contract (*ijab*) due to a direct blood relationship with the

bride. The hierarchy of guardianship begins with the father, followed by the grandfather (the father of the bride's father), then the full brother (a brother who shares both parents with the bride). Next in line are the paternal half-brother's son (the son of the bride's paternal half-brother) and the paternal uncle (the bride's father's brother). The list continues with the paternal uncle's son (the son of the bride's paternal uncle). If no eligible blood relatives are available, the role of *wali nikah* falls to a judge or ruler (*hakim atau penguasa*). This structure ensures that the marriage contract is conducted properly and legitimately according to Islamic law, prioritizing the closest male relatives by lineage (*nasab*). (Mustofa Hasan 2011)

A marriage is considered invalid if performed without the consent of a guardian (*wali nikah*), making the presence of a guardian for the bride a mandatory requirement. The *wali nikah* is a fundamental element (*rukun*) of marriage, as they hold the authority to officiate the marriage or provide consent for the marriage to take place.

From the perspective of the Shafi'i School, a bride must have a *wali nikah* as a requirement for marriage. In this school, a marriage is deemed invalid if the marriage contract (*akad*) is performed without the guardian's consent, regardless of whether the bride is a virgin or a widow, of equal status (*kufu*) or not, and regardless of whether the consent is direct or delegated.

In the Maliki School, while it does not explicitly require the presence of the *wali nikah* during the marriage, the guardian's consent is mandatory. This consent can come from the guardian, a respected family member, or a judge, ensuring the validity of the marriage contract. This school also prohibits women, whether virgins or widows, from marrying themselves off.

The Hanbali School maintains that a marriage is invalid without the presence of a *wali nikah*, reinforcing its role as an essential requirement. Conversely, the Hanafi School permits marriage without a guardian, allowing someone outside the lineage to officiate, whether the bride is a virgin or a widow. However, in cases of inequality (*kufu*), the guardian may annul the marriage. Additionally, in the Hanafi School, the consent of a virgin bride is indicated through silence, while a widow must explicitly express her consent. (Muhammad Hasan 2023)



Based on interviews with nine Heads of the Office of Religious Affairs (*Kantor Urusan Agama*, KUA) in Gorontalo City, it was concluded that the legal status of the *wali nikah* for children born out of wedlock generally involves the use of a *wali hakim* (judge-appointed guardian). However, a lineage guardian (*wali nasab*) is recommended if they meet the legal and Islamic jurisprudential (*fiqh*) criteria. The primary basis for determining the *wali nikah* is the *fiqh* of the Shafi'i School. Specifically, if the marriage occurred less than six months before the child's birth, the guardian is deemed to be the *wali hakim*. (Fikri 2023)

Factors Influencing the Determination of Marriage Guardian (*Wali Nikah*) Status for Children Born Out of Wedlock at the KUA in Gorontalo City

The legal status of a marriage guardian (*wali nikah*) for children born out of wedlock is significantly influenced by documentation, particularly the marriage record of the parents and the birth certificate of the prospective bride. An essential step involves verifying and analyzing these documents to determine the rightful guardian for the marriage.

If the birth record of the prospective bride indicates a birth date less than six months after the parents' marriage and includes the names of both parents on the birth certificate, it may be interpreted that the prospective bride has a recognized lineage (*nasab*) to her father.

Proof of a child's status is primarily established through a birth certificate, as stipulated in Article 55 of Law No. 1 of 1974, which states: "*The origin of a child can only be proven with an authentic birth certificate issued by an authorized official.*"

This legal provision underscores the importance of authentic documentation in determining lineage and ensuring the proper assignment of the marriage guardian, adhering to both legal and Islamic principles." (Republik Indonesia 1974)

Based on interviews with the Heads of the Religious Affairs Offices (*Kantor Urusan Agama*), the following factors were identified as influencing the legal status of the marriage guardian (*wali nikah*) for children born out of wedlock:

a. Administrative Factors

Administrative factors play a crucial role in determining the legal status

of the marriage guardian for children born out of wedlock. This is because the rules governing the requirements and procedures for marriage registration prioritize the completeness of documentation. Verification of identity and eligibility of the prospective bride and groom is also part of this process. Essential documents include the prospective bride's birth certificate and the marriage certificate of her parents. These documents are critical in determining the legitimacy of the prospective bride's lineage and, subsequently, the appropriate guardian.

b. Family Factors

Family factors are equally important in determining the legal status of the marriage guardian for children born out of wedlock. Family relationships, such as blood ties and the marital status of the prospective bride's parents, directly influence the decision. Before appointing a *wali nikah* for the prospective bride, the Office of Religious Affairs (*KUA*) conducts a thorough review of the bride's family background. Any irregularities found in the documentation may lead to counseling and guidance for the prospective bride and her parents. The consent of the bride's family, particularly her maternal relatives, is often considered crucial in determining the legal status of the *wali nikah*. If the family disagrees with the choice of the guardian as determined by the *KUA*, this disagreement can complicate the process of appointing a marriage guardian for the child.

Before determining the *wali nikah* for a prospective bride, the Office of Religious Affairs (*KUA*) conducts a thorough examination of the bride's family background. If any irregularities are found in the submitted documents, counseling and guidance are provided to the prospective bride and her parents.

Family approval, especially from the bride's maternal relatives, is often considered crucial in the determination of the legal status of the *wali nikah*. Disapproval from the family regarding the appointed guardian can complicate the process and create challenges in finalizing the marriage guardian for the bride. This underscores the importance of aligning administrative procedures with family dynamics to ensure a smooth and lawful resolution.



Public Perception of the Legal Status of Marriage Guardianship (*Wali Nikah*) for Children Born Out of Wedlock in Gorontalo City

In Gorontalo, religious norms and values are highly respected. If a woman is known to marry while pregnant, it is considered a social disgrace (*aib*) that must be concealed. For this reason, families often strive to protect the secrecy of pregnancies outside of marriage to safeguard the future of the child. However, the lineage of the child must be accurately determined by the Office of Religious Affairs (*KUA*) to identify the appropriate *wali hakim* for the child.

Based on interviews with members of the Gorontalo community, it can be concluded that, from their perspective, children born out of wedlock are seen as a social disgrace that families feel compelled to conceal. This cultural attitude often poses challenges for the *KUA* in determining the status of the guardian for such children. Consequently, the *KUA* must conduct thorough investigations into the family lineage before appointing a *wali* for children born out of wedlock who are preparing to marry. This process ensures compliance with both religious and legal requirements.

Conclusion

The legal status of the *wali nikah* for children born out of wedlock in Gorontalo City is generally assigned to a *wali hakim* (court-appointed guardian). This decision is made following a thorough review of the documents provided by the prospective bride and her parents. However, a *wali nasab* (lineage guardian) is recommended if the *wali nasab* fulfills the legal and Islamic jurisprudential (*fiqh*) requirements. The Shafi'i School of thought serves as the primary basis for this determination, stating that if the pregnancy occurred less than six months after the parents' marriage, the *wali hakim* must be appointed. All nine Offices of Religious Affairs (*KUA*) in Gorontalo City apply this standard for children born out of wedlock. While there may be variations in the approach to assigning guardians, all offices consistently prioritize the psychological well-being of the child (the prospective bride), particularly when a *wali hakim* is assigned.

Several factors influence the determination of the *wali nikah* status for children born out of wedlock. Administrative factors include the verification of the prospective bride's documents and those of her parents to ensure compliance with applicable

regulations. Family factors also play a significant role, as the KUA conducts a detailed examination of the family lineage and relationships of the prospective bride before assigning a guardian. These considerations emphasize the importance of aligning legal, procedural, and familial elements to ensure the validity of the marriage while addressing the psychological and social dimensions of the bride's situation.

Recommendation

Based on the analysis, several recommendations can be provided. For the community, individuals, particularly women born out of wedlock who intend to marry, should understand who is entitled to act as their *wali nikah* (marriage guardian). This knowledge is essential to ensuring the validity of their marriage in accordance with legal and religious standards. For parents, especially those acting as guardians for children born out of wedlock, it is important to assist their children in seeking information about the legal requirements, necessary preparations, and relevant documentation to ensure the marriage process adheres to the law and Islamic principles. Lastly, for the government, particularly the Ministry of Religious Affairs, there is a need to regulate and enforce marriage laws more effectively in Indonesia. This includes formulating and implementing policies related to marriage, especially regarding the legal status of *wali nikah* for children born out of wedlock. Such regulations will help clarify ambiguities and ensure consistency in both legal and religious practices.

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