

MARITAL AGREEMENTS, LEGAL PROTECTION, AND RURAL MUSLIM LEGAL CULTURE: A SOCIO-LEGAL STUDY IN PAMEKASAN

Lutfi Anshori¹; Urwatul Wusqo²; Jamiliya Susantin³; Mujiburrohman⁴

Universitas Islam Madura Pamekasan, Indonesia

Email: ¹lutfianshori567@gmail.com; ²uurmuhlis@gmail.com; ³jamiliasusantin@gmail.com;

⁴rohman311268@gmail.com;

ABSTRACT

Marital agreements are legally recognized in Indonesian positive law and Islamic family law, yet their adoption remains limited in rural Muslim communities. This study examines the gap between the normative recognition and social acceptance of marital agreements in Jati Jajar Hamlet, Pamekasan, focusing on the role of rural Muslim legal culture in shaping their implementation. Employing empirical legal research with a qualitative socio-legal approach, the study draws on interviews, observation, and documentation involving married couples, religious leaders, community leaders, and village officials. The findings reveal that marital agreements have not become part of local legal culture because they are commonly perceived as symbols of distrust and as inconsistent with the sacredness of marriage. This resistance is reinforced by limited Islamic family law literacy, customary traditions, communal expectations, and the strong influence of religious authorities. Nevertheless, the study finds no substantive contradiction between marital agreements and Islamic family law. Through the concept of *syurut fi al-nikah*, *al-muslimuna 'ala syurutihim*, and *maqasid al-shari'ah*, marital agreements can function as preventive legal instruments that protect property rights, clarify economic responsibilities, and reduce potential household disputes. The study contributes a socio-legal perspective by demonstrating that resistance to marital agreements is primarily cultural rather than theological.

Keywords : *Islamic family law; legal culture; marital agreement; rural Muslim society; socio-legal study.*

ABSTRAK

Perjanjian perkawinan diakui dalam hukum positif Indonesia dan hukum keluarga Islam, tetapi penerapannya masih terbatas di kalangan masyarakat Muslim pedesaan. Penelitian ini menganalisis kesenjangan antara pengakuan normatif dan penerimaan sosial terhadap perjanjian perkawinan di Dusun Jati Jajar, Pamekasan, dengan menelaah pengaruh budaya hukum masyarakat Muslim pedesaan terhadap implementasinya. Penelitian menggunakan metode hukum empiris dengan pendekatan sosio-legal kualitatif melalui wawancara, observasi, dan dokumentasi terhadap pasangan suami istri, tokoh agama, tokoh masyarakat, dan aparat desa. Hasil penelitian menunjukkan bahwa perjanjian perkawinan belum menjadi bagian dari budaya hukum masyarakat karena dipersepsikan sebagai simbol ketidakpercayaan dan dianggap tidak sesuai dengan kesakralan perkawinan. Resistensi tersebut diperkuat oleh rendahnya literasi hukum keluarga Islam, tradisi adat, ekspektasi komunal, serta kuatnya pengaruh otoritas keagamaan. Meskipun demikian, penelitian menemukan bahwa tidak terdapat pertentangan substantif antara perjanjian perkawinan dan hukum keluarga Islam. Melalui konsep *syurut fi al-nikah*, kaidah *al-muslimuna 'ala syurutihim*, dan *maqasid al-shari'ah*, perjanjian perkawinan dapat berfungsi sebagai instrumen hukum preventif untuk melindungi hak atas harta, memperjelas tanggung jawab ekonomi, dan meminimalkan potensi konflik rumah tangga. Penelitian ini memperkuat kajian sosio-legal dengan menunjukkan bahwa resistensi terhadap perjanjian perkawinan lebih bersifat kultural daripada teologis.

Kata Kunci: *hukum keluarga Islam; budaya hukum; perjanjian perkawinan; masyarakat muslim pedesaan; studi sosio-legal.*

INTRODUCTION

Marriage in Islam is regarded as a sacred covenant (*mitsaqan ghalizhan*) that functions not merely as a biological relationship between a man and a woman, but also as a legal and social institution aimed at establishing a harmonious family characterized by *sakinah*, *mawaddah*, and *rahmah* (Al-kautsar 2025). In Islamic family law, marriage creates reciprocal rights and obligations that must be fulfilled by both parties in order to achieve justice and welfare within the household (Ubaidilah and Husna 2023). However, in contemporary social realities, married life is frequently confronted with various problems, particularly those related to property management, economic responsibilities, marital roles, and disputes following divorce (Guin 2024). Such conditions have encouraged the emergence of preventive legal instruments, one of which is the prenuptial agreement. From the perspective of Islamic law, prenuptial agreements are fundamentally permissible as long as they do not contradict Islamic principles and the objectives of *maqasid al-shari'ah*. Moreover, prenuptial agreements are viewed as a form of legal protection for the rights of married couples (Rambe 2025).

Although prenuptial agreements have gained normative legitimacy both in Islamic law and Indonesian positive law through Article 29 of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI), their implementation remains uncommon, particularly within rural communities (Hage et al. 2013). Most people still perceive marriage as a sacred institution sufficiently based on trust, religion, and customary values without the need for written agreements. Prenuptial agreements are often associated with distrust between partners, fears of divorce, and attitudes perceived as contrary to local cultural values emphasizing family harmony (Moh. Ashif Fuadi, Abd Faishol, Andi Arif Rifa'i 2024). This phenomenon indicates a gap between the normative legality of prenuptial agreements and the social acceptance of such practices. In the context of Madurese society, especially in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency, cultural values, religious authorities, and communal kinship patterns significantly influence the low implementation of prenuptial agreements among the community (Khanza, Okubo, and Mirantama 2023).

The legal position of marital agreements in Indonesia has undergone significant development following Constitutional Court Decision No. 69/PUU-XIII/2015. Prior to this decision, marital agreements were generally understood as agreements concluded before marriage (prenuptial agreements). However, the Constitutional Court broadened the

interpretation of Article 29 of the Marriage Law by allowing agreements to be made not only before marriage but also during the marital relationship. Consequently, the concept of marital agreements extends beyond prenuptial agreements and includes postnuptial agreements concluded after marriage. This development demonstrates that marital agreements should not be understood merely as contractual arrangements concerning property ownership, but as broader legal instruments designed to provide legal certainty and protection for spouses throughout the marital relationship.

Within this broader framework, marital agreements may serve various protective functions beyond the regulation of matrimonial property. They may clarify responsibilities related to family maintenance, protect a wife's premarital assets, regulate liability for personal debts, safeguard the right of spouses to pursue employment or economic activities, and provide legal certainty in the event of divorce. Therefore, marital agreements should be viewed not merely as mechanisms for asset separation, but as instruments of substantive legal protection intended to prevent injustice and imbalance within family relations. Such functions become particularly relevant in rural communities where legal certainty regarding economic responsibilities and marital rights is often regulated through informal social arrangements rather than formal legal mechanisms.

On the other hand, domestic conflicts related to joint property, economic responsibilities, and unclear marital rights and obligations remain common within society. Many of these conflicts end in divorce or prolonged disputes due to the absence of clear agreements established before marriage (Selinah, Hairunnas, and Tohirin 2025). In the perspective of Islamic family law, such conditions may actually be minimized through the principles of *dar al-mafasid* (preventing harm) and *jalb al-masalih* (promoting welfare). Therefore, prenuptial agreements should not merely be understood as symbols of distrust, but rather as preventive legal instruments intended to maintain household stability and protect the rights of both spouses (Salleh et al. 2009). Nevertheless, society tends to prioritize customary traditions and social perceptions over formal legal considerations. This phenomenon reflects a tension between normative Islamic legal principles and local cultural practices that continue to shape social life (Suhardi 2025).

The relevance of this issue becomes more evident in the context of Madurese society, particularly in Pamekasan Regency, where social life is strongly influenced by religious authority, kinship networks, and customary values. From the perspective of legal culture, community attitudes toward law are often shaped not only by formal legal norms but also by

local traditions and collective social expectations. In many cases, legal decisions concerning family matters are influenced by religious leaders and community elders rather than by direct reference to state regulations. As a result, the acceptance or rejection of marital agreements cannot be understood solely through legal analysis but must also be examined through the interaction between legal norms, cultural values, and religious authority within society.

Studies concerning prenuptial agreements have been widely conducted by previous scholars. Research conducted by Rahmat Fadillah and M. Beta Subehi examined prenuptial agreements from the perspective of Islamic law, particularly focusing on prohibiting infidelity within marriage (R. Ramadhan and Nur 2025). Their study emphasized that prenuptial agreements could function as moral and legal instruments to maintain marital commitment. However, the study primarily employed a normative approach and did not extensively explore the empirical realities of rural communities (Nana-Stella Nancy Eugene 2024).

Another study conducted by Firmansyah analyzed the legality of prenuptial agreements through the perspective of *maqasid al-shari'ah*. The findings revealed that prenuptial agreements possess preventive functions in protecting spouses' rights and are consistent with the principles of justice and welfare in Islamic law (Sulaiman et al. 2025). Nevertheless, the study mainly focused on conceptual analysis and did not investigate how society practically perceives and responds to prenuptial agreements within social life (Firmansyah, 2023).

However, the study did not specifically discuss the influence of cultural factors and rural social perceptions regarding prenuptial agreements. Based on these previous studies, it can be observed that research on prenuptial agreements is still predominantly normative-juridical, while studies emphasizing the gap between Islamic legal norms and the social realities of rural communities remain relatively limited. Therefore, this study offers novelty by employing a socio-legal approach to analyze the practices, perceptions, and socio-cultural factors influencing the implementation of prenuptial agreements in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency from the perspective of Islamic family law.

This study aims to analyze the practice of prenuptial agreements within the community of Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency, identify the factors influencing whether such agreements are implemented or not, and examine the phenomenon through the perspective of Islamic family law. Furthermore, this study seeks to explore the extent to which the normative concepts of Islamic law concerning prenuptial

agreements correspond with the social realities of rural communities strongly influenced by local traditions and traditional religious understandings.

This research argues that the low implementation of prenuptial agreements within society is not caused by any substantial contradiction between prenuptial agreements and Islamic law itself, but rather by cultural constructions, social perceptions, and the limited legal literacy of the community. In this context, Islamic family law actually provides sufficient flexibility for prenuptial agreements as instruments of public welfare (*maslahah*), yet their implementation encounters socio-cultural obstacles at the community level. Therefore, resistance toward prenuptial agreements is sociological rather than theological or normative in nature.

This study is important because it contributes to the development of Islamic family law studies, particularly regarding the relationship between Islamic legal norms and the legal culture of society. In addition, the research is expected to serve as a reflection for religious institutions, Offices of Religious Affairs (KUA), and community leaders in improving public literacy concerning Islamic family law. This study is also expected to strengthen the understanding that prenuptial agreements are not merely formal legal instruments, but also preventive mechanisms aimed at maintaining justice, protecting rights, and preserving household harmony within the framework of *maqasid al-shari'ah*.

RESEARCH METHOD

This study employed an empirical legal research design using a qualitative socio-legal approach to analyze the phenomenon of prenuptial agreements within the perspective of Islamic family law in Jati Jajar Hamlet, Palengaan Laok Village, Palengaan District, Pamekasan Regency. The qualitative approach was selected because this research aims to understand social phenomena comprehensively and contextually through the perspectives, experiences, and understandings of the community regarding prenuptial agreements. Meanwhile, the socio-legal approach was considered relevant because the issue of prenuptial agreements cannot merely be examined from a normative legal perspective, but must also be analyzed within the social realities, cultural values, and religious understandings that influence legal behavior in society (Alsafy et al. 2025). This approach enabled the researcher to examine the relationship between Islamic legal norms concerning prenuptial agreements and the social perceptions of rural communities that still strongly uphold customary and religious traditions (Nelken 2016).

This research specifically focused on the gap between the normative legitimacy of prenuptial agreements in Islamic family law and their limited implementation within society (Uddin 2023). In Islamic family law, prenuptial agreements are recognized as part of *syurut fi al-nikah* (conditions within marriage contracts), provided that they do not contradict Islamic principles and the objectives of marriage (*maqasid al-nikah*). Indonesian positive law also provides legal legitimacy for prenuptial agreements through Article 29 of Law Number 1 of 1974 concerning Marriage and Articles 45–52 of the Compilation of Islamic Law (KHI) (Mannan et al. 2025). However, despite such legal recognition, rural communities often perceive prenuptial agreements negatively as symbols of distrust and threats to the sacredness of marriage. Therefore, this study sought to examine how such legal norms interact with the socio-cultural realities of the community in Jati Jajar Hamlet (Meho and Spurgin 2005).

The research was conducted in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency, Madura, East Java. This location was purposively selected because the community strongly preserves Islamic traditions, communal kinship systems, and local cultural values that significantly influence marriage practices. Furthermore, based on preliminary observations conducted by the researcher, the implementation of prenuptial agreements in this community remains very limited, despite the existence of household conflicts related to economic responsibilities, joint property, and marital obligations. These conditions made the research location highly relevant for examining the socio-legal dynamics of prenuptial agreements within the perspective of Islamic family law (Kivunja 2018).

In this qualitative research, the researcher functioned as the primary instrument responsible for collecting, interpreting, and analyzing the data directly in the field. The researcher's presence in the research setting was conducted openly and interactively to establish trust and communication with informants (P. Wulandari 2026). This direct involvement was essential because discussions concerning marriage, economic conflict, and prenuptial agreements are often considered sensitive issues within rural communities. Therefore, the researcher continuously adapted to the social and cultural environment of the community in order to obtain comprehensive, valid, and contextual data (Rehman et al. 2016).

The subjects of this research consisted of several categories of informants who were considered capable of providing relevant information concerning marriage practices and perceptions regarding prenuptial agreements (Wong 2012). These included married couples who understood or had discussed agreements before marriage, religious leaders (*kyai* and

ustadz), community leaders, and village officials involved in marriage administration or social affairs. Informants were selected using purposive sampling techniques, meaning that participants were chosen intentionally based on their relevance, experience, and understanding related to the research topic (Febrianty et al. 2025). Married couples were involved to explain practical experiences concerning household agreements and marital conflicts, while religious leaders were selected to explain Islamic legal perspectives regarding prenuptial agreements. Community leaders and village officials were included because they possess substantial influence in shaping public perceptions and social attitudes toward marriage practices within the village (Susanti 2019).

The data used in this study consisted of primary and secondary data. Primary data were obtained directly from the field through interviews, observations, and social interactions with informants (L 2005). These data included information regarding public perceptions of prenuptial agreements, cultural and religious influences, legal awareness, and social attitudes toward marital agreements. Secondary data were collected from legal documents and academic literature relevant to the research topic, including the Qur'an, Hadith, the Compilation of Islamic Law (KHI), Law Number 1 of 1974 concerning Marriage, books on Islamic family law, accredited scientific journals, previous research, and other legal references discussing prenuptial agreements and socio-legal studies (Study et al. 2025).

Data collection techniques in this study included observation, semi-structured interviews, and documentation. Observation techniques were conducted to obtain preliminary descriptions regarding the social conditions, cultural patterns, and religious environment of the community related to marriage practices in Jati Jajar Hamlet. Through direct observation, the researcher was able to identify how the community perceives marriage, family relationships, and legal agreements within marital life. Semi-structured interviews were employed to provide flexibility for informants to express their opinions, experiences, and perceptions in depth while still remaining aligned with the research focus (Kivunja 2018). The interviews explored issues such as community understanding of prenuptial agreements, factors influencing their implementation or rejection, perceptions regarding household conflicts, and Islamic legal perspectives concerning marital agreements. Documentation techniques were used to complement field data through the collection of legal documents, village archives, photographs, written records, and supporting literature relevant to the study (Furidha 2024).

To ensure the credibility and validity of the research findings, this study employed triangulation techniques, namely source triangulation and method triangulation (Donkoh 2023). Source triangulation was conducted by comparing information obtained from different categories of informants, including married couples, religious leaders, community leaders, and village officials. Meanwhile, method triangulation was applied by comparing data obtained through interviews, observations, and documentation (Melnikas et al. 2021). The use of triangulation aimed to strengthen the reliability, consistency, and objectivity of the research findings while minimizing subjectivity in data interpretation.

The data analysis technique used in this study was interactive qualitative analysis based on the model developed by Miles and Huberman, consisting of data reduction, data presentation, and conclusion drawing (McLanahan and Beck 2010). Data reduction involved selecting, simplifying, categorizing, and focusing the collected data according to the research objectives and problem formulations. Subsequently, the data were organized systematically and presented descriptively to facilitate interpretation and thematic analysis. At this stage, the researcher identified socio-legal patterns concerning the implementation, rejection, and perception of prenuptial agreements within the community (VARGA 2021). Finally, conclusions were drawn by connecting empirical findings with the theoretical framework of Islamic family law, particularly the concepts of *syurut fi al-nikah*, *dar' al-mafāsīd*, and *jalb al-masalib*. These concepts were utilized to analyze whether the community's perceptions and practices regarding prenuptial agreements align with the objectives of Islamic law in protecting rights, preventing conflict, and achieving household welfare (Ridwan and Murtaqi 2025).

Through this methodological framework, the study aimed to produce comprehensive and contextual findings regarding the relationship between Islamic legal norms and the socio-cultural realities of rural Muslim communities concerning prenuptial agreements. In addition, this approach was expected to contribute academically to the development of socio-legal studies in Islamic family law, particularly regarding the interaction between legal norms, cultural traditions, and public legal awareness within Indonesian Muslim society.

FINDINGS AND DISCUSSION

The Limited Implementation of Prenuptial Agreements in Jati Jajar Hamlet

The findings of this study indicate that the practice of prenuptial agreements in Jati Jajar Hamlet, Palengaan Laok Village, Palengaan District, Pamekasan Regency, remains very

rare within the community. Based on interviews conducted with married couples, community leaders, and religious leaders, most marriages are carried out without any written agreement prior to the marriage contract. In general, the community relies only on oral agreements, religious teachings, and customary traditions that have been inherited from generation to generation.

Several informants stated that before marriage they had never discussed issues concerning property division, economic responsibilities, or the rights and obligations of husband and wife in a formal manner. According to them, marriage is understood as a relationship built upon trust and moral commitment, therefore written legal agreements are considered unnecessary. In addition, some community members admitted that they had never encountered the practice of prenuptial agreements within their surrounding environment.

These findings demonstrate that prenuptial agreements have not yet become part of the legal culture of the people of Jati Jajar Hamlet. Although both state law and Islamic family law provide legal space for such agreements, the social reality of the community still reflects the low implementation of prenuptial agreements in everyday marital practices.

Negative Community Perceptions toward Prenuptial Agreements

This study found that the people of Jati Jajar Hamlet tend to possess negative perceptions toward prenuptial agreements. Based on interview results, most informants considered prenuptial agreements as a form of distrust toward one's future spouse. According to them, discussing agreements concerning property and specific rights before marriage reflects doubt regarding the future harmony of the household.

Besides being perceived as a symbol of distrust, prenuptial agreements are also considered capable of reducing the sacredness of marriage. Several informants explained that marriage within Madurese society is culturally understood as a sacred bond that must be built upon sincerity and mutual trust. Therefore, discussions regarding legal agreements before marriage are considered inconsistent with the cultural values and social ethics of the local community.

Although both male and female informants generally expressed reservations toward marital agreements, the underlying reasons were not entirely identical. Male informants tended to associate marital agreements with distrust and the possibility of future marital conflict, emphasizing the importance of mutual confidence and family harmony as the

foundation of marriage. Female informants also viewed marital agreements as culturally unfamiliar; however, several acknowledged that such agreements could potentially provide protection in matters relating to property rights, economic responsibilities, and household obligations. Nevertheless, these perceived benefits were often overshadowed by social concerns regarding community judgment and the belief that discussing legal arrangements before marriage might undermine the sincerity of the marital relationship. This finding suggests that resistance toward marital agreements exists among both men and women, although women appear to demonstrate a relatively greater awareness of their potential protective function.

The findings further reveal that negative perceptions toward prenuptial agreements are influenced more by cultural and emotional factors than by an understanding of Islamic law. Most informants did not reject prenuptial agreements because of explicit religious prohibitions, but rather because such practices are regarded as unfamiliar and uncommon within rural social traditions.

Low Public Understanding of the Legal Basis of Prenuptial Agreements

The findings of this research indicate that the level of public understanding regarding the legal basis of prenuptial agreements remains relatively low. Most informants admitted that they were unaware that prenuptial agreements are regulated under Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI). Several married couples even stated that they only became familiar with the term “prenuptial agreement” after participating in the research interviews.

Furthermore, the majority of community members were unfamiliar with the Islamic legal concept of *syurut fi al-nikah*, which allows certain conditions or agreements within marriage contracts as long as they do not contradict Islamic law. Some informants even assumed that prenuptial agreements were merely part of Western legal culture and unrelated to Islamic teachings.

The study also found that socialization regarding Islamic family law, particularly concerning prenuptial agreements, remains very limited within the community. Religious discussions delivered during Islamic gatherings and sermons generally focus on worship, morality, and household harmony, while discussions concerning legal rights, property protection, and preventive legal mechanisms in marriage are rarely addressed.

The Dominance of Social and Cultural Factors in Marriage Practices

The findings of this study show that social and cultural factors strongly influence marriage practices within the community of Jati Jajar Hamlet. Traditions and inherited customs continue to be prioritized over formal legal regulations in determining patterns of family relationships. Marriage is understood not merely as a union between two individuals, but also as a relationship between two extended families that must preserve social harmony within the community.

Religious leaders and community figures also possess significant influence in shaping public perceptions regarding prenuptial agreements. Most informants stated that they tend to follow the views of religious leaders rather than directly studying legal regulations. Since discussions regarding prenuptial agreements are rarely conveyed by religious authorities, society consequently assumes that such agreements are not an important aspect of marriage.

In addition, several informants believed that prenuptial agreements are only relevant for urban communities, government officials, or wealthy individuals possessing substantial property and assets. Rural communities perceive that their modest economic conditions do not require formal agreements prior to marriage. These findings indicate that the legal culture of society remains more tradition-based than oriented toward formal legal awareness.

Potential Household Conflicts Due to the Absence of Prenuptial Agreements

This study also identified several household conflicts related to economic issues, family responsibilities, and ownership of marital property. Based on interviews, several informants admitted having experienced disputes concerning family financial management and the division of economic responsibilities within the household.

In several cases, conflicts became more complicated when divorce or family disputes occurred because there had been no clear agreement concerning the rights and obligations of each party from the beginning of the marriage. Conflict resolution was generally conducted informally through family deliberation or mediation by community and religious leaders.

The findings indicate that the absence of written agreements creates uncertainty regarding the regulation of rights and obligations between spouses. This condition demonstrates that the community has not yet utilized preventive legal mechanisms that could actually help minimize household conflicts.

The Compatibility of Prenuptial Agreements with Islamic Family Law

The findings of this study demonstrate that prenuptial agreements fundamentally do not contradict the principles of Islamic family law. Based on interviews with several religious leaders in Jati Jajar Hamlet, prenuptial agreements are permissible as long as their contents do not violate Islamic law and continue to aim at preserving welfare within marriage.

Religious leaders explained that Islamic law recognizes the concept of *syurut fi al-nikah*, namely conditions or agreements established within marriage contracts. Such agreements are permitted as long as they do not legalize what is forbidden or forbid what is lawful in Islam. In addition, the practice of prenuptial agreements is also consistent with the Islamic legal maxim *al-muslimuna 'ala syurutihim*, which emphasizes that every valid agreement mutually established by the parties must be fulfilled.

The findings further reveal that prenuptial agreements aim to protect the rights of spouses, safeguard property, and prevent household conflicts. Therefore, from the perspective of Islamic family law, prenuptial agreements may be understood as legal instruments that promote public welfare and are consistent with the objectives of *maqasid al-shari'ah*.

Table 1: Research Findings on Prenuptial Agreements in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency

No	Research Findings	Empirical Evidence	Research Analysis
1	The Limited Implementation of Prenuptial Agreements	Most married couples in Jati Jajar Hamlet did not create prenuptial agreements before marriage. Marriage practices were generally conducted based on religious teachings, customary traditions, and oral family agreements without written legal arrangements. Prenuptial agreements have not become a common practice within the community.	These findings indicate a gap between legal provisions and social reality. Although Islamic family law and Indonesian positive law permit prenuptial agreements, the community has not implemented them in everyday marital practices.
2	Negative Community Perceptions toward Prenuptial Agreements	Prenuptial agreements were perceived as symbols of distrust toward one's future spouse. Some community members considered such agreements capable of damaging the sacredness of marriage and inconsistent with local cultural	The findings demonstrate that cultural and emotional values are more dominant than legal understanding in shaping public perceptions regarding prenuptial agreements.

		values emphasizing sincerity and mutual trust.	
3	Low Public Understanding of the Legal Basis of Prenuptial Agreements	Most informants were unfamiliar with the legal regulations concerning prenuptial agreements in Law Number 1 of 1974 and the Compilation of Islamic Law (KHI). The majority of community members also did not understand the Islamic legal concept of <i>syurut fi al-nikah</i> . Legal socialization from religious and governmental institutions remained minimal.	The primary issue lies in the low level of Islamic legal literacy rather than rejection of the substantive principles of prenuptial agreements themselves.
4	The Dominance of Social and Cultural Factors	Traditional customs and communal values were prioritized over formal legal regulations in marriage practices. Religious leaders possessed strong influence in shaping public perceptions, while prenuptial agreements were considered relevant only for wealthy or urban communities.	These findings indicate that the legal culture of the community remains tradition-based rather than oriented toward formal legal consciousness.
5	Potential Household Conflicts in the Absence of Prenuptial Agreements	Household conflicts related to economic responsibilities, joint property ownership, and unclear marital obligations were frequently found. Conflict resolution was generally conducted informally through family discussions and mediation by community or religious leaders.	The findings demonstrate that prenuptial agreements possess preventive functions (<i>dar' al-mafāsīd</i>) in minimizing household disputes and providing legal certainty regarding marital rights and obligations.
6	Compatibility of Prenuptial Agreements with Islamic Family Law	Religious leaders explained that prenuptial agreements are permissible within the concept of <i>syurut fi al-nikah</i> . Their permissibility is also supported by the Islamic legal maxim <i>al-muslimuna 'ala syurutihim</i> and does not contradict the objectives of <i>maqasid al-shari'ah</i> .	Normatively, prenuptial agreements constitute legitimate legal instruments within Islamic family law and are intended to achieve welfare, justice, and protection within marriage.

Overall, the findings of this study demonstrate that the implementation of prenuptial agreements in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency, remains very limited due to the strong influence of socio-cultural values, negative public perceptions, and

low legal literacy regarding Islamic family law. Although prenuptial agreements are legally recognized in Indonesian positive law and normatively permitted within Islamic family law through the concept of *syurut fi al-nikah*, most community members still perceive such agreements as symbols of distrust and practices inconsistent with local traditions and the sacredness of marriage. The study further reveals that marriage practices within the community continue to prioritize customary norms, oral commitments, and the influence of religious leaders over formal legal mechanisms. As a consequence, household conflicts related to economic responsibilities and marital rights are generally resolved informally without clear legal arrangements. Nevertheless, from the perspective of Islamic family law, prenuptial agreements remain legitimate legal instruments that are consistent with the principles of *maqasid al-shari'ah* because they function to protect rights, prevent disputes, and promote welfare within marital life.

Discussion

The Gap between Legal Norms and Social Reality in the Practice of Prenuptial Agreements

The findings of this study demonstrate that the implementation of prenuptial agreements in Jati Jajar Hamlet remains very limited despite their recognition in both Indonesian positive law and Islamic family law (Firdaus et al. 2025). Most marriages within the community continue to rely on religious values, customary traditions, and oral agreements rather than written legal arrangements. This condition reflects a gap between normative legal provisions and social reality (Halim et al. 2024). From a legal perspective, Article 29 of Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (KHI) explicitly allow the existence of marital agreements before marriage (Maloko 2015). However, the social reality found in the research location shows that such legal norms have not been effectively transformed into social practice.

This phenomenon may be analyzed through the theory of legal culture proposed by Lawrence M. Friedman, which explains that the effectiveness of law is strongly influenced by the legal culture existing within society (Abrar, Fitriana, and Arlotas 2025). Legal rules will not function optimally if the community does not possess awareness, acceptance, and trust toward those legal norms. In the context of Jati Jajar Hamlet, marriage is still understood primarily as a sacred religious and social institution rather than a legal relationship requiring

contractual arrangements. Consequently, formal legal instruments such as prenuptial agreements are perceived as unnecessary within marital life (Sakut Lorista and Arya Hadi Dharmawan 2025).

The findings of this study are consistent with previous research conducted by Firmansyah, which states that prenuptial agreements remain difficult to implement within Muslim communities because social traditions and communal values are often more dominant than formal legal considerations (Husain, Ayoub, and Hassmann 2024). Likewise, research by Rahmat Fadillah and M. Beta Subehi explains that although Islamic law permits prenuptial agreements, public acceptance toward such agreements remains weak due to socio-cultural factors and the limited dissemination of Islamic legal literacy concerning family law (Menkel-meadow 1995). Thus, the low implementation of prenuptial agreements in Jati Jajar Hamlet reflects the broader socio-legal reality within rural Muslim communities where customary norms continue to shape marital practices more strongly than state legal provisions (Samsudin 2025).

Negative Perceptions toward Prenuptial Agreements and the Dominance of Cultural Values

Another important finding of this study concerns the negative perceptions of society toward prenuptial agreements. The community generally perceives prenuptial agreements as symbols of distrust and practices capable of reducing the sacredness of marriage (Permana 2021). Such perceptions demonstrate that marriage within Madurese society is culturally constructed as a moral and emotional relationship based on sincerity and mutual trust rather than contractual obligations. Consequently, discussions regarding property rights and legal responsibilities before marriage are frequently considered socially inappropriate (Ismail, Faisal, and Zainur 2025).

This finding may be understood through the sociological perspective of symbolic interactionism, which emphasizes that social meaning is constructed through cultural interaction and collective interpretation (Broadhurst 2003). Within the social environment of Jati Jajar Hamlet, prenuptial agreements are symbolically interpreted as indications of doubt regarding marital commitment. Therefore, even though Islamic law does not prohibit prenuptial agreements, society continues to reject them because their symbolic meaning conflicts with local cultural expectations concerning ideal marital relationships (Abera et al. 2020).

The dominance of emotional and cultural considerations over legal understanding also reflects the persistence of communal legal consciousness within rural society (Rotarangi and Stephenson 2014). Research by Fuji Nur Rizqi Amelia similarly found that public rejection toward prenuptial agreements is frequently based on cultural assumptions rather than theological arguments. In many Muslim communities, marriage continues to be viewed as a sacred covenant (*mitsaqan ghalizhan*) that should prioritize spiritual sincerity over legal formalism. Consequently, prenuptial agreements are often misunderstood as materialistic arrangements rather than preventive legal mechanisms intended to protect marital welfare (Bethle 2025).

Moreover, the findings indicate that cultural values in Jati Jajar Hamlet function as powerful social control mechanisms. Community members tend to avoid practices considered socially unusual because social harmony and collective acceptance remain highly valued. This condition explains why individuals who might personally agree with prenuptial agreements still hesitate to implement them due to fear of negative social judgment from the surrounding community.

Low Legal Literacy and the Weak Dissemination of Islamic Family Law

The study further reveals that the low implementation of prenuptial agreements is closely related to the limited legal literacy among community members. Most informants were unfamiliar with the legal regulations governing prenuptial agreements in Indonesian law and Islamic family law. In particular, the concept of *syurut fi al-nikah* remains largely unknown among the public, even though Islamic jurisprudence has long recognized the permissibility of agreements established within marriage contracts (A. R. Ramadhan 2024).

This condition demonstrates that the primary issue lies not in rejection of Islamic legal principles, but rather in the weak dissemination of legal knowledge concerning family law (Arifin 2025). According to legal awareness theory, public compliance and acceptance toward legal norms are strongly influenced by legal knowledge and understanding. Communities with limited legal literacy tend to interpret law through inherited traditions and social assumptions rather than through normative legal analysis (Purba, Ramadhan, and Marianata 2025).

The findings also indicate that religious institutions and governmental agencies have not optimally conducted legal socialization related to marital rights and preventive legal mechanisms (Yasin et al. 2024). Religious discussions within the community generally focus

on ritual obligations, morality, and household harmony, while legal dimensions of marriage such as property rights, economic responsibilities, and marital agreements receive limited attention (Zaidah, Al-amruzi, and Sarmadi 2023). This finding supports the argument proposed by socio-legal scholars that legal effectiveness depends not only on formal legislation but also on educational and institutional processes capable of internalizing legal values within society (Delzanty and Taupiqurrahman 2025).

In the context of Islamic family law, the lack of public understanding regarding *syurut fi al-nikah* creates the misconception that prenuptial agreements originate solely from Western legal traditions. In fact, Islamic jurisprudence has historically recognized contractual flexibility within marriage as long as agreements do not contradict Islamic principles (Alif et al. 2026). Therefore, the resistance toward prenuptial agreements found in this study should be interpreted as a consequence of limited Islamic legal literacy rather than rejection of Islamic law itself.

The Dominance of Traditional Legal Culture in Rural Muslim Society

The findings of this study demonstrate that marriage practices in Jati Jajar Hamlet are strongly shaped by traditional legal culture. The community continues to prioritize customary norms, collective values, and the opinions of religious leaders over formal legal regulations (Sahputra et al. 2025). This reflects the persistence of communal legal culture within rural Muslim society, where law is often understood through social traditions and religious authority rather than written legislation (Li and Rooij 2022).

Lawrence Friedman explains that legal culture consists of public attitudes, values, and expectations regarding law. In communities where traditional authority remains dominant, social behavior tends to follow customary practices rather than formal legal systems (Yazid, Masduki, and Mawardi 2025). This phenomenon is clearly visible in Jati Jajar Hamlet, where community members rely heavily on religious leaders and social traditions in determining marital practices. Because religious leaders rarely discuss prenuptial agreements as part of Islamic family law, society consequently assumes that such agreements are socially unnecessary (Castañer and Oliveira 2020).

Furthermore, the perception that prenuptial agreements are only relevant for wealthy individuals or urban communities indicates the existence of class-based assumptions concerning legal needs. Rural communities with modest economic conditions tend to view legal agreements as unnecessary because marriage is interpreted primarily through social and

religious dimensions rather than economic protection. This finding confirms that legal consciousness within society remains highly dependent upon socio-cultural structures and local interpretations of marital values.

The findings may be understood through the intersection of legal culture theory and symbolic interactionism. From Friedman's perspective, legal norms concerning marital agreements have not been internalized into the legal culture of rural Muslim society because community members continue to prioritize social legitimacy over legal legitimacy. At the same time, symbolic interactionism explains how marital agreements acquire negative meanings through collective social interpretation. In Jati Jajar Hamlet, marriage is symbolically associated with sincerity, trust, and religious commitment, while formal legal arrangements are often interpreted as indicators of suspicion and potential marital failure. The authority of religious leaders (kyai) further reinforces these collective meanings because community members frequently rely on religious guidance rather than statutory regulations in determining acceptable marital practices. Consequently, the interaction between rural legal culture, religious authority, and symbolic perceptions of marital sanctity contributes to the low utilization of formal legal instruments such as marital agreements.

Prenuptial Agreements as Preventive Legal Instruments in Household Conflict

The findings regarding household conflicts demonstrate the practical importance of prenuptial agreements within marital life. Economic disputes, unclear marital responsibilities, and conflicts concerning jointly acquired property frequently occur in the absence of clear agreements between spouses (Arifin 2025). In many cases, conflict resolution relies solely upon informal family deliberation and mediation by community leaders without formal legal certainty (Ibrahim et al. 2025).

From the perspective of Islamic legal philosophy, this condition may be analyzed through the principle of *dar' al-mafāsīd*, namely preventing harm before greater social damage occurs. Prenuptial agreements may function as preventive legal mechanisms capable of clarifying the rights and obligations of spouses from the beginning of marriage. Through clear agreements, the possibility of disputes related to economic responsibilities and marital obligations may be minimized (Guin 2024).

The findings support previous studies emphasizing that prenuptial agreements should not merely be understood as instruments for property separation, but also as legal protections intended to preserve household stability and justice between spouses (ur Rehman

et al. 2016). In Islamic family law, preventive measures aimed at protecting rights and avoiding conflict are highly consistent with the objectives of *maqasid al-shari'ah*, particularly the protection of property (*hifz al-mal*) and family welfare (Meliala et al. 2025).

Thus, the absence of prenuptial agreements within the community does not merely indicate rejection of formal law, but also reflects the limited utilization of preventive legal mechanisms capable of strengthening marital protection and reducing potential household conflicts.

Prenuptial Agreements as Protective Justice in Islamic Family Law

Beyond their preventive function in reducing household disputes, marital agreements may also be understood as instruments of protective justice within Islamic family law. In contemporary family relations, legal protection is not limited to the regulation of property ownership but extends to the protection of vulnerable family members, particularly women, who often experience unequal bargaining positions in matters concerning economic responsibilities, family assets, and post-divorce rights. In this regard, marital agreements may provide legal certainty by clearly defining the rights and obligations of spouses from the beginning of the marital relationship.

The findings of this study indicate that many community members continue to associate marital agreements exclusively with property separation. Such an understanding is considerably narrower than the broader functions recognized within Islamic family law. Marital agreements may serve to clarify maintenance obligations, regulate economic responsibilities within the household, protect a wife's premarital property, define liability for personal debts, safeguard the right of spouses to engage in employment or business activities, and establish legal certainty regarding the consequences of divorce. Consequently, marital agreements should not be viewed merely as contractual arrangements concerning assets, but as legal mechanisms designed to prevent economic exploitation and ensure fairness within family relations.

From the perspective of *maqasid al-shari'ah*, the protective function of marital agreements is closely related to the objectives of preserving property (*hifz al-mal*), protecting human dignity (*hifz al-ird*), and maintaining family stability. Agreements that provide legal certainty regarding economic rights and responsibilities contribute to the realization of substantive justice within marriage because they reduce ambiguity and potential conflict between spouses. Therefore, marital agreements may function as legal instruments that

strengthen family welfare while simultaneously protecting vulnerable parties from unequal economic burdens and legal uncertainty.

Nevertheless, Islamic law imposes certain limitations on the validity of marital agreements. Any agreement must not legalize what is prohibited by Islamic law, prohibit what is lawful, eliminate the fundamental rights and obligations of spouses, cause injustice to either party, or contradict the essential objectives of marriage. Accordingly, the legitimacy of marital agreements depends not only on mutual consent but also on their conformity with the principles of justice, welfare, and family harmony promoted by Islamic family law.

The Compatibility of Prenuptial Agreements with Islamic Family Law Principles

Normatively, the findings of this study confirm that prenuptial agreements are compatible with Islamic family law principles. Islamic jurisprudence recognizes the concept of *syurut fi al-nikah*, which allows agreements and conditions within marriage contracts as long as they do not contradict Islamic teachings (Wardi 2024). The permissibility of such agreements is also supported by the legal maxim *al-muslimuna 'ala syurutibim*, which emphasizes the obligation to fulfill mutually agreed contractual conditions (Eko Saputra 2025).

This principle reflects the flexibility of Islamic law in accommodating social needs and contractual arrangements intended to achieve justice and welfare within marriage (S. Wulandari 2024). Prenuptial agreements may therefore be understood as legitimate legal instruments designed to regulate economic rights, responsibilities, and household protection without contradicting the spiritual objectives of marriage (Alsafy et al. 2025).

The findings also align with the perspective of *maqasid al-shari'ah*, particularly regarding the protection of property, family stability, and social welfare. Islamic law fundamentally prioritizes the prevention of harm and the realization of benefit (*jalb al-masalih*) (A. Aziz, Hasbi, and Abubakar 2025). Consequently, agreements intended to prevent disputes, clarify obligations, and protect spouses' rights are consistent with the broader objectives of Islamic family law (N. Aziz 2018)(Maulana et al. 2024).

Therefore, this study concludes that resistance toward prenuptial agreements in Jati Jajar Hamlet is primarily sociological and cultural rather than theological. The main challenge lies not in the incompatibility between prenuptial agreements and Islamic teachings, but in the dominance of traditional legal culture and the limited dissemination of Islamic legal literacy within rural Muslim communities.

CONCLUSION

This study concludes that the implementation of prenuptial agreements in Jati Jajar Hamlet, Palengaan Laok Village, Pamekasan Regency, remains very limited despite their recognition in Indonesian positive law and Islamic family law. The low implementation of prenuptial agreements is strongly influenced by socio-cultural factors, negative public perceptions, and limited legal literacy concerning Islamic family law. Most community members continue to perceive prenuptial agreements as symbols of distrust and practices inconsistent with the sacredness of marriage and local traditions. Consequently, marriage practices are still predominantly based on customary norms, oral commitments, and communal trust rather than formal legal mechanisms.

The findings further reveal that the primary obstacle to the implementation of prenuptial agreements does not lie in theological rejection, but rather in the dominance of traditional legal culture and the lack of public understanding regarding the legal basis of prenuptial agreements within Islamic law. In fact, Islamic family law recognizes the concept of *syurut fi al-nikah* and supports agreements that aim to protect rights, maintain justice, and prevent household disputes. From the perspective of *maqasid al-shari'ah*, prenuptial agreements may function as preventive legal instruments capable of protecting property rights, clarifying marital responsibilities, and minimizing potential conflicts within marriage.

Therefore, this study emphasizes the importance of strengthening legal literacy and socialization concerning Islamic family law through religious institutions, educational institutions, and governmental agencies. Increasing public understanding regarding the legal and preventive functions of prenuptial agreements is necessary to bridge the gap between legal norms and social reality within rural Muslim communities. In addition, future studies are recommended to explore the implementation of prenuptial agreements in broader socio-cultural contexts in order to enrich the development of Islamic family law studies in Indonesia.

REFERENCES

- Abera, M., Nega, A., Tefera, Y., & Gelagay, A. A. (2020). Early marriage and women's empowerment: the case of child-brides in Amhara National Regional State, Ethiopia. *BMC international health and human rights*, 20(1), 30. <https://doi.org/10.1186/s12914-020-00249-5>
- Abrar, K. W., Fitriana, D., & Arlotas, R. K. (2025). Fatherlessness and marital anxiety: A qualitative exploration of psychological dynamics among young adult women in Padang, Indonesia. *INSPIRA: Indonesian Journal of Psychological Research*, 6(2), 160-168. <https://doi.org/10.32505/inspira.v6i2.14039>
- Al Murtaqi, M. R. (2025). Dampak Sistem Hukum Nasional terhadap Pengadilan Agama: Studi Hukum Keluarga Islam di Indonesia. *Justisia: Jurnal Hukum dan Humaniora*, 1(02), 23-32. <https://doi.org/10.022025/ghy3w565>
- Alif, W. F., Rafli, M., & Dwiputra, D. B. (2026). Peran Metodologi Studi Islam dalam Menghadapi Deislamisasi melalui Media dan Budaya Populer. *An Najah (Jurnal Pendidikan Islam Dan Sosial Keagamaan)*, 5(1), 268-276. <https://journal.nabest.id/index.php/annajah/article/view/777>
- Al-Kautsar, A. M. (2025). The concept of sakinah as a normative-theological foundation for gender equality in Islamic family law. *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah*, 8(3), 615-623. <https://doi.org/10.58824/mediasas.v8i3.436>
- Arifin, M. (2025). Tradition vs. Administration: Challenging the Cultural Barriers to Marriage Registration in Indonesia. *Sakina: Journal of Family Studies*, 9(2), 213-225. <https://doi.org/10.18860/jfs.v9i2.15343>
- Aziz, N. (2018). The great phenomenon of online Sirri marriage for male and female. *Budapest International Research and Critics Institute (BIRCI-Journal): Humanities and Social Sciences*, 1(3), 445-450.
- Bethle, R. G. (2025). Redefining" I Do": Marital Attitudes Among Generation Z. https://scholarcommons.sc.edu/senior_theses
- Broadhurst, K. (2003). Engaging parents and carers with family support services: What can be learned from research on help-seeking?. *Child & Family Social Work*, 8(4), 341-350.
- Castañer, X., & Oliveira, N. (2020). Collaboration, coordination, and cooperation among organizations: Establishing the distinctive meanings of these terms through a systematic literature review. *Journal of management*, 46(6), 965-1001. <https://doi.org/10.1177/0149206320901565>
- Delzanty, K., & Taupiqurrahman, T. (2025). Urgensi Regulasi Pendampingan Psikologis dalam Eksekusi Putusan Hak Asuh. *JURNAL USM LAW REVIEW*, 8(3), 2562-2580. <https://doi.org/10.26623/julr.v8i3.13102>
- Donkoh, S., & Mensah, J. (2023). Application of triangulation in qualitative research. *Journal of Applied Biotechnology and Bioengineering*, 10(1), 6-9.
- Eugene, N. S. N. (2024). *Correlates and Outcomes of Divorce: Collaboration Between Psychologists and Christian Leaders in Reducing Incidences of Divorce in the Christian Community* (Doctoral dissertation, California Baptist University). <https://www.proquest.com/openview/7ec4eb2e71e129b0d783ef7b0b364ac5/1?pq-origsite=gscholar&cbl=18750&diss=y>

- Febrianty, Y., Ariyanto, A., Fitri, H., & Ryendra, N. R. (2025). The effect of legal education on public legal awareness. *Journal of Public Representative and Society Provision*, 5(1), 204-221. <https://doi.org/10.55885/jprsp.v5i1.532>
- Firdaus, F., Mursal, M., Desminar, D., Rafifa, F., & Febrianti, E. Legal Protection for Wives against Violence and Infidelity through Prenuptial Agreements in Indonesia from the perspective of Islamic Family Law. *Hukum Islam*, 25(1), 73-90.
- Fuadi, M. A., Faishol, A., Rifa'i, A. A., Triana, Y., & Ibrahim, R. (2024). Religious moderation in the context of integration between religion and local culture in Indonesia. *Journal of Al-Tamaddun*, 19(1), 47-59. <https://doi.org/10.22452/JAT.vol19no1.4>
- Furidha, B. W. (2023). Comprehension of the descriptive qualitative research method: A critical assessment of the literature. *Acitya Wisesa: Journal Of Multidisciplinary Research*, 1-8. <https://doi.org/10.56943/jmr.v2i4.443>
- Guin, P. M. (2024). Exploring the dynamics of family relationships: A multidimensional perspective. *Pen & Prosperity*, 1(2), 22-28.
- Hage, E., Roo, J. P., van Offenbeek, M. A., & Boonstra, A. (2013). Implementation factors and their effect on e-Health service adoption in rural communities: a systematic literature review. *BMC health services research*, 13(1), 19. <https://doi.org/10.1186/1472-6963-13-19>
- Halim, S., Jaffar, M. N., & Yanti, E. R. (2024). The communication patterns of husband and wife couples in resolving household conflicts: Islamic family law perspectives. *KARSA Journal of Social and Islamic Culture*, 32(1), 33-71. <https://doi.org/10.19105/karsa.v32i1.13280>
- Hassan, R. I. M., Mousa, A. N. A. G. M., al-Haddar, A. M. A., Ishaquehusain, M., El Khayat, M. H. M., & Al-Thulaia, H. A. A. (2025). The Problem Of Divorce: Its Causes, Effects, and Remedies-A Jurisprudential and social Study. *TPM-Testing, Psychometrics, Methodology in Applied Psychology*, 32(S5 (2025): Posted 03 August), 1565-1577. <https://tpmap.org/submission/index.php/tpm/article/view/1725>
- Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between islamic law and secular civil law. *SYARLAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah*, 1(1), 1-17.
- Ismail, M., Faisal, R. A. H., & Zainur, Z. (2024). Marriage and divorce in Islamic law: Sociological <https://doi.org/10.55438/jile.v4i1.142>
- Khanza, Y. N., Okubo, H., & Mirantama, N. (2023). The Impact Of Prenuptial Agreements On Property Ownership Legal Status Of Inter-Marriages. *Srinwijaya Crimen and Legal Studies*, 134-143. <https://doi.org/10.28946/scls.v1i2.2609>
- Kivunja, C. (2018). Distinguishing between theory, theoretical framework, and conceptual framework: A systematic review of lessons from the field. *International journal of higher education*, 7(6), 44-53. <https://eric.ed.gov/?id=EJ1198682>
- Li, N., & Van Rooij, B. (2022). Law lost, compliance found: a frontline understanding of the non-linear nature of business and employee responses to law. *Journal of business ethics*, 178(3), 715-734. <https://doi.org/10.1007/s10551-021-04751-1>
- Maloko, M. T. (2015). Unregistered marriage in Islamic law perspective a critical study of Islamic law compilation. *Al-Mawarid: Jurnal Hukum Islam*, 49-68. <https://journal.uin.ac.id/JHI/article/view/6146>

- Mannan, K. A., & Farhana, K. M. (2025). The Significance and Procedure of Marriage: A Content Analysis of the Holy Qur'an.
- McLanahan, S., & Beck, A. N. (2010). Parental relationships in fragile families. *The Future of children/ Center for the Future of Children, the David and Lucile Packard Foundation*, 20(2), 17. <https://doi.org/10.1353/foc.2010.0007>
- Meho, L. I., & Spurgin, K. M. (2005). Ranking the research productivity of library and information science faculty and schools: An evaluation of data sources and research methods. *Journal of the American Society for information science and Technology*, 56(12), 1314-1331. <https://doi.org/10.1002/asi.20227>
- Meliala, J. K., Syahfitri, D. S., Pardede, P. M., Panjaitan, S. R., Saragih, V. H., & Siahaan, P. (2025). Pelindungan Hukum bagi Pasangan dalam Perkawinan Tidak Tercatat (Siri) Terkait Kepemilikan Harta Benda: Studi Komparatif dengan Perkawinan Tercatat. *Journal of Indonesian Comparative of Syari'ah Law*, 8(2), 489-512. <https://jicl.journal.unida.gontor.ac.id/index.php/jicl/article/view/103>
- Melnikas, A. J., Mulauzi, N., Mkandawire, J., & Amin, S. (2021). Perceptions of minimum age at marriage laws and their enforcement: qualitative evidence from Malawi. *BMC public health*, 21(1), 1350. <https://doi.org/10.1186/s12889-021-11434-z>
- Menkel-Meadow, C. (1995). The many ways of mediation: The transformation of traditions, ideologies, paradigms, and practices.
- Nelken, D. (2016). Comparative legal research and legal culture: facts, approaches, and values. *Annual review of law and social science*, 12, 45-62. <https://doi.org/10.1146/annurev-lawsocsci-110615-084950>
- Permana, Y. S. (2021). A Review Of The Rights Of The Second Wife Which The Marriage Is Conducted Without The Consent Of The First Wife To Demand The Obligation Of The Husband In Their Law Of Divorce. *Awang Long Law Review*, 3(2), 160-165. <https://doi.org/10.56301/awl.v3i2.139>
- Pratama, M. M. K., Mustari, M., & Karim, A. (2024). Integration of Islamic Values and Modernization in Sasak Wedding Traditions in Lombok. *ELS Journal on Interdisciplinary Studies in Humanities*, 7(3), 450-461. <https://journal.unhas.ac.id/index.php/jish/article/view/36654>
- Purba, Della Agnesia, Adityo Pratikno Ramadhan, and Anita Marianata. (2025). Society in Public Service: Challenges Service Recording Marriage in Indonesia. *JAKPP (Jurnal Analisis Kebijakan & Pelayanan Publik)*: 35-49. <https://doi.org/10.31947/jakpp.v11i1.37232>
- Ramadhan, Abdul Rahman. (2024). The Dynamics of Islamic Family Law in the Face of Technological Advancements and Social Changes in the Era of Society 5.0. 9 (2). 266-81. <https://doi.org/10.18502/kss.v9i2.14986>
- Rambe, K. M. (2025). Prenuptial Agreement in Islamic Family Law: A Maqāṣid al-Sharī‘ah Approach. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3826-3843. <https://doi.org/10.31941/pj.v24i2.6419>
- Rotarangi, S. J., & Stephenson, J. (2014). Resilience pivots: stability and identity in a social-ecological-cultural system. *Ecology and Society*, 19(1). <https://www.jstor.org/stable/26269491>

- Saepullah, A., Aziz, A., Widayanti, I., Nafi'Hasbi, M. Z., & Muhammad, A. A. (2025). A Contemporary Socio-Legal Evaluation of Indonesia's Post-Reformation Child Marriage Policies. *MILRev: Metro Islamic Law Review*, 4(2), 1393-1426.
- Sahputra, D., Sihombing, F. S., Sasmitha, H., Panjaitan, P. R., Sari, I., Suhartika, D., ... & Ritonga, D. F. (2025). Service Learning in Premarital Guidance to Enhance the Religious and Psychological Readiness of Prospective Brides and Grooms. *Help: Journal of Community Service*, 2(1), 23-33. <https://doi.org/10.62569/hjcs.v2i1.175>
- Sakut Lorista, and Arya Hadi Dharmawan. (2025). Rural Community Livelihood Around Kerinci Seblat National Park: The Study of Access and Socio-Ecological Relationship of Farming Households in Kota Baru Village, Uram Jaya Sub-District, Lebong Regency, Bengkulu. *Komunitas: International Journal of Indonesian Society and Culture* 17(1): 39–52. <https://doi.org/10.15294/komunitas.v17i1.15609>
- Salleh, S., Embong, R., Noruddin, N., & Kamaruddin, Z. (2015, September). Spiritual coping strategies from the Islamic Worlview. In *International Conference on Empowering Islamic Civilization in the 21st century* (pp. 6-7).
- Samsudin, S. (2025). The Role of Stakeholders in Revitalizing Religious Affairs Offices (KUA) for Bureaucratic Reform in Public Services: Perspective for Sustainable Development Goals. *Social, Ecology, Economy for Sustainable Development Goals Journal*, 2(2). 91-104. <https://doi.org/10.61511/seesdgi.v2i2.2025.1089>
- Saputra, E. (2025). *Mendesain ulang keadilan: Reformasi hukum perceraian dalam sistem peradilan agama*. Star Digital Publishing.
- Selinah, S., Hairunnas, H., & Tohirin, T. (2025). Analysis Of Family Issues From A Psychological Perspective As An Effort To Reconstruct Islamic Family Law In Indonesia. *Hukum Islam*, 25. 117-136. <https://doi.org/10.24014/hi.v25i1.37554>
- Suhardi, M. (2025). Legal pluralism and cultural legitimacy: Reframing Sasak customary law to prevent child marriage in Lombok. *Society*, 13(1), 538-552. <https://doi.org/10.33019/society.v13i1.818>
- Sulaiman, H., Lubis, R., Muhammad, M., Dewi, S., & Sriani, A. (2025). Prenuptial Agreement as A Protection of Wife's Rights: Maqāṣid al-Syarī'ah's Analysis of The MUI Fatwa and The Constitutional Court's Decision. *al Hairy | Journal of Islamic Law*, 1(2), 181-194. <https://doi.org/10.64344/hry.v1i2.70>
- Susanti, E. (2019). Women's knowledge and the role of local female leaders in ending the practice of the early marriage of girls in rural communities of Indonesia. *Journal of International women's studies*, 20(9), 13-28.
- Ubaidilah, N., & Husna, A. (2023). Regulation of Maintenance in Islamic Family Law: Implications for Family Welfare. *International Journal of Health, Economics, and Social Sciences (IJHESS)*, 5(4), 601-612. <https://doi.org/10.56338/ijhess.v5i4.6639>
- Uddin, A. E. (2023). The Practice and Legitimacy of Misyār Marriage: A Critical Analysis within Islamic Law. *Yakın Doğu Üniversitesi İslam Tetkikleri Merkezi Dergisi*, 9(2), 254-270. <https://doi.org/10.32955/neu.istem.2023.9.2.06>
- ur Rehman, M. H., Liew, C. S., Abbas, A., Jayaraman, P. P., Wah, T. Y., & Khan, S. U. (2016). Big data reduction methods: a survey. *Data Science and Engineering*, 1(4), 265-284. <https://doi.org/10.1007/s41019-016-0022-0>

- Varga, I. (2021). The impact of single-parent families' social vulnerabilities on children. *The Annals of the University of Oradea. Economic Sciences*, 30(2), 166-173.
- Wardi, U., Yaswirman, Y., Ismail, I., & Gafnel, G. (2024). Comparative analysis of Islamic family law and customary law in the settlement of inheritance disputes in Indonesia. *Hakamain: Journal of Sharia and Law Studies*, 3(1), 13-25. <https://www.journal.makwafoundation.org/index.php/hakamain/article/view/330>
- Whitehead, T. L. (2005). Ethnographically informed community and cultural assessment research systems (EICCARS) Working paper series: Basic classical ethnographic research methods: Secondary data analysis, field-work, Observation/Participant Observation, and Informal and Semi-structured Interviews. *Participant Observation, and Informal and Semi-structured Interviewing*.
- Wong, L. P. (2012). Qualitative inquiry into premarital sexual behaviours and contraceptive use among multiethnic young women: implications for education and future research. *PLoS One*, 7(12), e51745. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0051745>
- Wulandari, P. (2026). Normative Legal Research Methodology from the Experts' Perspective: A Comparative Analysis of Concepts and Approaches. *Archipel: Journal of Indonesian Interdisciplinary Studies*, 1(6), 12-25. <https://doi.org/10.65739/archipel.v1i6.34>
- Wulandari, S. (2024). *Using Vocabulary Note Taking Strategy To Teach Vocabulary Acquisition At Seventh Grade Of Junior High School 2 Mumbulsari Jember* (Doctoral dissertation, State Islamic University).
- Yasin, R., Rahman, N. H. A., Ghani, S. A., & Belal, M. (2024). Guardian's Responsibility For The Welfare Of Children In Marriage: A Study According To Islamic Law. *Malaysian Journal of Syariah and Law*, 12(3), 778-789. <https://doi.org/10.33102/mjsl.vol12no3.765>
- Zaidah, Y., Al-Amruzi, A. F., & Sarmadi, A. S. (2023, June). Unveiling the Role of Local Cultural Considerations in Judicial Discretion: An Analysis of Inheritance Decisions in the Religious Courts of South Kalimantan. In *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* (Vol. 23, No. 1, pp. 47-58). <https://doi.org/10.30631/alrisalah.v23i1.1351>