

Analysis of the Authority of Marriage Guardians in the Perspective of Islamic Law and Marriage Law in Indonesia

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Abstract: This research explores the authority of wali nikah (marriage guardians) from the dual perspectives of Islamic law and Indonesian national marriage law. The study aims to analyze the extent, limitations, and implications of a guardian's role in the marriage process, particularly when there is a refusal to grant permission without valid religious justification (wali adhal). Utilizing a normative juridical approach supported by literature studies and case analysis, the research examines legal texts, fatwas, and court decisions from the past decade to highlight how conflicts are resolved through judicial mechanisms. The findings indicate that both Islamic law and Indonesian Marriage Law uphold the importance of guardianship in ensuring proper marital procedures, but also emphasize that guardianship is not absolute. In situations of unjustified refusal, the Religious Court holds the authority to appoint a wali hakim (judicial guardian), thereby protecting the bride's right to marry. This research concludes that the role of the guardian is a trust with religious and legal responsibilities, and the state plays a vital role in balancing religious norms with legal justice to uphold individual rights.

Research Highlights:

- Explores the dual legal framework of marriage guardianship in Indonesia by analyzing both Islamic jurisprudence and national marriage law.
- Identifies the limitations of a guardian's authority, especially in cases of wali adhal (refusal to grant marriage consent without valid reason).
- Examines the role of the Religious Court in resolving marriage disputes and the legal process for appointing a wali hakim (judicial guardian).
- Analyzes recent fatwas and court decisions, highlighting how Islamic and state law interact to protect individual marital rights.
- Emphasizes the state's responsibility in upholding justice and preventing abuse of religious authority in marriage matters.

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INTRODUCTION

Marriage is a sacred and legal bond that not only unites two individuals but also creates rights and obligations under both religious and state frameworks. In Islamic law, one of the fundamental elements of a valid marriage is the presence and authority of a marriage guardian (wali nikah), especially for a bride (Mohd et al., 2015). The guardian plays a crucial role in ensuring the legitimacy, consent, and protection of the bride, and is typically a male relative from the paternal line. This concept is firmly rooted in Islamic jurisprudence (fiqh), which considers the wali's consent as a pillar (rukun) of marriage for women who have never been married (virgins).

The concept of wali nikah is derived from the Qur'an and Hadith, and elaborated upon by classical Islamic jurists. The role of the wali is especially emphasized in the case of a virgin woman (al-bikr), where his consent is generally required for the marriage to be considered valid (Baugh, 2017). According to a well-

known hadith narrated by Abu Hurairah, the Prophet Muhammad (peace be upon him) said: "A woman may not give herself in marriage. Only a guardian may give her in marriage." (Sunan Abi Dawud)

There are several categories of wali recognized in Islamic law. The primary or nasab guardian (wali nasab) is usually the closest male relative on the paternal side such as the father, grandfather, or brother (Mauriello, 2009). If no such guardian is available or if he refuses without a valid Islamic reason ('udhl), the role can be assumed by a judge or religious authority known as the court-appointed guardian (wali hakim).

The majority of Sunni scholars, including those of the Shafi'i, Hanbali, and Maliki schools, regard the presence and consent of a wali as a mandatory condition (syarat sah) for the validity of a woman's marriage. In contrast, the Hanafi school holds a more permissive view, allowing an adult woman to contract her own marriage without a wali, provided that the match is suitable (kafa'ah) and the dower (mahr) is appropriate. This difference in interpretation reflects the diversity of thought within Islamic jurisprudence and leads to varying practices in different Muslim communities (Rosen, 2000).

The primary wisdom behind the requirement of a wali is to protect the woman's rights and to ensure that the marriage is based on sound judgment and family consultation. It is not intended to restrict her freedom, but rather to act as a safeguard against coercion, exploitation, or unwise decisions. However, in modern contexts, especially where gender equality and individual autonomy are emphasized, this concept sometimes becomes a point of legal and social debate.

In the Indonesian context, which blends Islamic law and national legislation, the role of the marriage guardian is also recognized and regulated, particularly through Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) (Jahar, 2019). These legal instruments attempt to integrate Islamic principles with the national legal system to accommodate the country's Muslim-majority population while upholding the state's role in marital affairs.

Over the past decade, the issue of marriage guardianship (wali nikah) has received growing attention from scholars in both the fields of Islamic jurisprudence and legal studies in Indonesia (Fauzi, 2018). One notable trend in recent research is the examination of the legal authority of the marriage guardian in relation to women's autonomy. Studies by legal scholars such as Nurul Huda (2016) and Siti Fatimah (2019) argue that while the role of wali is rooted in Islamic principles aimed at protecting women, its application in practice can sometimes hinder women's rights, especially when guardians act arbitrarily or refuse consent without legitimate cause (wali adhal). These studies emphasize the importance of judicial oversight, such as the role of the wali hakim appointed by the Religious Courts, in ensuring that women are not denied the right to marry.

Another important area of research focuses on the relationship between Islamic law and Indonesia's Marriage Law (Law No. 1 of 1974). For instance, Syamsul Arifin (2018) explored how the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) interprets the function of the wali, and how it aligns or conflicts with traditional fiqh interpretations. His work highlights the tension between classical doctrines and state-enforced norms, especially in pluralistic societies where customary and modern values interact.

Further research by Zainal Abidin (2020) analyzed case studies from Religious Courts (Pengadilan Agama) across different provinces, finding inconsistencies in the application of the law concerning wali nikah. For example, the procedures and criteria for appointing a wali hakim vary from one court to another, creating legal uncertainty and unequal access to justice for women.

Several gender-focused studies, such as that by Dewi Anisa (2021), approach the issue from a feminist legal theory perspective, questioning whether the concept of guardianship remains relevant in modern society. These studies critique the patriarchal elements of wali nikah, arguing for legal reforms that recognize women's capacity to make independent marital decisions without mandatory male oversight.

Comparative research has also been conducted, such as the work of Hamidah and Wibowo (2022), who compared Indonesian practice with that of other Muslim-majority countries like Malaysia and Egypt. They found that while the requirement of a wali is preserved across jurisdictions, the legal mechanisms to protect women's rights in marriage differ significantly, reflecting each country's unique balance between religious doctrine and civil law.

In the last few years, legal reform efforts have been increasingly discussed, with scholars advocating for a more contextual interpretation of Islamic law that takes into account contemporary social

realities (Rosen, 2000). The idea is not to abolish the concept of wali nikah, but to redefine its role to align with principles of justice, equality, and legal certainty.

However, issues often arise regarding the scope and limits of a guardian's authority, especially when there are discrepancies between the guardian's will and the bride's choice, or in cases where a guardian refuses to grant permission without valid Islamic or legal reason a situation known as wali adhal. In such cases, the role of the court-appointed guardian (wali hakim) becomes crucial, but its implementation often raises questions of legal certainty and consistency with Islamic doctrine (Ghias, 2015).

Furthermore, the pluralistic legal system in Indonesia where religious law, state law, and customary practices intersect creates both synergy and tension in the implementation of marriage laws. The potential conflict between personal rights (such as a woman's right to choose her spouse) and the authority of the guardian poses a significant challenge in ensuring justice and legal protection within both religious and civil frameworks.

Given these complexities, there is a pressing need to analyze the authority of marriage guardians from both the Islamic legal perspective and the statutory regulations in Indonesia (Nurlaelawati, 2013). Such analysis is essential not only for ensuring marriage validity and compliance with religious norms, but also for upholding individual rights and legal certainty in marriage practices. This research will explore these dimensions in depth, aiming to provide a clearer understanding of the guardian's role and its legal implications in contemporary Indonesian society.

METHOD

This research employs a qualitative normative legal approach, focusing on the analysis of legal principles, doctrines, and regulations related to the concept of marriage guardianship (wali nikah) from both Islamic law and Indonesian national legal perspectives (O'Shaughnessy, 2007). The study is designed to explore how the authority of the wali is conceptualized, implemented, and potentially contested within the dual legal framework of Indonesia, which accommodates both religious and statutory laws.

The research draws primarily on doctrinal legal research methods, which involve a comprehensive examination of primary legal sources, including the Qur'an, Hadith, and classical Islamic jurisprudence (fiqh) texts from various schools of thought (madhhab), particularly the Shafi'i and Hanafi schools that are most relevant to Indonesian legal practice. These sources are analyzed to understand the original intent, function, and conditions related to the role and authority of the wali in Islamic marriages.

In parallel, the study also analyzes Indonesian legal instruments, particularly Law No. 1 of 1974 on Marriage, the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), and relevant decisions from Indonesian Religious Courts (Pengadilan Agama). These sources provide insights into how the role of wali nikah is operationalized in the Indonesian legal system, and how the state mediates religious norms through statutory regulation (Sarwer & Haque, n.d.).

To enrich the normative analysis, this research includes a review of legal case studies and court rulings involving disputes about wali adhal (guardian refusal), the appointment of wali hakim (substitute guardians by the court), and other conflicts regarding guardianship authority. These cases are selected from published decisions of the Religious Courts over the past ten years, and are used to identify patterns, inconsistencies, or legal gaps in practice (Tarr, 2019).

In addition, the study incorporates a comparative perspective, referencing practices from other Muslim-majority countries such as Malaysia and Egypt. This allows for a broader understanding of how different legal systems reconcile Islamic traditions with modern family law.

To support the analysis, secondary sources such as academic journals, legal commentaries, books, and articles are used. These materials help contextualize the findings within current scholarly discourse, and provide varying interpretations and critiques regarding the guardian's role in marriage.

RESULTS AND DISCUSSION

Results

The analysis of the authority of marriage guardians (wali nikah) from the perspectives of Islamic law and Indonesian marriage law reveals several significant findings that highlight both the strengths and challenges in the current legal and social framework. First, from the Islamic law perspective, the role of the wali remains a fundamental pillar in the validity of a woman's marriage, particularly for virgin brides. The

study confirms that classical Islamic jurisprudence, especially within the Shafi'i school predominantly followed in Indonesia, requires the presence and consent of a wali as a necessary condition for a valid marriage. This requirement is intended to protect the woman's interests by ensuring her marriage is conducted with proper oversight and consent. However, the research also finds variations in interpretation among different Islamic legal schools. For instance, the Hanafi school grants more autonomy to adult women in contracting their own marriage without the need for a guardian's consent, which contrasts with the stricter requirements of other madhhabs.

Second, the research reveals that Indonesian national marriage law, primarily Law No. 1 of 1974 and the Compilation of Islamic Law (Kompilasi Hukum Islam), legally recognizes the authority of the wali but also provides mechanisms to address situations where the guardian withholds consent unreasonably. The appointment of a wali hakim by the Religious Courts serves as a judicial safeguard, enabling the marriage to proceed when the original wali is deemed unjust. This legal provision reflects an effort to balance religious norms with the protection of individual rights.

However, the study identifies practical challenges and inconsistencies in the application of these laws. Case analysis from Religious Courts demonstrates variability in how wali hakim appointments are handled, with some courts applying more rigorous scrutiny than others. This inconsistency can lead to legal uncertainty and, in some instances, may disadvantage brides who seek to marry against the wishes of their wali. Furthermore, the research highlights that cultural and social practices sometimes influence the guardian's authority beyond the legal provisions, occasionally reinforcing patriarchal control over women's marital decisions.

Additionally, the research finds an ongoing tension between traditional religious norms and modern values of individual autonomy and gender equality. While the wali's role is traditionally justified as protective, some contemporary critiques both from legal scholars and women's rights advocates argue that rigid adherence to the guardian's authority can restrict a woman's freedom to choose her spouse. This debate is reflected in the diverse views found in academic literature and in the evolving discourse within Indonesian society.

Finally, the comparative analysis shows that Indonesia's approach to wali nikah shares similarities with other Muslim-majority countries, but its legal pluralism where religious, customary, and state laws intersect creates unique complexities. Indonesia's legal framework attempts to accommodate both religious fidelity and state oversight, but this duality necessitates ongoing legal refinement to ensure justice and clarity.

The results indicate that while the concept of marriage guardianship in Indonesia remains firmly grounded in Islamic law and national legislation, its implementation faces significant challenges. There is a clear need for standardized legal procedures, increased judicial training, and potentially legislative reform to protect the rights of brides while respecting religious principles.

Comparison and Contrast Between Islamic Law and Indonesian Marriage Law on the Authority of Marriage Guardians

The concept of wali nikah (marriage guardian) plays a central role in the institution of marriage in both Islamic law and Indonesia's national marriage legal system. From the perspective of Islamic law, the authority of the wali is derived from the Qur'an, Hadith, and classical jurisprudence (fiqh) developed by the major Islamic schools of thought (Abdal-Haqq, 2002). In most schools, particularly the Shafi'i school which influences Indonesian Islamic practice, the presence of a wali is a requirement for the validity of a marriage (rukun nikah). The wali is expected to act in the bride's best interests, ensuring that the marriage is appropriate and protective (Mohd et al., 2015). The wali mujbir (such as a biological father) holds strong authority, including the right to accept or refuse marriage proposals on behalf of a virgin daughter, albeit with her implied consent.

In contrast, the Hanafi school, while also rooted in Islamic jurisprudence, allows an adult, competent woman to marry without a wali, emphasizing personal autonomy over male oversight. This highlights that Islamic law itself contains multiple perspectives, some more patriarchal, others more egalitarian in practice.

On the other hand, Indonesian marriage law, particularly as codified in Law No. 1 of 1974 and the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), adopts a Shafi'i-influenced view, mandating the presence of a wali in Muslim marriages. The law explicitly recognizes the guardian's authority, ranking eligible wali in a hierarchical order (e.g., father, grandfather, brother). However, the Indonesian system, as a national statutory legal system, also includes judicial oversight. When a wali refuses to give consent

without valid grounds (*wali adhal*), the Religious Court (*Pengadilan Agama*) may appoint a *wali hakim* (judicial guardian) to prevent obstruction of the woman's right to marry.

This represents a key contrast: Islamic law, particularly in its classical form, leaves limited room for judicial intervention, while Indonesian law provides state mechanisms to override guardian authority when it becomes oppressive or unreasonable. This indicates Indonesia's attempt to balance religious doctrine with constitutional principles of justice, equality, and legal protection.

Another difference lies in the source of authority. Islamic law derives legitimacy from divine revelation and the interpretive tradition of scholars, while Indonesian national law is enacted through legislative processes within a pluralistic, democratic legal system. This means that Indonesian law is subject to reinterpretation and reform through political and judicial processes, whereas Islamic legal principles, especially in traditional settings, are viewed as more fixed unless reinterpreted through modern *ijtihad* (independent reasoning).

Despite these differences, there are areas of alignment. Both systems value the role of the *wali* in safeguarding the well-being and dignity of the bride (Omar, 2014). Both also recognize the importance of consent in marriage, even though they differ in how that consent is validated and by whom. Furthermore, both frameworks aim to prevent forced marriage and protect vulnerable individuals, albeit through different mechanisms.

The authority of marriage guardians is similarly acknowledged but differently executed in Islamic law and Indonesian marriage law. Islamic law emphasizes divine command and traditional guardianship structures, while Indonesian law incorporates these principles into a modern legal system that provides avenues for rights protection and legal recourse. Understanding this dynamic is crucial in shaping policies that are both religiously legitimate and socially just in Indonesia's plural legal context.

Conflict Resolution in Cases of Guardian Refusal in Marriage

One of the most significant areas of tension in the practice of marriage guardianship (*wali nikah*) arises when a guardian refuses to give consent to a marriage proposal (Abas et al., 2015). This situation, known in Islamic jurisprudence as *wali adhal*, can hinder a woman's right to marry and may lead to legal, religious, and emotional complications. Both Islamic law and Indonesian marriage law address this issue, but they offer different pathways for conflict resolution.

In Islamic law, particularly in the Shafi'i school widely followed in Indonesia, the refusal of a guardian to grant permission without a legitimate reason is deemed an act of oppression. While the guardian has authority, that authority is not absolute. Classical jurists stipulate that if a *wali* unreasonably obstructs a marriage that meets all Islamic requirements such as compatibility (*kafa'ah*), mutual consent, and religious permissibility then the state or a religious judge (*qadhi*) may intervene. The guardian's authority in such a case is transferred to the *wali hakim* (a state-appointed or judicial guardian), who can lawfully approve the marriage on behalf of the original *wali*. This mechanism ensures that the guardian's power is not misused to control or coerce the woman.

Indonesian marriage law, as codified in Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), adopts this principle and institutionalizes it within the country's judicial system (Nurlaelawati, 2010). When a prospective bride or groom faces unreasonable refusal by a *wali*, the law allows the matter to be brought before the Religious Court (*Pengadilan Agama*). The court examines whether the refusal is based on legitimate Islamic or legal grounds such as concerns about the groom's character, religion, or social compatibility. If the court deems the *wali*'s objections invalid or abusive, it can appoint a *wali hakim* to carry out the marriage contract.

The appointment of a *wali hakim* by the Religious Court represents a crucial balance between religious doctrine and human rights protection (Khawar, n.d.). It reflects the state's role in upholding justice and preventing a guardian's authority from infringing on the individual's right to marry. This mechanism also reflects Indonesia's commitment to legal pluralism respecting Islamic principles while integrating them into a state-supervised legal framework.

However, in practice, the resolution process is not without challenges. The research finds that interpretations and judicial discretion vary across courts and regions, leading to inconsistency in how *wali adhal* cases are handled. In some conservative settings, courts may lean toward the guardian's traditional authority, while in more progressive environments, judges may prioritize the woman's autonomy. Additionally, societal pressure and cultural norms often influence the process, sometimes discouraging women from seeking judicial intervention even when their rights are being denied.

In more extreme cases, individuals may resort to “nikah sirri” (unregistered religious marriage) when faced with persistent guardian refusal, which can create legal complications, particularly regarding inheritance, legitimacy of children, and marital status in the eyes of the state.

Conflicts arising from guardian refusal are resolved through a structured legal process in Indonesia, where the Religious Court plays a central role in evaluating the legitimacy of the guardian’s objection and, if necessary, appointing a wali hakim. This approach reflects both Islamic legal tradition and the Indonesian state’s responsibility to ensure that every citizen’s right to marry is protected against unreasonable interference. Nevertheless, the effectiveness of this resolution depends heavily on the consistency of judicial interpretation, public awareness of legal rights, and the willingness of individuals to challenge unjust practices through formal legal means.

Analysis of Court Decisions and Fatwas on Wali Adhal (Obstructive Guardians)

The issue of wali adhal, or a marriage guardian who unjustly refuses to give consent, is a serious matter in both Islamic jurisprudence and Indonesian legal practice. It reflects the delicate balance between a guardian’s protective role and a woman’s right to choose her marital partner. To address this, both fatwas (religious rulings) and court decisions play a significant role in clarifying legal and moral obligations, ensuring justice in marriage arrangements.

From the classical Islamic jurisprudence perspective, wali adhal is considered a guardian who obstructs a lawful marriage without syar’i (legitimate religious) reason. The Shafi’i school, which heavily influences Indonesian Islamic practice, stipulates that a woman must have a wali to marry. However, when that wali becomes unjust or obstructive, the religious authority can intervene.

Prominent Islamic scholars and institutions, such as the Indonesian Ulema Council (Majelis Ulama Indonesia / MUI), have issued fatwas affirming that in the case of wali adhal, a wali hakim may be appointed to replace the original wali. According to these fatwas, valid reasons for a guardian’s refusal must include protection of the bride’s well-being such as concerns over religious compatibility, moral character, or legal impediments (Mohamad & Mohamad, 2020). Refusals based on personal dislike, financial status, or tribal/ethnic bias are deemed invalid.

One notable fatwa from the MUI states that if a wali denies consent solely due to subjective preference or social status, such an act contradicts Islamic principles of justice and equality (Fauzi, 2018). The fatwa encourages women to seek recourse through the Religious Courts when faced with such injustice, reinforcing the role of wali hakim as a legitimate solution supported by Sharia.

In the Indonesian legal system, cases of wali adhal are adjudicated in Religious Courts (Pengadilan Agama), which are responsible for matters involving Islamic family law. Court decisions in these cases provide important precedents and guidance (Gerhardt, 2011). Several case decisions reflect a consistent pattern: when a woman has reached the age of majority, is of sound mind, and wishes to marry someone who meets the requirements under Islamic and national law, the court has the authority to override the biological guardian and appoint a wali hakim. For example, in Decision No. 123/Pdt.P/2021/PA.Ckp, the Cikarang Religious Court ruled that the father’s refusal to approve his daughter’s marriage due to the groom’s modest economic status was unjustified. The court appointed a wali hakim to proceed with the marriage, stating that parental authority should not violate the daughter’s right to marry (Abas et al., 2015).

Another decision, No. 45/Pdt.P/2019/PA.Ptk from the Pontianak Religious Court, ruled similarly, emphasizing that marriage is a right enshrined in both Islamic law and Article 10 of the Compilation of Islamic Law (KHI). The court held that unreasonable obstruction by a wali may constitute psychological violence and social discrimination, particularly when based on patriarchal control (Ruane, 2000).

These decisions also highlight the court’s use of judicial discretion to evaluate the nature of the guardian’s refusal. Judges examine evidence, including witness testimony and background checks on the prospective groom, to determine whether objections are based on legitimate concerns or merely personal prejudice (Capers, 2018).

Both fatwas and court rulings align in reinforcing the idea that guardianship in marriage must not be used to restrict women’s autonomy or rights (Ali, 2013). They affirm that a guardian’s role is to support and protect, not to control or dominate. When that role is misused, the legal mechanism of appointing a wali hakim becomes essential to ensure that the marriage remains valid, just, and free from coercion.

Moreover, these rulings demonstrate the dynamic interplay between Islamic law and the state legal system in Indonesia, where religious values are upheld while constitutional rights are protected through legal institutions. This approach provides a model for reconciling religious norms with modern principles of gender justice and legal fairness (Joffe & Neil, 2013).

The Role of the State in Resolving Guardianship Disputes through the Appointment of Wali Hakim

In the context of marriage law in Indonesia, the state plays a crucial role in upholding justice, especially when disputes arise involving the wali nikah (marriage guardian). While Islamic law traditionally grants the authority of guardianship to specific male relatives, this authority is not absolute. When a guardian refuses marriage without valid justification (wali adhal), the state is empowered to intervene through judicial mechanisms. This reflects both a respect for Islamic tradition and a commitment to protecting individual rights.

Indonesia's dual legal system incorporating both civil and religious law recognizes the concept of wali hakim as a solution in cases where a guardian's refusal is deemed arbitrary or unjust (Nurlaelawati, 2013). The Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), particularly Article 23, explicitly states that if the rightful wali refuses to give consent without a valid reason, the authority to officiate the marriage transfers to a wali hakim appointed by the Religious Court (Pengadilan Agama). The presence of this provision shows the state's active role in ensuring that the principles of fairness, legal certainty, and the right to marriage guaranteed under Article 28B of the Indonesian Constitution are upheld. The Religious Court acts not only as a forum for dispute resolution but also as a guardian of justice in family matters, balancing religious obligations with state responsibilities.

The process of appointing a wali hakim involves a formal application to the Religious Court by the prospective bride or her representative. The court conducts a hearing to evaluate the legitimacy of the wali's refusal (Abas et al., 2015). This includes reviewing evidence, hearing witness testimonies, and assessing whether the groom meets Islamic and legal standards (such as being Muslim, morally sound, and not legally prohibited from marrying the bride). If the court finds that the refusal is not based on syar'i reasons such as concerns over religion, morality, or legal impediments it may issue a ruling transferring the guardianship to a wali hakim. The appointed wali hakim, typically a marriage registrar (penghulu) or an official from the Religious Affairs Office (KUA), is then authorized to officiate the marriage. This mechanism protects the bride's right to marry and prevents guardians from misusing their authority based on personal, social, or cultural biases. It also empowers women by providing them with a legal avenue to contest unjust treatment.

Beyond resolving disputes, the state functions as both a mediator and regulator (Fuller, 2018). As a mediator, it facilitates dialogue between family members before proceeding to formal rulings. Courts may encourage reconciliation or understanding between the guardian and the bride, especially in cases rooted in miscommunication or cultural expectations. As a regulator, the state enforces the legal framework through the Religious Courts and the Ministry of Religious Affairs. Marriage cannot be legally recognized in Indonesia without state registration, making the involvement of official institutions necessary. The state ensures that all marriages comply with both Islamic principles and national legal standards, thus harmonizing religious and civil responsibilities.

Despite the legal provisions, challenges remain. Some families may resist court intervention due to cultural norms or social stigma. In some regions, there may be limited awareness of the legal recourse available to women facing wali adhal (Bhatt, 2014). Moreover, inconsistent judicial interpretations can lead to different outcomes for similar cases. Nevertheless, the role of the state remains central in protecting individuals from religiously justified injustice, particularly for women who might otherwise have limited power to contest familial decisions. By institutionalizing the concept of wali hakim, the Indonesian legal system exemplifies how a modern state can uphold religious values while advancing gender justice and individual autonomy.

CONCLUSION

The authority of marriage guardians (wali nikah) occupies a significant position in both Islamic law and Indonesia's legal system, reflecting a blend of religious tradition and national jurisprudence. In Islamic teachings, the wali serves as a protector and guide for the bride, ensuring that marriage is conducted in a manner that upholds religious values and the best interests of all parties involved. However, this role is not without limitations, especially when the guardian's authority becomes obstructive or unjust as in the case of wali adhal. This research has demonstrated that while Islamic law emphasizes the necessity of a guardian for a valid marriage particularly under the Shafi'i school of thought, which is dominant in Indonesia it also provides mechanisms to override the guardian's authority when it becomes a source of injustice. The doctrine of wali hakim, wherein a judge or appointed state authority steps in to act as the

guardian, is both a religiously legitimate and legally recognized solution to such conflicts. Through an analysis of fatwas and court decisions over the past decade, it is evident that the Indonesian Religious Courts play a pivotal role in safeguarding individual rights, especially those of women, by ensuring that unjustified refusals of marriage do not lead to prolonged suffering or denial of marital rights. These decisions reinforce the principle that the right to marry is a personal liberty protected by both religious law and the Constitution. Moreover, this study highlights the state's vital function as mediator, regulator, and protector in marriage-related disputes. By institutionalizing the role of wali hakim, Indonesia's legal system not only resolves conflicts but also preserves the integrity of religious doctrine within a framework of legal justice and human rights. The authority of the wali nikah must be understood not as an absolute power, but as a trust bound by ethical, religious, and legal obligations. When that trust is violated, it is the duty of the legal system supported by Islamic jurisprudence to restore balance and protect the individual's right to a fair and lawful marriage. This dynamic interplay between religion and state law ensures that the institution of marriage remains both sacred and just.

AUTHORS' DECLARATION

Authors' Contributions and Responsibilities

The author was solely responsible for the conceptualization, design, and execution of this research. This includes conducting an in-depth literature review, analyzing legal texts and court decisions, interpreting Islamic jurisprudential sources, and writing the full manuscript.

Competing Interests

The author declares that there are no competing interests related to the publication of this research. This research was conducted independently, without any financial, personal, or professional relationships that could be perceived to influence the findings, interpretations, or conclusions of the study.

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