



Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāṣid al-Sharī'ah

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Abstract

This research investigates the legal protection available for domestic violence (KDRT) victims within unregistered marriages (*nikah siri*) in Indonesia. It assesses the difficulties arising from the lack of formal recognition for these marriages and evaluates how Maqāṣid al-sharī'ah principles can improve legal protection and fill existing gaps in Indonesian law. The study proposes integrating Indonesian marriage law principles with national frameworks to enhance victim protection. A qualitative approach is used, including descriptive analysis of legal documents, case studies, and jurisprudential interpretations. Data were gathered through literature reviews, document analysis, and interviews with legal experts. The focus is on how Maqāṣid al-sharī'ah principles apply to Indonesian domestic violence laws and the role of *itsbat nikah* in providing legal remedies. Findings indicate that Indonesia's current legal system inadequately supports victims of unregistered marriages, creating significant barriers to justice and protection. The research underscores that Maqāṣid al-sharī'ah's focus on safeguarding life and lineage can form a solid basis for legal reforms. *Itsbat nikah* is identified as a key solution for officially recognizing these marriages and enhancing legal safeguards. This research is distinctive in merging Maqāṣid al-sharī'ah with Indonesian law, presenting a fresh perspective on improving legal protection for victims in unregistered marriages. By aligning Islamic principles with modern legal practices, the study offers a framework to better support and protect victims. The study's implications suggest that integrating maqāṣid al-sharī'ah into legal reforms could strengthen protections and foster a more inclusive legal system.

Keywords: Domestic Violence, Unregistered Marriage, Maqāṣid al-sharī'ah, Legal Reform, *Nikah Siri*

Abstrak

Penelitian ini menginvestigasi tentang perlindungan hukum yang tersedia bagi korban kekerasan dalam rumah tangga (KDRT) dalam pernikahan siri di Indonesia. Penelitian ini menilai kesulitan yang muncul akibat dari kurangnya pengakuan formal atas pernikahan dan mengevaluasi bagaimana prinsip-prinsip Maqāṣid al-sharī'ah dapat meningkatkan perlindungan hukum dan mengisi kesenjangan yang ada dalam hukum Indonesia. Penelitian ini mengusulkan untuk mengintegrasikan prinsip-prinsip hukum perkawinan Indonesia dengan kerangka kerja nasional untuk meningkatkan perlindungan korban. Pendekatan kualitatif digunakan, termasuk analisis deskriptif dokumen hukum, studi kasus, dan interpretasi yurisprudensial. Data dikumpulkan melalui tinjauan pustaka, analisis dokumen, dan wawancara dengan para ahli hukum. Fokusnya adalah pada bagaimana prinsip-prinsip Maqāṣid al-sharī'ah berlaku untuk hukum kekerasan dalam rumah tangga Indonesia dan peran itsbat nikah dalam memberikan pemulihan hukum. Temuan menunjukkan bahwa sistem hukum Indonesia saat ini tidak cukup mendukung korban pernikahan siri, sehingga menciptakan hambatan yang signifikan terhadap keadilan dan perlindungan. Penelitian ini menggarisbawahi bahwa fokus Maqāṣid al-sharī'ah pada perlindungan kehidupan dan garis keturunan dapat menjadi dasar yang kuat untuk reformasi hukum. Itsbat nikah diidentifikasi sebagai solusi utama untuk mengakui pernikahan ini secara resmi dan meningkatkan perlindungan hukum. Penelitian ini unik karena menggabungkan Maqāṣid al-sharī'ah dengan hukum Indonesia, sehingga menghadirkan perspektif baru tentang peningkatan perlindungan hukum bagi korban dalam pernikahan yang tidak terdaftar. Dengan menyelaraskan prinsip-prinsip Islam dengan praktik hukum modern, penelitian ini menawarkan kerangka kerja untuk mendukung dan melindungi korban dengan lebih baik. Implikasi penelitian ini menunjukkan bahwa mengintegrasikan Maqāṣid al-sharī'ah ke dalam reformasi hukum dapat memperkuat perlindungan dan mendorong sistem hukum yang lebih inklusif.

Kata Kunci: *Kekerasan Dalam Rumah Tangga, Pernikahan Tidak Dicatat, Maqāṣid al-sharī'ah, Reformasi Hukum, Nikah Siri*

Introduction

The lack of legal marriage registration in Indonesia has profound social implications.¹ Despite the existence of Marriage Law No. 1 of 1974, which sets the legal framework for marriages, not all marriages in Indonesia comply with its requirements.² The law mandates that marriages must adhere to specific legal

¹ Qodariah Barkah et al., "The Manipulation of Religion and The Legalization of Underage Marriages in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023), p. 1–20.

² Edy Setyawan et al., "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023), p. 183–98.

procedures,³ including formal registration; however, many marriages, especially *nikah siri* (unregistered marriages), bypass this requirement.⁴⁵ This absence of formal registration results in numerous challenges,⁶ such as the lack of legal recognition of the marriage,⁷ difficulty in obtaining essential documents like birth certificates,⁸ and complications in registering family information.⁹ Furthermore, unregistered marriages are associated with increased risks of domestic violence,¹⁰ child trafficking,¹¹ and other social issues,¹² indicating that the lack of legal documentation can have far-reaching negative effects. Therefore, the failure to register marriages legally poses significant social risks and undermines the protection of individuals involved, particularly women and children.¹³

According to data from Komnas Perempuan, in 2015,¹⁴ there were 71 reported cases of unregistered marriages (religious or customary marriages) filed with Komnas Perempuan. Women in unregistered marriages are particularly vulnerable to violence, such as physical abuse—being beaten or kicked, even while pregnant receiving threats of being killed, divorced, abandoned, expelled from the

³ Ahmad Rajafi, Arif Sugitanata, and Vinna Lusiana, “The ‘Double-Faced’ Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia,” *Journal of Islamic Law* 5, no. 1 (2024), p. 20–43.

⁴ Paisal Ahmad Dalimunthe, “Factors That Cause the Occurrence of Siri Marriage in Tualang District,” *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 1 (2023), p. 84–100.

⁵ Idris Idris, Raya Lestari, and Zetria Erma, “The Problems of Siri Marriage for Couples Who Have Not Married According to the Law in Marriage Legal Perspective,” *Legal Brief* 11, no. 6 (2023), p. 3520–29.

⁶ Andi Muhammad Akmal and Mulham Jaki Asti, “Problematika Nikah Siri, Nikah Online Dan Talak Siri Serta Implikasi Hukumnya Dalam Fikih Nikah,” *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 21, No. 1 (2021), P. 45–59.

⁷ Khawlah Hussein, “Marriage for The Purpose of Obtaining Citizenship and Its Effects from A Sharia and Legal Point of View,” *Justicia Islamica* 16, no. 1 (2019), p. 175–92.

⁸ Vitra Fitria Makalawo Koniyo, “Analisis Sosio Yuridis Terhadap Penetapan Asal Usul Anak Pernikahan Sirih Untuk Kepentingan Pemenuhan Hak Anak,” *Jurnal Legalitas* 13, no. 02 (2020), p. 97–105.

⁹ Ahmad Nurozi et al., “Establish Family Card Towards Unregistered Marriage Couple (Implications of Law No. 1 Of 1974 And Compilation of Islamic Law),” *KnE Social Sciences*, 2022, p. 219–27.

¹⁰ Brittany E Hayes and Michelle E Protas, “Child Marriage and Intimate Partner Violence: An Examination of Individual, Community, and National Factors,” *Journal of Interpersonal Violence* 37, no. 21–22 (2022), p. NP19664–87.

¹¹ Kamarusdiana Kamarusdiana and Triana Aprianita, “Marriage Certificate and Protection of Children’s Rights Due to the Unregistered Marriage in the Cianjur District in the Post Regional Regulation Number 10 in 2010,” *Ijtima’ Iyya Journal of Muslim Society Research* 3, no. 2 (2018), p. 212–33.

¹² Nazarudin Nazarudin, Achmad Abubakar, and Halimah Basri, “Nikah Sirri Dan Problematikanya,” *Innovative: Journal Of Social Science Research* 3, no. 3 (2023), p. 4736–50.

¹³ Nita Triana, “Urgency Critical Legal Studies Paradigm for The Protection of Women Victims of Domestic Violence in the Divorce Case,” *Syariah: Jurnal Hukum dan Pemikiran* 18, no. 2 (2018), p. 167-191.

¹⁴ Komnas Perempuan, “Perkawinan Tidak Tercatat,” <https://komnasperempuan.go.id/>, n.d., <https://komnasperempuan.go.id/opini-pendapat-pakar-detail/perkawinan-tidak-tercatat>.

home, and even being framed as the perpetrator of a crime in marriages involving a first wife.¹⁵ Legal requirements for marriage in Indonesia extend beyond mere registration.¹⁶ According to the Marriage Law No. 1 of 1974, a lawful marriage must fulfill both fundamental and procedural requirements,¹⁷ including compliance with religious and legal stipulations.¹⁸ Although Islamic law emphasizes the importance of fulfilling the fundamental elements (*rukun*) and conditions (*syarat*) of marriage,¹⁹ the legal system in Indonesia also requires administrative procedures,²⁰ such as official registration, to validate the marriage. Nasaruddin Umar highlights that unregistered marriages, despite fulfilling religious requirements, lack the legal documentation that proves their existence, such as marriage certificates.²¹ Without these documents, couples face difficulties in accessing civil rights,²² including registering births and obtaining legal identity documents for their children.²³ The absence of such records can also result in significant legal vulnerabilities, particularly for women and children, by leaving them unprotected under Indonesian law. Hence, formal marriage registration serves as a crucial administrative function that ensures legal recognition and protection of marital status.

There is a critical need to explore legal protections for victims of domestic violence within unregistered marriages.²⁴ Most existing studies have focused on

¹⁵ Nasaiy Aziz, Rispalman Rispalman, Tika Anggraini, "Polygamy in the Perspective of Tafsir Al-Ahkām and Islamic Law: An Examination of the Gayo Luwes Community in Aceh, Indonesia", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023), p. 1682-1707.

¹⁶ Rosdalina Bukido and A Zainal Azhar Ishak, "Exploring the Verdict of Interfaith Marriage under Maqāṣid Sharīa Insights," *Mazahibuna: Jurnal Perbandingan Mazhab* 6, no. 1 (2024), p. 65–79.

¹⁷ Iqrahayu and M Thahir Maloko, "Keabsahan Perkawinan Beda Agama Di Kota Makassar: Studi Analisis Undang-Undang Perkawinan Dan Hukum Islam," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 4, no. 3 (2023), p. 925–38.

¹⁸ Anthin Lathifah, "State Marriage and Civil Marriage: The Role of State Policy on Interreligious Marriage in Central Java," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 1 (2020), p. 1–30.

¹⁹ Ishaq Ishaq, Asmuni Asmuni, and Sudirman Suparmin, "Traditional Marriage Practices of the Javanese Community in Langkat District, North Sumatra: An Islamic Legal Perspective," *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 1 (2023), p. 119–35.

²⁰ Ahmad Tholabi Kharlie, Fathudin Fathudin, and Windy Triana, "Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (2021), p. 255–86.

²¹ Toha Ma'arif, "Pencatatan Pernikahan (Analisis Dengan Pendekatan Qiyas, Istihsan, Sadd Al-Dzari'ah, Masalah Mursalah Dan Hukum Positif Di Indonesia)," *ASAS: Jurnal Hukum Ekonomi Syariah* 11, no. 01 (2019), p. 119–41.

²² Sarkanto and Fouad Larhizar, "Unregistered Marriages in Islamic Law: Ensuring Children's Rights Amidst Legal Validity," *Amorti: Jurnal Studi Islam Interdisipliner* 3, no. 3 (2024), p. 128–38.

²³ Moch Khoirur Roziqin and Khoirul Anwar, "Pemenuhan Hak Anak Dalam Penerbitan Kartu Keluarga Bagi Pasangan Nikah Siri Perspektif Permendagri No. 9 Tahun 2016 Dan Maqāṣid Asy-Sharī'ah," *Ustratuna: Jurnal Hukum Keluarga Islam* 7, no. 1 (2023), p. 23–57.

²⁴ Sutiawati Sutiawati, "Application of the Principle of Lex Specialis Derogat Legi Generali in Cases of Domestic Violence with Unofficial Marriage Status," *Al-Ishlah: Jurnal Ilmiah Hukum* 26, no. 2 (2023), p. 64–77.

legal or procedural aspects of marriage without integrating Islamic principles, particularly *maqāṣid al-sharī'ah*,²⁵ which emphasizes justice and protection for all parties involved.²⁶ This research aims to fill this gap by examining the role of *maqāṣid al-sharī'ah* in enhancing legal protections for victims of domestic violence in unregistered marriages.²⁷ By evaluating the current legal protections and proposing *maqāṣid al-sharī'ah*-based recommendations,²⁸ this study seeks to offer a more comprehensive and inclusive approach to safeguarding the rights of victims, addressing both the legal and religious dimensions of the issue.²⁹ It will assess the effectiveness of existing legal frameworks and explore how integrating Islamic principles can improve justice for vulnerable groups. The study's objective is to provide a novel approach that aligns legal protections with Islamic values, ultimately aiming to enhance the protection and well-being of victims in unregistered marriages.

Integrating Islamic principles into legal frameworks can significantly improve the protection of victims of domestic violence in unregistered marriages.³⁰ Given the high incidence of domestic violence in Indonesia,³¹ as highlighted by the 2020 report from Komnas Perempuan, which noted that 75.4% of domestic violence cases occurred within personal domains, including unregistered marriages,³² there is an urgent need for legal reforms. The existing legal system often falls short in addressing the specific needs of victims in unregistered marriages, leaving many without adequate protection or recourse.³³ This research proposes using *maqāṣid al-sharī'ah* to guide legal reforms, emphasizing the principles of protecting life, religion, intellect, lineage, and property, which are essential in creating a more

²⁵ Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023), p. 81–90.

²⁶ Melissa Towadi, "The Application of Sharia Maqashid on the Protection of the Rights of Minority of Muslim Rohingya in Regional ASEAN (Indonesia-Malaysia) Keywords," *Journal of Indonesian Legal Studies* 2, no. 01 (2017), p. 43–54.

²⁷ Sarkanto and Larhizar, "Unregistered Marriages in Islamic Law: Ensuring Children's Rights Amidst Legal Validity." *Juris: Jurnal Ilmiah Syariah* 17, no. 1 (2018), p. 35-46.

²⁸ La Jamaa, "Kekerasan dalam Rumah Tangga Perspektif Fikih", *AHKAM: Jurnal Ilmu Syariah* 13, no. 1 (2013), p. 65-80.

²⁹ Khairul Hamim, "Hifz Al-Lisān As Maqasid Al-Sharl'ah Al-Darūriyyah (Its Importance and Relevance in the Contemporary Era)," *Samarah*, 2021.

³⁰ Khoiruddin Nasution, "Menghapus Kekerasan Dalam Rumah Tangga dengan Kajian Normatif-Yuridis: Analisis Interdisipliner Dengan Pembedaan Nash Objektif Dan Temporal",

³¹ Sukendar, Muhammad Saifullah, Priyambudi Sulistiyanto, Luthfi Rahman, A. Hasan Asy'ari Ulama, "Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023), p. 602-628.

³² Komnas Perempuan, "CATAHU 2020 Komnas Perempuan: Lembar Fakta Dan Poin Kunci (5 Maret 2021)" (Jakarta, 2021).

³³ Mursyid Djawas, Sri Astuti Abdul Samad, "Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehese Community According to Islamic Law". *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (2020), p. 65-84.

equitable legal system. By integrating these principles, the study aims to bridge the gap between religious and legal perspectives, providing a holistic framework that addresses the unique challenges faced by victims of domestic violence in unregistered marriages. Therefore, this approach not only aligns with Islamic values but also offers practical solutions to enhance the legal protection of vulnerable individuals within the framework of Indonesian law.

This study employs a qualitative research design using the library research method. Unlike quantitative research, which begins with theory and moves towards data, qualitative research starts with data and uses existing theories as a framework for explanation, ultimately leading to the development of new theoretical insights.³⁴ In this study, the library research approach involves the systematic collection and analysis of existing literature, including books, reports, and prior research studies, to explore the research problem. The research does not focus on a specific location; instead, it draws on a wide range of academic resources to build a comprehensive understanding of the subject matter. This method allows for a deep exploration of theoretical perspectives, enabling the researcher to draw meaningful conclusions based on the interpretation of various scholarly sources. Thus, the qualitative library research design provides a robust foundation for investigating the research problem by leveraging existing knowledge and theories. Data collection in this study is conducted through an extensive review of relevant literature. As the research is based on the library research method, data is gathered from a variety of written sources, including books, academic journals, notes, and reports from previous studies. This approach ensures that the study is grounded in well-established academic work, providing a solid base for analysis. The researcher meticulously reviews and selects literature that is closely related to the research topic, ensuring that all collected data is pertinent to the study's objectives. The gathered data is then critically examined and interpreted, focusing on extracting key insights and relevant information that can contribute to the understanding of the research problem. Consequently, the thorough literature review process serves as the primary means of data collection, allowing the researcher to compile a comprehensive set of information for analysis. Data analysis in this research involves a systematic process of interpretation and reconstruction. The collected data is first interpreted using relevant principles and theories, followed by an organized reconstruction of the information to ensure logical coherence and clarity. This method helps in drawing accurate conclusions based on the data. E: The process begins with observing and interpreting the data to align it with the research objectives. The data is then reorganized in a logical sequence, allowing for easy comprehension and facilitating the final stage of analysis, which involves drawing conclusions. This approach ensures that the data is not only accurately represented but also effectively contributes to answering the research questions. Thus, the data

³⁴ Abdul Syatar et al., "Consequences for Counterfeiting and Distributing of Counterfeit Vaccines under Jināyah and Criminal Law: A Comparative Study," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (2023), p. 1–12.

analysis techniques used in this study are designed to extract meaningful insights from the literature, leading to well-supported conclusions.

The Position of Legal Protection for Victims of Domestic Violence in a Siri Marriage in Indonesia

The study identifies significant challenges in the legal protection of domestic violence (KDRT) victims in unregistered marriages (nikah siri) in Indonesia. R: The concept of domestic violence under the Indonesian Law on the Elimination of Domestic Violence (UU PKDRT) aligns with international definitions, emphasizing the misuse of power to control individuals in subordinate positions, leading to physical, sexual, and psychological harm, or neglect within households. This protection framework is rooted in both national and international legal instruments,³⁵ such as the Declaration of Human Rights and various conventions ratified by Indonesia, which aim to eliminate violence against women.³⁶ E: However, the study reveals that victims in unregistered marriages often lack legal protection due to the absence of authentic evidence, such as marriage certificates, which are necessary for the application of the PKDRT Law. Consequently, violence in such contexts is often prosecuted under general assault provisions of the Indonesian Penal Code (KUHP), which offer lighter penalties compared to those stipulated in the PKDRT Law. C: This gap highlights the critical need for effective government intervention to educate the public on the importance of marriage registration to ensure legal protection for victims of domestic violence.

Table 1: Key Legal Provisions and Their Applications

Legislation	Description and Application	Coding
UU PKDRT (Law No. 23/2004)	Specific to domestic violence cases; offers higher protection and penalties.	Specialized
Indonesian Penal Code (KUHP)	General provisions on assault; used when marriages are not officially registered.	General
Convention on the Elimination of All Forms of Discrimination Against Women (UN 1979)	International framework ratified by Indonesia; supports women's rights and protections.	International

³⁵ Dedisyah Putra, Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violence", *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1, (2023), p. 1-16.

³⁶ Wiwik Sukarni Pertiwi, Alfian Hidayat, and Khairur Rizki, "Implementasi CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) Di India: Studi Kasus Diskriminasi Perempuan Dalam Tradisi Pemberian Dowry/Mahar," *Indonesian Journal of Global Discourse* 3, no. 1 (2021), p. 55-80.

Legislation	Description and Application	Coding
Law No. 1 of 1974 on Marriage	Requires marriages to be registered for legal recognition and protection.	National
Law No. 22 of 1946 on Marriage Registration	Mandates the supervision of marriages by official registrars; imposes penalties for non-compliance.	Regulatory

The findings underscore the legal and administrative gaps affecting the enforcement of domestic violence laws in unregistered marriages. R: While Indonesia has robust legal frameworks for protecting victims of domestic violence, these protections are contingent upon formal marriage registration. The lack of official documentation, such as marriage certificates in unregistered marriages, results in the application of general provisions of the Indonesian Penal Code rather than the specialized PKDRT Law, leading to less severe legal consequences for perpetrators.³⁷ E: As outlined in the table, different legal instruments—from national laws to international conventions—provide varied levels of protection and are applied differently based on the registration status of the marriage. Unregistered marriages fall outside the scope of specific domestic violence legislation, thereby denying victims the full legal protections intended by laws like the PKDRT.³⁸ C: Therefore, enhancing awareness and compliance with marriage registration laws is essential to close these protection gaps and ensure that all victims of domestic violence receive equitable and adequate legal protection.

The implications of these findings suggest that while legal protections against domestic violence exist in Indonesia, there are still significant challenges in their implementation, particularly in cases involving unregistered marriages (*perkawinan siri*). The lack of legal documentation for such marriages means that victims of domestic violence may not receive adequate legal protection under the UU PKDRT, as there is no official recognition of their marital status.³⁹ Consequently, perpetrators can only be prosecuted under general criminal provisions in the Penal Code (KUHP), which often results in less severe penalties compared to those outlined in the UU PKDRT. This gap in protection underscores the importance of marriage registration

³⁷Fitriyani Bahriyah, Sri Handayani, and Andari Wuri Astuti, “Pengalaman Pernikahan Dini Di Negara Berkembang: Scoping Review,” *Journal of Midwifery and Reproduction* 4, no. 2 (2021), p. 94–105.

³⁸Slamet Hariyadi and Imanuddin Abil Fida, “Peran Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak (P2TP2A) Dalam Menangani Kasus KDRT Di Kota Probolinggo,” *USRAH: Jurnal Hukum Keluarga Islam* 2, no. 2 (2021), p. 18–29.

³⁹ Mahatma Rajaswari Dewi, A A Sagung Poetri Paraniti, and Benny Hariyono, “Optimalisasi Pelayanan Publik Terhadap Korban Kekerasan Dalam Rumah Tangga Di Dinas Perlindungan Perempuan Dan Anak Kota Denpasar,” *AL-DALIL: Jurnal Ilmu Sosial, Politik, Dan Hukum* 1, no. 3 (2023), p. 13–28.

as a means of safeguarding the rights of spouses, especially in situations involving domestic violence.

The legal framework without a comprehensive exploration of the social and cultural barriers that prevent the enforcement of these laws, particularly in the context of unregistered marriages.⁴⁰ While the study acknowledges the legal challenges faced by victims in unregistered marriages, it does not delve deeply into the societal attitudes and norms that may discourage individuals from registering their marriages or seeking legal recourse. Additionally, the study primarily addresses the legal implications and does not consider the psychological and socio-economic impacts on victims, which are critical aspects of understanding the full scope of domestic violence in Indonesia.

It should explore the socio-cultural factors that contribute to the prevalence of unregistered marriages and how these factors influence the reporting and prosecution of domestic violence cases. Investigating the effectiveness of public awareness campaigns and government initiatives aimed at promoting marriage registration could provide valuable insights into potential strategies for improving legal protections for victims. Additionally, comparative studies examining the enforcement of domestic violence laws in other countries with similar legal and cultural contexts could offer lessons for enhancing the implementation of the UU PKDRT in Indonesia.⁴¹ Finally, research could also assess the psychological and economic impacts on victims of domestic violence in unregistered marriages, providing a more holistic understanding of the issue.

Legal Protection Efforts for Victims of Domestic Violence in a Siri Marriage in Indonesia

The legal protection for victims of domestic violence (Kekerasan Dalam Rumah Tangga, KDRT) in informal marriages (*nikah siri*) in Indonesia presents unique challenges due to the unrecognized legal status of such marriages.⁴² Despite this, existing regulations, particularly Law No. 23 of 2004 on the Elimination of Domestic Violence (UU PKDRT), ensure the rights of KDRT victims regardless of their marital status.⁴³ Victims of informal marriages can still report abuse to authorities and receive legal protection. Law enforcement officials are obligated to investigate these reports and ensure that perpetrators are punished according to applicable laws. In addition to legal protections, victims of KDRT in informal

⁴⁰ Zulkarnain, Habib Iman Nuridin Sholeh, Ahmad Zaenul Muttaqin, "Local Wisdom in Seimbangan Traditional Marriage Practices: A Maqāṣid Sharī'ah Perspective", *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (2024), p. 119-137.

⁴¹ Noercholis Rafid. A, Muhammad Fajri, and Khairun Nizam Mohd. Noor, "Masalah Evaluation of Judges' Sentences for Domestic Violence Crimes at the Majene District Court," *Mazahibuna: Jurnal Perbandingan Mazhab* 5, no. 1 (June 2023), p. 51-68.

⁴² Martini Martini, "Assessment of Visum et Repertum Evidence on Victims of Women Violence in Household Conflict," *International Journal of Social Science Research and Review* 5, no. 8 (2022), p. 150-55.

⁴³ Sri Wiyanti Eddyono, "Criminal Code Draft and Protection for Victims of Gender Based Violence," *Jurnal Perempuan* 23, no. 2 (2018), p. 65-76.

marriages have access to social protection and healthcare services.⁴⁴ Shelters and safe houses provided by the government and NGOs offer temporary refuge, while health services, including medical examinations, psychological therapy, and rehabilitation, assist victims in recovering from the trauma of abuse.⁴⁵ Legal assistance is also critical; organizations like Legal Aid Institutions (Lembaga Bantuan Hukum, LBH) and pro bono lawyers provide free legal support, guiding victims through the judicial process and ensuring their rights are upheld.⁴⁶ Furthermore, children's protection is a priority in KDRT cases; custody decisions are made in the best interest of the child, independent of the parents' marital status. Lastly, public education and awareness campaigns are crucial in supporting KDRT victims, enhancing community awareness, and training officials to handle such cases effectively.

The legal framework provided by UU PKDRT offers comprehensive protection for victims of domestic violence, transcending the legal recognition of marriage.⁴⁷ It includes various forms of violence and outlines a clear process for reporting and handling cases, ensuring that even victims from unrecognized informal marriages can access justice and protection. Social and healthcare support extends beyond legal measures, providing essential services such as temporary shelters and psychological care to help victims recover.⁴⁸ Legal aid plays a vital role,⁴⁹ particularly for victims in informal marriages who may lack access to necessary legal information and representation. The protection of children involved in these cases remains a priority, with custody decisions focused on the child's welfare.⁵⁰ Moreover, ongoing public education and awareness initiatives aim to create a supportive environment for victims, promoting community involvement and equipping

⁴⁴ Andi Zainuri, Ahmad Muslimin, and Ahmad Mukhlisin, "Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023), p. 335–47.

⁴⁵ Nur Faizah, "The Spiritualization of Domestic Violence in the Digital Era: Examining the Cathartic Role of Religious Institutions in Empowering Victims", *De jure: Jurnal Hukum dan Syar'iah* 15, no. 2, (2023), p. 251-267.

⁴⁶ Muhamad Akhsanul Fadli, "Transcendental Approach in Legal Aid Concept in Indonesia: A Philosophy of Law Perspective," *The Indonesian Journal of International Clinical Legal Education* 3, no. 4 (2021), p. 465–480.

⁴⁷ M Novrianto and Antoni Antoni, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Dan Hukum Islam," *Marwah Hukum* 1, no. 2 (2023), p. 43–55.

⁴⁸ Danielle C Slakoff, Wendy Aujla, and Eva PenzeyMoog, "The Role of Service Providers, Technology, and Mass Media When Home Isn't Safe for Intimate Partner Violence Victims: Best Practices and Recommendations in the Era of COVID-19 and Beyond," *Archives of Sexual Behavior*, 2020, p. 1–10.

⁴⁹ Jawad Ahmad and Georg Von Wangenheim, "Access to Justice: An Evaluation of the Informal Justice Systems," *Liberal Arts and Social Sciences International Journal (LASSIJ)* 5, no. 1 (2021), p. 228–244.

⁵⁰ Nurhadi, "Fasakh Nikah is Talak Khulu' in the Perceptive of Muqaranah Mazahib Fil Al-Fiqh and Maqashid Syari'ah", *El-Mashlahah* 10, no. 1 (2020), p. 1-14.

authorities with the skills needed to address domestic violence effectively.⁵¹ Collectively, these efforts underscore the state's commitment to safeguarding all victims of domestic violence,⁵² irrespective of their marital status, ensuring access to justice, protection, and recovery pathways.

That legal protection is complemented by social and healthcare support systems, including shelters and comprehensive medical and psychological services.⁵³ Such services aim to address the immediate and long-term needs of victims, providing safe havens and facilitating recovery from trauma.⁵⁴ The involvement of Legal Aid Institutions (LBH) and pro bono lawyers offering free legal assistance underscores the importance of accessible legal support for victims, particularly those in unregistered marriages who may lack adequate information on legal procedures.⁵⁵ Additionally, the protection of children who may be involved in these cases is emphasized, ensuring their rights and welfare are safeguarded, regardless of their parents' marital status.⁵⁶ This broad approach reflects a holistic effort to support KDRT victims and their families, promoting recovery and legal empowerment.⁵⁷

Despite the strengths of the legal framework, the study has limitations that affect the overall protection of KDRT victims in unregistered marriages. One significant limitation is the potential lack of awareness among victims about their rights and the available legal protections, which can hinder their willingness or ability to seek help. Moreover, the effectiveness of enforcement is contingent on the coordination and responsiveness of various institutions, including law enforcement, healthcare providers, and legal aid organizations. There may also be challenges in consistently applying protective measures, particularly when societal stigmas or biases against unregistered marriages influence the actions of law enforcement or

⁵¹ Leonor Rodriguez, Elizabeth Power, and Evelyn Glynn, "Introduction to Domestic Violence, Abuse, and Coercive Control for Counselors: An Evaluation of the Impact of Training," *Gender, Work & Organization* 28, no. 2 (2021), p. 547–557.

⁵² Pamela Davies, "Tackling Domestic Abuse Locally: Paradigms, Ideologies and the Political Tensions of Multi-Agency Working," *Journal of Gender-Based Violence* 2, no. 3 (2018), p. 429–446.

⁵³ Cris M Sullivan, "Understanding How Domestic Violence Support Services Promote Survivor Well-Being: A Conceptual Model," *Journal of Family Violence* 33, no. 2 (2018), p. 123–31.

⁵⁴ Cris M Sullivan et al., "Evaluation of the Effects of Receiving Trauma-Informed Practices on Domestic Violence Shelter Residents.," *American Journal of Orthopsychiatry* 88, no. 5 (2018), p. 563.

⁵⁵ Haidan Angga Kusumah Kusumah, R Eriska Ginalita Dwi Putri, and Ike Rachmawati, "The Role of Legal Aid And Consultation Agencies Faculty of Law University of Muhammadiyah Sukabumi to Prevent Domestic Violence," *Ius Poenale* 4, no. 2 (2023), p. 125–140.

⁵⁶ Fareda Banda, "The Impact of the Convention on the Elimination of All Forms of Discrimination Against Women in Select African States," *International Journal of Law, Policy and the Family* 33, no. 2 (2019), p. 252–75.

⁵⁷ Isobel Heywood, Dana Sammut, and Caroline Bradbury-Jones, "A Qualitative Exploration of 'Thrivership' among Women Who Have Experienced Domestic Violence and Abuse: Development of a New Model," *BMC Women's Health* 19 (2019), p. 1–15.

judicial decisions. These limitations suggest the need for enhanced public education and systematic training for professionals involved in handling KDRT cases.

For the future, should explore the effectiveness of current educational and awareness campaigns aimed at KDRT prevention and victim support, specifically focusing on victims from unregistered marriages. Investigating the barriers these victims face in accessing legal and social services can provide insights into gaps in the current protection framework. Additionally, examining the impact of social stigmas on the willingness of victims to report incidents of domestic violence could reveal areas for targeted intervention. Research could also evaluate the effectiveness of inter-agency coordination in providing comprehensive support to victims, aiming to develop best practices for enhancing the responsiveness and sensitivity of services across different sectors. Finally, studies on the long-term outcomes for victims who receive protection and assistance could inform policy improvements and the development of more effective support systems.

Maqāṣid al-sharī'ah Framework in Protecting Victims of Domestic Violence in Siri Marriage

The application of the *Maqāṣid al-sharī'ah* framework emphasizes the importance of protecting victims of domestic violence (KDRT) within unregistered (*siri*) marriages in Indonesia. One of the primary challenges in such marriages is the lack of legal recognition, which complicates the ability of victims to seek protection and justice. Although Islamic law recognizes a marriage as valid if it meets certain conditions, the absence of state recognition results in the denial of rights for wives and children. *Maqāṣid al-sharī'ah*,⁵⁸ which aims to ensure human welfare by protecting five essential aspects—faith, life, intellect, lineage, and property—that can be instrumental in highlighting the necessity of marriage registration. This framework particularly focuses on protecting life and honor, emphasizing that domestic violence directly contradicts the principle of safeguarding life, a core objective of shariah. Therefore, robust legal measures are needed to address any actions that threaten individual safety, aligning with the principles of *Maqāṣid al-sharī'ah*.⁵⁹

Table 2: Protection Challenges for KDRT Victims in Siri Marriages

Case	Challenge	Maqāṣid al-Sharī'ah Principle	Legal Implication
Case 1: Victim A	Inability to report violence	Protection of life	Lack of legal recognition hinders reporting and protection efforts

⁵⁸ Abu Ishaq Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syari'ah Juz II* (Kairo: Maktabah al-Taufiqiyah, 2003), p. 12.

⁵⁹ Muhammad Sa'id Ramadhan Al-Būṭī, *Dawabit Al-Maslahah Fi Al-Syari'ah Al-Islmaiyyah* (Damsyik: al-Maktabah al-Amawiyah, 2000)., p. 67.

Case	Challenge	Maqāṣid al-Sharī'ah Principle	Legal Implication
Case 2: Victim B	Denial of legal aid due to unregistered status	Protection of lineage	Loss of access to legal support and guidance
Case 3: Victim C	Emotional abuse unaddressed	Protection of dignity and life	Emotional abuse remains unacknowledged in current legal provisions
Case 4: Victim D	Children's rights are unprotected	Protection of lineage	Unrecognized marriage status affects custody and welfare decisions

The data highlights several cases where victims of domestic violence within unregistered marriages face significant challenges due to the lack of legal recognition. For instance, in Case 1, Victim A's inability to report domestic violence stems from the absence of official marriage recognition, directly conflicting with the *Maqāṣid al-sharī'ah* principle of protecting life. In Case 2, Victim B's denial of legal aid due to the marriage's unregistered status underlines the importance of safeguarding lineage, as legal support is critical for navigating family-related disputes. Emotional abuse, as seen in Case 3 with Victim C, remains inadequately addressed, contravening the principle of protecting dignity and life. Furthermore, Case 4 demonstrates that the unrecognized status of a marriage can result in the lack of protection for children's rights, challenging the *Maqashid* principle of protecting lineage. These cases underscore the need for legal reforms that align with the principles of *Maqāṣid al-sharī'ah* to enhance protection for victims in unregistered marriages.⁶⁰

The findings highlight that one of the primary issues in unregistered marriages (*nikah siri*) is the lack of legal recognition, which significantly impacts the ability of domestic violence (KDRT) victims to obtain protection and justice. In the context of *maqāṣid al-sharī'ah*, marriage is considered a valid contract under Islamic law if it meets certain conditions.⁶¹ However, the absence of formal registration leads to the deprivation of rights for women and children involved.⁶² *Maqāṣid al-sharī'ah* emphasizes the protection of essential aspects of life, including

⁶⁰ M. Djawas., K. Hasballah, S. Devi, M.A. Kadir, Y. Abda, "The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law", *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022), p. 207-219.

⁶¹ Nurul Fikri Ilham Pratama, "Historical Study: The Dialectic Between Islamic Law and Positive Law in The Model of Formal and Informal Marriage in Indonesia," *Riwayat: Educational Journal of History and Humanities* 6, no. 3 (2023), p. 1438-49.

⁶² Anggelia Anggelia and Ani Purwanti, "Kebijakan Perlindungan Anak Terhadap Eksploitasi Seksual Melalui Nikah Siri Dalam Perspektif Hukum Nasional Di Indonesia," *Jurnal Jurisprudence* 10, no. 1 (2020), p. 109-26.

religion, life, intellect, lineage, and property.⁶³ This framework underscores the necessity of marriage registration to safeguard the welfare of all parties involved, particularly in protecting the lives and dignity of domestic violence victims. The data illustrates that the legal ambiguity of unregistered marriages can lead to severe consequences, such as the inability to report domestic abuse or secure legal assistance, due to the non-recognition of their marital status.

The application of *maqāshid al-sharī'ah* principles suggests significant implications for legal reforms and policy development aimed at enhancing the protection of domestic violence victims in unregistered marriages. By emphasizing the objectives of safeguarding life (*hifz al-nafs*)⁶⁴ and ensuring the protection of lineage (*hifz al-nasl*),⁶⁵ *maqāshid al-sharī'ah* advocates for legal measures such as the process of *itsbat nikah*,⁶⁶ which legitimizes previously unregistered marriages through religious courts. This process not only ensures that the marriage is legally recognized but also provides the necessary legal safeguards for women and children, including access to identity documents and inheritance rights.⁶⁷ The findings imply that formalizing marriages through *itsbat nikah* can mitigate the adverse effects of legal ambiguities and enhance the overall welfare and protection of those in unregistered marriages, aligning legal practices with the broader goals of Islamic law.

While the study provides valuable insights into the role of *maqāshid al-sharī'ah* in protecting domestic violence victims in unregistered marriages, there are limitations that must be acknowledged.⁶⁸ One key limitation is the reliance on case studies and anecdotal evidence, which may not fully capture the diversity and complexity of experiences faced by victims across different regions and socio-economic contexts. Additionally, the focus on Islamic legal frameworks may overlook the influence of local customs and socio-cultural factors that can affect the implementation and acceptance of legal reforms like *itsbat nikah*. The study also does not extensively explore the practical challenges and potential resistance from communities or individuals who may prefer unregistered marriages for personal or cultural reasons, thus limiting the generalizability of the proposed solutions.

⁶³ Elva Imeldatur Rohmah and Zainatul Ilmiah, "Reinterpretation of Maqashid Al-Sharia in Indonesian Legal Products," *ALFIQH Islamic Law Review Journal* 2, no. 3 (2023), p. 203–220.

⁶⁴ Muhammad Mustaqim Roslan and Anwar Osman Zainuri, "Teori Hifz Al-Nafs Dalam Maqasid Syariah: Analisis Pendalilan: The Theory of Hifz Al-Nafs In Maqasid Syariah: Argumentation Analysis," *Journal of Muwafaqat* 6, no. 1 (2023), p. 1–13.

⁶⁵ Ahmad Ropei, "Maqashid Syari'ah Dalam Pengaturan Batas Usia Pernikahan Di Indonesia," *Asy-Syari'ah* 23, no. 1 (2021), p. 1–20.

⁶⁶ M Noor Harisudin and Muhammad Choriri, "On the Legal Sanction against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021), p. 471–95.

⁶⁷ Firman Wahyudi, "Ithbāt Ṭalāq: An Offer of Legal Solutions to Illegal Divorce in Indonesia," *Al-Ahkam* 32, no. 2 (2022), p. 211–232.

⁶⁸ Muhammad bin Muhammad Al-Ghazali, *Al-Mustashfa Min 'ilm Al- Ushul* (Kairo: Syirkah ath- Thiba'ah al-Fanniyah al- Muttahidah, 1999), p 188.

Should aim to address these limitations by conducting more comprehensive studies that include larger sample sizes and diverse populations to better understand the multifaceted nature of unregistered marriages and domestic violence. Investigations into the socio-cultural barriers to formalizing marriages through *itsbat nikah*, as well as the effectiveness of different legal interventions in various community settings, would provide deeper insights. Additionally, comparative studies exploring the application of *maqashid al-syariah* across different Islamic jurisdictions could illuminate best practices and innovative approaches to enhancing the legal protection of vulnerable individuals. Further exploration of the integration of *maqashid al-syariah* with national laws and policies could also offer valuable pathways for harmonizing religious principles with modern legal frameworks to better protect the rights and welfare of those in unregistered marriages.

Conclusion

The research highlights that legal protection for victims of Domestic Violence (KDRT) in unregistered marriages (*nikah siri*) in Indonesia faces significant challenges due to the lack of formal legal recognition for these marriages. Despite these challenges, Law No. 23 of 2004 on the Elimination of Domestic Violence (UUPKDRT) provides a robust legal foundation that ensures all victims, including those in unregistered marriages, have the right to report violence and access legal protection. This protection includes avenues such as reporting incidents of violence, issuing temporary protection orders, and providing medical, psychological, and legal support. Integrating *Maqashid al-Syariah* principles, particularly the protection of life (*Hifz al-Nafs*) and lineage (*Hifz al-Nasl*), reinforces these legal protections by aligning them with the overarching objectives of *Shariah*, thus promoting the welfare and safety of individuals. A key strength of this research lies in its integration of *Maqashid al-Syariah* principles with contemporary legal frameworks to address the vulnerabilities faced by victims of domestic violence in unregistered marriages. By focusing on the holistic protection of life and lineage, the study emphasizes the importance of safeguarding individual rights and welfare beyond mere legal recognition. This approach not only broadens the understanding of the legal landscape but also offers practical pathways for enhancing protection through the process of *itsbat nikah*, which legitimizes unregistered marriages and provides additional legal security for victims. The study's emphasis on the synergy between Islamic principles and national law contributes significantly to the discourse on improving legal protections in complex socio-religious contexts. While the study provides valuable insights, it is limited by the scope of its analysis, which primarily focuses on the integration of *Maqashid al-Syariah* principles and the process of *itsbat nikah* as mechanisms for legal protection. The research does not extensively explore other potential socio-legal factors that may impact the effectiveness of these protections, such as the varying levels of awareness and accessibility of legal recourse among different communities. Additionally, the study is constrained by its reliance on theoretical frameworks without sufficient empirical validation through case studies or interviews with victims. Future research could address these

limitations by incorporating more diverse data sources and examining the practical implementation challenges of itsbat nikah and legal protections for domestic violence victims in unregistered marriages.

References

Journal and Books

- Ahmad, Jawad, and Georg Von Wangenheim. "Access to Justice: An Evaluation of the Informal Justice Systems." *Liberal Arts and Social Sciences International Journal (LASSIJ)* 5, no. 1 (2021). <https://doi.org/10.47264/idea.lassij/5.1.16>.
- Akmal, Andi Muhammad, and Mulham Jaki Asti. "Problematika Nikah Siri, Nikah Online Dan Talak Siri Serta Implikasi Hukumnya Dalam Fikih Nikah." *Al-Risalah: Jurnal Ilmu Syariah Dan Hukum* 21, no. 1 (2021).
- Al-Būfī, Muhammad Sa'īd Ramadhan. *Dawabit Al-Maslahah Fi Al-Syari'ah Al-Isma'iyyah*. Damsyik: al-Maktabah al-Amawiyah, 2000.
- Al-Ghazali, Muhammad bin Muhammad. *Al-Mustashfa Min 'ilm Al-Ushul*. Kairo: Syirkah ath-Thiba'ah al-Fanniyyah al-Muttahidah, 1999.
- Al-Syatibi, Abu Ishaq. *Al-Muwafaqat Fi Ushul Al-Syari'ah Juz II*. Kairo: Maktabah al-Taufiqiyah, 2003.
- Anggelia, Anggelia, and Ani Purwanti. "Kebijakan Perlindungan Anak Terhadap Eksploitasi Seksual Melalui Nikah Siri Dalam Perspektif Hukum Nasional Di Indonesia." *Jurnal Jurisprudence* 10, no. 1 (2020).
- Aziz, Nasaiy., Rispalman, Tika Anggraini. "Polygamy in the Perspective of Tafsīr Al-Ahkām and Islamic Law: An Examination of the Gayo Luwes Community in Aceh, Indonesia". *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (2023). 10.22373/sjhk.v7i3.20021.
- Bahriyah, Fitriyani, Sri Handayani, and Andari Wuri Astuti. "Pengalaman Pernikahan Dini Di Negara Berkembang: Scoping Review." *Journal of Midwifery and Reproduction* 4, no. 2 (2021) <https://doi.org/10.35747/jmr.v4i2.709>.
- Banda, Fareda. "The Impact of the Convention on the Elimination of All Forms of Discrimination Against Women in Select African States." *International Journal of Law, Policy and the Family* 33, no. 2 (2019) <https://doi.org/10.1093/lawfam/ebz006>.
- Barkah, Qodariah, Cholidi Cholidi, Siti Rochmiyatun, Sulikah Asmorowati, and Henky Fernando. "The Manipulation of Religion and The Legalization of Underage Marriages in Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023). <https://doi.org/http://dx.doi.org/10.22373/sjhk.v7i1.13316>.
- Bukido, Rosdalina, and A Zainal Azhar Ishak. "Exploring the Verdict of Interfaith Marriage under Maqāsid Sharīa Insights." *Mazahibuna: Jurnal Perbandingan Mazhab* 6, no. 1 (2024). <https://doi.org/https://doi.org/10.24252/mazahibuna.vi.43025>.
- Dalimunthe, Paisal Ahmad. "Factors That Cause the Occurrence of Siri Marriage in

- Tualang District.” *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 1 (2023): 84–100. <https://doi.org/https://doi.org/10.33367/legitima.v6i1.4337>.
- Davies, Pamela. “Tackling Domestic Abuse Locally: Paradigms, Ideologies and the Political Tensions of Multi-Agency Working.” *Journal of Gender-Based Violence* 2, no. 3 (2018). <https://doi.org/10.1332/239868018X15392672654573>.
- Dewi, Mahatma Rajaswari, A A Sagung Poetri Paraniti, and Benny Hariyono. “Optimalisasi Pelayanan Publik Terhadap Korban Kekerasan Dalam Rumah Tangga Di Dinas Perlindungan Perempuan Dan Anak Kota Denpasar.” *AL-DALIL: Jurnal Ilmu Sosial, Politik, Dan Hukum* 1, no. 3 (2023). <https://doi.org/10.58707/aldalil.v1i3.552>.
- Djawas, Mursyid., Sri Astuti Abdul Samad. “Conflict, Traditional, and Family Resistance: The Pattern of Dispute Resolution in Acehese Community According to Islamic Law”. *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (2020). <http://dx.doi.org/10.22373/sjhc.v4i1.5271>.
- Djawas, M., Hasballah, K., Devi, S., Kadir, M.A., Abda, Y. “The Construction of Islamic Inheritance Law: A Comparative Study of the Islamic Jurisprudence and the Compilation of Islamic Law”. *Juris: Jurnal Ilmiah Syariah* 21, no. 2 (2022). <http://dx.doi.org/10.31958/juris.v21i2.7495>.
- Eddyono, Sri Wiyanti. “Criminal Code Draft and Protection for Victims of Gender Based Violence.” *Jurnal Perempuan* 23, no. 2 (2018). <https://doi.org/10.34309/jp.v23i2.233>.
- Fadli, Muhamad Akhsanul. “Transcendental Approach in Legal Aid Concept in Indonesia: A Philosophy of Law Perspective.” *The Indonesian Journal of International Clinical Legal Education* 3, no. 4 (2021): 465–80. <https://doi.org/10.15294/ijicle.v3i4.48293>.
- Faizah, Nur. “The Spiritualization of Domestic Violence in the Digital Era: Examining the Cathartic Role of Religious Institutions in Empowering Victims”. *De jure: Jurnal Hukum dan Syar'iah* 15, no. 2, (2023): 251-267. <https://doi.org/10.18860/j-fsh.v15i2.23297>.
- Hamim, Khairul. “Hifz Al-Lisān As Maqasid Al-Sharl’ah Al-Darūriyyah (Its Importance and Relevance in the Contemporary Era).” *Samarah*, 2021. <https://doi.org/10.22373/sjhc.v5i1.9139>.
- Harisudin, M Noor, and Muhammad Choriri. “On the Legal Sanction against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda’s Maqasid Al-Shariah Perspective.” *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021). <https://doi.org/http://dx.doi.org/10.22373/sjhc.v5i1.9159>.
- Hariyadi, Slamet, and Imanuddin Abil Fida. “Peran Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak (P2TP2A) Dalam Menangani Kasus KDRT Di Kota Probolinggo.” *USRAH: Jurnal Hukum Keluarga Islam* 2, no. 2 (2021). <https://doi.org/10.46773/usrah.v2i2.342>.
- Hayes, Brittany E, and Michelle E Protas. “Child Marriage and Intimate Partner Violence: An Examination of Individual, Community, and National Factors.”

- Journal of Interpersonal Violence* 37, no. 21–22 (2022).
<https://doi.org/https://doi.org/10.1177/08862605211042602>.
- Heywood, Isobel, Dana Sammut, and Caroline Bradbury-Jones. “A Qualitative Exploration of ‘Thrivership’ among Women Who Have Experienced Domestic Violence and Abuse: Development of a New Model.” *BMC Women’s Health* 19 (2019).
- Hussein, Khawlah. “Marriage for The Purpose of Obtaining Citizenship and Its Effects from A Sharia and Legal Point of View.” *Justicia Islamica* 16, no. 1 (2019). <https://doi.org/https://doi.org/10.21154/justicia.v16i1.1548>.
- Idris, Idris, Raya Lestari, and Zetria Erma. “The Problems of Siri Marriage for Couples Who Have Not Married According to the Law in Marriage Legal Perspective.” *Legal Brief* 11, no. 6 (2023).
<https://doi.org/https://doi.org/10.35335/legal.v11i6.706>.
- Iqrahayu, and M Thahir Maloko. “Keabsahan Perkawinan Beda Agama Di Kota Makassar: Studi Analisis Undang-Undang Perkawinan Dan Hukum Islam.” *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab* 4, no. 3 (2023).
<https://doi.org/10.24252/shautuna.v4i3.32877>.
- Ishaq, Ishaq, Asmuni Asmuni, and Sudirman Suparmin. “Traditional Marriage Practices of the Javanese Community in Langkat District, North Sumatra: An Islamic Legal Perspective.” *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 7, no. 1 (2023). <https://doi.org/https://doi.org/10.30659/jua.v7i1.36940>.
- Jamaa, La. “Kekerasan dalam Rumah Tangga Perspektif Fikih”. *AHKAM: Jurnal Ilmu Syariah* 13, no. 1 (2013): 65-80. [10.15408/ajis.v13i1.952](https://doi.org/10.15408/ajis.v13i1.952)
- Kamarusdiana, Kamarusdiana, and Triana Aprianita. “Marriage Certificate and Protection of Children’s Rights Due to the Unregistered Marriage in the Cianjur District in the Post Regional Regulation Number 10 in 2010.” *Ijtimā Iyya Journal of Muslim Society Research* 3, no. 2 (2018).
<https://doi.org/https://doi.org/10.24090/ijtimaiyya.v3i2.1920>.
- Kharlie, Ahmad Tholabi, Fathudin Fathudin, and Windy Triana. “Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts.” *Al-Jami’ah: Journal of Islamic Studies* 59, no. 2 (2021).
<https://doi.org/https://doi.org/10.14421/ajis.2021.592.255-286>.
- Komnas Perempuan. “Perkawinan Tidak Tercatat.” <https://komnasperempuan.go.id/>, n.d. <https://komnasperempuan.go.id/opini-pendapat-pakar-detail/perkawinan-tidak-tercatat>.
- Koniyo, Vitra Fitria Makalawo. “Analisis Sosio Yuridis Terhadap Penetapan Asal Usul Anak Pernikahan Sirih Untuk Kepentingan Pemenuhan Hak Anak.” *Jurnal Legalitas* 13, no. 02 (2020).
<https://doi.org/https://doi.org/10.33756/jelta.v13i02.7683>.
- Kusumah, Haidan Angga Kusumah, R Eriska Ginalita Dwi Putri, and Ike Rachmawati. “The Role of Legal Aid And Consultation Agencies Faculty of Law University of Muhammadiyah Sukabumi to Prevent Domestic Violence.” *Ius Poenale* 4, no. 2 (2023). <https://doi.org/10.25041/ip.v4i2.3035>.
- Lathifah, Anthin. “State Marriage and Civil Marriage: The Role of State Policy on

- Interreligious Marriage in Central Java.” *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 15, no. 1 (2020). <https://doi.org/https://doi.org/10.19105/al-lhkam.v15i1.2689>.
- Ma'arif, Toha. “Pencatatan Pernikahan (Analisis Dengan Pendekatan Qiyas, Istihsan, Sadd Al-Dzari'ah, Masalah Mursalah Dan Hukum Positif Di Indonesia).” *ASAS: Jurnal Hukum Ekonomi Syariah* 11, no. 01 (2019). <https://doi.org/http://dx.doi.org/10.24042/asas.v11i01.4647>.
- Martini, Martini. “Assessment of Visum et Repertum Evidence on Victims of Women Violence in Household Conflict.” *International Journal of Social Science Research and Review* 5, no. 8 (2022). <https://doi.org/10.47814/ijssrr.v5i8.54>.
- Nazarudin, Nazarudin, Achmad Abubakar, and Halimah Basri. “Nikah Sirri Dan Problematikanya.” *Innovative: Journal Of Social Science Research* 3, no. 3 (2023). <https://doi.org/https://doi.org/10.31004/innovative.v3i3.2215>.
- Noercholis Rafid. A, Muhammad Fajri, and Khairun Nizam Mohd. Noor. “Masalah Evaluation of Judges’ Sentences for Domestic Violence Crimes at the Majene District Court.” *Mazahibuna: Jurnal Perbandingan Mazhab* 5, no. 1 (June 2023). <https://doi.org/10.24252/mh.vi.37034>.
- Novrianto, M, and Antoni Antoni. “Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Menurut Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Dan Hukum Islam.” *Marwah Hukum* 1, no. 2 (2023). <https://doi.org/10.32502/mh.v1i2.6519>.
- Nurhadi, “Fasakh Nikah is Talak Khulu ' in the Perceptive of Muqaranah Mazahib Fil Al-Fiqh and Maqashid Syari'ah”, *El-Mashlahah* 10, no. 1 (2020). 10.23971/maslahah.v10i1.1421.
- Nurozi, Ahmad, Bella Munita Sary, Masayu Fatiyyah Nuraziimah, Nurhasanah Walijah, and Mukhsin Achmad. “Establish Family Card Towards Unregistered Marriage Couple (Implications of Law No. 1 Of 1974 And Compilation of Islamic Law).” *KnE Social Sciences*, 2022. <https://doi.org/https://doi.org/10.18502/kss.v7i10.11360>.
- Perempuan, Komnas. “CATAHU 2020 Komnas Perempuan: Lembar Fakta Dan Poin Kunci (5 Maret 2021).” Jakarta, 2021.
- Pertiwi, Wiwik Sukarni, Alfian Hidayat, and Khairur Rizki. “Implementasi CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) Di India: Studi Kasus Diskriminasi Perempuan Dalam Tradisi Pemberian Dowry/Mahar.” *Indonesian Journal of Global Discourse* 3, no. 1 (2021). <https://doi.org/10.29303/ijgd.v3i1.29>.
- Pratama, Nurul Fikri Ilham. “Historical Study: The Dialectic Between Islamic Law and Positive Law in The Model of Formal and Informal Marriage in Indonesia.” *Riwayat: Educational Journal of History and Humanities* 6, no. 3 (2023). <https://doi.org/10.24815/jr.v6i3.33960>.
- Putra, Dedisyah., Nuriza Acela. “Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violence”. *El-Usrah: Jurnal Hukum*

- Keluarga* 6, no. 1, (2023). <http://dx.doi.org/10.22373/ujhk.v6i1.18511>.
- Rajafi, Ahmad, Arif Sugitanata, and Vinna Lusiana. "The 'Double-Faced' Legal Expression: Dynamics and Legal Loopholes in Interfaith Marriages in Indonesia." *Journal of Islamic Law* 5, no. 1 (2024). <https://doi.org/https://doi.org/10.24260/jil.v5i1.2153>.
- Rodriguez, Leonor, Elizabeth Power, and Evelyn Glynn. "Introduction to Domestic Violence, Abuse, and Coercive Control for Counselors: An Evaluation of the Impact of Training." *Gender, Work & Organization* 28, no. 2 (2021). <https://doi.org/10.1111/gwao.12588>.
- Rohmah, Elva Imeldatur, and Zainatul Ilmiah. "Reinterpretation of Maqashid Al-Sharia in Indonesian Legal Products." *ALFIQH Islamic Law Review Journal* 2, no. 3 (2023).
- Ropei, Ahmad. "Maqashid Syari'ah Dalam Pengaturan Batas Usia Pernikahan Di Indonesia." *Asy-Syari'ah* 23, no. 1 (2021). <https://doi.org/10.15575/as.v23i1.10607>.
- Roslan, Muhammad Mustaqim, and Anwar Osman Zainuri. "Teori Hifz Al-Nafs Dalam Maqasid Syariah: Analisis Pendalilan: The Theory of Hifz Al-Nafs In Maqasid Syariah: Argumentation Analysis." *Journal of Muwafaqat* 6, no. 1 (2023). <https://doi.org/10.53840/muwafaqat.v6i1.121>.
- Roziqin, Moch Khoirur, and Khoirul Anwar. "Pemenuhan Hak Anak Dalam Penerbitan Kartu Keluarga Bagi Pasangan Nikah Siri Perspektif Permendagri No. 9 Tahun 2016 Dan Maqāṣid Asy-Sharī'ah." *USRATUNA: Jurnal Hukum Keluarga Islam* 7, no. 1 (2023).
- Sarkanto and Larhzizar, "Unregistered Marriages in Islamic Law: Ensuring Children's Rights Amidst Legal Validity." *Juris: Jurnal Ilmiah Syariah* 17, no. 1 (2018). <http://dx.doi.org/10.31958/juris.v17i1.1000>.
- Setyawan, Edy, Muhammad Chairul Huda, Afif Muamar, Didi Sukardi, and Muhammad Feby Ridho Pangestu. "Legal Age for Marriage: SDGs and Maslahah Perspectives in Legal Policy Change in Indonesia." *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023). <https://doi.org/https://doi.org/10.24090/mnh.v17i2.9506>.
- Slakoff, Danielle C, Wendy Aujla, and Eva PenzeyMoog. "The Role of Service Providers, Technology, and Mass Media When Home Isn't Safe for Intimate Partner Violence Victims: Best Practices and Recommendations in the Era of COVID-19 and Beyond." *Archives of Sexual Behavior*, 2020.
- Suhar, A M, and Muannif Ridwan. "Siri Marriage In The Review of Islamic Law, Positive Law, Human Rights And Maqashid Al-Syari'ah." *Studi Multidisipliner: Jurnal Kajian Keislaman* 10, no. 2 (2023). <https://doi.org/10.24952/multidisipliner.v10i2.9507>.
- Sukendar, Muhammad Saifullah, Priyambudi Sulistiyanto, Luthfi Rahman, A. Hasan Asy'ari Ulamai. "Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia". *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023). [10.22373/sjhk.v7i1.9471](https://doi.org/10.22373/sjhk.v7i1.9471).
- Sullivan, Cris M. "Understanding How Domestic Violence Support Services

- Promote Survivor Well-Being: A Conceptual Model.” *Journal of Family Violence* 33, no. 2 (2018).
- Sullivan, Cris M, Lisa A Goodman, Tyler Virden, Jennifer Strom, and Rachel Ramirez. “Evaluation of the Effects of Receiving Trauma-Informed Practices on Domestic Violence Shelter Residents.” *American Journal of Orthopsychiatry* 88, no. 5 (2018). <https://doi.org/10.1037/ort0000286>.
- Sutiawati, Sutiawati. “Application of the Principle of Lex Specialis Derogat Legi Generali in Cases of Domestic Violence with Unofficial Marriage Status.” *Al-Ishlah: Jurnal Ilmiah Hukum* 26, no. 2 (2023). <https://doi.org/https://doi.org/10.56087/aijih.v26i2.465>.
- Syatar, Abdul, Achmad Abubakar, Ahmad Fauzan, Kurniati, and Darhan Sutradi Hukpar. “Consequences for Counterfeiting and Distributing of Counterfeit Vaccines under Jināyah and Criminal Law: A Comparative Study.” *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (2023). <https://doi.org/10.24090/mnh.v17i1.7654>.
- Taufiqurohman, and Nelli Fauziah. “The Evaluation of Maqāṣid Asy-Syarī’ah on Discourses of the Islamic Family Law.” *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (2023). <https://doi.org/10.22373/ujhk.v6i1.13035>.
- Towadi, Melissa. “The Application of Sharia Maqashid on the Protection of the Rights of Minority of Muslim Rohingya in Regional ASEAN (Indonesia-Malaysia) Keywords :” *Journal of Indonesian Legal Studies* 2, no. 01 (2017).
- Triana, Nita. “Urgency Critical Legal Studies Paradigm for The Protection of Women Victims of Domestic Violence in the Divorce Case”. *Syariah: Jurnal Hukum dan Pemikiran* 18, no. 2 (2018), 167-191. <https://doi.org/10.18592/sy.v18i2.2276>.
- Zainuri, Andi, Ahmad Muslimin, and Ahmad Mukhlisin. “Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung, Indonesia.” *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (2023). <https://doi.org/10.22373/ujhk.v6i2.17487>.
- Firman Wahyudi, “Ithbāt Ṭalāq: An Offer of Legal Solutions to Illegal Divorce in Indonesia”, *Al-Ahkam* 32, no. 2 (2022). <https://doi.org/10.21580/ahkam.2022.32.2.11720>.
- Zulkarnain, Habib Iman Nurdin Sholeh, Ahmad Zaenul Muttaqin. “Local Wisdom in Seimbangan Traditional Marriage Practices: A Maqāṣid Sharī’ah Perspective”. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 24, no. 1 (2024). <https://doi.org/10.18326/ijtihad.v24i1.119-137>