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# THE EFFECTIVENESS OF MEMORIZING ISLAMIC DOCTRINES AS A PREREQUISITE FOR MARRIAGE REGISTRATION: A CASE STUDY IN TELUK PULAI DALAM VILLAGE

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#### Abstract

This study aims to evaluate the effectiveness of requiring individuals to memorize the obligatory, impossible, and permissible attributes of Allah, along with the pillars of obligatory bathing, as a prerequisite for marriage registration in Teluk Pulai Dalam Village. Despite not being aligned with the provisions of Government Regulation No. 9 of 1975, this practice is widely implemented within the community. This research employs a qualitative subjective approach with an empirical juridical method. Field research was conducted to gather direct insights into the application and impact of memorizing theological and ritual requirements for marriage registration in Teluk Pulai Dalam Village, Kualuh Leidong Subdistrict. Findings indicate that the memorization requirement positively influences the local community. Although it does not comply with formal legal provisions, it enhances individuals' understanding of Islamic theological principles and the correct procedures for obligatory bathing. As a result, worship practices within the community are perceived as more valid and spiritually meaningful. This study provides a unique perspective on the intersection of religious education and marriage registration practices outside formal state regulations. It highlights how local customs shape religious literacy and compliance with Islamic rituals. The research suggests that integrating religious education into marriage-related practices can strengthen community understanding of Islamic obligations. However, it also raises questions about the legal and administrative alignment of such practices with national regulations. Further studies may explore how similar initiatives can be harmonized with formal legal frameworks.

Keywords: Religious Education, Marriage Registration, Islamic Law, Community Practices

#### **INTRODUCTION**

Marriage in Islam is not merely a fulfillment of biological needs but also a form of social and religious regulation with legal implications.<sup>1</sup> This indicates that relationships between men and women in Islam are not left without guidelines; rather, they are directed by Sharia principles to maintain social order and morality. Islam establishes marriage as a legitimate institution for channeling human desires to prevent engagement in behaviors that contradict religious values. As emphasized in Surah Al-Hujurat verse 13, Allah created humanity in diversity so that they may know one another and build harmonious relationships based on piety.<sup>2</sup> Thus, marriage is not only intended to form a family but also to maintain social and spiritual balance in human life.

Marriage registration is a complex issue in Islamic law and Indonesian legislation, with various perspectives on its status.<sup>3</sup> Textually, neither the Qur'an nor the Sunnah explicitly mandate the registration of marriage, unlike muamalat (financial transactions), which are clearly required to be recorded in the Qur'an. Consequently, classical fiqh does not consider marriage registration as essential in determining the validity of a marriage. However, with the passage of time, marriage registration has become a crucial legal instrument for providing authentic evidence and legal protection for married couples. This concept is also reinforced in Indonesian legislation, such as Law No. 1 of 1974 and Government Regulation No. 9 of 1975, which establish registration as part of the administrative requirements for marriage.<sup>4</sup>

This study aims to examine the provisions of marriage registration with a specific focus on policies implemented in Teluk Pulai Dalam Village, Kualuh Leidong Subdistrict. In practice, the Marriage Registrar (P3N) in this village requires prospective brides and grooms to memorize the necessary, impossible, and permissible attributes of Allah, as

<sup>&</sup>lt;sup>1</sup> Teguh Abdurrohman Shodiq and Tajul Arifin, "Perspektif Hukum Islam Pasal 53 Tentang Pernikahan Wanita Hamil Di Luar Nikah Dan Korelasinya Dengan Hadits Riwayat Muslim," *Eksekusi: Jurnal Ilmu Hukum Dan Administrasi Negara* 2, no. 3 (2024): 382–95.

<sup>&</sup>lt;sup>2</sup> Agama Kementerian, *Al-Quran Dan Terjemahnya* (Jakarta Timur: Lajnah Pentashihan Mushaf Al-Qur"an, 2019).

<sup>&</sup>lt;sup>3</sup> Karina Lizwary and Wahyuni Safitri, "Kajian Hukum Terhadap Perkawinan Beda Agama Dengan Adanya Yurisprudensi Mahkamah Agung No. 1400k/Pdt/1986," *Jurnal Ilmiah Hukum*, 2017, 1–17.

<sup>&</sup>lt;sup>4</sup> STIH Padang, "Perkawinan Antar Negara Di Indonesia Berdasarkan Hukum Perdata Internasional," *Jurnal Ilmiah Fakultas Hukum Universitas Udayana* 33 (2018): 176.

well as the pillars of ritual purification (mandi), as a prerequisite for marriage registration. This policy raises legal questions regarding the compatibility of these additional requirements with existing regulations, particularly Government Regulation No. 9 of 1975, which does not include such provisions as part of the registration requirements. Therefore, this study will identify whether the local policy has a legitimate legal basis or contradicts existing regulations.

This study holds both academic and practical significance in clarifying the status of marriage registration as required by law and evolving local practices. Previous studies, such as Yasin's research on marriage registration in Law No. 1 of 1974<sup>5</sup> and works by Hendri Kori and Husna Farianti Amran discussing Khoiruddin Nasution's perspectives,<sup>6</sup> have highlighted the legal aspects of marriage registration. However, no study has specifically addressed additional policies, such as the obligation to memorize the attributes of Allah as a condition for marriage registration. Thus, this study provides a new contribution by exploring the relationship between national regulations and local practices in marriage registration. Consequently, this research offers a critical perspective on the adaptation of legal frameworks within specific communities and its implications for the validity of marriage registration in Indonesia.

#### **METHOD**

This study is a qualitative research employing an empirical juridical approach.<sup>7</sup> This approach is used to gain an in-depth understanding of how the requirement to memorize the attributes of Allah is applied in marriage registration in Teluk Pulai Dalam Village from the perspective of positive law, particularly Government Regulation (PP) No. 9 of 1975. The study utilizes two sources of data: primary and secondary data. Primary data is obtained through field research by conducting in-depth interviews with several parties directly involved in the marriage registration process. The respondents in this study include Hidayat Murni, a member of the Marriage Registration Officer (PPN)

<sup>&</sup>lt;sup>5</sup> Yasin Yasin, "Pencatatan Nikah, Talak Dan Rujuk Menurut Undang-Undang No. 1/1974 Dan PP. No. 9/1975," *Jurnal Ilmiah Al-Syir'ah* 13, no. 2 (2015).

<sup>&</sup>lt;sup>6</sup> Hendri Kori and Husna Farianti Amran, "Pencatatan Sebagai Syarat 'Sah' Perkawinan; (Telaah Terhadap Pemikiran Khoiruddin Nasution)," *Al-Fikra: Jurnal Ilmiah Keislaman* 20, no. 2 (n.d.).

<sup>&</sup>lt;sup>7</sup> Peter Mahmud Marzuki, "Penelitian Hukum," Jakarta: Kencana Prenada Media 55 (2005).

responsible for marriage registration administration; Imran Ali, a prospective groom who has undergone the registration process with the requirement to memorize the attributes of Allah; and Siti Nurbaya, a prospective bride who experienced the same process. In addition to interviews, this study also conducts direct observations to understand how this requirement is implemented in society.

Secondary data is obtained through a literature review by examining various legal sources, legislation, and relevant documents. The primary legal reference in this study is Government Regulation No. 9 of 1975 concerning the Implementation of Marriage Registration. Other literature related to marriage law policies, Islamic law, and social perspectives on marriage requirements is also analyzed as part of the study.

The data analysis method employed in this study is qualitative descriptive analysis. Data obtained from interviews, observations, and literature reviews are collected and then categorized based on relevant themes, such as the understanding and implementation of the requirement to memorize the attributes of Allah in marriage registration, the perspectives of relevant stakeholders on this policy, and the policy's compliance with applicable legal regulations. Once categorized, the data is analyzed in depth to identify patterns and relationships between the research findings and the existing legal framework. The results of this analysis are then compiled and presented in a descriptive format to provide a comprehensive overview of the implementation of the requirement to memorize the attributes of Allah in marriage registration in Teluk Pulai Dalam Village.

#### RESULT AND DISCUSSION

#### 1. Legal Basis for Marriage Registration in Indonesian Legislation

Marriage registration is a crucial instrument in Indonesian family law. The legal basis for marriage registration is regulated by various laws and regulations, including Law No. 1 of 1974 on Marriage<sup>8</sup> and Government Regulation No. 9 of 1975.<sup>9</sup> These regulations aim

<sup>&</sup>lt;sup>8</sup> Alma Depa Yanti, "Primbon Jawa Sebagai Tradisi Penentuan Hari Nikah: Telaah Konsep Maqashid Al-Syariah," *ISLAMIKA* 5, no. 3 (2023): 1069–82.

<sup>&</sup>lt;sup>9</sup> H Zahry Hamid, *Pokok-Pokok Hukum Perkawinan Islam; Dan Undang-Undang Perkawinan Di Indonesia* (Binacipta, 1978), hlm.45.

to provide legal certainty for married couples and ensure that their rights are legally protected. Additionally, marriage registration plays a vital role in maintaining orderly population administration and preventing unlawful marriages. The concept of competence in marriage registration is also a significant factor in its implementation. A person's ability to understand and apply marriage registration regulations determines the effectiveness of existing laws. This competence includes knowledge of legal provisions, the authority of marriage registrars, and the applicable registration mechanisms. With adequate competence, marriage registrars can perform their duties optimally in providing marriage registration services.

Marriage registration in Indonesia is carried out by penghulu (Islamic marriage registrars) who serve at the Office of Religious Affairs (Kantor Urusan Agama or KUA). As state representatives, penghulu are responsible for ensuring that marriage registrations comply with the applicable legal provisions. Moreover, penghulu also serve a social function as role models in marriage law and religious values within the community. In practice, *penghulu* act as state agents who ensure that every marriage is officially recorded. This is crucial in preventing nikah siri (unregistered marriages), which can disadvantage one party, particularly women and children. Official marriage registration clarifies the legal status of the marriage, ensuring that the rights and obligations of the spouses are upheld.

Law No. 1 of 1974 explicitly states that all marriages must be registered in accordance with prevailing regulations. <sup>11</sup> Government Regulation No. 9 of 1975 further clarifies this by outlining the marriage registration mechanisms based on the couple's religion. For Muslim couples, registration is conducted through KUA, while for non-Muslim couples, it is handled by the Civil Registry Office (Kantor Catatan Sipil or KCS).

The primary purpose of marriage registration is to provide legal certainty and protection of the rights of married couples and their children. Registered marriages grant couples valid legal proof of their union, which serves as a basis for handling civil

<sup>&</sup>lt;sup>10</sup> Sri Wahyuni, "Kontroversi Perkawinan Beda Agama Di Indonesia," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 11, no. 2 (2011): 14–34, https://doi.org/10.30631/alrisalah.v11i02.466.

<sup>&</sup>lt;sup>11</sup> Hasbiyallahul Muttaqin and Agus Supriyanto, "Ketentuan Hukum Kewarisan Bagi Anak Angkat Dalam Perspektif Kompilasi Hukum Islam Dan Kitab Undang-Undang Hukum Perdata," *MASLAHAH (Jurnal Hukum Islam Dan Perbankan Syariah)* 7, no. 1 (2016): 17–48.

administration and other legal documents. Despite the legal mandate, marriage registration in Indonesia still faces numerous challenges, particularly in rural areas and traditional communities that continue to practice unregistered customary marriages. Although the law requires registration, many couples are reluctant to report their marriages to the relevant authorities. One of the main reasons for the low marriage registration rate is a lack of awareness regarding its importance. Additionally, economic factors and limited access to registration offices pose significant challenges for some communities. Therefore, intensive socialization efforts are necessary to increase public awareness of the benefits of marriage registration.

Unregistered marriages have serious legal consequences for both spouses and their children. One major issue is the unclear legal status of the couple and the children born from such marriages. Without official registration, wives and children may face difficulties in claiming inheritance rights, financial support, and other legal protections. Furthermore, couples who marry without official registration are at higher risk of legal disputes regarding divorce and property division. Without proof of marriage registration, one party can easily evade legal responsibilities. Therefore, marriage registration serves as an essential instrument for ensuring justice and legal certainty for all parties involved.

In Islamic jurisprudence, marriage registration is not explicitly mentioned in classical legal sources. However, the concept aligns with the principle of *sadd al-dzari'ah* (preventing harm)<sup>12</sup> and *maqashid syariah* (the objectives of Islamic law),<sup>13</sup> which aim to protect individual rights within society. Marriage registration is also in line with the principle of justice in Islam, where every individual has the right to obtain legal recognition of their marriage. Registration safeguards women's and children's rights and helps prevent practices that could be harmful to any party in a marriage.

Beyond legal aspects, marriage registration also contributes to social order. A clear registration system prevents social issues arising from illegal marriages, including secret

<sup>&</sup>lt;sup>12</sup> Abdul Syatar et al., "Examining Call for the Dissolution of Indonesian Ulema Council: Siyāsah Syar'íyyah Perspective," *JURIS* (*Jurnal Ilmiah Syariah*) 22, no. 2 (2023): 199, https://doi.org/10.31958/juris.v22i2.6678. 
<sup>13</sup> Zuhri Humaidi, Agus Moh. Najib, and Shofiyullah Muzammil, "The Polemic of Veil Restriction at UIN Sunan Kalijaga (Identity, Discourse Contest, and Struggle for Authority)," *Fikrah* 10, no. 2 (2022): 377, https://doi.org/10.21043/fikrah.v10i2.16614.

polygamous and polyandrous unions. A well-regulated marriage registration system reflects administrative order in population records. It enables the government to manage demographic data efficiently and provide better public services.

The government plays a crucial role in ensuring that all marriages are properly registered. Efforts to improve registration rates include:

- a. Increasing public awareness through socialization programs on the importance of marriage registration.
- b. Improving accessibility by making registration procedures more convenient.
- c. Providing incentives for couples who comply with legal registration requirements.

Furthermore, collaboration with religious and traditional leaders is essential in promoting awareness about marriage registration. By involving multiple stakeholders, public understanding and compliance with marriage registration can be significantly enhanced. To ensure compliance with marriage registration laws, strict law enforcement is necessary. Penalties should be effectively implemented to deter unregistered marriages, especially in cases where they may cause harm to one of the parties involved. However, legal enforcement should also be accompanied by educational approaches to help communities understand that marriage registration is part of their legal rights and obligations within family life.

Marriage registration is a fundamental aspect of Indonesian family law, aiming to ensure legal certainty, protect the rights of spouses, and maintain social order.<sup>14</sup> With improved implementation and greater public awareness, marriage registration can serve as an effective tool for creating a more orderly and just society.

## 2. The Social and Legal Impact of the Application of the Requirement to Memorize the Attributes of Allah in Marriage Registration in Teluk Pulai Dalam Village, Kualuh Leidong Sub-district

Marriage registration is a legal requirement aimed at ensuring the rights and well-being of the husband, wife, and their future offspring. The marriage certificate serves as an official document that legitimizes the union in the eyes of the state, thereby safeguarding the couple's rights in case of disputes or divorce. Without registration, legal

<sup>&</sup>lt;sup>14</sup> Juwaini Saleh et al., "Marriage Guidance towards Family Resilience in Aceh: A Study of Islamic Law Philosophy," *Samarah* 6, no. 2 (2022): 594–613, https://doi.org/10.22373/sjhk.v6i2.12448.

complications may arise, particularly when separation occurs, as divorce must be processed through the Religious Court. This necessity highlights the importance of adhering to legal requirements before a marriage can be officially recognized. The legal framework governing marriage registration is outlined in Government Regulation No. 9 of 1975, specifically Article 6(1), which mandates that marriage registration officials verify the fulfillment of all legal requirements. These requirements include birth certificates, parental consent (if applicable), judicial dispensations, and additional permissions for specific cases such as military personnel marriages. Compliance with these legal provisions ensures that marriages are documented appropriately, providing couples with legal security and protection.<sup>15</sup>

In the village of Teluk Pulai Dalam, marriage registration officials have introduced an additional requirement: the memorization of Allah's attributes (wajib, mustahil, and jaiz) and the pillars of ritual purification (rukun mandi). This condition must be fulfilled before the marriage can be officially recorded. The prospective bride and groom must demonstrate their memorization before the registration official, who conducts a formal assessment (*tasmi'*). This practice, while not part of national legal regulations, has become a customary requirement in the local community.

According to an interview with Ali Imran Hasibuan,<sup>16</sup> a prospective groom, the requirement to memorize Allah's attributes and the pillars of ritual purification was enforced as a prerequisite for official marriage registration. He stated that failure to pass the memorization test after two attempts resulted in the marriage not being officially recorded, as had occurred in previous cases. This illustrates the binding nature of the requirement within the local community and its impact on individuals seeking to register their marriages.

Siti Nurbaya, a prospective bride,<sup>17</sup> confirmed that the requirement is widely recognized and adhered to in their village. She explained that the bride and groom must

<sup>&</sup>lt;sup>15</sup> Yockie Veronico Amantha Sinaga, "Tinjauan Yuridis Pelaksanaan Kontrak Pengadaan Renovasi Gedung Pada Kantor Wilayah Direktorat Jenderal Kekayaan Negara Sumatera Utara (Studi Kontrak Nomor Prj-1/Wkn. 02/Pbj/2018)," 2018, hlm.20.

<sup>&</sup>lt;sup>16</sup> Muhammad Syafri Yansyah, "Imran Ali, Selaku Calon Pengantin, Wawancara Di Desa Teluk Pulai Dalam, 10 Desember 2023, Pukul 10.00" (Desa Teluk Pulai Dalam, 2023).

<sup>&</sup>lt;sup>17</sup> Muhammad Syafri Yansyah, "Siti Nurbaya, Selaku Calon Pengantin, Wawancara Di Desa Teluk Pulai Dalam, 10 Desember 2023, Pukul 14.00" (Desa Teluk Pulai Dalam, 2023).

visit the marriage registration official's residence two days before the wedding to undergo the tasmi' process. This indicates that the requirement has become a deeply ingrained tradition within the local marriage registration process, influencing how couples prepare for their wedding.

The head of the local Religious Affairs Office (KUA) acknowledged the existence of this additional requirement. He explained that the regulation was introduced by a marriage registration assistant due to concerns over high rates of underage marriages and low education levels among couples. The aim was to instill religious knowledge that would contribute to the stability of future marriages. This perspective highlights the perceived benefits of the additional requirement in addressing social and religious concerns.<sup>18</sup>

One of the primary factors influencing the introduction of this requirement is the low level of education among prospective couples in Teluk Pulai Dalam. According to Hidayat Murni,<sup>19</sup> an education expert, many young couples lack basic religious knowledge, including essential Islamic practices such as ritual purification. The requirement to memorize religious concepts was therefore introduced as a means of ensuring that couples possess fundamental religious literacy before marriage.

Another significant factor behind the requirement is the prevalence of underage marriages in the village. Many young people enter marriage without sufficient parental guidance and engage in early relationships that lead to premature unions. This practice has raised concerns about the ability of young couples to sustain stable marriages, leading to the introduction of religious education as a preventive measure. From a legal perspective, the additional requirement does not contradict national marriage laws but represents a localized interpretation of marriage preparation. In Islamic jurisprudence, marriage registration falls under maslahah mursalah, meaning that it is a beneficial practice that is not explicitly mandated by religious texts but is implemented for the

<sup>&</sup>lt;sup>18</sup> Muhammad Syafri Yansyah, "Amsah, Staf Kantor Urusan Agama, Wawancara Di Desa Teluk Pulai Dalam, 15 Desember 2023, Pukul 15.00" (Desa Teluk Pulai Dalam, 2023).

<sup>&</sup>lt;sup>19</sup> Muhammad Syafri Yansyah, "Hidayat Murni, Anggota PPN (Pegawai Pencatatan Nikah), Wawancara Di Desa Teluk Pulai Dalam, 20 Desember 2023, Pukul 15.00" (Desa Teluk Pulai Dalam, 2023).

greater good. The requirement to memorize religious principles can thus be seen as an extension of this concept.

The Qur'an emphasizes the importance of documentation in transactions, as stated in Surah Al-Baqarah (2:283).<sup>20</sup> While this verse primarily addresses financial dealings, the principle of documentation as a means of preserving rights and preventing disputes can also be applied to marriage registration. Ensuring that marriages are legally recorded aligns with the broader Islamic objective of protecting family rights. Marriage registration officials in Teluk Pulai Dalam have taken on an expanded role by incorporating religious education into the marriage registration process. While their primary duty is to verify legal requirements, they also function as religious educators, ensuring that couples enter marriage with a foundational understanding of Islamic principles.

Requiring prospective couples to memorize religious concepts may have long-term benefits, including increased awareness of religious obligations, improved marital harmony, and reduced divorce rates. By emphasizing religious literacy, the policy aims to strengthen the institution of marriage within the community.<sup>21</sup> Despite its intended benefits, the requirement has faced criticism for being overly rigid and potentially discriminatory. Couples who struggle with memorization may face obstacles in registering their marriage, leading to concerns about accessibility and fairness in the marriage registration process. Marriage registration practices vary across Indonesia, with some regions imposing additional requirements while others adhere strictly to national legal standards. The Teluk Pulai Dalam case represents a unique intersection of legal, religious, and cultural considerations in marriage registration.

Female candidates may face additional pressure due to societal expectations regarding religious knowledge. Women who struggle with memorization may experience stress and anxiety, potentially affecting their confidence and participation in the marriage process. A legal review of the additional requirement suggests that while it does not violate national law, it may exceed the intended scope of marriage registration

<sup>&</sup>lt;sup>20</sup> Kementerian, Al-Quran Dan Terjemahnya.

<sup>&</sup>lt;sup>21</sup> M Sulhan and Zulkipli Lessy, "Otoritas Dan Dakwah Tuan Guru Pada Masyarakat Lombok: Studi Analisis Teori Sosial 'Otoritas Max Weber," *Dalam Jurnal An Nawa: Jurnal Studi Islam* 4, no. 22 (2022): 104–6.

regulations. The absence of a formal legal basis for the requirement raises questions about its enforceability and potential implications for couples who fail to comply. Religious scholars hold differing opinions on the necessity of such requirements. While some argue that promoting religious knowledge aligns with Islamic values, others caution against imposing conditions that are not explicitly mandated in Islamic legal texts. Given the mixed reactions to the requirement, policymakers may consider alternative approaches, such as offering voluntary religious education sessions rather than making memorization a strict prerequisite for marriage registration.

The Teluk Pulai Dalam case highlights broader discussions about marriage law in Indonesia, particularly the balance between legal formalities and religious traditions. Future policy developments may need to address the integration of religious knowledge within marriage preparation programs. The implementation of additional marriage registration requirements in Teluk Pulai Dalam reflects a localized effort to address social and educational concerns. While the requirement aims to strengthen religious literacy, its enforceability and fairness remain subjects of debate. A balanced approach that respects both legal standards and religious education may offer a more inclusive solution for future marriage registration practices.

#### **CONCLUSION**

Based on this study, it was found that the policy implemented by the Assistant Marriage Registration Officer (P3N) in Teluk Pulai Dalam Village requires prospective brides and grooms to memorize the attributes of Allah—wajib (obligatory), mustahil (impossible), and jaiz (permissible)—and to understand the pillars of ritual purification before their marriage can be registered. This policy has no legal basis in Government Regulation No. 9 of 1975, which stipulates that marriage registration can only be conducted if the prospective spouses fulfill the requirements established by law, without any additional conditions. Therefore, this additional requirement contradicts the prevailing legal provisions. However, despite being inconsistent with national regulations, the policy provides educational benefits for the community. Considering the low level of education in the village and the high rate of underage marriages, this policy

aims to enhance the prospective spouses' understanding of Islamic teachings. A better comprehension of Allah's attributes and the procedures of ritual purification is expected to help them build a harmonious, loving, and compassionate household (sakinah, mawaddah, and warahmah).

To resolve this discrepancy, the government or relevant authorities need to take concrete measures. First, the Ministry of Religious Affairs should conduct socialization efforts to educate Marriage Registration Officers (P3N) and Religious Affairs Offices (KUA) at the village level about the marriage registration regulations in accordance with Government Regulation No. 9 of 1975. Second, an official guideline should be established to integrate religious education into marriage preparation without introducing additional administrative requirements that conflict with the law. For instance, education on Allah's attributes and ritual purification could be included as an optional component of premarital counseling rather than a mandatory registration requirement. Third, stricter supervision of marriage registration procedures in certain regions is necessary to prevent deviations from established regulations. By implementing these solutions, a balance can be achieved between compliance with national laws and the need to enhance religious understanding among prospective spouses, without creating administrative barriers that contradict state regulations.

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