

THE PRACTICAL APPLICATION OF HARMONIZED TAKLIFI AND WADH'I LAWS IN THE INDONESIAN MARRIAGE LAW SYSTEM

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Abstract

The purpose of Islamic law is to achieve social welfare by protecting five important aspects of life, including marriage law. To maintain the validity of marriage in Indonesia, it is very important to harmonize taklifi law, which regulates obligations and prohibitions, with wadh'i law, which stipulates the conditions for a valid marriage. This harmonization is reflected in Law No. 16/2019, which sets the minimum age for marriage at 19 years old, in line with the requirements of baligh in Islamic law. This study aims to provide a deeper understanding of the harmonization of taklifi and wadh'i law in marriage law and how both can be effectively applied in modern Indonesia. The study found that taklifi law establishes obligations and prohibitions in marriage, while wadh'i law determines the conditions for its validity, such as the presence of a guardian and witnesses. In Indonesia, these two laws are integrated through the Compilation of Islamic Law (KHI) and the Marriage Law to maintain the validity of marriage and protect individual rights. Although Law No. 16/2019 has set the minimum age at 19 years, its implementation still faces challenges related to child marriage cases influenced by cultural and economic factors.

Keywords: marriage law; taklifi; wadh'i.

I. Introduction

Islamic law is a legal system derived from the revelation of Allah SWT through the Qur'an and Sunnah of the Prophet Muhammad SAW. The main objective of Islamic law, known as maqashid al-shari'ah, is to bring about the benefit of mankind. This is achieved by upholding beneficial good and rejecting harmful evil, both in this world and in the hereafter. This concept of goodness includes the protection of five essential aspects of life: religion (hifz ad-din), life (hifz an-nafs), intellect (hifz al-'aql), lineage (hifz an-nasl), and property (hifz al-mal). In the context of marriage law, Islamic law provides guidance for maintaining social order and reducing the harm that can arise from marriages that are invalid or not in accordance with Sharia (Sunarto dkk., 2022).

The Islamic legal system has two main categories, namely taklifi law and wadh'i law. Taklifi law consists of rules containing direct commands and prohibitions from Allah SWT. In the context of marriage, this law includes requirements that must be obeyed, such as the obligation to perform a marriage contract by fulfilling the specified conditions, as well as prohibitions against acts such as adultery. On the other hand, wadh'i law is a provision that determines the validity of an action, such as the conditions for a valid marriage, which include the presence of a guardian, witnesses, Ijab Kabul, and a minimum age limit for the couple.

The alignment between taklifi and wadh'i laws is very important in the application of marriage law in Indonesia, given that marriage law is a vital aspect of maintaining social and religious stability. Marriage law not only covers moral commands and prohibitions, but also technical aspects that regulate the validity of a marriage. For example, the provisions in the Indonesian

Marriage Law require prospective spouses to meet certain conditions, such as a minimum age requirement, which reflects the wadh'i law in Islamic sharia. In this case, Islamic law requires a person who wishes to marry to reach puberty (baligh), which is then harmonized with Indonesian national law through Law Number 16 of 2019, which sets the minimum age for marriage at 19 years for both men and women (Asman dkk., 2023). This harmonization is important because marriage law in Indonesia is dualistic, combining elements of religious law (Islam) with positive state law. The application of taklifi law, which emphasizes obligations and prohibitions, must be combined with wadh'i law, which regulates the conditions and causes of the validity of an action. For example, taklifi law considers marriage as a permissible act, but wadh'i law stipulates that for the marriage to be considered valid, the parties involved must fulfill the conditions regulated by law, such as the consent of the guardian, the presence of witnesses, and the fulfillment of the minimum age as regulated by applicable laws and regulations.

In Islam, marriage law falls under the category of muamalah, which is the law that governs human relationships (habl min al-nas). Unlike worship, which involves a vertical relationship between humans and Allah SWT, muamalah has a horizontal dimension that governs social, economic, and family relationships. In this case, the rules of marriage law are worldly in nature, but are still based on the principles of sharia. Therefore, for a marriage to be considered religiously valid and to reflect the interests of individuals and society, it must comply with the rules of taklifi law (commands and prohibitions) and wadh'i law (conditions and causes of validity of an act) (Mukhlas, 2015).

In Indonesia, where the majority of the population is Muslim, marriage is regulated not only by religious law but also by positive law. The legislation that regulates marriage is Law Number 1 of 1974 which was later updated with Law Number 16 of 2019. In this law, various provisions are stipulated that must be met in the implementation of marriage, such as minimum age requirements, the consent of the guardian, and official registration by the state. This is in line with the principle in wadh'i law which requires that for a marriage contract to be valid, the conditions set by the law must be met. In other words, marriage law in Indonesia is a combination of sharia (Islamic) law and positive state law, both of which must work harmoniously to maintain the validity of marriage in the eyes of religion and the state (Masri, 2019).

Marriage has a very important role in Islam, both socially and religiously. From a sharia perspective, marriage is not just a contractual bond between husband and wife, but also an institution designed to create peace (sakinah), love (mawaddah) and compassion (rahmah) between the couple. Therefore, to ensure that marriage is not only formally valid, but also receives blessings from Allah SWT, it is necessary to harmonize taklifi law and wadh'i law. Taklifi law regulates obligations that must be carried out, such as the obligation to carry out ijab and qabul and avoid acts prohibited in marriage such as adultery or marriage without a guardian. Meanwhile, wadh'i law stipulates the conditions that make a marriage valid in the eyes of religion and the state. For example, in Islamic law, the conditions for the validity of marriage are the presence of a guardian, witnesses, ijab qabul, and the bride and groom must reach the age of puberty. This age requirement is then harmonized in Indonesian positive law through Law Number 16 of 2019 which sets a minimum age of 19 years for men and women who want to get married (Sulistiani, 2022). This provision is an important example of the harmonization of taklifi and wadh'i laws, whereby the shari'ah rules on baligh are applied in conjunction with legislation to protect the rights of individuals, especially women, and ensure

that marriages are conducted in accordance with the principles of welfare and state law. The validity of marriage in accordance with taklifi and wadh'i laws also plays a role in maintaining social stability. A valid marriage carries legal consequences in terms of inheritance, rights and obligations between husband and wife, and the status of children born from the marriage. With official registration in positive law, as required by Law No. 16/2019, the legal status of marriage becomes clear, thus providing legal protection for the couple and the children born from the marriage.

Harmonization between taklifi law and wadh'i law is very important in creating harmony between religious commandments and formal provisions governing the validity of marriage. Taklifi law in Islam includes obligations, prohibitions, and permissions that are directly commanded or prohibited by Allah SWT. In the context of marriage, the original law is mubah (permissible), that is, a person is allowed to marry. However, in order for the marriage to be valid, it is necessary to fulfill the conditions stipulated in the wadh'i law. Wadh'i law includes provisions that determine the validity or invalidity of an action, such as the requirements of puberty, the presence of a guardian, ijab qabul, and witnesses.

In Islamic law, these provisions aim to safeguard the rights of individuals, ensure justice, and protect society from various harms. For example, the requirement of puberty is a wadh'i legal requirement that must be fulfilled for a marriage to be considered valid. Without fulfilling this requirement, the marriage can be considered religiously invalid. This harmonization is crucial, because it ensures that taklifi legal rules such as the command to marry in a legal and honorable way are not only adhered to normatively, but also ensured through formal wadh'i legal mechanisms. One concrete example of the harmonization of taklifi law and wadh'i law in Indonesian marriage law is Law No. 16/2019 which regulates the minimum age requirement for marriage. In Islamic law, baligh is a wadh'i requirement that must be fulfilled by couples getting married. It is a provision that indicates that a person has reached the physical and psychological maturity to assume responsibility in marriage. This provision is translated in positive law through the Marriage Law, which stipulates that the minimum age for marriage is 19 years old for both men and women. This age requirement was adopted to protect the rights of individuals, especially women, and ensure that couples getting married are physically, mentally and socially mature enough to lead a family life (Rifqi, 2022).

Indonesian law reflects a commitment to protecting the welfare of society through regulations that are in line with the demands of the times by setting a minimum age for marriage that is in accordance with the principle of baligh in wadh'i law. In addition, the registration of marriages by the state is also an important aspect of this harmonization. Official registration provides legal protection for couples and children born from the marriage, and ensures that the marriage is recognized not only by religion, but also by state law. The harmonization between taklifi and wadh'i law in the context of marriage ensures that marriages not only fulfill religious requirements, but also comply with state regulations, which ultimately creates order and benefit in society.

Research on the harmonization of taklifi and wadh'i law in marriage law is very important because it provides deep insight into the application of both laws in modern life, especially in Indonesia with its pluralistic legal system. Marriage is a fundamental institution that functions not only as a personal bond between husband and wife, but also as a social institution that creates stability in society. The application of the harmonization of taklifi and wadh'i law in the context of marriage law in Indonesia will help to realize marriages that are valid according to both religious and state law, while also providing blessings for society. By understanding

how the requirements of wadh'i law, such as maturity (baligh), guardian, and witnesses, are incorporated into positive law, we can see how religious rules can be adapted to modern life without abandoning the basic principles of sharia.

This harmonization also serves to balance Islamic law with positive law in Indonesia, in order to avoid imbalances in the implementation of marriage law. Through this harmonization, there is a guarantee of protection for every individual in marriage and for children born from that marriage. Given that Indonesia is a country with a Muslim majority population, it is important to ensure that religious regulations can be accommodated by the national legal system, which will ultimately benefit the entire community.

2. Research Method

The research methodology used is normative juridical, relying on secondary data as its source. In its implementation, this research uses a comparative, conceptual, and legislative approach (Soekanto & Mamudji, 2022). The data was evaluated using qualitative descriptive methods. Specifically, this study applied descriptive analysis by examining the data to obtain a comprehensive understanding of certain legal events in society, which were then further analyzed using appropriate principles (Ramdhan & others, 2021).

3. Results and Discussion

The Significance of Taklifi and Wadh'i Law in Regulating Marital Duties and Prohibitions in Islamic Sharia

In Islam, marriage is considered a fundamental and sacred institution that aims to create a harmonious, peaceful, and loving family. According to Islamic teachings, marriage is not only a social contract between two individuals, but also has an important spiritual dimension in maintaining human dignity and honor. Islam places marriage as a means to build a family that is *sakinah*, *mawaddah*, and *rahmah*, based on commitment to Allah and His laws. Therefore, for a marriage in Islam to be considered valid and sustainable, its implementation must comply with the rules set by sharia (Tengku Erwinsyahbana, 2022).

In Islamic law, marriage is governed by two main concepts, namely Taklifi Law and Wadh'i Law. Taklifi Law is a Sharia rule that covers commands, prohibitions, and permissible matters. In marriage, Taklifi Law regulates obligations such as the husband providing financial support and performing a valid marriage contract, as well as prohibitions such as marrying a mahram. Conversely, Wadh'i Law serves to regulate the conditions, causes, and obstacles of a legal action. In the case of marriage, Wadh'i Law determines the pillars and conditions for a marriage contract to be considered valid, for example, the presence of a guardian, dowry, witnesses, and *Ijab Kabul*. Islamic law, especially in the aspect of marriage, has great significance for Muslims because it is a form of obedience to Allah. In Indonesia, Islamic law is accommodated in the positive legal system through various regulations, such as Law No. 1/1974 on Marriage and the Compilation of Islamic Law (KHI) which serves as guidelines in religious courts. KHI specifically adopts sharia rules in determining the validity of marriage, for example regarding the pillars of marriage and certain prohibitions in marriage. Therefore, the existence of Islamic law in the regulation of marriage in Indonesia is not only recognized, but also integrated with national law to maintain the validity of marriage for Muslims (Nawawie & others, 2013).

Understanding the function of Taklifi Law in establishing obligations and prohibitions is very important because this has a direct impact on the relationship between husband and wife and the family as a whole. For example, the husband's obligation to provide maintenance, the wife's

obligation to obey her husband in matters that are in accordance with sharia, and the obligation to maintain the honor of the family are aspects that are regulated by Taklifi Law. Prohibitions such as marriage with a mahram or marriage during the iddah period are also part of the regulations set by Taklifi Law in order to maintain harmony and order in the life of the Muslim community. Meanwhile, Wadh'i Law has an equally important role in determining the terms and conditions of the validity of marriage. In Islam, a marriage will not be considered valid if it does not fulfill the established pillars and conditions. The validity of the marriage contract is highly dependent on the fulfillment of elements such as the presence of a guardian, valid consent, and witnesses. Without these elements, a marriage is considered invalid according to sharia, even if it has been performed according to local custom or tradition. Wadh'i law therefore serves to ensure that every marriage is performed in the correct manner and in accordance with the provisions of sharia.

The urgency of this legal arrangement is particularly important in the social and religious context of Muslim societies. Marriage is not only a private matter, but also has far-reaching implications in the social order. Adherence to sharia rules in matters of marriage will bring stability to the family and society as a whole. In Indonesia, the application of sharia law in marriage is also closely related to the enforcement of religious values recognized by the state through religious courts. A good and clear regulation of the obligations, prohibitions, and legal requirements of marriage will not only provide legal protection for the parties involved, but also prevent practices that are contrary to Islamic teachings, such as underage marriages, marriages without guardians, or marriages performed illegally. Thus, understanding and applying Taklifi Law and Wadh'i Law in the context of marriage is an important step in maintaining the validity of marriage according to sharia, as well as maintaining social and religious order in Muslim societies in Indonesia (Rosyadi, 2022).

In the context of Islamic law, Taklifi Law and Wadh'i Law are two fundamental concepts that regulate human behavior in carrying out daily activities, including marriage. Both types of law provide guidelines on what must be done, what is prohibited, and the legal requirements that must be met in an action. Taklifi laws are rules that establish commands, prohibitions, and permissibility. It divides human actions into five categories: obligatory (*wajib*), recommended (*mustahab* or *sunnah*), prohibited (*haram*), permissible (*mubah*), and *makruh* (hated but not sinful if done). In the context of marriage, Taklifi Law stipulates that the marriage contract is an obligation that must be fulfilled for the validity of marriage, as regulated in various sources of Islamic law and reinforced by legislation in Indonesia, such as in the Compilation of Islamic Law (KHI). In addition, this law also stipulates the obligation to provide a dowry to the bride, and prohibits marriage with people who are prohibited by sharia, such as marrying mahrams (prohibited close relatives). The prohibition is also confirmed in Article 8 of Law No. 1/1974 on Marriage, which states that a person may not marry a blood relative in the straight line of descent up or down (Sumardi & others, 2016). Wadh'i law, on the other hand, is the law that regulates the conditions, causes and obstacles in a legal action. In the context of marriage, Wadh'i Law stipulates the conditions that must be met for a marriage to be considered valid. These conditions include the presence of a guardian for the bride-to-be, the presence of fair witnesses, and the valid execution of *Ijab Kabul*. These rules are also contained in positive law in Indonesia, specifically in KHI Article 14 which states that a marriage is valid if it is conducted according to Islamic law, which includes the pillars of marriage such as the presence of a guardian, two witnesses, and a dowry. In addition, Wadh'i Law also regulates the conditions that can invalidate a marriage contract, such as if the marriage is carried out under duress or without fulfilling the legal conditions, as regulated in Article 27 KHI. Thus, these two concepts have an important role in ensuring that the implementation of marriage is in accordance with the provisions of sharia and the applicable laws in Indonesia. In its practical application, Islamic law

accommodated in the KHI and the Marriage Law provides legal certainty regarding the validity of a marriage, as well as the obligations and prohibitions that must be obeyed by every couple who wants to get married. This shows the integration between the principles of Islamic law and positive law in Indonesia.

Taklifi law in the context of marriage plays an important role in regulating the various obligations and prohibitions that must be obeyed by married couples. These rules are based on commands, prohibitions, and recommendations in Islamic sharia, which aim to maintain order, justice, and maintain harmonious relationships in the family. In the Islamic legal system adopted by the state through the Compilation of Islamic Law (KHI) and Law No. 1 of 1974 concerning Marriage, the principles of Taklifi Law are also used as a legal basis that regulates family life in Indonesia (Akip & others, 2024).

First, in terms of marital obligations, Taklifi Law establishes a number of responsibilities that must be fulfilled by husbands and wives in domestic life. One of the husband's main obligations is to provide maintenance, both outwardly and inwardly, to his wife and children, as stipulated in Article 80 KHI. In addition, another obligation is to maintain the rights and obligations of each spouse, such as the husband's obligation to provide protection, and the wife's obligation to respect and support her husband. Taklifi law also requires the execution of a valid marriage contract, which involves the elements of the pillars of marriage such as *ijab kabul*, guardian, dowry, and witnesses, all of which are regulated in Articles 14-20 KHI. This emphasizes the importance of maintaining the validity of the marriage contract so that the relationship between husband and wife is legally recognized from both religious and state perspectives (Muhammad Syaifuddin dkk., 2022).

On the other hand, Taklifi Law also stipulates various prohibitions that must be avoided in marriage. One of the main prohibitions stipulated in the Quran and affirmed in KHI is the prohibition of marrying mahrams, i.e. people who are closely related, such as siblings, aunts, or nephews. Article 8 of Marriage Law No. 1/1974 explicitly prohibits marriage with close relatives to maintain the purity of family relationships and prevent genetic problems. In addition, Taklifi Law also prohibits polygamy that does not meet the requirements of justice, where a husband is only allowed to marry more than one woman if he is able to be fair to his wives. This prohibition is affirmed in Surah An-Nisa verse 3 and strictly regulated in Article 4 of the Marriage Law (Cahyani, 2020).

Another important prohibition in Taklifi Law is marriage during the *iddah* period, which is the waiting period that a woman must endure after divorce or death of her husband before she can remarry. The *iddah* period is stipulated to ensure there is no confusion regarding lineage if the woman becomes pregnant. Articles 39-40 of the KHI outline the provisions of the *iddah* period and prohibit marriage during this period, in an effort to maintain order in marriage and protect the rights of children who may be born. Overall, Taklifi Law plays a vital role in the regulation of obligations and prohibitions in marriage, both from a religious perspective and within the framework of positive law in Indonesia. These rules not only aim to maintain the order and validity of marriage, but also to protect the rights and obligations of husband and wife and ensure compliance with the principles of sharia and state law.

In Islamic law, Wadh'i Law plays a very important role in determining the terms and conditions of the validity of marriage. Wadh'i Law serves to determine the conditions, causes, or obstacles that affect the validity of a legal action, including in a marriage contract. This role is very relevant in maintaining the sanctity and legality of marriage in accordance with sharia, which is then also accommodated in the positive legal system in Indonesia, especially through Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). The terms and pillars of marriage in Wadh'i Law determine whether a marriage is considered valid or not according to Islamic law. The pillars of

marriage, which include *ijab kabul*, guardian, dowry, and witnesses, are the main elements that must be fulfilled for the marriage to be valid. *Ijab kabul* is the statement of the contract between the prospective husband and the guardian, which must be done clearly and in the presence of witnesses (Basir, 2022). In addition, the presence of a guardian is an absolute requirement that cannot be ignored, especially in women's marriages, where the guardian must meet certain conditions, such as Muslim, puberty, sound mind, and fairness. This provision is also stipulated in the Compilation of Islamic Law in Indonesia, which emphasizes the importance of the presence of a guardian for the validity of marriage.

The validity of witnesses in the marriage contract is also strictly regulated. A minimum of two fair and reasonable Muslim male witnesses are required to witness the contract. The presence of these qualified witnesses determines the validity of the marriage contract, as stipulated in the KHI, which is in line with the principles of Islamic law. If the witnesses do not meet the requirements, then the marriage can be considered invalid. In addition to the pillars, Wadh'i Law also regulates the existence of obstacles or invalidators of marriage. One of them is related to the dowry that has not been given. The dowry is an integral part of the conditions for the validity of marriage in Islam, and its absence can be a barrier to completing the marriage contract. KHI also emphasizes the importance of the *mahr* as an obligation of the husband that must be fulfilled, whether in the form of goods, money, or services, and given to the wife as a form of respect (Nugroho & Sy, 2019).

If one of the pillars, such as *ijab kabul* or the guardian, is not fulfilled, the marriage contract is considered void. This ruling is clearly explained in the Compilation of Islamic Law, which is also adopted by positive law in Indonesia. Similarly, a marriage performed under duress will not be considered valid in Islam. Marriage must be entered into voluntarily by both parties without any coercion, in accordance with the teachings of sharia and the laws and regulations in force in Indonesia. Law No. 1/1974 on Marriage in Indonesia implicitly recognizes these concepts, especially in the application of the conditions for the validity of marriage, which refers to the provisions of Islamic law through the Compilation of Islamic Law. This reflects the harmonization between Islamic sharia and positive law in Indonesia, where regulations related to the terms and conditions of the validity of marriage in Islam are accommodated and applied nationally (Djuniarti, 2018).

A comprehensive understanding of Taklifi Law and Wadh'i Law is essential in the regulation of marriage according to Islamic sharia. Taklifi Law regulates the obligations, prohibitions and permissibility of conjugal relations. Obligations such as the performance of the marriage contract and the provision of dowry must be fulfilled in accordance with the provisions of sharia, while prohibitions such as marrying a mahram and polygamy without justice are also strictly regulated. Understanding these obligations and prohibitions is essential to ensure that a harmonious household is built in accordance with sharia principles. On the other hand, Wadh'i Law plays a role in determining the validity of legal actions, especially regarding the legal requirements of marriage, such as the presence of a guardian, qualified witnesses, and the provision of dowry. Adherence to these rules aims to make the marriage valid and not cause legal problems in the future, both in terms of religion and positive law.

In the social context of Muslim communities in Indonesia, the awareness of the importance of Taklifi Law and Wadh'i Law in marriage is very relevant. These two laws maintain social order by emphasizing the importance of marriage in accordance with sharia teachings. For example, the prohibition of marrying without a guardian or *siri* marriages that are not legally registered can lead to uncertainty in marital status and the rights that arise from such marriages, such as inheritance and maintenance rights. With proper implementation, this law can minimize violations in the

institution of marriage, maintain household harmony, and protect the rights of husbands, wives, and children in the family (Huda & Rohman, 2023).

The integration of Taklifi Law and Wadh'i Law with positive law in Indonesia is one important example of how sharia principles can be applied in the state legal system. In this case, the Compilation of Islamic Law (KHI) and Law No. 1 Year 1974 on Marriage become the legal basis that accommodates sharia rules in the context of marriage. These positive laws not only protect the rights of married couples, but also safeguard the interests of children born from the marriage. For example, provisions regarding maintenance obligations, inheritance rights, and child protection are forms of legal protection that can be implemented through collaboration between sharia law and positive law in Indonesia. This shows the importance of synergy between sharia rules and state rules in ensuring the continuity of religious and legal marriages (al Asyari, 2016).

In the context of marriage according to Islamic law, understanding Taklifi Law and Wadh'i Law is very important. Taklifi Law, which stipulates obligations and prohibitions, plays a crucial role in maintaining order and the sanctity of the institution of marriage. This law regulates the actions that a Muslim should or should not take in marriage, thereby helping to uphold moral and ethical values in society. On the other hand, Wadh'i Law specifically determines the requirements and pillars that must be fulfilled for a marriage to be considered valid according to Islamic law, covering all aspects from consent and dowry to witnesses. This validity is important not only from a religious perspective but also in terms of state law, because Indonesia, through Marriage Law No. 1 of 1974, recognizes marriages conducted in accordance with each person's religion and beliefs.

The Application of Taklifi and Wadh'i Law in Positive Marriage Law in Indonesia

To determine the validity of a marriage, it is very important to understand the relationship between taklifi and wadh'i law, especially in relation to the requirement of puberty. Taklifi law, which regulates Allah's commands and prohibitions for a mukallaf (a person who is bound by Sharia law), categorizes marriage as an act of worship that can be obligatory, sunnah, mubah, makruh, or haram, depending on the individual's circumstances. A person's ability to carry out these commands and avoid these prohibitions depends on their puberty status. Since a child who has not yet reached puberty is not fully bound by sharia, any marriage they enter into is considered not in accordance with taklifi law (Haries & Maisyarah Rahmi, 2021).

Wadh'i law serves to regulate various conditions, causes, and obstacles (mani') in the application of a law. In the context of marriage, wadh'i law stipulates that maturity (baligh) is one of the main requirements for the validity of a marriage. This means that even though a marriage may be recommended or permitted according to taklifi law, it is still not legally valid if it does not meet the wadh'i requirements, such as maturity. Thus, taklifi and wadh'i laws complement each other. Taklifi law gives legal value to an action, while wadh'i law determines the validity of that action based on certain conditions. The interaction between these two laws can be seen in the practice of marriage in Indonesia, where Islamic law and positive law influence each other. For example, Law Number 16 of 2019 stipulates that the minimum age for marriage is 19 years for both men and women. This rule is in line with the principle of wadh'i law, which requires baligh (puberty) as a condition for a valid marriage. From the perspective of taklifi law, marrying an underage child is not an obligation, so the marriage has no religious value and can even be considered haram (forbidden) if it causes harm (Nasution & Nasutio, 2022).

In practice, there are still cases of child marriage in several regions in Indonesia, which shows a lack of understanding or disregard for the provisions of taklifi and wadh'i law. For example, cases of child marriage caused by economic or cultural factors. This shows that without fulfilling the

requirement of baligh as a wadh'i provision, and without awareness of the burden of sharia as a taklifi provision, the marriage is invalid and violates the applicable positive law. Thus, a comprehensive understanding of the interrelationship of taklifi and wadh'i laws in determining the validity of marriage is essential. Both must be fulfilled to ensure that the marriage is not only legally valid, but also in accordance with the values of Islamic law and the prevailing laws and regulations in Indonesia (Hermanto, t.t.).

The legal system in Indonesia is a combination of customary law, Western law, and Islamic law. One area that reflects the integration of these various legal systems is marriage law. In this context, regulations related to the age of puberty become an important highlight, especially in relation to determining the age of marriage. The legal framework for marriage in Indonesia is regulated in Law Number 1 of 1974 concerning Marriage and its amendment through Law Number 16 of 2019. This law regulates various aspects of marriage, including the minimum age for marriage, which was changed from 16 years old for women to 19 years old for both men and women. This revision was made to harmonize with human rights principles and to prevent child marriage, which is still considered vulnerable in Islamic law which does not set a strict minimum age, but is based on a person's physical and mental maturity called baligh (Sulistiani, 2021).

The role of Islamic law in the national legal system is also significant in terms of marriage. Islamic law introduces the concept of baligh, which is a condition in which a person is considered mature under religious law and capable of taking full responsibility. In the Islamic fiqh tradition, the age of baligh is linked to physical maturity, but is also determined by biological factors, such as menstruation for women or wet dreams for men. However, the application of this concept of baligh often collides with the legal age limit set by positive law.

In the Islamic legal system, two types of law are known, namely taklifi law and wadh'i law. Taklifi law is a rule that regulates obligations and prohibitions for individuals, while wadh'i law is more about determining certain conditions that trigger the enactment of a rule of law. In the context of marriage law in Indonesia, the principles of taklifi law, such as the obligation to marry if you have reached the age of puberty and are physically and mentally capable, have been accommodated by setting a minimum age for marriage. However, the diverse concepts of baligh in Islamic fiqh are not directly reflected in positive law, which emphasizes a clear age limit. The biggest challenge in applying the concepts of taklifi and wadh'i law in the Marriage Law is the age of puberty. Islamic law does not specify a uniform age of puberty, while positive law through the revision of the Marriage Law sets a minimum age limit of 19 years. This creates a debate on how Islamic law can be effectively integrated in the national legal system, without ignoring the universal principles of child rights and gender equality.

One example of a relevant case in the application of taklifi and wadh'i law in positive law related to marriage is the decision of the Constitutional Court Number 22/PUU-XV/2017. This case focused on a petition to review the marriage age limit in Law Number 1 Year 1974. In its decision, the Constitutional Court decided to raise the minimum age of marriage for women to 19 years, equal to men. This decision is one proof that the principles of positive law established by the state can accommodate the values of Islamic law, but with adjustments in accordance with the demands of protecting human rights and the progress of the times. In analyzing this decision, there is an effort to harmonize Islamic law, which prioritizes the concept of baligh, with positive law, which is more concerned with protecting children from early marriage. The decision also shows a recognition of the importance of wadh'i law, which is the establishment of certain legal conditions (age 19) that must be met before a person can marry. Overall, the application of taklifi and wadh'i law in Indonesian positive law, particularly in the context of marriage law, is an evolving challenge.

The integration between the values of Islamic law and positive legislation requires careful adjustment so that these two legal systems can go hand in hand in protecting individual rights and upholding justice (Rosida dkk., 2021).

Challenges and problems in legal harmonization, especially in the context of marriage law, are issues that continue to attract attention. One of the important aspects to be discussed is the age of puberty, where there are differences between Islamic law and positive law applicable in Indonesia. Some of the challenges that arise in this regard include differences in legal interpretation, the limitations of positive law, and the influence of social and cultural aspects. Differences in the interpretation of taklifi and wadh'i laws among scholars and legal practitioners are one of the main challenges in the harmonization of marriage law. In Islamic law, the concept of baligh is one of the determinants of when a person is considered capable of marriage. However, there are variations in the interpretation of the signs of baligh, both from a biological and psychological point of view. Some scholars use physical signs such as menstruation or ihtilam (wet dream) as indicators, while others emphasize psychological maturity and the ability to take responsibility. These differences in interpretation affect the consistency of the application of the law, especially regarding the minimum age of marriage, which often leads to differences in practice in the field (Van Bemmelen & Grijns, 2018).

Positive law in Indonesia, represented by Marriage Law No. 16/2019, sets a minimum age limit of 19 years for men and women to marry. However, this law is still considered limited in accommodating the principles of taklifi and wadh'i law in Islamic law. In the view of Islamic law, the age of puberty can occur before the age of 19, especially for women who are already menstruating. This disparity creates a legal dilemma for people who want to follow religious provisions, but are bound by the rules of state law. In some cases, people try to find a way out by applying for marriage dispensation, which in turn opens up opportunities for inconsistencies in the implementation of the law (Kurniawati, 2021).

Another challenge in harmonizing marriage laws related to the age of puberty is the local social and cultural aspects that have a major influence on legal practices. In some regions in Indonesia, customs still play an important role in determining the age of marriage. In the context of marriage law, local cultures often give precedence to customs over the provisions of positive law or even religious law. For example, in some communities, marriage at a young age is considered normal or even expected, even though the law has set a certain age limit. These practices add to the challenge of harmonizing religious law with existing social realities. In addition, economic inequality also influences people's views on early marriage. In some areas, social and economic pressures push families to marry off their children early, regardless of whether they have reached the age of puberty according to Islamic law or the law. This not only creates legal problems, but also has a negative impact on the health and well-being of children who marry young. Overall, the challenges in legal harmonization related to the age of puberty in marriage cover various dimensions, ranging from differences in legal interpretation, the limitations of positive law, to social and cultural aspects. Legal harmonization efforts in Indonesia require a comprehensive approach, which not only takes into account aspects of religious and state law, but also considers the diverse social conditions of society (Yunianto, 2018).

Legal reform in the context of the age of puberty has significant implications for the legal system and society. Efforts to harmonize Islamic law and positive law, especially in the field of marriage, not only aim to increase legal certainty, but also to strengthen religious values in the community. This renewal process is also influenced by the community's response and adaptation to the changes that occur. One of the main objectives of legal reform, especially in terms of harmonization between

Islamic law and positive law, is to increase legal certainty and justice. In the context of the age of puberty, harmonizing the provisions between religious law and national legislation can reduce uncertainty in the practice of marriage law. In Indonesia, the minimum age for marriage is set in the Marriage Law No. 16/2019, which sets the age at 19 years for both men and women. Although Islamic law provides flexibility regarding the age of puberty, setting this age limit is important to provide clear legal protection and avoid differences in interpretation that can lead to inconsistencies in the application of the law in the field.

Better legal certainty will also provide a guarantee of justice for the community. With a clear age limit, people can better understand their rights and obligations regarding marriage, thereby reducing the potential for legal disputes. In addition, the harmony between religious law and positive law will strengthen the integrity of the national legal system, while ensuring that religious values are still recognized and respected within the framework of state law.

Legal reform related to the age of puberty also has important implications for strengthening religious values, especially Islamic values in national law. With the effort to harmonize marriage law with Islamic principles, this reform is not only a legal step, but also reflects the state's commitment to the recognition of religious values in its legal system. In the context of Islamic law, the age of puberty is one of the main indicators in determining a person's readiness for marriage. Nonetheless, the positive law provision that sets a minimum age of 19 for marriage remains acceptable to most Muslim communities, as this age is considered adequate to ensure one's physical and mental maturity (Marwiyah dkk., 2023). Thus, legal reform that includes religious values can strengthen religious identity in society and create a more inclusive legal system. It also contributes to a better understanding of the importance of the balance between religious principles and legal protections in the modern context.

The challenges in adapting laws related to marriage age reform reflect the complexity of the interaction between positive law, culture, and religion in Indonesia. The response and ability of the community to adapt to these changes are important indicators in assessing the effectiveness of the harmonization of laws that are being implemented. Indonesian society, with its diverse cultural backgrounds and religious beliefs, naturally has varying views on the issue of early marriage. In a number of communities, especially in rural areas or among economically disadvantaged groups, early marriage is still considered normal and even seen as a solution to social or economic problems within the family. Although the law has set the minimum age for marriage at 19, local customs and cultural values often continue to dominate families' decisions regarding the timing of their children's marriages. However, there has been a positive shift in the way society views the importance of restricting the age of marriage. As understanding of children's rights and awareness of the health, social, and psychological impacts of early marriage practices increase, more and more people are beginning to accept the minimum age for marriage as a measure to protect the younger generation. Efforts to raise awareness of the importance of this policy are key to building public awareness and adaptation to this legal reform. The government and religious institutions play a strategic role in providing education and instilling the understanding that enforcing the minimum age limit is not only a legal obligation but also part of a moral and social responsibility to ensure a better future for children. Overall, this legal reform regarding the age of adulthood has had a significant impact on the national legal system and the social life of the community. In addition to strengthening legal certainty and affirming religious moral values, this policy has also encouraged various adaptive responses from the community in accordance with their socio-cultural backgrounds. To ensure its successful implementation, a comprehensive approach is needed through improved legal education, ongoing socialization, and community empowerment so that people understand the importance of

legal protection for the younger generation. This approach is the main foundation in ensuring that legal changes are not only written in regulations but are truly internalized in the social consciousness of Indonesian society.

4. Conclusion

According to Islamic law, taklifi and wadh'i laws play a crucial role in regulating marriage. Taklifi law stipulates obligations and prohibitions for married couples, such as the obligation to provide financial support and the prohibition of marrying mahrams. Meanwhile, wadh'i law determines the conditions for a valid marriage, including the presence of a guardian, dowry, witnesses, and Ijab Kabul. Both types of law aim to ensure the validity of marriage in the eyes of religion and positive law, as well as to create a harmonious family in accordance with the principles of Sharia. In Indonesia, these two laws are integrated through the Compilation of Islamic Law (KHI) and the Marriage Law. This process harmonizes religious rules with national law to protect individual rights in marriage and maintain social stability. This harmonization is particularly evident in the context of the requirement of baligh (maturity), which is stipulated by wadh'i law as a condition for a valid marriage. This is then manifested in Law No. 16/2019, which sets the minimum age for marriage at 19 years. However, the implementation of this regulation still faces challenges, especially in cases of child marriage influenced by cultural and economic factors. This harmonization effort essentially aims to align sharia principles with national law in order to protect individual rights, especially those of children, and maintain the integrity of the legal system. For this legal reform to succeed, adaptation from society and a better understanding of the importance of balancing religious values and legal protection for the younger generation are required.

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