

Marriage Legalization (Itsbat Marriage) for Unregistered Mixed Marriages (Study of Decision Number: 62/Pdt.P/2016/PA.JB)

Indah Umami¹, Endang Heriyani²

University of Muhammadiyah Yogyakarta, Indonesia

Article Info

Article history:

Accepted: 9 April 2026

Publish: 1 May 2026

Keywords:

Mixed Marriages;

Unregistered Marriage;

Itsbat Marriage.

Abstract

Article 2 (2) of Law No. 1 of 1974 on Marriage stipulates that every marriage must be registered in accordance with applicable laws and regulations. For Muslims, marriage registration takes place at the KUA. However, in reality, many citizens still enter into unregistered marriages (*siri*), which are not officially recorded due to difficulties in meeting document requirements, particularly for Indonesian citizens (WNI) marrying foreign nationals (WNA). Unregistered marriages have detrimental effects, particularly on the wife and children. This study is a normative legal research that examines the legal system as its subject. The objective of this study is to determine the legal considerations of the judge at the Jakarta Barat Religious Court in granting the *itsbat* marriage ruling for an unregistered mixed-marriage in Decision No. 62/Pdt.P/2016/PA.JB. The conclusion of the study is that the legal reasoning of the judge of the West Jakarta Religious Court in granting the petition for the recognition of marriage in Decision No. 62/Pdt.P/2016/PA. JB, the judge referred to Article 14 of the Compilation of Islamic Law, which governs the pillars of marriage, and the *fiqh* doctrine in the book *Bughyatul Mustarsyidin*, page 298, regarding marriage witnesses, and the book *Tuhfah*, Volume IV, page 133, regarding the acknowledgment of marriage by a bride who has reached puberty. The judge determined that the essential elements and conditions for conducting a marriage under Islamic Law had been fulfilled. Thus, the judge's decision to grant the petition for marriage validation was in accordance with existing regulations.

This is an open access article under the [Lisensi Creative Commons Atribusi-BerbagiSerupa 4.0 Internasional](https://creativecommons.org/licenses/by-sa/4.0/)



Corresponding Author:

Endang Heriyani

Universitas Muhammadiyah Yogyakarta, Indonesia

Email Coresspondent: cheriyani@gmail.com

1. INTRODUCTION

Every human being born into this world is inherently endowed with human rights. One of these human rights is the right to marry. According to Article 1 of Law No. 1 of 1974, marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family (household) based on belief in the One Supreme God. The physical bond reflects only the formal aspect, while the spiritual bond reflects the informal or unseen aspect.

Marriages are generally entered into by a woman who is a virgin or a widow and a man who is a bachelor or a widower, provided certain mandatory requirements are met. Generally in Indonesia, marriages are entered into by men and women who share the same citizenship, namely Indonesian citizens. However, in recent years, there have been cases of Indonesian citizens marrying foreign nationals, known as mixed marriages. According to Article 57 of Law No. 1 of 1974 on Marriage, a mixed marriage is “a marriage between

two individuals in Indonesia who are subject to different laws due to differences in nationality, where one party holds Indonesian citizenship.” Mixed-nationality marriages occur in Indonesia due to the large number of foreign nationals who come to Indonesia for various reasons, such as work, tourism, seeking refuge, and so on. Generally, the process of arranging a mixed-nationality marriage is quite complex, as the foreign national—hereinafter referred to as the FN—must obtain a Certificate of No Impediment (CNI), also known as a single status certificate. The CNI is a document certifying that the individual is eligible to marry and intends to marry an Indonesian citizen. This certificate is issued by the relevant authorities in the individual’s home country, such as the embassy.

For a marriage to be valid under Islamic law, it must fulfill the essential elements and conditions of marriage. The majority of scholars agree that the essential elements of marriage consist of:

1. The presence of the bride and groom-to-be who are to be married.
2. The presence of a guardian representing the bride-to-be.
3. The presence of two witnesses.
4. The marriage contract (*sighat akad nikah*), which consists of the exchange of consent (*ijab qabul*) spoken by the guardian or his representative on behalf of the bride, and accepted by the groom-to-be.

If any of these essential elements is not fulfilled, the marriage is considered void. In addition, there are several requirements that must be met by both prospective spouses, as stipulated in Article 6 of the Marriage Law, namely:

- (1) Marriage must be based on the consent of both prospective spouses.
- (2) To enter into marriage, a person who has not yet reached the age of 21 (twenty-one) must obtain the consent of both parents.
- (3) In the event that one of the parents has passed away or is unable to express their will, the consent referred to in paragraph (2) of this article may be obtained from the surviving parent or from the parent who is capable of expressing their will.
- (4) If both parents have passed away or are unable to express their will, permission shall be obtained from a guardian, a custodian, or a blood relative in the direct ascending line, provided they are alive and capable of expressing their will.
- (5) In the event of a disagreement among the persons referred to in paragraphs (2), (3), and (4) of this section, or if one or more of them do not express their opinion, the court in the judicial district where the person intending to marry resides may, upon that person’s request, grant permission after first hearing the persons referred to in paragraphs (2), (3), and (4) of this section.

Not all foreign nationals enter Indonesia legally; some enter illegally. Foreign nationals who enter illegally cannot provide the necessary documents when they wish to get married. This difficulty is one of the reasons they choose to enter into a *siri* marriage. A *siri* marriage is a marriage that is not officially registered. Duraiwisy states that “*siri*” derives from the Arabic word “*sir*” or “*sirrun*,” meaning “quiet” or “secret.” A *siri* marriage is valid under religious law, but because it is not registered, the state does not provide legal protection.

According to Article 2, paragraph 2 of Law No. 1 of 1974 on Marriage, every marriage must be registered in accordance with applicable laws and regulations; therefore, all marriages performed in Indonesia must be registered with the state. The registration of marriages is further regulated in Article 2 of Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1975 on Marriage, which states that marriages conducted according to Islamic law are registered at the Office of Religious Affairs, while those of other religions are registered at the Civil Registry Office.

It is not only undocumented foreign nationals and Indonesian citizens who enter into unregistered marriages; even Indonesian citizens marry each other in such arrangements.

A siri marriage, or a marriage conducted privately, refers to a marriage that fulfills the pillars and requirements stipulated by Islamic law but is not registered at the Office of Religious Affairs. Those who enter into a siri marriage, of course, cannot obtain a marriage certificate as proof that they have been married.

Unregistered marriages cause harm, particularly to women and children. They will face difficulties in asserting their rights if the husband fails to fulfill his obligations arising from the marriage. Upon the husband's death, the wife cannot claim an inheritance, and in the event of a divorce, she will not receive a share of the marital property. Another consequence for children born of a siri marriage is that their legal status is that of a child born out of wedlock, because when the birth certificate is processed, only the mother's name is listed on the document.

One solution available to parties in a siri marriage to avoid causing harm—particularly to the wife and children—is to file a petition for itsbat marriage. Marriages that cannot be proven by a marriage certificate may file a petition for itsbat marriage with the Religious Court. Regarding itsbat marriage, the Religious Court may refer to Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage, Law No. 50 of 2009 amending for the second time Law No. 7 of 1989 on Religious Courts, as well as the Compilation of Islamic Law, hereinafter referred to as KHI. Such as the case registered at the West Jakarta Religious Court under case number 62/Pdt.P/2016/PA.JB. This case involves a petition for itsbat marriage filed by Petitioner I, a refugee from Palestine (foreign national), and Petitioner II, an Indonesian citizen; they are a married couple who entered into a siri marriage in 2014. In 2016, the petitioners filed for itsbat marriage to obtain legal recognition of their marriage and to meet the requirements for obtaining a marriage certificate. In this case, the panel of judges granted the petitioners' request and declared their unregistered marriage, which had not been recorded at the KUA, to be valid.

Based on the background outlined above, the question raised is: what were the considerations of the judge of the West Jakarta Religious Court in granting the petition for the recognition of a mixed marriage that was not registered in Decision No. 62/Pdt.P/2016/PA.JB?

2. METHOD

This study is a normative legal study. A normative legal study, commonly referred to as a literature review, is a study that focuses exclusively on written regulations; as such, it is closely tied to the literature, since this type of normative legal research relies on secondary data found in libraries .

The research data used were obtained from secondary data, which consisted of:

- 1) Primary legal sources include:
 - i. Law No. 50 of 2009 on the Second Amendment to Law No. 7 of 1989 on Religious Courts;
 - ii. Law No. 1 of 1974 on Marriage;
 - iii. Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1975 on Marriage
 - iv. Compilation of Islamic Law
 - v. Judgment No. 62/Pdt.P/2016/PA.JB
- 2) Secondary legal materials are those closely related to primary legal materials, consisting of books and journals relevant to the research subject.
- 3) Tertiary legal materials are those that provide explanations regarding primary and secondary legal materials, namely the Kamus Besar Bahasa Indonesia (Indonesian Dictionary).

The data collection technique in this study is a document review, which involves searching for, reading, and studying primary, secondary, and tertiary legal materials.

Data analysis in this study was conducted descriptively with an evaluation using the deductive method, namely general data on legal concepts, whether in the form of legal principles, doctrines, or expert opinions, which were systematically organized as a set of legal facts to examine the determination of itsbat marriage regarding unregistered mixed-marriage unions.

3. RESULTS AND DISCUSSION

3.1 Application for the Validation of a Marriage Regarding an Unregistered Interfaith Marriage in Decision No. 62/Pdt.P/2016/PA.JB.

Petitioner I (the groom) and Petitioner II (the bride) were married according to Islamic rites at Petitioner I's rented residence in the Kota Bambu Selatan area, Palmerah Subdistrict, West Jakarta. At the time of the wedding, the marriage guardian was a man who was a neighbor of Petitioner I, because Petitioner II's biological father was ill. The marriage witnesses were a friend of Petitioner I and the Head of the Neighborhood Unit (RT) where Petitioner I resides. The dowry consisted of a cash payment of Rp. 100,000 (One Hundred Thousand Rupiah). No marriage contract was drawn up for this marriage. Petitioner I and Petitioner II have been living together as husband and wife but have not yet been blessed with children. Petitioner I and Petitioner II are not related by blood or by breastfeeding, and they have met the requirements and face no prohibitions against marrying, whether under Islamic law or applicable statutory regulations. At the time the Petitioners were married, Petitioner I was a bachelor and Petitioner II was a virgin. Petitioner I and Petitioner II have never received a marriage certificate from any Office of Religious Affairs because they have never registered their marriage at any such office. Throughout the marriage, no third party has contested the marriage of the Petitioners, and during that time the Petitioners have remained Muslim. The Petitioners require a Marriage Decree from the West Jakarta Religious Court to serve as a legal basis for establishing the validity of their marriage and to meet the requirements for obtaining a Marriage Certificate.

Subsequently, the petitioners filed a petition for the validation/registration of their marriage with the West Jakarta Religious Court, which was registered with the West Jakarta Religious Court Registry under Register No. 62/Pdt.P/2016/PA.JB, dated March 24, 2016. The Petitioners requested that the Court determine that the Office of Religious Affairs authorized to register the Petitioners' marriage is the KUA of Kebon Jeruk Subdistrict, West Jakarta City. In submitting this petition, the petitioners submitted written evidence in the form of photocopies of Identity Cards (KTP) and photocopies of UNHCR Refugee Cards issued by the UNHCR (United Nations High Commissioner for Refugees) Office in Jakarta. These documentary evidences have been properly stamped and verified against the originals. In addition to the documentary evidence, the petitioners also submitted witness testimony. The witnesses were community leaders in the area where the petitioners reside, as well as neighbors of Petitioner I and Petitioner II, and the Head of the Neighborhood Unit (RT) in the petitioners' residential area, who is acquainted with the petitioners.

The judges' rulings are as follows:

- 1) Granting the petitioners' request;
- 2) Declaring valid the marriage between Petitioner I and Petitioner II that took place on October 13, 2014, in the Palmerah Subdistrict, West Jakarta;

- 3) Ordering the Petitioners to register this ruling with the Marriage Registrar at the Kebon Jeruk Subdistrict Religious Affairs Office, West Jakarta City, so that the marriage may be recorded in the register provided for that purpose.

3.2 The Judge's Rationale for Granting the Petition for Marriage Validation in Decision No. 62/Pdt.P/2016/PA.JB.

Linguistically, "itsbat marriage" consists of two words: "itsbat," which is the masdar (verbal noun) derived from the verb "atsbata," meaning "to establish," and "nikah," which comes from the verb "nakaha," meaning "to marry." Thus, the term "itsbat marriage" means "the establishment of a marriage." Marriage is a sacred bond between a man and a woman as husband and wife, aimed at forming a happy and enduring family based on belief in the One and Only God. Therefore, "itsbat marriage" is the formal recognition of a marriage that has been entered into by the parties to obtain a marriage certificate or state recognition. Article 7(2) of the KHI stipulates that in cases where a marriage cannot be proven by a Marriage Certificate, a request for itsbat marriage may be filed with the Religious Court. Furthermore, under Article 7(3) of the KHI, the itsbat marriage that may be filed with the Religious Court is limited to matters concerning :

- a) A marriage entered into as part of a divorce settlement.
- b) The loss of the marriage certificate.
- c) Doubts regarding the validity of one of the requirements for marriage.
- d) A marriage that took place before the enactment of Law No. 1 of 1974.
- e) Marriages entered into by persons who have no legal impediments to marriage under Law No. 1 of 1974.

The subject matter of Decision No. 62/Pdt.P/2016/PA.JB is that Petitioner I filed a petition for the validation of his marriage to Petitioner II, which took place on October 13, 2014, in the Palmerah area of West Jakarta, because the couple had not obtained a Marriage Certificate from the time of the marriage ceremony until the petition was filed.

The marriage for which validation is sought in Decision No. 62/Pdt.P/2016/PA.JB fulfills the essential elements and requirements of marriage as follows:

a. Bride and Groom

As stated in Article 15 of the Compilation of Islamic Law, a prospective husband must be at least 19 years of age, as stipulated in Article 7 of the Marriage Law. The prospective husband in this decision is referred to as Petitioner I, who is known to be 48 years old and holds a refugee card issued by the UNHCR; as evidenced by Exhibit P.5, Petitioner I is from Palestine. This means that Petitioner I meets the requirements as a prospective husband, and there is also the additional fact that Petitioner I is a foreign national residing in Indonesia who has held a refugee card since 2015. Another requirement for a prospective husband according to Islamic teachings is that he must be a Muslim.

Pursuant to Article 15 of the KHI and Law No. 1 of 1974, the minimum age requirement for a prospective wife is 16 years. The prospective wife in this decision is referred to as Petitioner II, who is known to be 25 years old, as evidenced by a photocopy of her ID card, and is therefore an Indonesian citizen. This means that Petitioner II meets the requirements as a prospective wife.

The marriage entered into by the petitioners is a mixed marriage, as it meets the criteria for marriage set forth in Article 57 of Law No. 1 of 1974 on Marriage, which states that "a mixed marriage is a marriage between two individuals who, in Indonesia, are subject to different laws, due to a difference in nationality, and one of the parties is an Indonesian citizen." The groom is a Palestinian national, and the

bride is an Indonesian citizen. The petitioners held the marriage ceremony at the rented residence of Petitioner I, in the Kota Bambu Selatan area, Palmerah Subdistrict, West Jakarta, on October 13, 2014. The mixed marriage that took place was a secret marriage, as it was not registered at the local KUA.

Both prospective spouses have reached the legal age for marriage. Another factor to consider, aside from the prospective husband and wife, is the mutual consent of the parties. Marriage must not be based on coercion by anyone at the time of the ceremony. Article 16(2) of the Compilation of Islamic Law states that the prospective wife's consent may take the form of a clear and explicit statement, whether in writing, verbally, or through gestures. In Decision No. 62/Pdt.P/2016/PA.JB, it is not explicitly stated that the marriage they entered into was based on mutual consent; however, considering that they had lived together for two years, from October 2014 until the application for itsbat marriage was filed in March 2016, and that there was no third party involved in their marital relationship, it can be concluded that the marriage was based on the consent of the prospective bride and groom.

b. Marriage Officiant

The marriage guardian is regulated in Articles 19–23 of the Compilation of Islamic Law, which stipulate that the presence of a marriage guardian is a mandatory requirement for the prospective bride in order for the marriage to take place. The party acting as the marriage guardian must be a man who meets the requirements to serve as a guardian. There are three types of marriage guardians: the blood-related guardian (*wali nasab*), the judicial guardian (*wali hakim*), and the appointed guardian (*wali muhakkam*). A blood-related guardian is one who serves as the marriage guardian due to a blood relationship with the woman entering into the marriage. Based on the testimony provided by the witness present at the hearing regarding the marriage of the petitioners, the witness heard the biological father of Petitioner II entrust the matter to Mr. XX to marry Petitioner II to Petitioner I, with XX serving as the marriage witness at that time, and the dowry consisting of a sum of Rp. 100,000.00 (one hundred thousand) paid in cash. This statement is further corroborated by the testimony provided by Mr. XX, who also served as the guardian for the marriage of the petitioners, wherein he himself officiated the marriage between Petitioner I and Petitioner II because Petitioner II approached him to marry her to Petitioner I, since her parents/father were far away and ill; subsequently, Petitioner II called her biological father, and I, the witness, spoke with Petitioner II's biological father, and Petitioner II's biological father delegated authority to Mr. XX to marry his daughter, Petitioner II, to Petitioner I. Thus, the marriage was conducted without a blood-related guardian because Mr. XX is a neighbor of Petitioner I.

A judicial guardian is a marriage guardian appointed by the government or the authorities. A judicial guardian acts as a guardian when the blood-related guardian is absent (deceased), his whereabouts are unknown, he is in a distant location, he refuses to perform the marriage (*adlal*), he is missing, and/or he is ill.

Based on the facts of the case as stated by the petitioners, the petitioners married with a judicial guardian. This is inconsistent with the testimony of the marriage guardian himself, who stated that he is a community leader in the area and also a neighbor of the petitioners because he is acquainted with Petitioner I and Petitioner II. This is certainly inconsistent with the definition of a judicial guardian according to the Compilation of Islamic Law.

Islam also recognizes the existence of a wali muhakkam or wali tahkim. A wali tahkim is a guardian appointed by the prospective husband and/or prospective wife. This is consistent with the statement provided by the marriage guardian himself, in which he stated that Petitioner II approached him to marry him to Petitioner I because his parents/father were ill and lived far away. Therefore, it can be concluded from the above description that the guardians of Petitioner I and Petitioner II are not guardians by blood because the father of Petitioner II is ill and lives far away, making it impossible for him to act as a guardian in their marriage. According to the statements of Petitioner I and Petitioner II, they conducted the marriage using a judicial guardian; however, this does not align with the definition of a judicial guardian, as the person who performed the marriage was not an official representative of the local authorities, but merely a man who served as a neighbor to the petitioners. Therefore, the guardian they actually used during the marriage was a wali muhakkam, as this guardian was appointed by the petitioners. The judge considered the validity of this judicial guardian as the guardian in their marriage based on the evidence of a written statement of consent made by Petitioner II's father, along with a handwritten letter designating a local community leader as the marriage guardian. Thus, from the explanation above, it should be clear that the guardian used by Petitioner I and Petitioner II is a muhakkam guardian, or a guardian appointed by the prospective bride and groom.

c. Witness

The requirements for being a witness, according to Article 25 of the Compilation of Islamic Law, are that the witness must be a Muslim man who is just, of sound mind, of legal age, of sound memory, and not hard of hearing or deaf. In Islamic law, according to the four existing schools of thought, the presence of witnesses in a marriage is essential as proof that a marriage has taken place between the bride and groom. Imam Shafi'i holds that witnesses must be just, meeting a minimum standard. According to Imam Shafi'i, a person is considered just if their obedience to Allah outweighs their disobedience.

The marriage contract must be witnessed by two people to ensure legal certainty and to prevent future objections from the contracting parties. The requirements for those who will testify in court are not explicitly stated; however, upon examination, the witnesses in a marriage validation hearing are limited to those who were present and whose testimony regarding the marriage can be held accountable.

In Decision No. 62/Pdt.P/2016/PA.JB., the two witnesses were friends and the local neighborhood head (RT) of Petitioner I; however, only the marriage guardian and the local neighborhood head (RT) appeared in court to testify. From their testimonies, it can be concluded that a marriage did indeed take place on October 13, 2014, at the residence of Petitioner I, with Mr. XX acting as the marriage guardian, in the presence of two witnesses, and with a dowry of Rp. 100,000.00 paid in cash; their testimonies align with the petitioner's statements. The court cited a principle of Islamic jurisprudence stating that if the testimony provided matches the complaint/petition, the marriage is deemed valid and establishes inheritance rights, and the court accepts the acknowledgment of marriage from a woman who has reached puberty.

d. Ijab kabul

The exchange of vows is governed by Articles 27–29 of the Compilation of Islamic Law. The ijab and kabul must be performed by the groom clearly and without delay; if there is a circumstance requiring the ijab and kabul to be performed by a representative, this is permitted but only with a power of attorney from the

groom to the representative. If the bride-to-be or her guardian objects to the groom being represented, the marriage contract may not proceed.

In its legal reasoning in Decision No. 62/Pdt.P/2016/PA. Judge JB considered the testimony of witness Mr. RT, who stated that a marriage had taken place with the guardian, Mr. XX, on October 13, 2014, with a dowry of Rp. 100,000.00 at the residence of Petitioner I located in the Kota Bambu Selatan area, Palmerah Subdistrict, West Jakarta City, with no prohibitions against the marriage such as consanguinity or foster relationships. Mr. XX explained that, in essence, he was the one who married Petitioner I to Petitioner II; the rest of his testimony was consistent with that of the witness, Mr. RT, confirming that the marriage did indeed take place. Based on this testimony, it can be concluded that a valid marriage contract (*ijab kabul*) did indeed take place between Petitioner I and Petitioner II.

Before issuing the ruling, the judge considered several pieces of documentary evidence, namely an ID card issued by the competent authority that met all formal and substantive requirements, stating that Applicant II still resides in Mojopurogede Village, Gresik Regency, East Java, and is a refugee from Palestine. Another piece of documentary evidence is a letter of consent written by the biological father of Petitioner II; although this letter is a private document written by the biological father of Petitioner II, it serves as evidence of the marriage between the petitioners. In addition, the judge also considered the two witnesses presented by Petitioner I and Petitioner II at the hearing, who essentially testified that a marriage (*akad nikah*) had taken place between Petitioner I and Petitioner II in accordance with Islamic law, which was conducted on October 13, 2014, in the Palmerah area, West Jakarta, and that at said marriage, Petitioner II's biological father was absent and had delegated and authorized Mr. XX to marry off his biological daughter to a man who is a Palestinian national, in the presence of two witnesses, with a dowry of Rp. 100,000 (one hundred thousand rupiah) in cash; and there were no impediments or prohibitions preventing Petitioner I and Petitioner II from entering into marriage. According to the Panel of Judges, the testimony of the witnesses met the formal and material requirements for witnesses; therefore, the testimonies of the two witnesses for the Petitioners were consistent with one another, and thus could be accepted to support the arguments of the Petitioners' petition. The marriage between Petitioner I and Petitioner II has fulfilled the essential elements of marriage as stipulated in the Compilation of Islamic Law (KHI). The essential elements of marriage, as regulated in Article 14 of the Compilation of Islamic Law, consist of: 1) the prospective husband, 2) the prospective wife, 3) the marriage guardian, 4) two witnesses, and 5) the exchange of consent (*ijab kabul*).

In addition, the Panel of Judges cited the *fiqh* doctrine as stated in the book *Bughyatul Mustarsyidin* on page 298, which reads:

فاذا شهدت لها بينة علي وفق الدعوي ثبتت الزوجية والرت (بغية المسترشدين: 298)

This means: If there is a witness who testifies to the existence of a woman's marriage and that testimony is consistent with her claim or petition, then the marriage and the associated inheritance rights remain valid.

Furthermore, in the book *Tuhfah*, Volume IV, page 133, it is stated:

ويقبل اقرار البالغة العاقلة بالنكاح (تحفة , 4 : 132)

Meaning: And the marriage of a woman who has reached puberty is hereby recognized.

Based on the testimony of two witnesses, as outlined in the above description and considerations, the Panel of Judges finds that the marriage between Petitioner I and Petitioner II, as described in the case, must be declared proven; namely, that

Petitioner I has entered into a marriage contract with Petitioner II in accordance with the provisions of Islamic law.

Based on the aforementioned considerations and in conjunction with Article 49(2)(22) of Law No. 50 of 2009 amending the second amendment to Law No. 7 of 1989 on Religious Courts, in conjunction with Articles 7 and 14 of the Compilation of Islamic Law, the Panel of Judges concludes that the petition filed by Petitioner I and Petitioner II complies with applicable laws and regulations; therefore, the petitioners' petition should be granted by declaring the marriage between Petitioner I and Petitioner II, which took place on October 13, 2014, in the Palmerah area of West Jakarta, to be valid.

4. CONCLUSION

Based on the analysis conducted, it can be concluded that: the considerations of the judge of the West Jakarta Religious Court in granting the petition for the registration of marriage in Decision No. 62/Pdt.P/2016/PA. JB, the judge referred to Article 14 of the Compilation of Islamic Law, which governs the pillars of marriage, and the fiqh doctrine in the book *Bughyatul Mustarsyidin*, page 298, regarding marriage witnesses, and the book *Tuhfah*, Volume IV, page 133, regarding the acknowledgment of marriage by a bride who has reached puberty. The judge determined that the essential elements and conditions for conducting a marriage under Islamic Law had been fulfilled. Thus, the judge's decision to grant the petition for marriage validation was in accordance with existing regulations.

5. BIBLIOGRAPHY

- Administrator, 2019, *Aturan WNA yang Akan Menikah dengan WNI*, Indonesia.go.id - [Aturan WNA yang Akan Menikah dengan WNI](http://Indonesia.go.id).
- Abror, Khoirul, 2020, *Hukum Perkawinan dan Perceraian*. Yogyakarta: Ladang Kata.
- Asyhadie, Zaeni, dkk, 2020, *Hukum Keluarga Menurut Hukum Positif di Indonesia*, Depok:Rajawali Pers.
- Cahyani, Tinuk Dwi, 2020, *Hukum Perkawinan*, Malang, Univeristas Muhammadiyah Malang.
- Huda, Mahmud, dan Noriyatul Azmi, "Legalisasi Nikah Siri Melalui Isbat Nikah", *Jurnal Hukum Keluarga Islam*, Vol. 5 (2), (Oktober, 2020).
- Ja'far, Kumed, H.A., 2021, *Hukum Perkawinan Islam di Indonesia*, Arjasa Pratama, Bandar Lampung,
- Kharisudin, "Nikah Siri Dalam Perspektif Kompilasi Hukum Islam dan Undang-Undang Perkawinan Indonesia", *Jurnal Perspektif*, Volume 26 (1), (Januari, 2021).
- Mukhsin, Karya, M., 2019, *Saksi Yang Adil Dalam Akad Nikah Menurut Imam Al-Syâfi'i Ditinjau Dari Maqâshid Al-Syarîah*, *Jurnal Ilmiah Keislaman*, Volume 18 (1).
- Nasution, Ali Sahban, 2020, *Aspek-Aspek Teologis Dan Filosofis Tentang Wali Dan Saksi Perkawinan*, El-Izdiwaj: Indonesian Journal of Civil And Islamic Family Law. Volume 1 (2).
- Putra, Ilham Akbar Perdana, Jumni Nelli dan Zulfahmi, 2022, "Hadits Wali Nikah dan Implikasi Terhadap Wali Mujbir", *Jurnal Pendidikan Tambusai*, Volume 6 (2), (Agustus, 2022),
- Syahrudin, Muhammad, 2022, *Pengantar Metodologi Penelitian Hukum (Kajian Penelitian Normative, Empiris, Penulisan Proposal, Laporan Skripsi dan Tesis)*. Riau: Dotplus Publisher.
- Syamdan, Addin Daniar dan Djumadi Purwoatmodjo, "Aspek Hukum Perkawinan Siri Dan Akibat Hukumnya", *Notarius*, Volume 12 (1), (2019).