



Juridical Analysis of Marriage Laws and Regulations in Indonesia and the United Kingdom

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ARTICLE INFO

Keywords: Marriage, Comparative Law, Indonesian, English, Legal Pluralism

Received : 05 April 2025

Revised : 23 April 2025

Accepted: 26 May 2025

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ABSTRACT

This study analyzes the comparative juridical marriage laws and regulations system in Indonesia and the United Kingdom. Using a normative juridical method, this study examines the differences in philosophical foundations, marriage implementation procedures, registration systems, divorce provisions, and legal norms that apply in both countries. The study results show that there are fundamental differences in the marriage legal system of the two countries, where Indonesia adheres to a system that is thick with religious and pluralistic values. At the same time, the United Kingdom applies a secular and liberal approach. This difference can be seen in the regulation of marriage age limits, polygamy, same-sex marriage, and interfaith marriage. Indonesia's marriage registration system adheres to dualism with the Office of Religious Affairs for Muslims and Civil Registration for non-Muslims. At the same time, the UK has an integrated registration system through the General Register Office. Divorce procedures in Indonesia still distinguish between talaq divorce and lawsuit divorce with specific ground requirements, while the UK has implemented a no-fault divorce system. This study identifies challenges in harmonizing marriage laws due to globalization, especially related to the recognition of marriage across jurisdictions. To create legal certainty for cross-border marriages, a holistic approach and the development of a comprehensive international legal framework are needed.

INTRODUCTION

Marriage is a fundamental institution in the social structure of society that is juridically regulated by each country. Marriage regulations reflect the social, cultural, and religious values embraced by the people in a country, so there is diversity in the regulation of marriage laws in various countries. Indonesia and the United Kingdom represent two countries with very different legal systems and socio-cultural backgrounds, which is reflected in their marriage laws and regulations. This juridical comparison of marriage regulations in the two countries provides a comprehensive perspective on how historical, cultural, and religious factors influence the formation of marriage laws as well as their implications for legal certainty for citizens. Indonesia, as the country with the largest Muslim majority in the world, has a marriage legal system that is thick with the influence of Islamic values, even though it is officially pluralistic. Law Number 1 of 1974 concerning Marriage, which was later amended through Law Number 16 of 2019, became the main foundation of national marriage law in Indonesia. This regulation reflects efforts to unify marriage law in the midst of the diversity of customary and religious laws that have existed for a long time in the archipelago (Thomas, 2020). The combination of religious law, customary law, and state law in marriage regulation in Indonesia creates its own complexity in its application, especially related to the recognition and registration of marriages.

On the other hand, Britain, with its common law tradition, has a more secular marriage arrangement and is influenced by the development of modern liberalism. The Marriage Act 1949, which has been amended several times, became the main framework for marriage regulation in the United Kingdom. The British legal system places marriage more as a civil contract than a religious institution, although it still recognizes the role of religious institutions in the implementation of marriage (Lestari & Yusuf, 2025). This fundamental difference affects various aspects of marriage, ranging from implementation procedures, legal requirements for marriage, to divorce arrangements. Globalization and international migration have increased the frequency of cross-border marriages, including between Indonesian and British citizens. This raises complex legal issues related to the recognition of marriage, the rights and obligations of the spouses, and the settlement of international marriage disputes. Fundamental differences in the legal systems of the two countries often create legal uncertainty for couples who marry across jurisdictions or couples who come from two different regions (Siahaan, 2025). For example, a marriage that is legal under British law may not be automatically recognized in Indonesia if it does not meet the requirements of religious law, or vice versa.

The marriage registration system in the two countries also shows considerable or striking differences, so it is worth paying attention to or analyzing. Indonesia adheres to the principle that marriage is legal if it is carried out according to the laws of their respective religions and beliefs, while the registration of marriage is seen as an administrative obligation that does not affect the validity of the marriage itself. In contrast, in the UK, registration is an essential element of the validity of marriages, with strict procedures to ensure

that every marriage is officially registered (Wahyuni, 2020). These differences have an impact on the legal status of couples and their children, especially in the context of cross-border marriages. In the context of divorce, Indonesia and the UK also apply different approaches. The Indonesian legal system provides different treatment between husband and wife in divorce proceedings, especially for Muslims who are subject to Islamic law. The husband has the right of talaq, which is relatively easier to enforce than the right to divorce the wife, who has to go through the court for certain reasons. In contrast, English law applies the principle of gender equality in divorce, where both husband and wife have the same rights and procedures to end the marriage (Jepheth, 2025).

The difference in legal norms that apply in the two countries can also be seen in the regulation on polygamy and the minimum age of marriage. Indonesia still recognizes polygamy with certain conditions, while the UK expressly prohibits it based on the Marriage Act 1949 and the Offences Against the Person Act 1861. After the amendment of the Marriage Law through Law No. 16 of 2019, Indonesia set the minimum age of marriage for both men and women, which is 19 years old, while the United Kingdom set an age limit of 18 years since the enactment of the Marriage and Civil Partnership (Minimum Age) Act 2022 (Rohmah, 2025).

LITERATURE REVIEW

The rights and obligations of husband and wife also show significant variations. In the Indonesian context, the Marriage Law still reflects a gender-based division of roles, with the husband as the head of the family and the wife as the housewife, although both have balanced rights and positions. Meanwhile, British law emphasizes full equality between husband and wife without distinction of roles based on gender (Rohmah, 2025). These differences have implications for the arrangement of joint property, responsibility for children, and other aspects of marital life. The differences in marriage law systems and norms between Indonesia and the UK not only reflect different socio-cultural contexts (matters related to the social and cultural life of the community, such as customs, values, norms, and customs), but also have practical implications for cross-border couples. Marriages solemnized in one country may face challenges of recognition in another, creating legal uncertainty that can affect the rights of the spouse and their children. For example, polygamous marriages are legal under Indonesian law. However, they will not be recognized in the UK, and interfaith marriages that are recognized and legal in the UK but not recognized and legal in Indonesia (Nurdiansyah et al, 2025).

A comparative analysis of the marriage legal systems in Indonesia and the United Kingdom provides an in-depth understanding of the diversity of marriage arrangements in the world. It identifies legal challenges in the era of globalization. Both countries face pressure to adapt to changing social realities while maintaining the fundamental values that underpin their legal systems. Indonesia faces the challenge of balancing religious values with demands for gender equality and human rights, while Britain seeks to accommodate cultural pluralism, which means cultural pluralism in a society that respects each other

without losing their individual identities in the context of an increasingly diverse society. This comparative study also has practical significance for the formation of future marriage law policies.

An understanding of the strengths and weaknesses of each system allows policymakers to identify best practices that can be adopted to improve legal certainty without having to sacrifice the fundamental (main) values that society embraces. For example, an efficient and comprehensive marriage registration system in the UK can serve as a model for improving the registration system in Indonesia, while respect for legal pluralism in Indonesia can provide insight into efforts to accommodate cultural diversity in British marriage law.

Therefore, the author is interested in studying in depth the comparison of the legal provisions that regulate marriage in the two countries.

Problem Formulation

How does the implementation of the differences in the marriage legal system in Indonesia and the UK have an impact on legal certainty?

METHODOLOGY

This study employs a normative juridical methodology that concentrates on the examination of legal norms included in marriage legislation and regulations in Indonesia and the United Kingdom. The normative legal approach was selected to investigate the dogmatic and philosophical dimensions of the marital legal system in both nations via an extensive literature review. This approach enables researchers to perform a comprehensive examination of legal concepts, legal systematics, and pertinent legal analogies related to the research subject (Tahir et al., 2025).

This study utilizes secondary data sources, comprising primary, secondary, and tertiary legal texts. Primary legal materials encompass the laws and regulations pertinent to Indonesia and the United Kingdom, specifically Law Number 1 of 1974 regarding Marriage and its amendments via Law Number 16 of 2019, the Compilation of Islamic Law, the Marriage Act 1949, the Matrimonial Causes Act 1973, and the Marriage and Civil Partnership (Minimum Age) Act 2022. Concurrently, secondary legal documents encompass research findings, scholarly journal articles, legal textbooks, and further academic publications pertinent to marriage law in both nations. The tertiary legal materials utilized comprise legal dictionaries, encyclopedias, and cumulative indexes that assist in comprehending legal terms pertinent to marriage (Muhaimin, 2020).

Data collecting methods involve conducting literature reviews to locate, classify, and analyze all legal texts pertinent to the research subject. The process is executed methodically in the following stages: first, identifying pertinent laws, regulations, and literature; second, categorizing the materials based on established classifications in accordance with the problem formulation; third, performing content analysis of these materials to extract the necessary information to address research questions (Nugroho et al., 2020).

The comparative legal research method serves as an analytical tool to elucidate the similarities and differences between the marriage legal systems of

Indonesia and the United Kingdom. This method not only conducts a textual comparison of laws and regulations but also examines the historical, social, and cultural settings that influenced the development of marriage laws in both nations. This research is both descriptive-analytical and prescriptive, offering proposals for the harmonization of marriage legislation in a transnational framework (including multiple countries) (Syahputra, 2025).

RESEARCH RESULT ADN DISCUSSION

Marriage Law System in Indonesia and the United Kingdom

The Philosophical and Historical Foundations of the Marriage Law System

The marriage legal system in Indonesia and the United Kingdom is formed from different historical and philosophical backgrounds. Indonesia adheres to a legal system that is thick with religious values, while the British tend to the principles of secularism and liberalism. According to Islamic family law in Indonesia, it provides clear legal certainty for Muslim families, with legal sources that can be distinguished into written and unwritten. Written legal sources come from laws and regulations, jurisprudence, and treaties, while unwritten legal sources grow and develop in people's lives (Salsabila, 2025). In England, the common law system described by Holmes shows that law is dynamic as a reflection of the evolution of society. Holmes emphasizes that law is not a static construct, but adaptive to the complexity of life, which means that it is dynamic and adapts to the changes of life. This approach is reflected in the more flexible and secular British marriage legal system (Holmes, 2018).

Marriage Procedure

The process of marriage implementation in Indonesia is governed by Law Number 1 of 1974 about Marriage, encompassing both material and formal prerequisites. Naratama stated that marriage in Indonesia necessitates harmony and specific circumstances for its legality, including the involvement of guardians in the marriage process (Naratama et al., 2025). The marriage registration system in Indonesia operates under a dual framework, specifically through the Office of Religious Affairs (KUA) for Muslims and the Civil Registry for non-Muslims. In the UK, marriage proceedings are governed by the Marriage Act, which use straightforward language and without a legally enforceable religious component. The General Register Office oversees the marriage registration system in the UK, maintaining a comprehensive record of all civil events, including marriages.

Divorce Terms and Procedures

The Indonesian legal framework governing divorce is established by Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law. In the United Kingdom, divorce is governed by the Matrimonial Causes Act 1973 and the Divorce, Dissolution and Separation Act 2020.

In Indonesia, the grounds for divorce are many, include adultery, domestic abuse, abandonment for two consecutive years, incarceration for five years or more, physical disabilities that hinder home life, and persistent arguments and conflicts. Conversely, from 2022, the UK has instituted a no-fault

divorce system, enabling spouses to dissolve their marriage without the necessity of demonstrating fault from either party.

In Indonesia, divorce occurs in two forms: *talaq*, initiated by the husband, and *khula*, initiated by the wife. Conversely, in the UK, there is no distinction in divorce types depending on gender, as both spouses possess identical rights and processes for initiating divorce.

Indonesia enforces an *iddah* period for women, lasting three months and ten days, prior to their eligibility to remarry. In the UK, there is a minimum duration of 20 weeks from the submission to the issuance of the decree nisi (preliminary divorce decree). In Indonesia, the system allocates common property equitably, whereas the inheritance of individual properties is retained as private property. In the UK, the adopted methodology is the fairness approach, which entails the allocation of property based on considerations of justice, the contributions of each spouse, and post-divorce needs (Mamonto, 2023).

A significant difference can be seen in the no-fault divorce system in the UK, which does not require proof of the fault of one of the parties, while Indonesia still requires legally recognized grounds for divorce. No-fault divorce is a divorce system that allows one or both spouses to file for divorce without having to prove the other party's fault, such as infidelity or violence. This system emphasizes that the relationship can no longer be maintained without blaming anyone, thus reducing conflict in the divorce process. The UK has fully implemented this system through the Divorce, Dissolution and Separation Act 2020, which came into force in 2022. Meanwhile, Indonesia has not adhered to the no-fault divorce system, because divorce must be based on certain legal reasons as stipulated in Article 39 of the Marriage Law and Article 19 of Government Regulation No. 9 of 1975 (Law No. 16, 2019).

Rights and Obligations of Husband and Wife

Indonesian marriage law designates the husband as the family leader, but UK law underscores the principle of equality within the marital relationship. The rights and duties of spouses under Indonesian law are governed by Law Number 1 of 1974. The husband is duty-bound to safeguard his wife, supply sustenance, and assume the role of family leader, whilst the wife is tasked with household management and is entitled to maintenance and protection. They are both compelled to love, respect, and assist one another. Under English law, the rights and obligations of spouses are founded on the idea of equality, wherein both couples share equal responsibility for finances, childcare, and decision-making, devoid of any conventional role division. Divorce is governed by the notion of justice as adjudicated by the courts. Riadi elucidated that family law in Indonesia emphasizes the dynamics between children and parents, inheritance regulations, guardianship, and custody (Riadi, 2025). In the UK, financial responsibility and childcare are more frequently shared equitably between spouses.

Marriage Registration and Recognition System

Marriage Registration Mechanism

Indonesia employs a dual system for marriage registration, with Muslim marriages recorded at the KUA and non-Muslim marriages at the Civil Registry. As Imron indicated, this recording possesses legal ramifications concerning the legitimacy of marriage. The United Kingdom employs a more standardized integrated recording system through its General Register Office (Imron, 2025).

In Indonesia, marriage registration adheres to a legal framework influenced by religious tenets and governmental administration. Per Law No. 1 of 1974, Article 2, a marriage is deemed lawful if conducted in accordance with the respective religious laws and beliefs, and must be recorded at the designated authority. Muslims register at the KUA (Office of Religious Affairs), whilst non-Muslims register at the Population and Civil Registration Office (Disdukcapil). Upon the registration of the marriage, the couple will obtain a marriage certificate or a marriage certificate citation as legal evidence.

In the United Kingdom, the marriage registration mechanism is secular and centralized in the civil system. Couples who want to get married must first give notice of marriage to the local civil registry office (Registry Office) at least 28 days before the wedding. Marriages can be performed civilly at the register office or religiously at registered places of worship. After the marriage, the registrar does the recording, and the couple will receive a marriage certificate as official proof. All civil or religious marriages must be recorded in the state system to have legal force.

Cross-Jurisdictional Marriage Recognition

Cross-jurisdictional marriage recognition is the legal recognition of a marriage that takes place in one country to be valid and recognized in another country. Generally, countries adhere to the principle of *lex loci celebrationis*, which is that marriage is considered valid if it is carried out according to the law of the place where the marriage takes place, as long as it does not conflict with the public policy of the country that is asked to be recognized.

In Indonesia, the recognition of foreign marriages is regulated in Article 56 paragraph (1) of Law Number 1 of 1974, which states that marriages performed abroad between two Indonesian citizens or between Indonesian citizens and foreigners are valid if they are in accordance with the laws of the country where they take place and do not violate Indonesian law. In addition, based on Article 37 paragraph (1) of Law No. 23 of 2006 concerning Population Administration, Indonesian citizens who are married abroad are required to report and register their marriage at the Indonesian representative within 30 days after returning to Indonesia.

Meanwhile, the UK also recognizes foreign marriages as long as they are legal according to the law where they take place and the parties have the legal capacity to marry. However, the UK can refuse recognition if the marriage is contrary to public policy, such as underage marriage, polygamy, or other forms of marriage that are not in accordance with domestic law (Gitacahyani et al., 2023). It explains that international civil law plays a role in determining

jurisdiction, applicable law, and the recognition and enforcement of foreign judgments in international civil law disputes.

Legal Consequences of Unregistered Marriage

Marriages that are not registered in Indonesia are considered invalid according to state law, even though they are religiously valid. Therefore, they do not cause legal consequences such as the right to maintenance, inheritance, divorce, and child recognition. Children from this marriage are only recognized as having a legal relationship with their mother unless it is scientifically proven that there is a relationship with their father.

In the UK, marriages that are not civilly registered are not recognized as legal marriages, but are only considered cohabitation, so they do not have legal rights such as the division of property or alimony if the relationship ends. Both countries require registration so that the marriage has legal force

Differences in Applicable Marriage Law Norms

Marital Age Limit

In Indonesia, the minimum marriage age is stipulated in Article 7 paragraph (1) of Law No. 1 of 1974, as amended by Law No. 16 of 2019, set at 19 years for both men and women. If the individual is under 19 years of age, the parents may petition the court for a dispensation, provided they present compelling reasons and supporting documentation. In the UK, the Marriage and Civil Partnership (Minimum Age) Act 2022, effective February 27, 2023, establishes the minimum marriage age at 18 years, with no exceptions or dispensations permitted. The prior minimum marriage age was 16 years with parental consent; however, this regulation has recently been revoked to avert child marriage.

Arrangements Regarding Polygamy

In Indonesia, polygamy is governed by Article 3 of Law No. 1 of 1974 regarding Marriage, which stipulates that a husband may engage in polygamy only with judicial consent and upon fulfilling specific conditions, including the capacity to provide equitable support to the wives and the wife's inability to fulfill her marital duties. Polygamy is permitted just for Muslims and is more comprehensively regulated in the Compilation of Islamic Law (KHI), but it is explicitly forbidden for non-Muslims.

Conversely, polygamy is forbidden and unacknowledged within the legal framework of the UK. The Marriage Act of 1836 and related legal provisions assert that marriage is exclusively legitimate between one man and one woman, rendering polygamous unions invalid. In the event that an individual married to many partners abroad immigrates to the UK, only the initial marriage is deemed legally valid, as the subsequent marriages are not recognized.

Interfaith Marriage Arrangements

In Indonesia, interfaith marriage is rigorously regulated, particularly for individuals of differing religions. According to Article 2 of Law No. 1 of 1974

regarding Marriage, a marriage is only lawful if conducted in conformity with religious laws and corresponding beliefs. Consequently, individuals of disparate religions are prohibited from marrying under the law, unless one party subscribes to the same faith or both consent to adhere to a specific religion. However, it is feasible to secure a judicial dispensation in some exceptional circumstances, although this occurrence is infrequent.

Simultaneously, the legislation in the UK is more permissive about interfaith marriage. The Marriage Act 1836 specifies that there are no legal restrictions on marriage between individuals of differing religions. In the UK, individuals, irrespective of their religious affiliation, may marry provided they satisfy the minimum age criteria and secure the requisite approvals. This embodies the tenets of religious liberty and pluralism as implemented inside the British legal framework.

The Effect of Differences in Systems and Norms on the Legal Certainty of Marriage

Juridical Implications of Mixed Marriage

Variations in legal systems and norms among nations can influence the legal certainty of mixed marriages. In Indonesia, intermarriage necessitates intricate administrative processes, including registration with the state representative and compliance with the legal frameworks of both nations, potentially leading to legal disputes concerning marital status and the entitlements of spouses or offspring. In the UK, mixed marriages are more readily acknowledged; yet, complications emerge regarding inheritance rights and the citizenship of offspring from these unions. This disparity engenders legal ambiguity about civil rights and the administration of official documents.

Harmonization of Marriage Law in the Context of Relations of Two States

The harmonization of marriage law in the context of bilateral relations between countries aims to create harmony and reduce legal conflicts related to marriage involving citizens of two or more countries. In practice, this harmonization can include mutual agreement on the recognition and implementation of cross-jurisdictional marriages and arrangements on the rights and obligations of married couples and children born of such marriages (Law No. 11, 1974).

Countries with bilateral relations can cooperate to draft international treaties or conventions that equalize important provisions, such as the age limit of marriage, the principle of monogamy, and divorce procedures. For example, through bilateral agreements, countries can regulate the procedure for registering cross-border marriages to be more efficient and legally recognized by both countries. This harmonization is important to provide legal certainty to couples in mixed marriages, reduce potential legal conflicts, and ensure that their civil rights are protected in accordance with the provisions applicable in both countries.

Challenges and Solutions in Law Enforcement

The challenges in enforcing the certainty of marriage law in Indonesia and the United Kingdom are evident in the differences in their legal systems, cultures, and recognition of marriage across jurisdictions.

In Indonesia, the challenges include complicated bureaucracy in the marriage registration process, especially for couples married to foreign nationals, who must register at the Indonesian state representative abroad. In addition, religious differences in marriage are an obstacle, as Indonesia only allows interfaith marriages through the courts with certain conditions, which limit the couple's freedom to marry.

Although the legal system in the UK is more open to interfaith marriages, challenges arise regarding the legal recognition of marriages performed abroad or jurisdictional differences that may affect the inheritance rights and citizenship of children.

CONCLUSION AND RECOMMENDATIONS

A juridical analysis of the marriage legal systems in Indonesia and the United Kingdom reveals fundamental differences that reflect the unique socio-cultural backgrounds of the two countries. Indonesia's marriage legal system is based on religious values with a dualism of registration that distinguishes between Muslim and non-Muslim marriages, while the British system is more secular with an integrated registration mechanism through the General Register Office. Significant differences can be seen in the age limit of marriage, polygamy arrangements, recognition of same-sex marriages, and interfaith marriage arrangements, which reflect the differences in the legal paradigms of the two countries. Indonesia allows polygamy with strict requirements, while the UK prohibits it absolutely with criminal sanctions. Divorce procedures in Indonesia still distinguish between talaq divorce and lawsuit divorce, with certain reasons, while the UK has implemented a no-fault divorce system that does not require proof of guilt. Globalization and the increasing frequency of cross-border marriages have created new challenges in the harmonization of marriage law, especially related to the recognition of marriage, the rights and obligations of spouses, and the settlement of international marriage disputes. A holistic approach that considers normative and empirical aspects is needed to realize legal certainty in cross-border marriages, including the development of a comprehensive international legal framework to regulate cross-jurisdictional marriages.

ADVANCED RESEARCH

Future research should focus on juridical analysis of marriage laws and regulations in Indonesia and the United Kingdom and other countries, with parameter not only administrative procedure but also the differences of culture. Solutions to these challenges could include simplifying administrative procedures and implementing bilateral or multilateral treaties that govern the recognition of cross-border marriages, thereby providing legal certainty for international couples.

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