



Maqāṣid Al-Syarī'ah Al-Syāṭibī and Responsive Law: A Fair Formulation for Registering Guardians in the Marriage of Adopted Children

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ABSTRACT

This study aims to analyze the practice of marriage guardian registration in adopted children's marriages in Mojokerto Regency and City, particularly regarding the validity of marriage guardianship between adoptive fathers and biological fathers, and to review the policies of Marriage Registrars (PPN) from the perspective of Maqāṣid al-Syarī'ah al-Syāṭibī and responsive legal theory. The research method used is descriptive qualitative with a normative-sociological legal approach. Data were obtained through interviews with PPNs at 21 Religious Affairs Offices (KUA) in Mojokerto Regency and City and a review of legal documents, such as Law Number 1 of 1974 concerning Marriage, Law Number 35 of 2014 concerning Child Protection, The results of the study indicate that the VAT policy in conducting the marriage of adopted children with the biological father as a guardian, even though the administrative document lists the adoptive father, is a form of responsive legal application. The policy is oriented towards the benefit (maslahah) as per the principles of Maqāṣid al-Syarī'ah which includes protection of religion (ḥifẓ al-dīn), descendants (ḥifẓ al-nasl), and soul (ḥifẓ al-nafs). However, administratively, the existing regulations have not accommodated this social reality, resulting in a normative vacuum. This study recommends a new legal formulation in the form of an additional article in the marriage registration regulations that authorizes the KUA (Office of Religious Affairs) to correct marriage certificates without going through two stages of court proceedings. This formulation is expected to provide legal certainty, justice, and benefits for the community and strengthen the integration between Islamic law and positive law in Indonesia.

INTRODUCTION

Marriage is an important aspect of human life, encompassing spiritual, social, and legal dimensions. In the context of Islamic law, the marriage of adopted children often raises issues regarding the status of guardians and their registration, as adopted children lack a blood relationship with their adoptive parents. In Islam, adopted children are not permitted to use their adoptive father's name, are not related by blood, do not inherit from each other, and an adoptive father cannot be a guardian for a female adopted child (QS Al-Ahzab: 4-5).

In Islamic teachings, there are three (3) things that must be considered to determine the status of an adopted child. Firstly, adopted children cannot use their adoptive father's name. Secondly, the adopted child, adoptive father, adoptive mother and adopted siblings are not related by blood. They can live in the same house, but must comply with the mahram's regulations, they cannot see their private parts, do seclusion, fathers and adopted brothers cannot be guardians in the marriage of adopted daughters. The three of them do not inherit from each other, meaning that adopting a child does not have legal consequences in terms of blood relationship, guardian-mewali relationship and inheritance relationship with adoptive parents. He remains the heir of his biological parents and the child continues to use the name of his biological father. As Allah says in QS Al-Ahzab verses (4) and (5)

Allah has not made for a man two hearts in his bosom; nor has He made your wives whom you have zihar your mothers, nor has He made your adopted sons your sons. These are but words in your mouths. Allah speaks the truth and He shows the (right) way. (QS. Al-Ahzab: 4)

Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning child protection, Article 1 states that: "the purpose of adopting a child is not to change lineage, but only to care for, raise, educate and guide the adopted child. This has created problems for Marriage Registrars (PPN) at the Office of Religious Affairs (KUA). In the last eight years (2017-2024), approximately 8% of cases of adopted child marriages involved in marriages involving inaccurate identity documents.

The Mojokerto case demonstrates a discrepancy between administrative data (the adoptive father is listed on the marriage certificate) and the facts on the ground (the biological father is the marriage guardian). The PPN initially rejected the registration because it did not comply with Law Number 1 of 1974, but ultimately proceeded with the marriage for the sake of legality according to Islamic law and social welfare. This phenomenon demonstrates a legal vacuum because existing regulations, such as PMA Number 30 of 2024, do not address the discrepancy between the guardianship data between the documents and the facts on the ground.

The VAT policy demonstrates the legal adaptation to social needs, although it creates legal uncertainty. The process of changing a marriage certificate is also considered burdensome by the public, as it must go through two courts: the District Court for birth certificate changes and the Religious Court for guardian

changes. This situation places a significant burden on the public in terms of time, costs, and psychological burdens.

Sociologically, this demonstrates the public's low understanding of adoption and guardianship laws. Philosophically, the PPN's actions can be interpreted as an effort to safeguard the rights of children and biological fathers, ensuring their religious and legal validity. Theoretically, resolving this issue requires a *Maqāṣid al-Syarī'ah al-Syātibī* approach—which emphasizes the benefit of preserving religion, life, descendants, and property—as well as Responsive Legal Theory (Nonet & Selznick), which demands that laws adapt to social realities.

These two approaches form the basis for the need for a new legal formulation that accommodates social realities, provides legal certainty and justice in determining marriage guardians for adopted children, and gives the KUA the authority to correct marriage certificates without going through a lengthy court process.

Based on the background description above, this research can aim to analyze and formulate legal concepts based on the review of *Maqāṣid al-Syarī'ah al-Syātibī* regarding the formulation of marriage guardian registration in the marriage of adopted children, as well as the legal formulation of marriage guardian registration in the marriage of adopted children reviewed from the Responsive Legal Theory.

This research has a high level of originality because it specifically discusses the formulation of marriage guardian registration in the marriage of adopted children using a dual approach, namely *Maqāṣid al-Syarī'ah al-Syātibī* and Responsive Legal Theory. So far, studies on marriage guardians of adopted children generally only focus on the validity of the contract or lineage relationship, not reaching the level of formulating registration policies in the national legal system.

This research is based on the fact that there is a difference between positive law and social practice in registering the marriage guardianship of adopted children. To bridge this gap, two approaches are used: (1) *Maqāṣid al-Syarī'ah al-Syātibī*: assessing the validity and benefit of the law normatively; (2) Responsive Legal Theory: encouraging legal adaptation to social needs. Both are expected to produce a legal formulation for registering the marriage guardianship of adopted children that is fair, beneficial, and applicable to Indonesian society.

LITERATURE REVIEW

In order to avoid misunderstanding in the interpretation of terms, several important terms used in this research are explained as follows: (1) Formulation, what is meant by formulation in this research is the process of systematically compiling or formulating a concept, principle, or legal policy to produce new norms or provisions that have a philosophical, juridical, and sociological basis. In this context, the formulation is directed at compiling a policy for registering marriage guardians in adopted children's marriages so that they are in line with the principles of Islamic law and positive law in Indonesia; (2) Adopted Child Marriage, adopted child marriage is a marriage contract carried out by someone

who has the status of an adopted child, namely a child who does not have a blood relationship with his adoptive parents. The status of an adopted child often gives rise to legal problems in determining the marriage guardian because according to sharia, the one who has the right to be a guardian is the biological father, not the adoptive father; (3) Marriage Guardian, marriage guardian is a valid pillar in the marriage contract that cannot be omitted. In Islamic law, a marriage guardian is a man who has the right to marry a woman, starting with the biological father, then moving to the closest male relative from the father's line if the biological father is not present; (4) *Maqāṣid al-Syarī'ah al-Syātibī*, the concept of *Maqāṣid al-Syarī'ah* according to *al-Syātibī* is the main goal of Islamic law which is oriented towards human benefit by maintaining five basic principles (*al-kulliyāt al-khamsah*), namely the protection of religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), mind (*ḥifẓ al-'aql*), offspring (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*); (5) Responsive Legal Theory, responsive legal theory was put forward by Philippe Nonet and Philip Selznick, which emphasizes that law must be adaptive, participatory, and reflect the moral values of society. Law is not only an instrument of power, but also a means to realize social justice and the common good.

This research differs from several previous studies, including: (1) Liky Faizal (2018) who examined the legal politics of marriage registration from the perspective of *Siyāsah al-Syarī'ah*; (2) Reniyadus Sholehah (2023) who examined marriage registration based on *Maqāṣid al-Syarī'ah Jamāluddīn al-'Aṭiyyah*; (3) Dedi Sumanto (2020) who highlighted the benefits in marriage agreements; (4) Dwi Arini Zubaidah (2019) who discussed marriage registration as a new form of *ijtihād* in contemporary Islamic law; (5) Moh. Lutfi Ridlo (2021) who examined the reconstruction of adopted children's guardianship rights; and (6) Deasy Mauliana (2018) who examined the concept of innovative discretion in government services.

Several previous studies have discussed guardians of adopted children's marriages, but their focus is different: (1) Ahmad (2018) discusses the status of guardians of adopted children from a *fiqh* perspective, but has not yet touched on the administrative recording aspect; (2) Nurul (2020) examines adoption in Islamic law, but does not relate it to modern legal theory; (3) Siti (2023) reviews the position of guardians of adopted children in the KUA, but without *maqāṣid* analysis and responsive legal theory.

This research goes beyond the limitations of these studies by combining normative Islamic legal analysis with modern legal theory to formulate a policy for registering marriage guardians that is responsive, contextual, and aligned with the principle of public welfare. Therefore, the results of this study are expected to contribute to strengthening the integration of Islamic law and positive law in Indonesia, particularly in the realm of Islamic family law.

The Concept of Adopted Children in Islamic Law and Positive Law

In Islamic law, adopted children (*tabannī*) do not change the lineage status between the child and his biological parents. The Qur'an emphasizes, "Call them (adopted children) by the names of their fathers; that is what is fairer in the sight

of Allah" (QS al-Aḥzāb [33]: 5). This means that legal relationships such as lineage, inheritance and guardianship do not transfer to adoptive parents.

According to positive law in Indonesia, Law Number 35 of 2014 concerning Child Protection states that adoption is carried out in the best interests of the child, without changing the blood relationship between the child and their biological parents. In the Compilation of Islamic Law (KHI) Article 171 letter (h), an adopted child is defined as a child who is legally cared for and raised by another person, but does not sever the blood relationship with their biological parents.

Thus, from both an Islamic perspective and national law, an adopted child does not have a marriage guardianship relationship with their adoptive father. Marriage guardianship remains the right of the biological father or a male lineal guardian from the paternal line.

Marriage Guardians and Their Registration in Marriage Law

Marriage guardian is one of the legal pillars of marriage in Islam. Without a guardian, a woman's marriage contract is invalid, as the Prophet SAW said: "No marriage without a guardian is valid." (HR. Abu Dawud, al-Tirmidhi). In the context of positive law, this provision is regulated in KHI Articles 20–23.

Meanwhile, marriage registration is regulated by Law Number 1 of 1974 and Government Regulation Number 9 of 1975, which stipulate that every marriage must be registered by an authorized official to have legal force. This authority rests with the Office of Religious Affairs (KUA) for Muslims.

However, in practice, discrepancies often arise between administrative data (for example, the name of the guardian on the birth certificate) and the legal facts (legal guardianship according to Islamic law). In the case of adopted children, the guardian listed on the certificate is usually the adoptive father, even though he is not legally a guardian. This creates problems for Marriage Registrars (PPN) in determining the validity of the registration.

Guardians are an important element in determining the legal status of marriage. The Prophet said: *بُولِي إِلا نِكَاحَ وَلَا* (No There is marry but with the presence of a guardian).⁵⁸ Another hadith narrated by Aisyah, the Prophet SAW said:

Any woman who marries without the permission of her guardian, her marriage is void."

Maqāṣid al-Syarī'ah According to al-Syāṭibī

The concept of Maqāṣid al-Syarī'ah was developed by Abu Ishāq al-Syāṭibī (d. 790 H) in his work al-Muwāfaqāt. Maqāṣid means the objectives of sharia that aim to realize the welfare of humanity. Al-Syāṭibī divided maqāṣid into three levels: (1) *Ḍarūriyyāt* (primary): safeguarding religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), descendants (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*); (2) *Ḥājiyyāt* (secondary): needs that complement the basic welfare; (3) *Taḥsīniyyāt* (tertiary): things that beautify social and moral life.

In the context of guardianship for an adopted child, the maqāṣid serves to safeguard the lineage (*ḥifẓ al-nasl*) to prevent intermarriage, and the religion (*ḥifẓ al-dīn*) to ensure the marriage contract is valid according to sharia. Therefore,

registration of guardianship for a marriage must be carried out with due regard for the principles of sharia validity and administrative benefit.

The maqāṣid approach also requires *ijtihad* in legal policies when the regulatory text does not explicitly regulate it. The principle is *tahqīq al-maṣlaḥah wa daf' al-mafsadah* (realizing benefit and rejecting damage).

Responsive Legal Theory

Responsive Legal Theory Developed by Philippe Nonet and Philip Selznick (1978), this theory views law as an instrument that must adapt to social dynamics. In responsive law, the values of substantive justice and societal needs are prioritized over the rigidity of formal texts. According to this theory, law should not be merely a tool of power (repressive law), but rather participatory, empathetic, and balance social norms and realities. In the context of this research, responsive legal theory is relevant to assess how the National Land Agency (PPN) flexibly interprets the rules for registering guardianship for adopted children's marriages for the benefit of the community, without ignoring the principle of legality.

A responsive approach also opens up space for legal reform to be more inclusive, for example by granting administrative authority to the Office of Religious Affairs (KUA) to correct marriage certificates without having to go through a lengthy and burdensome court process.

METHODOLOGY

This research is a qualitative research with a juridical-normative and sociological (empirical) approach. The juridical-normative approach is used to examine the provisions of Islamic law and positive law regarding the marriage guardianship of adopted children, while the sociological approach is used to understand how the practice of registering the marriage guardianship of adopted children occurs in society, especially in Mojokerto Regency and City. The philosophical-normative approach is also used to analyze the practice through the perspective of *Maqāṣid al-Syarī'ah al-Syātibī* and Responsive Legal Theory, so that this research is integrative between norms, values, and social reality.

This research was conducted at the Religious Affairs Office (KUA) of Mojokerto Regency and City, East Java Province. This location was chosen because, based on initial observations, several cases of marriage guardian registration for adopted children were found in the area, indicating discrepancies between administrative data and the reality of Islamic law. Furthermore, the KUA in this area actively provides marriage services, with a relatively higher number of adopted child marriages compared to surrounding areas.

The data used consists of: (1) Primary Data, namely data obtained directly from the field through interviews with: Marriage Registrars (PPN) at the KUA of Mojokerto Regency and City, local religious leaders and clerics, family members who have been involved in cases of adopted child marriages. While Secondary data, namely library materials relevant to the research, include: (1) The Qur'an, hadith, and classical and contemporary *fiqh* literature on marriage guardians; (2) Legislation such as Law Number 1 of 1974, Law Number 35 of 2014, Compilation of Islamic Law (KHI), and PMA Number 30 of 2024; (3) Books and scientific

journals that discuss *Maqāṣid al-Syarī'ah*, responsive legal theory, and Islamic family law. Tertiary Data, in the form of dictionaries, encyclopedias, and other supporting documents that help explain legal terms and contexts.

Data collection techniques were carried out in three ways: (1) semi-structured interviews were conducted so that researchers could dig up in-depth and flexible information; (2) Field Observation, researchers directly observed the practice of registering adopted children's marriages at the KUA, including administrative procedures and obstacles faced by PPN; (3) Documentation, including collecting marriage certificate documents, KUA administrative files, marriage data, and copies of regulations that form the legal basis for registering marriage guardians.

Data analysis was conducted descriptively-analytical and qualitatively with the following stages: (1) Data Reduction, Selecting and simplifying field data to focus on the problem of registering marriage guardians of adopted children; (2) Data Display, Presenting the results of interviews, observations, and documentation in narrative form to describe the factual conditions in the field; (3) Conclusion Drawing, Analyzing data based on responsive legal theory and *maqāṣid al-syarī'ah* to find relevant and applicable legal formulations.

A deductive-inductive approach was used: deductive to derive legal principles from theories and texts, and inductive to conclude new principles based on empirical reality. To ensure data validity, researchers employed triangulation techniques, comparing data from various sources (PPN, community, documents) and methods (interviews, observation, documentation). Furthermore, member checking was conducted with informants to ensure the accuracy of data interpretation. Reliability was maintained through systematic note-taking throughout the research and cross-confirmation between informants.

The data analysis in this study is directed at: (1) Assessing the practice of registering guardians for the marriage of adopted children in Mojokerto from the perspective of positive law and Islamic law; (2) Interpreting this practice through *Maqāṣid al-Syarī'ah al-Syāṭibī*, especially the aspects of welfare in protecting descendants (*ḥifz al-nasl*) and religion (*ḥifz al-dīn*); (3) Applying Responsive Legal Theory to assess the extent to which the legal system is able to adapt to social needs without ignoring the principle of sharia validity; (4) Formulating a new legal formulation model that can be used as a recommendation for the Ministry of Religion in updating regulations for registering guardians for the marriage of adopted children.

In general, the stages of this research include: (1) Preliminary study: identifying the problem and determining the location; (2) Collection of field data and literature; (3) Data analysis using *maqāṣid* theory and responsive law; and (4) Formulation of results and recommendations for legal formulation.

RESEARCH RESULTS AND DISCUSSION

Mojokerto Regency and City are administrative regions with a majority Muslim population. Based on data from the Office of Religious Affairs (KUA) from 2017–2024, approximately 8% of marriages involved adopted children. In several cases, it was found that the guardian listed on identity documents was

the adoptive father, while according to Islamic law, the legal guardian is the biological father.

Local KUAs face a dilemma between complying with administrative regulations and ensuring the legality of marriages. Because there are no explicit provisions regarding the registration of guardians for adopted children, the PPN often uses discretion to ensure the marriage remains valid and does not cause negative social impacts.

Practice of Registering Guardians for Adopted Children's Marriages in Mojokerto

The results of interviews with several PPNs indicate that each case of adopted children is processed differently depending on the completeness of the documents and the factual conditions of the guardian: (1) In the first case, the PPN refused to register because the guardian listed on the certificate was the adoptive father, not the sharia guardian. However, after clarification and a statement from the biological family, the marriage was carried out with the biological guardian; (2) In the second case, the biological guardian had died and the adopted child did not know the legal guardian. Finally, the KUA appointed a judge guardian based on the provisions of Article 23 of the Islamic Family Law; (3) In the third case, the biological guardian was present but was not listed on the population documents. The PPN still carried out the contract with the biological guardian for the sake of sharia validity, while the registration was carried out after the document revision.

Observations show that this practice presents an administrative legal loophole, as regulations do not yet address the mechanism for changing guardian data without going through the courts. The public often objects to the lengthy and expensive legal process.

Analysis of Islamic Law: Perspective of Maqāṣid al-Syarī'ah al-Syāṭibī

In the theory of Maqāṣid al-Syarī'ah, al-Syāṭibī emphasized that every Islamic law aims to maintain five basic principles (*al-ḍarūriyyāt al-khamsah*): religion, soul, reason, lineage, and property. In the context of adopted children's marriage guardians, there are two main maqāṣid that are relevant, namely *ḥifẓ al-nasl* (protecting offspring) and *ḥifẓ al-dīn* (maintaining the validity of religion): (1) Safeguarding Offspring (*ḥifẓ al-nasl*): proper registration of marriage guardians ensures that there is no mixing of lineages between adopted children and adoptive parents. If the adoptive father is made guardian, the lineage becomes blurred and creates legal confusion. Therefore, the use of a biological guardian or guardian judge is a form of implementing maqāṣid to protect offspring; (2) Maintaining Religion (*ḥifẓ al-dīn*): a marriage contract without a legal guardian is not considered religiously valid. Therefore, PPN who continue to carry out the contract with a biological guardian even though the documents are not yet appropriate is a step in accordance with maqāṣid, namely prioritizing the validity of the sharia over administration; (3) Creating Benefits (*tahqīq al-maṣlaḥah*): in situations where Administrative regulations do not yet clearly regulate that *ijtihād* is needed to achieve greater benefits. VAT measures can be understood as *ijtihād taṭbīqī* – namely an effort to adapt the law to the local

context to avoid greater harm, such as the status of children not being recognized religiously or socially.

Thus, from the perspective of *Maqāṣid al-Syari'ah*, the flexible practices carried out by PPN Mojokerto can be justified because they are oriented towards the benefit and safeguarding Sharia principles.

Positive Legal Analysis: Responsive Legal Theory

According to Nonet and Selznick, responsive law is law that adapts to social dynamics without losing its normative authority. Law is not merely a tool of power (repressive law), but must also serve the needs of society (responsive law).

In the context of this research, the Mojokerto PPN policy demonstrates responsive legal practices because: (1) Adapting to the social needs of the community, PPN does not only adhere to the text of the law, but also considers the social and psychological aspects of the family so that marriages can be carried out legally and peacefully; (2) Balancing between legality and moral legitimacy, legally formal, guardians who are not recorded in documents can create administrative obstacles. However, morally and religiously, the use of biological guardians is a form of substantive justice that must be prioritized; (3) The need for regulatory reform, responsive law demands dynamic regulations. In this case, a new legal formulation is needed that gives the KUA the authority to correct guardian data in marriage certificates through administrative mechanisms, not the courts, as long as the truth can be legally proven.

Thus, the application of responsive legal theory shows that VAT flexibility is not a violation of the law, but rather a form of adaptation to the vacuum of norms that occurs in the field.

Legal Formulation for Registration of Guardianship of Adopted Children's Marriages

Based on the analysis of *Maqāṣid al-Syari'ah* and responsive legal theory, it can be concluded that there is a need for a new legal formulation that is able to bridge between sharia and the state administration system. The principles of the proposed formulation are as follows: (1) The Principle of Sharia Validity (*al-ṣiḥḥah al-syar'iyyah*), the legitimate guardian according to Islamic law must be prioritized as the basis for registration, even if the administrative documents are incomplete; (2) The Principle of Benefit and Legal Certainty, the KUA is given administrative authority to verify and correct guardian data without having to go through the courts, provided that it is supported by a statement from the family and two valid witnesses; (3) The Principle of Social Responsiveness, regulations must consider social conditions and the capabilities of the community. Legal reform should be directed at simplifying the process of changing guardians in marriage certificates to make it faster, cheaper, and more transparent; and (4) Principle of Accountability and Integrity, PPN is obliged to document every change with official minutes to guarantee legal validity and prevent abuse of authority.

With this formulation model, the law on registering the marriage guardian of an adopted child not only fulfills the demands of sharia and positive law, but

is also in line with the spirit of maqāṣid and the principle of responsive law which places justice and welfare as the main objectives.

The implications of this research are (1) to encourage policy updates so that the KUA has the administrative authority to correct marriage certificates based on field verification; (2) to serve as a guide in handling cases of guardianship of adopted children in accordance with Islamic law and law; and (3) to educate about the importance of understanding the law of child adoption and the procedures for legal guardianship of adopted children.

CONCLUSION AND RECOMMENDATION

Based on the results of research and analysis of the practice of registering guardians for the marriage of adopted children in Mojokerto Regency and City, as well as a review through the perspective of Maqāṣid al-Syarī'ah al-Syātibī and Responsive Legal Theory, the following conclusions can be drawn. The practice of registering guardians for the marriage of adopted children in Mojokerto shows a diversity of policies at the KUA level. Some PPNs still prioritize the sharia guardian (biological guardian) even though administratively the guardian listed in the population document is the adoptive father. In certain conditions, if the biological guardian is unknown or has died, a judge guardian is appointed in accordance with the provisions of the Compilation of Islamic Law (KHI). This indicates an awareness that the validity of sharia is more important than administrative conformity.

From the perspective of Maqāṣid al-Syarī'ah al-Syātibī, this practice is in line with the principles of ḥifẓ al-nasl (protecting descendants) and ḥifẓ al-dīn (maintaining the validity of religion). The appointment of a biological guardian or guardian judge aims to prevent confusion in the marriage contract and ensure the validity of the marriage contract according to Islamic law. The flexible VAT action can be understood as a form of *ijtihād taṭbīqī* which is oriented towards benefit (*maṣlaḥah murlah*) in accordance with maqāṣid values. From the perspective of Responsive Legal Theory, the policies taken by PPN reflect a form of legal adaptation to social needs. In the context of a vacuum of norms and limited regulations, VAT acts not solely based on legal texts, but also takes into account moral, social and humanitarian aspects. The principle of responsive law emphasizes that the law must live in society and be able to answer real problems faced by the people.

Based on these two perspectives, this study formulates the ideal legal formulation for registering guardians for the marriage of adopted children, namely: (1) prioritizing the validity of sharia (lineal guardian or judge guardian); (2) providing administrative authority to the KUA to verify and correct guardian data without having to go through the courts; (3) guaranteeing accountability through official documentation and witness statements; (4) oriented towards the public interest, justice, and legal certainty.

With this formulation, the system for registering guardians for adopted children's marriages can run in harmony between religious norms and positive law, and realize substantive justice for society.

So that, For the Government and Ministry of Religion, it is recommended to update the regulations regarding the registration of guardians of adopted children's marriages by granting broader administrative authority to the KUA, so that the guardian clarification process does not always have to go through the religious court. For Marriage Registrars (PPN), it is hoped that they will continue to improve their understanding of Maqāṣid al-Syarī'ah and the principles of responsive law so that in practice they can make the right decisions between the validity of sharia and administrative order. For the community, it is necessary to increase legal awareness about the importance of maintaining the clarity of the lineage of adopted children and carrying out adoption and marriage procedures in accordance with the provisions of Islamic law and state law. For Academics and Researchers Furthermore, this research can be developed with a broader empirical approach in various regions or linked to contemporary issues such as the legal status of children from interfaith adoptions and digital registration in the modern era.

ADVANCED RESEARCH

Future studies can expand the analysis of guardian registration for the marriage of adopted children by examining how these practices vary across different regions in Indonesia, especially in areas with diverse cultural and administrative interpretations. Comparative research between urban and rural KUA offices could provide deeper insights into how local customs, levels of religious literacy, and administrative capacity influence the appointment of biological guardians, adoptive guardians, or judge-appointed guardians. Additionally, future research could integrate interviews with judges, marriage registrars, and community leaders to understand more comprehensively how legal, social, and moral considerations are negotiated in practice. Such empirical exploration would enrich the understanding of how Maqāṣid al-Syarī'ah and Responsive Legal Theory are applied in real-world decision-making.

Another promising direction for further research is the study of emerging contemporary issues related to guardianship and marriage registration in the digital era. The increasing use of electronic population databases and online marriage registration systems raises new questions regarding data accuracy, verification mechanisms, and the authority of KUA in correcting guardian information. Moreover, future researchers may investigate the legal implications of interfaith adoption, cross-border adoption, and the status of adopted children in transnational marriages, which remain understudied in Islamic family law discourse. Integrating technological developments with normative Islamic principles and responsive legal approaches will be essential to formulating a more adaptive, just, and future-oriented legal framework for guardian registration in Indonesia.

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