

Transformation of Classical Law to Contemporary in Islamic-Based Marriage Law to Respond to Legal Developments in Indonesia

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Abstract

Marriage law is a provision that applies in regulating the marriage system itself. This research was conducted as an effort to find out the transformation of marriage law from classical to contemporary. Laws are made to regulate and provide all understanding of society in accordance with applicable norms and sanctions. Law is important in order to uphold justice for all human beings. Marriage is an important part that needs to be regulated in marriage law. Therefore, the marriage law is made on the basis of and needs in addressing every condition that occurs in household life. However, each of these draft ideas or rules will be agreed upon by the Regional Representatives Council (DPR). The DPR has the right to amend and draft a new law. Likewise, marriage law needs to be transformed in order to produce a more developed design. Marriage law needs to be regulated both in state law and Islamic law, both of which have an important position so that the agreed draft does not favor one applicable law. In addition, classical legal drafts need to be updated in accordance with the progress of civilization

Keywords: Marriage Law, Regional Representative Council, Transformation.

A. INTRODUCTION

The law is generally related to the rules of human life. Rule of law is important because it is the basis and rules of life.¹ So, everything that is done has all been regulated in legal policies.² Because humans are social beings who are

¹ Shichen Fang, Nancy L. Galambos, and Matthew D. Johnson, "Parent–Child Contact, Closeness, and Conflict Across the Transition to Adulthood," *Journal of Marriage and Family* 83, no. 4 (August 1, 2021): 1176–93, <https://doi.org/10.1111/JOMF.12760>.

² Nicholas S. Perry, Charlie Huntington, and Galena K. Rhoades, "Differences by Sexual Orientation in Romantic Relationship Attitudes and Skills among Adolescents," *Journal of Marriage and Family*, April 1, 2022, <https://doi.org/10.1111/JOMF.12887>.

very influential with applicable legal policies, so humans are governed by Islamic law and state law. State law and Islamic law must be balanced so as not to be focused on one of these laws.³ However, each law needs to be updated so that it can be adapted to the changing times. Transforming to regulate and balance human understanding,⁴ one of which is the law of marriage. Marriage law explains that there are things that humans need to know in carrying out marital relations both according to state law and Islamic law.

Law can be explained as a purpose made to regulate all human actions or behavior.⁵ Law is also defined by all the rules that apply to all human behavior, where in its implementation a penalty or fine will be applied if a law is violated.⁶ Law is a rule that is very closely related to human life. In a law there are legal rules relating to individuals and groups of people. All humans have rights and obligations to comply with applicable laws.⁷ Every law that is made is adapted to human interests.⁸ From each individual and society will have differences in their respective conflicts. Therefore, the law appears to

³ Bijetri Bose et al., “Protecting Adults With Caregiving Responsibilities From Workplace Discrimination: Analysis of National Legislation,” *Journal of Marriage and Family* 82, no. 3 (June 1, 2020): 953–64, <https://doi.org/10.1111/JOMF.12660>.

⁴ Dawn M. Dow, April L. Few-Demo, and Deadric T. Williams, “Transformative Family Scholarship: Introduction to the Special Issue,” *Journal of Marriage and Family* 84, no. 5 (October 1, 2022): 1241–49, <https://doi.org/10.1111/JOMF.12882>.

⁵ Peter Fallesen, “Who Reacts to Less Restrictive Divorce Laws?,” *Journal of Marriage and Family* 83, no. 2 (April 1, 2021): 608–19, <https://doi.org/10.1111/JOMF.12722>.

⁶ Daniela R. Urbina, “In the Hands of Women: Conditional Cash Transfers and Household Dynamics,” *Journal of Marriage and Family* 82, no. 5 (October 1, 2020): 1571–86, <https://doi.org/10.1111/JOMF.12684>.

⁷ Ruth Enid Zambrana, Cecily R. Hardaway, and Leah C. Neubauer, “Beyond Role Strain: Work–Family Sacrifice among Underrepresented Minority Faculty,” *Journal of Marriage and Family* 84, no. 5 (October 1, 2022): 1469–86, <https://doi.org/10.1111/JOMF.12865>.

⁸ Wei Hsin Yu and Yuko Hara, “Stability and Relevance of Marriage Desires: Importance of Age Norms and Partnering Opportunities,” *Journal of Marriage and Family*, April 1, 2022, <https://doi.org/10.1111/JOMF.12891>.

accommodate all conflicts with good resolution according to the rules.

As explained above, that a law does have a very important meaning, because the more advanced a country is, the more it is obtained from the compliance of its citizens with its laws.⁹ The State of Indonesia is a constitutional state¹⁰ in accordance with Article 1 paragraph 3 of the 1945 Constitution, but in reality, there are still many Indonesian citizens who violate the rule of law itself. So, the government needs to increase public interest in the laws that have been in effect in Indonesia.¹¹ Law in Indonesia still needs to be transformed so that it can be more developed so that it supports the progress of the country.¹²

The purpose of a rule of law is to make the country subject to regulations so that all human actions are regulated by law.¹³ The position and power of humans are the same, there is no difference, so the law applies to all people who are wrong and don't follow the rules. There should be no arbitrary power that can be misused by anyone because that also includes abuse of power and criminal acts can be committed.¹⁴ This essence needs to be continuously

⁹ Vanessa Delgado, "Leveraging Protections, Navigating Punishments: How Adult Children of Undocumented Immigrants Mediate Illegality in Latinx Families," *Journal of Marriage and Family* 84, no. 5 (October 1, 2022): 1427–45, <https://doi.org/10.1111/JOMF.12840>.

¹⁰ Camden Kelliher et al., "Unconstitutional Authority of Indonesia's Constitutional Court: The Resolution of Pilkada Result Disputes," *Election Law Journal: Rules, Politics, and Policy* 18, no. 3 (September 1, 2019): 297–308, <https://doi.org/10.1089/elj.2018.0535>.

¹¹ Indah Sari, "KONSTITUSI SEBAGAI TOLAK UKUR EKISTENSI NEGARA HUKUM MODERN," *JURNAL ILMIAH HUKUM DIRGANTARA* 9, no. 1 (September 3, 2018): 40–60, <https://doi.org/10.35968/JH.V9I1.297>.

¹² Asifah Elsa, Nurahma Lubis, and Farhan Dwi Fahmi, "Pengenalan Dan Definisi Hukum Secara Umum (Literature Review Etika)" 2, no. 6 (2021): 768–89.

¹³ Beatriz Melim et al., "Parent's and Children's Emotion Regulation and the Work–Family Interface," *Journal of Marriage and Family* 81, no. 5 (October 1, 2019): 1110–25, <https://doi.org/10.1111/JOMF.12597>.

¹⁴ Sofi Ohlsson-Wijk, Maria Brandén, and Ann Zofie Duvander, "Getting Married in a Highly Individualized Context: Commitment and Gender Equality Matter," *Journal of Marriage and Family* 84, no. 4 (August 1, 2022): 1081–1104, <https://doi.org/10.1111/JOMF.12849>.

updated so that law in Indonesia develops according to civilization and human needs.¹⁵

Every law is clearly made with all considerations so that it is not wrong in the future. From each law article will always be related to one another.¹⁶ But sometimes people still don't understand the importance of complying with the law, because there are still many who only believe in Islamic law. One example that often occurs in particular is the law of marriage.¹⁷ The Indonesian state consists of ethnicity, race, culture, religion and other differences that will cause people not to directly accept the legal provisions made.¹⁸ Many people still ignore the rule of law from the government because it is only based on Islamic law and conditions like this still occur to this day.

Marriage law, namely explaining related to norms and matters relating to the rules of a marriage. A marriage can be well established because it is based on and carried out without intimidating one another. Marriage is established because a man and a woman decide to be able to carry out¹⁹ one of the worships in Islamic law. In Islamic law, a marriage means to pronounce a contract so that it is able to obey the God commands of Allah SWT and aims to create a life that *sakinah, mawaddah and rahmah*. So, marriage is very permissible for all living

¹⁵ Sayid Anshar, "Konsep Negara Hukum Dalam Perspektif Hukum Islam," *Ayah* 8, no. 5 (2019): 55.

¹⁶ Cheryl Buehler, "Family Processes and Children's and Adolescents' Well-Being," *Journal of Marriage and Family* 82, no. 1 (February 1, 2020): 145–74, <https://doi.org/10.1111/JOMF.12637>.

¹⁷ Susan L. Brown, Wendy D. Manning, and Huijing Wu, "Relationship Quality in Midlife: A Comparison of Dating, Living Apart Together, Cohabitation, and Marriage," *Journal of Marriage and Family* 84, no. 3 (June 1, 2022): 860–78, <https://doi.org/10.1111/JOMF.12813>.

¹⁸ Merril Silverstein et al., "Intergenerational Religious Participation in Adolescence and Provision of Assistance to Older Mothers," *Journal of Marriage and Family* 81, no. 5 (October 1, 2019): 1206–20, <https://doi.org/10.1111/JOMF.12592>.

¹⁹ Katarina Boye and Marie Evertsson, "Who Gives Birth (First) in Female Same-Sex Couples in Sweden?," *Journal of Marriage and Family* 83, no. 4 (August 1, 2021): 925–41, <https://doi.org/10.1111/JOMF.12727>.

things.²⁰ However, with the progress of civilization, marriage law is not only regulated in Islamic law, but is stated in the marriage law.

In state law, marriage law is regulated in Law no. 1 of 1974 Concerning Marriage (Marriage Law), which compares related to the existence of provisions in Family Law originating from Islamic Law or Islamic Marriage Law.²¹ So, it is clear that marriage law is regulated from both Islamic Law and State Law.

Along with progress that is increasing rapidly, a law needs to reform or draft a new Marriage Law that is adapted to current needs.²² Not only that, but every draft that will be issued also needs to be based on Islamic law. This update was made in order to strive for the draft law to be able to accommodate and fight for the existence of Islamic legal values in the context of legislation in Indonesia. So that the rampant problems related to marriage need to be resolved through legal means. Problems in marital relations can happen to anyone at any time and to anyone, be it light or heavy problems.²³

Problems occur because they are caused by several factors that arise either intentionally or unintentionally, but generally problems arise because there is no effort to solve them. Problem solving is part of a strategy that can reduce the occurrence of a conflict²⁴. Problems in marital relations such as domestic violence (domestic violence)²⁵, infidelity, persecution, murder, property disputes

²⁰ Fadli Andi Natsif, *Problematika Perkawinan Anak (Perspektif Hukum Islam Dan Hukum Positif)*, vol. 4, 2018.

²¹ Fadli Andi Natsif.

²² Rannveig Kaldager Hart, Synøve Nygaard Andersen, and Nina Drange, "Effects of Extended Paternity Leave on Family Dynamics," *Journal of Marriage and Family* 84, no. 3 (June 1, 2022): 814–39, <https://doi.org/10.1111/JOMF.12818>.

²³ Yen-hsin Alice Cheng, "The Changing Face of Intimate Premarital Relationships in Taiwan," *Journal of Marriage and Family*, March 14, 2023, <https://doi.org/10.1111/JOMF.12915>.

²⁴ Evan Farhan Wahyu Puadi, "Analisis Peningkatan Kemampuan Koneksi Matematis Mahasiswa Ptk Melalui Pembelajaran Berbasis Masalah" 5 (2017).

²⁵ Sharon Sassler and Amanda Jayne Miller, "Assessing the Deinstitutionalization of Marriage Thesis: Changes in the Meaning of Cohabitation over

and so on. So, to respond to these problems it is necessary to have rules in marriage law ²⁶.

Transforming means trying to be more advanced and more developed,²⁷ even in the legal realm, it is necessary to make a change. Transformation is defined by change; the meaning is by changing to a better realm so that it can be adapted to situations like this.²⁸

With a change in a law, it means adjusting to an increasingly advanced life, especially in Indonesia. Renewal of classical law to contemporary²⁹ or can be said as a modern legal provision but in accordance with the previous legal rules would be more appropriate to be implemented in everyday life.

The classic marriage law rules really need to be drafted into a new, contemporary law. Contemporary law is a law made to develop a law that has existed before.³⁰ This means that contemporary law is made in order to be able to reconstruct classical law so that it is better and adapted to the progress of civilization. So do not be surprised if the existing law will be renewed as well as in marriage law³¹. According to the data the author has obtained, the existing

the Relationship Life Course,” *Journal of Marriage and Family*, April 1, 2022, <https://doi.org/10.1111/JOMF.12883>.

²⁶ Sarah E. Patterson, “Cohabiting Adult Children’s Transfers to Parents in the United States,” *Journal of Marriage and Family* 85, no. 1 (February 1, 2023): 321–36, <https://doi.org/10.1111/JOMF.12879>.

²⁷ Woosang Hwang et al., “Do Religious Transitions from Early to Established Adulthood Predict Filial Elder-Care Norms?,” *Journal of Marriage and Family* 85, no. 1 (February 1, 2023): 173–92, <https://doi.org/10.1111/JOMF.12833>.

²⁸ Cheng, “The Changing Face of Intimate Premarital Relationships in Taiwan.”

²⁹ Mirjam Raudasoja et al., “‘I Feel Many Contradictory Emotions’: Finnish Mothers’ Discursive Struggles with Motherhood,” *Journal of Marriage and Family* 84, no. 3 (June 1, 2022): 752–72, <https://doi.org/10.1111/JOMF.12828>.

³⁰ Lawrence M. Berger and Marcia J. Carlson, “Family Policy and Complex Contemporary Families: A Decade in Review and Implications for the Next Decade of Research and Policy Practice,” *Journal of Marriage and Family* 82, no. 1 (February 1, 2020): 478–507, <https://doi.org/10.1111/JOMF.12650>.

³¹ Ahmad Jamaludin Jambunanda et al., “Marriage Law in Religious Court: Regulation and Decision on Marital Property in Sustainable Legal Development,” *Journal* 157
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marriage law in the Banten-Indonesia Regional Court³² is usually transformed according to the progress of law in Indonesia.

In addition to changing the rules of state law, the marriage law in the Banten-Indonesia region also responds to legal progress. In each marriage law draft, it also adapts to the Islamic-based legal system³³ so that both can become rules that are implemented for the community, especially those in Banten-Indonesia. The courts in the Banten-Indonesia region adapt the rules of marriage law to the needs and understanding of the people of Banten-Indonesia who are still strong with Islamic law, thus reconstructing it from classical to contemporary³⁴ law in the realm of marriage law. This is done in order to reform the welfare of life and family changes in Indonesia.

B. RESEARCH METHOD

The method is an activity that will investigate as well as a part that will collect, process and analyze the object of research. Methods are needed in every research and are important for analyzing data. Because the research method is related to procedures and all research designs which will include steps in research such as data sources, data analysis and so on.³⁵

In this study the authors used a qualitative type research method.

of Law and Sustainable Development 11, no. 10 (October 23, 2023): e1759, <https://doi.org/10.55908/sdgs.v11i10.1759>.

³² Brittany Pearl Battle, "The Carceral Logic of Parental Responsibility," *Journal of Marriage and Family*, 2022, <https://doi.org/10.1111/JOMF.12902>.

³³ Brooklynn K. Hitchens, Ann M. Aviles, and Kathleen McCallops, "Mothering in the Streets: Familial Adaptation Strategies of Street-Identified Black American Mothers," *Journal of Marriage and Family* 84, no. 5 (October 1, 2022): 1270–90, <https://doi.org/10.1111/JOMF.12848>.

³⁴ Richard J. Petts, Gayle Kaufman, and Trenton D. Mize, "Parental Leave-Taking and Perceptions of Workers as Good Parents," *Journal of Marriage and Family* 85, no. 1 (February 1, 2023): 261–79, <https://doi.org/10.1111/JOMF.12875>.

³⁵ I Made Laut Mertha Jaya, *Metode Penelitian Kuantitatif Dan Kualitatif: Teori, Penerapan, Dan Riset Nyata* (Anak Hebat Indonesia, 2020).

Qualitative research is a method that will produce several findings and how to study them and usually to understand the meaning that is in the problem.³⁶ However, qualitative research is more based on activities that are directly related to the research object examined by the author. So, this research will explain related to the transformation of a classical law to contemporary in Islamic-based marriage law to respond to legal developments in Indonesia. The meaning of the research object that will be discussed in this paper is related to Islamic marriage law in Indonesia.

This research was conducted at the Banten-Indonesia Regional Court. This location is the place for the author to collect and find sources of information related to the data needed. For the time this research was conducted on June 6 2020-26 August 2020.

For the time this research was conducted on June 5, 2022 until Jun 1, 2023. For three months the author usually visits to find data and conduct interviews with related parties.

Data collection is a technique that functions to solve problems in research. Several data collection techniques carried out by the author are:

Observation is the initial technique in conducting research, so this method is the most widely used method for collecting research data. Usually, observation of activities is the collection of basic data to observe the location and be able to analyze the required data. Apart from that, observation can add to the author's knowledge of phenomena or information that will be needed and studied in the future.³⁷ This study used participatory observation where the writer directly observed the location.

³⁶ Imam Gunawan, *Metode Penelitian Kualitatif: Teori Dan Praktik* (Bumi Aksara, 2022).

³⁷ Adhi Kusumastuti, Ahmad Mustamil Khoiron, and Taofan Ali Achmadi, *Metode Penelitian Kuantitatif* (Deepublish, 2020).

Interviews were conducted to collect some information and collect data from the interviewees regarding the questions posed by the author. This interview activity was conducted by the author to complete the data in this study. The author conducted interviews with RS, CI, BS, and PI. From the four sources, the writer can finally conclude the data and information related to the object of research conducted by the author.

Documentation is the final part in collecting data in research. Additional documentation in a study usually takes pictures with sources, documents and so on.

C. RESULT AND DISCUSSION

From the results of the explanation, the results of the research are in accordance with the conditions in the Banten-Indonesia Regional Court, that every law made is also adapted to religious rules so that there are no misunderstandings that occur between the two as well as with marriage law³⁸. In accordance with the explanation above, that the Banten-Indonesia Regional Court has carried out a transformation in marriage law on an Islamic basis in accordance with the development of civilization.³⁹ The transformation of classical to contemporary law⁴⁰ on marriage law on an Islamic basis has carried out reforms, especially in the Banten-Indonesia region, because there are still many Banten-Indonesia people who rely only on religious law.

³⁸ Yu and Hara, "Stability and Relevance of Marriage Desires: Importance of Age Norms and Partnering Opportunities."

³⁹ Catherine Walker O'Neal and Jay A. Mancini, "Military Families' Stressful Reintegration, Family Climate, and Their Adolescents' Psychosocial Health," *Journal of Marriage and Family* 83, no. 2 (April 1, 2021): 375–93, <https://doi.org/10.1111/JOMF.12711>.

⁴⁰ Christy L. Erving, Chavonté Wright, and Joanna Lara, "An Intersectional Analysis of Women's Social Role Engagement and Mental Health," *Journal of Marriage and Family* 84, no. 5 (October 1, 2022): 1387–1407, <https://doi.org/10.1111/JOMF.12838>.

This is because many people are affected and think that Islamic law is easier to understand and without any mistakes. Meanwhile, the rule of law that is usually issued by the Government will assume that the law will not be realized properly.⁴¹ So, this is important so that people are not indoctrinated by ancient thoughts. After carrying out the transformation and being able to implement this law properly, at least it can be accepted by the community.⁴²

So, the current legal transformation has helped in the development of existing law in Indonesia. That way the Banten-Indonesia Regional Court has made changes to form a society that understands the law.⁴³ So that the ancient doctrines that had negative principles on this law could see the condition of the development of law in Indonesia.

Classical law is defined as law made in the past or long ago. Classical law which is usually also interpreted as something that has been left behind before human life is increasingly developed and advanced.⁴⁴ So, on the basis that classical law is usually related to formal matters only and the legal rationale is still narrow (limited). But with the advancement of civilization, classical law is no longer widely used, but has turned to contemporary law.⁴⁵

⁴¹ Brienna Perelli-Harris, Shih Yi Chao, and Ann Berrington, "For Better or Worse: Economic Strain, Furlough, and Relationship Quality during the Covid-19 Lockdown," *Journal of Marriage and Family*, 2023, <https://doi.org/10.1111/JOMF.12906>.

⁴² Sarah E. Patterson and Adriana M. Reyes, "Co-Residence Beliefs 1973–2018: Older Adults Feel Differently than Younger Adults," *Journal of Marriage and Family* 84, no. 2 (April 1, 2022): 673–84, <https://doi.org/10.1111/JOMF.12819>.

⁴³ Patterson, "Cohabiting Adult Children's Transfers to Parents in the United States."

⁴⁴ Benjamin R. Karney and Thomas N. Bradbury, "Research on Marital Satisfaction and Stability in the 2010s: Challenging Conventional Wisdom," *Journal of Marriage and Family* 82, no. 1 (February 1, 2020): 100–116, <https://doi.org/10.1111/JOMF.12635>.

⁴⁵ Raudasoja et al., "I Feel Many Contradictory Emotions?: Finnish Mothers' Discursive Struggles with Motherhood."

Contemporary law is part of a new legal renewal.⁴⁶ A contemporary thought is usually related to renewal whose basic problem includes both modern and contemporary matters. In this modern era and the issue of renewal cannot be removed from human influence. This is said to be due to the renewal of Islamic law which also appears due to the actualization of the contemporary.⁴⁷

There are other factors that underlie that contemporary law needs to be made because it is influenced by the progress of the times which will encourage people to be more modern and think in the future.⁴⁸ In essence, the values contained in contemporary law are related to the context of the dynamics of human life, because the scope of contemporary studies covers more related issues⁴⁹:

Economic, meaning that economic problems⁵⁰ are also very influential in human life so that it can cause various kinds of problems.

Family, because there is a division that occurs in a family relationship⁵¹ resulting in feuds between one another which must be resolved through legal channels such as distribution of inheritance, violence, marriage and others.

⁴⁶ Kei Nomaguchi and Melissa A. Milkie, "Parenthood and Well-Being: A Decade in Review," *Journal of Marriage and Family* 82, no. 1 (February 1, 2020): 198–223, <https://doi.org/10.1111/JOMF.12646>.

⁴⁷ Benjamin R. Karney et al., "State Minimum Wage Increases Delay Marriage and Reduce Divorce among Low-Wage Households," *Journal of Marriage and Family* 84, no. 4 (August 1, 2022): 1196–1207, <https://doi.org/10.1111/JOMF.12832>.

⁴⁸ Perry, Huntington, and Rhoades, "Differences by Sexual Orientation in Romantic Relationship Attitudes and Skills among Adolescents."

⁴⁹ Iqbal Muhammad, "Urgensi Kaidah-Kaidah Fikih Terhadap Rekatualisasi Hukum Islam Kontemporer," *Jurnal EduTech* 4, no. 2 (2018): 74–80.

⁵⁰ Alana Siegel and Rachel Dekel, "Frontline Love: Romantic Partners of Frontline Doctors and Nurses during the New York City COVID-19 Outbreak," *Journal of Marriage and Family* 84, no. 3 (June 1, 2022): 900–919, <https://doi.org/10.1111/JOMF.12831>.

⁵¹ Robert Bozick, "An Increasing Disinterest in Fatherhood among Childless Men in the United States: A Brief Report," *Journal of Marriage and Family* 85, no. 1 (February 1, 2023): 293–304, <https://doi.org/10.1111/JOMF.12874>.

Politics, political problems⁵² can also divide one another, for example because of differences in power and so on.⁵³

In addition to the above aspects, there are several aspects that are often associated with the emergence of a contemporary law. So, the reforms that are made can also be done from the existence of classical law to contemporary law which is said to be transformed⁵⁴. Transformation is generally defined by controlling one form over another. In addition, transformation can indeed mean a change or something that goes beyond its limits. This change is always followed because of developments in human life, from the existence of things that are left behind, are now more modern and advanced.⁵⁵ This means that every human being who lives will always change as well as legal values that must follow the changing times so that they are more adapted to the needs that are affected by habits, decency and other rules⁵⁶.

Like the aspect in the second point as the scope of contemporary studies that discussions related to family are often involved in legal issues and almost these problems occur every day.⁵⁷ So that the problem covers the law of marriage itself. Marriage law is a norm⁵⁸ whose contents contain marriage rules

⁵² Caitlyn Collins, “Who to Blame and How to Solve It: Mothers’ Perceptions of Work–Family Conflict Across Western Policy Regimes,” *Journal of Marriage and Family* 82, no. 3 (June 1, 2020): 849–74, <https://doi.org/10.1111/JOMF.12643>.

⁵³ Muhammad, “Urgensi Kaidah-Kaidah Fikih Terhadap Rekatualisasi Hukum Islam Kontemporer.”

⁵⁴ Dow, Few-Demo, and Williams, “Transformative Family Scholarship: Introduction to the Special Issue.”

⁵⁵ Sophia Chae, Victor Agadjanian, and Sarah R. Hayford, “Bridewealth Marriage in the 21st Century: A Case Study from Rural Mozambique,” *Journal of Marriage and Family* 83, no. 2 (April 1, 2021): 409–27, <https://doi.org/10.1111/JOMF.12725>.

⁵⁶ Muhammad, “Urgensi Kaidah-Kaidah Fikih Terhadap Rekatualisasi Hukum Islam Kontemporer.”

⁵⁷ Yifei Hou, J. Jill Suitor, and Megan Gilligan, “Intergenerational Transmission of Relationship Quality in Later-Life Families,” *Journal of Marriage and Family*, April 1, 2022, <https://doi.org/10.1111/JOMF.12884>.

⁵⁸ Yu and Hara, “Stability and Relevance of Marriage Desires: Importance of Age Norms and Partnering Opportunities.”

so that it is more realized in people's lives which are still minimal regarding understanding of marriage law.

D. CONCLUSION

Marriage law from classical to contemporary needs to be harmonized between national law and the views of Islamic law itself.⁵⁹ Carrying out legal transformation will make the law more developed and in accordance with the needs of the times. The transformation of classical marriage law into contemporary is an important part that can be used as a basis and legal order in the process of marriage problems.⁶⁰ So, it is important that the marriage law also carries out a reform involving Islamic and national law so that both of them work.⁶¹ The transformation of classical to contemporary law on marriage law has carried out many reforms in accordance with the development of civilization. This is in accordance with the response to problems that often occur among the current generation of people. However, the process of transforming marriage law will also involve two directions, namely from the point of view of Islamic and national law.⁶²

Therefor will be no divisions between the two. Marriage law in Islam is also widely discussed because it is closely related to humans. So, every marriage

⁵⁹ Juho Härkönen, M. D. Brons, and Jaap Dronkers, "Family Forerunners? Parental Separation and Partnership Formation in 16 Countries," *Journal of Marriage and Family* 83, no. 1 (February 1, 2021): 119–36, <https://doi.org/10.1111/JOMF.12682>.

⁶⁰ Heather M. Rackin, Alison Gemmill, and Caroline Sten Hartnett, "Environmental Attitudes and Fertility Desires among US Adolescents from 2005–2019," *Journal of Marriage and Family*, April 1, 2022, <https://doi.org/10.1111/JOMF.12885>.

⁶¹ Rebecca Y.M. Cheung and Kevin Kien Hoa Chung, "Interparental Conflict and Mindful Parenting Practices: Transactional Effects between Mothers and Fathers," *Journal of Marriage and Family* 85, no. 1 (February 1, 2023): 280–92, <https://doi.org/10.1111/JOMF.12868>.

⁶² Seonhwa Lee et al., "Long-Term Physical Health Consequences of Financial and Marital Stress in Middle-Aged Couples," *Journal of Marriage and Family* 83, no. 4 (August 1, 2021): 1212–26, <https://doi.org/10.1111/JOMF.12736>.

rule that exists in Islam and is not understood will be explained in detail in accordance with the rules of the marriage law.⁶³ Because the statutory points contained therein also align religious and national rules.

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