

The Relevance of Marriage Regulation In The Indonesian Civil Code to The Development of National Marriage Law

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<p>Article history:</p> <p>Received: Feb 16, 2026 Revised: Mar 11, 2026 Accepted: Mar 28, 2026</p> <hr/> <p>Keywords:</p> <p>Civil Code Harmonization Legal certainty Marriage law</p>	<p>This study systematically examines the level of relevance of marriage regulations in the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) to the development of national marriage law and its implications for legal harmonization and legal certainty. The analysis focuses on the paradigm shift in legal regulation following the enactment of Law Number 1 of 1974 on Marriage and the position of the Civil Code within the Indonesian positive legal system. This research is a normative legal study employing statutory, conceptual, and historical approaches. The analysis is conducted through a systematic review of the hierarchy of laws and regulations, the principle of <i>lex specialis derogat legi generali</i>, and the principle of normative harmonization within the national legal system. This study also applies a normative juridical approach by examining statutory regulations, legal doctrines, and relevant court decisions. The findings indicate a paradigm shift from a secular-contractual model toward a religious-administrative model. The Civil Code no longer serves as the primary legal framework governing marriage but instead functions in a residual and complementary capacity, insofar as it does not conflict with the Marriage Law. Normative harmonization through systematic interpretation is therefore essential to ensure consistency and legal certainty in judicial practice.</p>

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A. Introduction

Marriage as a legal institution encompasses both private and public dimensions; therefore, its regulation extends beyond the personal relationship between husband and wife to include broader social interests and the maintenance of national legal order. Within the Indonesian legal system, the regulation of marriage has developed in the context of legal pluralism, influenced by religious law, customary law, and Western legal traditions codified in the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata). Although Law Number 1 of 1974 on Marriage has been enacted as an instrument for the unification of national marriage law, the provisions concerning marriage within the Civil Code have not been entirely repealed and continue to retain normative reference in civil law practice.

This phenomenon reflects the existence of *normative persistence* of the Civil Code within the Indonesian legal system. In practice, provisions related to marital property, prenuptial agreements, and the legal consequences of marriage are frequently analyzed by referring to legal constructions derived from the Civil Code, particularly when the Marriage Law does not regulate such matters in

detail. This condition indicates that, functionally, the Civil Code continues to play a role in shaping juridical arguments, especially in family-related civil cases (Nurdiansyah et al., 2023).

However, a gap remains between the spirit of unification of national marriage law and the reality of normative application in practice. The Marriage Law emphasizes principles of religiosity, spousal equality, and the protection of the family institution as its foundational values. In contrast, the Civil Code is rooted in a classical private law paradigm characterized by individualism and secularism (Ronal et al., 2025). This divergence in paradigms has the potential to generate normative disharmony, particularly concerning the regulation of rights and obligations between spouses and the system of marital property (Bagenda et al., 2024).

In practice, this issue becomes more evident when law enforcement authorities encounter normative gaps or ambiguities within the Marriage Law. Under such circumstances, legal constructions derived from the Civil Code are often employed as interpretative references. This practice raises concerns regarding legal certainty and the consistency of normative application, particularly within the framework of vertical and horizontal harmonization of legislation.

From an academic perspective, a number of national studies tend to examine marriage regulations within the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) through a historical-dogmatic framework, emphasizing the origins of legal norms and the legal constructions developed during the colonial period (Rachmat, 2018). This approach generally focuses on textual analysis of normative provisions without being accompanied by a contextual evaluation of social dynamics and contemporary legal developments. Moreover, some studies merely conduct comparative analyses between the Civil Code and Law Number 1 of 1974 on Marriage, yet remain limited to differences in normative substance without examining their implications in judicial practice. Consequently, such studies have not been able to comprehensively explain the current position of the Civil Code within the evolving national legal system. This limitation indicates that the approaches employed remain predominantly descriptive and have not fully engaged with evaluative and critical dimensions. In fact, social transformation and legal reform demand more reflective analyses regarding the relevance of classical legal norms in contemporary contexts (Salas et al., 2025). Therefore, there is a need to strengthen analytical approaches that are not only normative but also contextual and progressive.

Meanwhile, in the international sphere, contemporary research in the field of *family law* demonstrates a more dynamic orientation by emphasizing the importance of harmonizing family law in response to globalization and legal pluralism. These studies do not merely address legal norms in a static manner but also relate them to issues of legal modernization, human rights protection, and the integration of equality and legal certainty within national legal systems (Arief, 2017). This perspective indicates that family law is no longer viewed solely as a normative product, but rather as an instrument that must adapt to social change and demands for justice. Furthermore, international research highlights the necessity of reconstructing classical legal norms to ensure their continued relevance in modern societies. This development reflects a paradigm shift from a strictly legalistic approach toward a more interdisciplinary and socially responsive framework. Consequently, global perspectives provide significant contributions in understanding how national legal systems can evolve without losing their normative identity. Such approaches serve as important references for the advancement of legal scholarship in Indonesia.

These conditions indicate the existence of a research gap within the national context, particularly concerning studies that specifically and critically assess the relevance of marriage regulations within the Civil Code in relation to the development of Indonesian national marriage law. To date, there remains a lack of research integrating normative analysis with a critical examination of the juridical implications of the Civil Code's continued applicability in contemporary legal practice. In fact, the dynamics of family law reform in Indonesia require an in-depth evaluation of the persistence of classical norms within a partially unified legal system. The absence of such studies has the potential to generate uncertainty in legal application, particularly in the context of vertical and horizontal harmonization of legislation (Ikram Taefuri, 2023). Therefore, research is needed that not only identifies the existence of legal norms but also systematically and critically evaluates their level of

relevance. Such studies are expected to provide both theoretical and practical contributions to the development of national marriage law. Accordingly, this research seeks to fill this gap by offering a more comprehensive analysis grounded in contemporary legal developments.

Accordingly, the novelty of this study lies in its normative-critical analysis of marriage regulations within the Civil Code by employing a framework of legal harmonization and national legal development. This study does not merely describe existing norms but evaluates their relevance and juridical implications for the direction of marriage law reform in Indonesia. Therefore, this research focuses on systematically examining the level of relevance of marriage regulations within the Civil Code to the development of national marriage law, as well as its implications for legal harmonization and legal certainty within the Indonesian legal system.

B. Method

This study constitutes a normative legal research (*doctrinal legal research*) that positions law as a set of norms structured within a system of statutory regulations and legal doctrines. This approach is grounded in the assumption that law is not merely understood as a social phenomenon, but as a normative structure possessing its own internal logic and systematic coherence. Therefore, the analysis is focused on examining applicable legal norms (*law in books*) to understand their construction, consistency, and relevance within the national legal system. Normative legal research also enables the researcher to interpret abstract legal norms so that they can be applied in concrete contexts. Within this framework, law is positioned as a regulatory instrument that must ensure both legal certainty and justice. Accordingly, this study emphasizes a systematic and argumentative normative analysis.

The approaches employed in this research include the statutory approach, the conceptual approach, and a limited historical approach. The statutory approach is used to comprehensively examine marriage provisions within the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) and Law Number 1 of 1974 on Marriage along with its amendments. Meanwhile, the conceptual approach is applied to analyze the concepts of marriage law, including the underlying principles, doctrines, and theoretical constructions within the national legal system. The historical approach is employed in a limited manner to understand the background and formation of legal norms within the Civil Code, particularly in the context of colonial legal influences. The combination of these approaches is expected to provide a comprehensive and holistic understanding of the research object. Thus, the analysis is not only textual but also contextual and conceptual.

The legal materials in this study consist of primary and secondary legal sources relevant to the research topic. Primary legal materials include statutory regulations, particularly the Civil Code and other related regulations governing marriage. Secondary legal materials encompass reference books, accredited national journal articles, and reputable international publications that support the theoretical analysis. The collection of legal materials is conducted through library research by systematically reviewing credible and up-to-date literature. This process aims to obtain comprehensive legal data that are academically reliable. In addition, the selection of sources is carried out selectively to ensure the quality and relevance of the information utilized. Consequently, the data obtained possess a high level of validity in supporting the research analysis.

The analysis in this study is conducted using a qualitative normative method by applying legal interpretation to understand the meaning and substance of the examined norms. The researcher evaluates the consistency of legal norms and examines both vertical and horizontal harmonization within the system of statutory regulations. This analysis aims to assess the extent to which marriage regulations within the Civil Code remain relevant to the development of national marriage law. Furthermore, the study identifies potential normative disharmonization that may affect legal certainty in judicial practice. The results are presented in a descriptive-analytical manner to formulate systematic and coherent juridical arguments. Through this approach, the study is expected to provide both theoretical and practical contributions to the development of marriage law in Indonesia.

C. Result

1. The Position of the Indonesian Civil Code within the National Marriage Law System: A Statutory Approach Analysis

As emphasized in the research methodology, the statutory approach is employed to systematically examine the normative structure within the Indonesian Civil Code and to compare it with Law Number 1 of 1974 on Marriage along with its amendments. This approach enables an analysis of the hierarchy of norms, the relationships between regulations, and the consistency of legal substance within the national legal system. Accordingly, this study does not merely map normative differences but also evaluates the juridical implications arising from the application of these two legal instruments (Ramdhani et al., 2024). The analysis is conducted by considering the principles of legal harmonization and the doctrine of *lex specialis derogat legi generali*. This approach is particularly relevant within the context of Indonesia's legal pluralism, which accommodates multiple legal systems. Therefore, understanding the position of the Civil Code becomes essential in examining the dynamics of national marriage law. It also provides a basis for evaluating its normative relevance in contemporary legal practice (SALLOM, 2023).

In its normative construction, the Civil Code regulates marriage in Book I on Persons, reflecting the characteristics of classical private law. The regulation conceptualizes marriage as a civil legal institution that is contractual and formal in nature. The primary emphasis is placed on registration as a requirement for legal validity within the framework of state law. Additionally, the Civil Code stipulates legal consequences of marriage in the form of automatic community property between spouses. The dissolution of marriage is governed through judicial mechanisms based on specific and limited grounds. This construction demonstrates the dominance of private law principles in regulating marriage. Consequently, the Civil Code reflects a legal system oriented toward formal certainty and administrative legality (Muhazir, 2019).

Furthermore, the model of regulation within the Civil Code aligns with the concept of *civil marriage* developed within the Continental European legal tradition of the nineteenth century. In this system, the state plays a central role in determining the validity of marriage. Legal legitimacy is not derived from religious norms, but from state recognition through administrative mechanisms. As a result, religion is positioned within the private sphere of the parties and does not possess normative authority in determining the validity of marriage (Faisal, 2021). This paradigm reflects the separation between law and religion within modern Western legal systems. Consequently, moral and religious aspects are not the primary basis for marriage regulation. This indicates a fundamental difference from the legal system developed in Indonesia.

In contrast, Law Number 1 of 1974 on Marriage introduces a new paradigm within the national marriage law system. The law stipulates that a marriage is valid if it is conducted in accordance with the respective religious laws of the parties and registered in accordance with statutory regulations. This provision indicates that the validity of marriage depends not only on administrative aspects but also on religious legitimacy. Thus, religious law becomes the primary determinant in assessing the legality of marriage (Malisi, 2022). The state functions as an administrative authority ensuring registration and legal certainty. This approach reflects an integration between religious values and the national legal system. Therefore, the Indonesian marriage law system possesses distinctive characteristics compared to Western systems.

This shift demonstrates a transformation from the supremacy of the state toward an integration of religious legitimacy and state administration. In this context, the state is no longer the sole source of legal legitimacy but shares this role with religious norms. This reflects the pluralistic nature of the Indonesian legal system, which is grounded in religious values. The transformation also indicates an effort to align national law with the social and cultural values of society. Consequently, marriage law functions not only as a legal instrument but also as a reflection of moral and religious values. This integration strengthens the social legitimacy of marriage law in Indonesia. Therefore, this paradigm shift has broad implications for legal practice (Masuk et al., 2023).

Through a systematic analysis of both legal systems, it can be concluded that Law No. 1 of 1974 functions normatively as *lex specialis* in the field of marriage law. The principle of *lex specialis derogat legi generali* asserts that specific rules override general ones. In this context, the Marriage Law serves as the primary reference for regulating marriage in Indonesia. Consequently, Civil Code provisions that materially contradict it no longer hold dominant legal force. This indicates the normative subordination of the Civil Code within the national marriage law system. Thus, the position of the Civil Code has shifted from a primary norm to a supplementary one. This finding reflects a significant transformation within the national legal structure.

This normative transformation did not occur abruptly but constitutes part of an ongoing process of legal reform. Marriage law reform in Indonesia aims to establish a legal system that is more responsive to societal needs. This is evident from various regulatory changes aimed at strengthening the protection of individual rights within marriage. Furthermore, these reforms seek to harmonize the multiple sources of law within the national legal system. As a result, national marriage law has become more adaptive to social change. This process reflects the dynamic nature of national law formation. Therefore, analyzing this transformation is essential for understanding legal development.

Recent developments also demonstrate constitutional dynamics that reinforce the position of the Marriage Law as an instrument of family law reform. A notable example is the Constitutional Court Decision Number 22/PUU-XV/2017, which prompted changes to the minimum marriage age. This decision was subsequently followed by amendments to the Marriage Law through Law Number 16 of 2019. These changes aim to enhance the protection of children's rights and gender equality (Siregar & Mardiah, 2021). This indicates that national marriage law continues to evolve in accordance with constitutional principles. Consequently, the legal system is no longer static but dynamic and responsive. These developments strengthen the role of national law in accommodating modern values.

These changes further indicate that the national marriage law system is no longer based on the classical construction of the Civil Code. Instead, it has evolved in line with human rights principles and modern constitutionalism. This is reflected in the increasing emphasis on issues such as gender equality and child protection. Moreover, marriage law has begun to incorporate principles of substantive justice in dispute resolution. Consequently, law is no longer oriented solely toward formal certainty but also toward social justice (Mardiah et al., 2023). This shift signifies an evolution in the national legal paradigm. Therefore, the Civil Code increasingly loses its normative dominance.

In judicial practice, this shift is also evident in the reasoning adopted by judges. Judges tend to rely more on the Marriage Law and its implementing regulations than on the Civil Code. This is particularly evident in cases concerning the validity of marriage and divorce. However, the Civil Code is still applied in certain areas that are not explicitly regulated. For instance, it is used in matters relating to prenuptial agreements and marital property arrangements. This indicates that the Civil Code still retains a functional role in legal practice. Nevertheless, this role is limited and not dominant. Thus, a shift in the use of legal sources by judges can be observed.

This phenomenon indicates that functionally, the Civil Code now serves as supplementary law (*aanvullend recht*). In this context, it is used to fill legal gaps not addressed in the Marriage Law. This role is subordinate and cannot override the provisions of the Marriage Law. Consequently, the Civil Code no longer constitutes the primary source of law in marriage regulation. This reflects a structural transformation within the national legal system. Such transformation also illustrates the process of harmonizing various sources of law. Therefore, the function of the Civil Code has become more limited in legal practice.

Nevertheless, the Civil Code continues to retain relevance in certain contexts. This is particularly related to the need for legal certainty in technical aspects not yet comprehensively regulated. Additionally, the Civil Code serves as a historical reference in understanding the development of marriage law. Thus, it is not entirely abandoned within the national legal system. However, its application must be aligned with prevailing legal principles. This highlights the

importance of a selective approach in utilizing Civil Code provisions. Accordingly, its relevance can be maintained within certain limits (Rasyid & Siregar, 2022).

The analysis of these two legal systems also demonstrates the necessity of strengthening normative harmonization. Harmonization is required to ensure consistency among various regulations governing marriage. Without harmonization, normative inconsistencies may lead to legal uncertainty in practice. Therefore, systematic efforts are needed to align existing legal norms. This can be achieved through integrative and consistent legal interpretation. Consequently, the legal system becomes more coherent and effective. Such efforts are essential for maintaining national legal stability.

The findings of this study indicate a significant normative transformation within the national marriage law system. This transformation is marked by a shift from a *civil law colonial framework* toward a religious-constitutional family law system. This change reflects the adaptation of law to the socio-cultural values of Indonesian society. Furthermore, it demonstrates an effort to strengthen both social and constitutional legitimacy of the legal system. As a result, national marriage law has become more responsive and relevant to societal needs. This development signifies the effectiveness of legal reform in the field of marriage. Therefore, this transformation holds substantial significance for the advancement of national law.

2. Paradigmatic Differences and Conceptual Reconstruction (Conceptual Approach)

The conceptual approach in legal research is employed to examine the construction of ideas, principles, and paradigms underlying a normative legal framework. This approach enables researchers to understand law not merely as a set of texts, but as a product of intellectual reasoning grounded in philosophical and theoretical foundations. Accordingly, the analysis extends beyond the wording of legal provisions to explore the values and rationality that shape them. This approach is essential in revealing fundamental differences between legal systems that may appear similar at a formal level. Therefore, the conceptual approach provides space for deeper and more reflective analysis. In this context, law is understood as a dynamic system of ideas.

Through this approach, the comparison between the regulation of marital property under the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) and Law Number 1 of 1974 on Marriage is not merely conducted textually. Instead, the analysis considers the legal paradigms underlying each regulatory framework (Siregar, 2022). This is crucial for identifying conceptual differences that may not be explicitly reflected in the normative provisions. Accordingly, this study seeks to uncover the substantive meaning of marriage law regulations. This approach also allows for an evaluation of the relevance of legal norms within the national legal context. Therefore, the comparison is conducted in a systematic and critical manner.

Conceptually, the Civil Code is constructed upon the modern Continental European legal paradigm, characterized by legal secularism and individualism. This paradigm positions law as a rational system detached from religious values. Moreover, law is viewed as an instrument governing relationships among individuals in a formal and objective manner. The primary orientation of this system is the protection of individual interests, particularly in private legal relations. Consequently, legal relationships are understood within the framework of formal rationality. This paradigm reflects the characteristics of modern Western legal systems (Azni, Wahidin, Rahmad Kurniawan, 2022).

Within this construction, marriage is positioned as a civil contract (*burgerlijke contract*) that produces legal consequences within the private sphere. The relationship between husband and wife is understood as a legal relationship based on mutual agreement between the parties. The resulting legal consequences primarily concern personal status and property relations. Accordingly, emotional and spiritual aspects are not the primary focus of legal regulation. This approach situates marriage within a rational and individualistic legal framework. It demonstrates the dominance of contractual principles in marriage law. Therefore, marriage is regarded as a private legal institution.

The consequence of this paradigm is that the relationship between spouses is understood in terms of individual civil rights and obligations. Each party holds autonomous legal standing in

managing their respective interests. The system also emphasizes freedom of contract as a fundamental principle in legal relations. As a result, the regulation of marital property is flexible and can be adjusted according to the will of the parties. However, this approach tends to overlook the social and collective dimensions of marriage. This indicates the limitations of an individualistic paradigm within a plural society. Therefore, its relevance requires critical reassessment (Bachrong et al., 2019).

In contrast, Law Number 1 of 1974 on Marriage establishes a fundamentally different religious-administrative paradigm. Within this framework, marriage is regarded as a physical and spiritual bond based on belief in the Almighty God. Law does not merely regulate formal aspects but also recognizes the spiritual dimension of the marital relationship. Consequently, the validity of marriage is determined not only by the state but also by religious norms. The state functions as an administrative authority ensuring registration and legal certainty. This approach reflects the integration of religious values into the national legal system.

This religious-administrative paradigm demonstrates that national marriage law does not strictly separate religious norms from state law. Instead, both are integrated into a unified normative framework that complements each other. This reflects the characteristics of the Indonesian legal system, which is grounded in the values of Pancasila. Accordingly, law functions not only as a regulatory instrument but also as a guardian of moral and social values. This integration strengthens the legitimacy of marriage law within society (Sholehudin, 2019). Therefore, the law becomes more socially accepted. This highlights the distinctive nature of Indonesia's legal system.

Contemporary family law literature emphasizes that in plural societies such as Indonesia, the integration of religious values into family law constitutes a necessary response to social realities. Family law is not merely understood as a mechanism for regulating private relationships, but also as an instrument for maintaining social order and collective moral values. Thus, family law performs broader social functions compared to other branches of law. This integration also reflects responsiveness to cultural and societal conditions. Therefore, law must remain adaptive to social change. This underscores the importance of a contextual approach in legal analysis.

Through the conceptual approach, this study asserts that the relevance of the Civil Code within the national marriage law system cannot be assessed solely through textual interpretation. Such an evaluation must be conducted paradigmatically by examining its compatibility with the foundational values of the national legal system. This is essential to ensure that legal norms remain relevant within the Indonesian context. Accordingly, a critical evaluation of existing legal constructions is required. This approach enables the reconstruction of legal concepts in a manner that aligns with national legal development. Therefore, the analysis is conducted in a reflective and in-depth manner.

Based on this analysis, a conceptual reconstruction of the regulation of marital property is necessary to align it with the evolving paradigm of national law. This reconstruction must take into account the values of Pancasila and prevailing constitutional principles. In doing so, the law can function more effectively within society. Furthermore, such reconstruction aims to enhance both justice and legal certainty. This is particularly important in responding to the dynamic development of law. Therefore, the renewal of legal concepts becomes an urgent necessity. In this way, national marriage law can evolve in a sustainable and adaptive manner.

3. Affirmation of the Limited Relevance of the Indonesian Civil Code within the National Marriage Law System

Based on the overall analysis conducted through the statutory approach, conceptual approach, and historical approach, this study produces findings that are systemic and paradigmatic in nature. These three approaches are integratively applied to examine the normative structure, conceptual foundations, and historical development of marriage law in Indonesia. Accordingly, the analysis is not merely descriptive but also evaluative and critical of the applicability of legal norms within the national legal system (Jati, 2022). This approach enables the identification of

comprehensive legal transformation. In addition, the study examines the relationship between old and new norms within the framework of legal harmonization. Therefore, the findings possess both theoretical and practical relevance. This contributes significantly to understanding the dynamics of national marriage law.

- a. The study finds that a significant shift has occurred in the paradigm of national marriage law. This shift is marked by a transition from a secular-contractual model rooted in the colonial civil law tradition toward a religious-administrative model. This new model is grounded in the principle of belief in the Almighty God and the state's recognition of religious norms. The transformation indicates that marriage law is no longer viewed merely as a private legal relationship. Instead, it is understood as a social institution with spiritual, constitutional, and administrative dimensions. This shift reflects the adaptation of law to Indonesian societal values. Accordingly, the paradigm of marriage law has undergone a fundamental transformation.

This transformation also reflects a change in the orientation of marriage law regulation. Under the previous paradigm, marriage was positioned as a civil contract characterized by individualism and rationality. In contrast, the new paradigm views marriage as a bond with social and religious significance. This indicates that law functions not only as a regulatory instrument but also as a reflection of moral values within society. Such a shift strengthens the legitimacy of law in a social context. Moreover, law becomes more responsive to societal needs. Consequently, the normative quality of national marriage law has improved. This demonstrates the success of legal reform in the field of marriage (Nurdiansyah et al., 2023).

- b. Within the existing positive legal structure, the Indonesian Civil Code no longer occupies a central position in determining the legitimacy of marriage. This position has been normatively replaced by Law Number 1 of 1974 on Marriage, which serves as the primary legal reference. The law explicitly establishes religious law and state registration as the basis for the validity of marriage. Thus, the legitimacy of marriage is no longer determined solely by administrative aspects. This change reflects a shift in the source of legal legitimacy. Therefore, the Civil Code no longer plays a dominant role in the national marriage law system. This confirms the restructuring of legal norms within the national legal framework.

This shift in position also indicates that the national marriage law system has undergone partial unification. The Marriage Law functions as the main framework integrating various existing sources of law. This reflects the state's effort to establish a more consistent and structured legal system. Furthermore, such unification aims to reduce potential normative conflicts. As a result, marriage law becomes more stable and predictable. However, this unification does not entirely eliminate the applicability of older norms. Therefore, an appropriate approach is required to understand the relationship between different legal norms. This demonstrates the complexity of the national legal system (Rachmat, 2018).

- c. The relevance of the Civil Code in national marriage law is limited and residual. Its applicability is only possible in specific aspects that are not comprehensively regulated in the Marriage Law. Examples include technical provisions concerning marital property and prenuptial agreements. In this context, the Civil Code functions as supplementary law that fills legal gaps. However, this function is complementary rather than determinative. In other words, the Civil Code cannot override the provisions of the Marriage Law. Thus, its role becomes subordinate within the legal system. This reflects the limitation of the applicability of colonial legal norms.
- d. The study also identifies the continuing potential for normative disharmony in legal practice. Such disharmony may arise in the absence of systematic and integrative legal interpretation. Therefore, the application of legal principles such as *lex specialis derogat legi generali* and *lex superior derogat legi inferiori* becomes essential. In addition, the principle of legislative harmonization must be consistently applied. This is necessary to avoid conflicts between older and newer norms. Without harmonization, dualism in legal legitimacy may occur. Hence, a sound methodological approach is crucial. This underscores the need for consistency in legal practice.

This potential disharmony also affects legal certainty in judicial practice. Ambiguities in the application of norms may lead to inconsistencies in judicial decisions. Such conditions can undermine public trust in the legal system. Therefore, efforts to strengthen the integration of legal norms are necessary. One effective approach is the use of systematic legal interpretation. Through this method, legal norms can be applied consistently. This is crucial for maintaining legal stability. Accordingly, harmonization becomes an urgent necessity within the legal system.

From a methodological perspective, the findings of this study emphasize that the applicability of the Civil Code in the field of marriage cannot be understood solely through textual or historical analysis. Instead, it must be analyzed within the framework of the dynamic transformation of the national legal system (Salas et al., 2025). This indicates that law should be understood as an evolving system. Therefore, the analytical approach must be comprehensive and integrative. Such an approach enables a deeper understanding of legal norms. This is essential in assessing their relevance within contemporary contexts. Hence, methodological rigor becomes a key element in legal research.

Accordingly, it can be concluded that the position of the Civil Code within Indonesian marriage law is limited, subordinate, and complementary. Its applicability is subject to more recent legal norms that are aligned with the national legal paradigm. This reflects a normative transformation within the marriage law system. Such transformation demonstrates the adaptation of law to societal values and constitutional principles. Consequently, national marriage law becomes more responsive and relevant. This also indicates the success of legal reform in Indonesia. Therefore, these findings hold important implications for the development of national law.

D. Kesimpulan

Based on the analysis conducted through statutory, conceptual, and historical approaches, this study affirms that the national marriage law system in Indonesia has undergone a significant normative transformation. This transformation is marked by a shift from a secular-contractual system rooted in the colonial *civil law* tradition toward a religious-administrative family law system. Within this new paradigm, the validity of marriage is determined not only by administrative requirements but also by religious legitimacy recognized by the state. This change indicates that marriage law is no longer understood merely as a private legal relationship, but as a social institution encompassing spiritual, constitutional, and administrative dimensions. Accordingly, national marriage law reflects the integration of religious values, legal norms, and social interests. This transformation also demonstrates the capacity of the Indonesian legal system to adapt to societal values. Therefore, national marriage law increasingly possesses strong normative and social legitimacy.

Furthermore, this study finds that the Indonesian Civil Code (Kitab Undang-Undang Hukum Perdata) no longer holds a dominant position in determining the legitimacy of marriage within the national legal system. This position has been normatively replaced by Law Number 1 of 1974 on Marriage and its subsequent amendments, which function as *lex specialis* in the field of marriage law. The Civil Code now has only limited and residual relevance, particularly in civil aspects that are not comprehensively regulated under the Marriage Law. In this context, the Civil Code functions as supplementary law (*aanvullend recht*), operating in a complementary and subordinate capacity. This condition reflects a restructuring of legal norms within the national legal system, where more recent laws serve as the primary reference. Accordingly, the applicability of the Civil Code must be understood within the framework of normative harmonization and subordination. This is essential to ensure consistency and legal certainty in judicial practice.

Finally, this study emphasizes that the continued application of the Civil Code in national marriage law must be accompanied by a systematic, integrative, and harmonization-based interpretative approach. Without such an approach, the potential for normative disharmony may lead to legal uncertainty and inconsistencies in judicial practice. Therefore, efforts toward conceptual reconstruction and normative harmonization are required to ensure that marriage law regulations are aligned with the national legal paradigm grounded in Pancasila and the Constitution. In addition, this study implies that reform in marriage law must continue to be conducted adaptively in response to

social developments and societal values. In this regard, law functions not only as a regulatory instrument but also as a means to achieve substantive justice. These conclusions are expected to serve as a foundation for the development of a more progressive and responsive marriage law system. Accordingly, the findings of this study contribute significantly to strengthening the Indonesian national legal system.

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