

Marriage Governance and Legal Pluralism in Central Asian Family Law Systems



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ABSTRACT

Existing studies insufficiently examine the interaction between state law, Islamic law, and customary norms in determining the validity of marriage, particularly in relation to legal recognition, registration procedures, and the protection of family rights within pluralistic family law systems in Central Asia. This study analyses how different legal systems respond to such pluralism and identifies its implications for legal certainty and social legitimacy. The research applies a normative juridical method with doctrinal and comparative approaches to assess the relationship between national family law frameworks and socio-religious norms. The findings indicate that first, Uzbekistan prioritises state registration as the principal determinant of marital validity, thereby emphasising formal legal certainty within its family law system. Second, Indonesia adopts an integrative approach that recognises both religious legitimacy and administrative registration as essential elements in determining marital validity, reflecting a more accommodative model of legal pluralism. Third, these differing approaches demonstrate distinct strategies in balancing legal certainty with prevailing social and religious values, thereby underscoring the importance of regulatory harmonisation to ensure legal protection, institutional coherence, and broader social acceptance of marriage within pluralistic legal systems.



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Introduction

Marriage constitutes a social and legal institution that plays a fundamental role in the formation of the family as the basic unit of society. Across various civilisations, the practice of marriage has developed since the earliest periods of human life and has been governed by social norms, customary practices, and

religious teachings.¹ Within traditional societies, marriage is not merely perceived as a union between a man and a woman, but also as a social mechanism associated with family honour, the continuity of lineage, and the regulation of social relations within the community.² Accordingly, prior to the establishment of modern legal systems, the regulation of marriage was generally based on customary norms and religious doctrines that developed within society.³

With the emergence of the modern state, the regulation of marriage is no longer solely grounded in social and religious norms, but is also formally governed through state legal frameworks.⁴ In this context, the state plays an essential role in providing legal certainty concerning marital relationships, including the requirements, procedures, and the rights and obligations arising from such relationships. Such regulation is intended to protect the interests of the parties entering into marriage and to ensure the protection of children and the family as an important social institution.⁵ From a legal perspective, marriage constitutes a legal fact that gives rise to a legal relationship between husband and wife and creates certain rights and obligations for the parties involved.⁶ For this reason, the state has a legitimate interest in regulating and supervising the implementation of marriage in order to maintain legal order within society. This concern is reflected in various national and international legal instruments that emphasise the protection of the family institution and marital relations.⁷

Within international law, the protection of the right to marry and to found a family is recognised as part of fundamental human rights. This principle is articulated, inter alia, in the Universal Declaration of Human Rights, particularly

¹ Nehaluddin Ahmad, Zheimie H. Zamri, and Noor Saffrena Omarali, 'Islamic Nations' Approaches to Combating Gender Discrimination against Women: An Examination of the Southeast Asia Region', *De Jure: Jurnal Hukum Dan Syar'iah*, 16.2 (2024), 501–30 <https://doi.org/10.18860/j-fsh.v16i2.29965>

² Karin Ask, 'Legal Pluralism and Transitional Justice in Afghanistan: A Gender Perspective', *Human Rights in Development, Volume 9*, 2021, 347–69 https://doi.org/10.1163/9789047415879_013

³ Di Negara-Negara Muslim Afrika Tunisia and others, 'Analisis Normatif-Komparatif Terhadap Reformasi Hukum Perkawinan Di Negara-Negara Muslim Afrika (Tunisia, Maroko, Sudan, Dan Nigeria)', *Innovative: Journal Of Social Science Research*, 6.1 (2026), 154–72 <https://doi.org/10.31004/INNOVATIVE.V6I1.21427>

⁴ Nadia Sonneveld, 'From the Liberation of Women to the Liberation of Men? A Century of Family Law Reform in Egypt', *Religion and Gender*, 7.1 (2017), 88–104 <https://doi.org/10.18352/rg.10197>

⁵ Bahrul Falah and others, 'The Partiality of Family Law Reform towards Women: A Comparative Study of Women's Material Rights after Divorce in Muslim Countries', *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah*, 6.2 (2023), 169–92 <https://doi.org/10.58824/mediasas.v6i2.122>

⁶ Sukarni Sukarni, 'The Role of Local Culture in Shaping Social Justice Practices in Multicultural Societies', *Journal Social Humanity Perspective*, 2.3 (2025) <https://doi.org/10.71435/639165>

⁷ Fauzi Dahrial, Ramza Fatria Maulana, and Mahmud Yunus, 'Hukum Perkawinan Islam Di Bawah Tekanan Modernitas: Studi Historis Dan Yuridis Atas Reformasi Di Mesir, Turki, Pakistan, Dan Irak: Penelitian', *Jurnal Pengabdian Masyarakat Dan Riset Pendidikan*, 3.4 (2025), 3524–36 <https://doi.org/10.31004/jerkin.v3i4.1093>

Article 16, which affirms that men and women of full age have the right to marry and to found a family without limitation based on race, nationality, or religion.⁸ A similar principle is reaffirmed in the International Covenant on Civil and Political Rights, which recognises the family as the natural and fundamental group unit of society and affirms its entitlement to protection by both the state and society.

At the national level, protection of the family is also affirmed in the Constitution of the Republic of Uzbekistan, which recognises the family as the basic unit of society under the protection of the state. Further regulation concerning marital relations is provided in the Family Code of the Republic of Uzbekistan, which stipulates that marriage constitutes a voluntary union between a man and a woman conducted in accordance with applicable legal provisions.⁹ This regulatory framework reflects the state's effort to ensure legal certainty in the establishment of families and to guarantee the protection of the rights and obligations of the parties within marriage.¹⁰ In social practice, however, the regulation of marriage is not solely influenced by state law but is also shaped by religious norms and customary traditions that have long developed within society.¹¹ In many communities, marriage is frequently conducted through two mechanisms simultaneously: a religious marriage ceremony and a marriage registered by the state.¹² This condition illustrates the existence of legal pluralism in the regulation of marriage, whereby different normative systems state law, religious law, and customary law operate concurrently within society.¹³

The existence of such legal pluralism has the potential to give rise to various legal issues, particularly concerning the validity of marriage, the registration of marriages, and the legal protection of the rights and obligations of spouses. In certain cases, marriages conducted solely through religious rites without official registration may generate legal uncertainty, particularly with regard to the legal status of the spouses, inheritance rights, and legal protection for women and

⁸ Anantdeep Singh, 'Forum Shopping in the Middle East and South Asia: Its Impact on Women and the Evolution of Inheritance Codes', *The Journal of Legal Pluralism and Unofficial Law*, 46.3 (2014), 289–319 <https://doi.org/10.1080/07329113.2015.958913>

⁹ Mohd Al Adib Samuri and others, 'Hadith of Aisha's Marriage to Prophet Muhammad: An Islamic Discourse on Child Marriage', *International Journal of Islamic Thought*, 21 (2022), 93–105 <https://doi.org/10.24035/ijit.21.2022.229>

¹⁰ Ihsan Yilmaz, 'Muslim Secularism by Conduct: Attitudes of Young Australian Muslims to Legal Pluralism and Sharia', *Journal of Intercultural Studies*, 44.2 (2023), 274–88 <https://doi.org/10.1080/07256868.2022.2104826>

¹¹ Michelle D. Vaughan and others, 'Healthcare Experiences and Needs of Consensually Non-Monogamous People: Results From a Focus Group Study', *Journal of Sexual Medicine*, 16.1 (2019), 42–51 <https://doi.org/10.1016/j.jsxm.2018.11.006>

¹² Ade Khoirunnisa and others, 'Comparison of Islamic Family Law in Malaysia and Indonesia', *An-Nisa: Journal of Islamic Family Law*, 2.2 (2025), 109–20 <https://doi.org/10.63142/an-nisa.v2i2.226>

¹³ Timur Kuran, 'The Economic Ascent of the Middle East's Religious Minorities: The Role of Islamic Legal Pluralism', *Https://Doi.Org/10.1086/422707*, 33.2 (2004), 475–515 <https://doi.org/10.1086/422707>

children.¹⁴ Consequently, a comprehensive legal analysis is required to examine how modern legal systems regulate and harmonise the relationship between religious norms, customary traditions, and state law in the governance of marriage.¹⁵

Research concerning marriage law has been conducted extensively. One notable study examining legal pluralism in marriage regulation in Indonesia was undertaken by Adriaan Bedner, who argues that the coexistence of state law, religious law, and customary law creates complex normative interactions in the governance of marriage.¹⁶ This study generally emphasises that debates surrounding marriage regulation often revolve around the relationship between religious norms and the protection of women's rights, particularly following the enactment of the Marriage Law. Nevertheless, the study primarily focuses on the Indonesian context and does not analyse how legal pluralism operates within other legal systems, particularly within Central Asian family law systems that possess distinct historical, cultural, and legal backgrounds.¹⁷ Another study examining legal pluralism in Afghanistan was conducted by Singh D, focusing on the interaction between state law, Islamic law, and community based dispute resolution mechanisms.¹⁸ The research highlights how international donors and development programmes attempt to promote the rule of law and human rights standards within local legal systems. Although this study provides important insights into the management of legal pluralism in post conflict societies, it primarily analyses the role of international actors in shaping legal institutions and does not specifically address marriage or family law regulation from a comparative perspective.¹⁹

Furthermore, research on interfaith marriage in Indonesia conducted by Koschorke J explores the legal construction of marriage within a pluralistic legal framework, particularly the tension between constitutional guarantees of religious

¹⁴ Miyase Yavuz, 'Allah (God), Al-Watan (the Nation), Al-Malik (the King), and the Role of Ijtihād in the Family Law Reforms of Morocco', *Journal of the Middle East and Africa*, 7.2 (2016), 207–27 <https://doi.org/10.1080/21520844.2016.1193687>

¹⁵ Judith Beyer, 'Legal Pluralism in Central Asia', *The Central Asian World*, 2023, 409–21 <https://doi.org/10.4324/9781003021803-33>

¹⁶ Adriaan Bedner and Stijn Van Huis, 'Plurality of Marriage Law and Marriage Registration for Muslims in Indonesia: A Plea for Pragmatism', *Utrecht Law Review*, 6.2 (2010), 175 <https://doi.org/10.18352/ulr.130>

¹⁷ Ridmajayanti and others, 'Inequality of Rights in Verstek Divorce: Islamic Law Perspective and Practices in Religious Courts', *Journal of Indonesian Scholars for Social Research*, 5.1 (2025), 73–82 <https://doi.org/10.59065/jissr.v5i1.175>

¹⁸ Anantdeep Singh.

¹⁹ Muhammad Jayus and others, 'Policy of Islamic Family Law in Textual and Historical Approach', *KnE Social Sciences*, 2024 <https://doi.org/10.18502/kss.v9i2.15017>

freedom and existing marriage regulations.²⁰ The study identifies a gap between legal norms and administrative practices in the recognition and registration of interfaith marriages. However, the study is limited to the issue of religious diversity within marriage regulation and does not examine the broader structural interaction between state law, customary norms, and religious law across different legal traditions.²¹

Based on this review of previous studies, it can be observed that most research on marriage regulation and legal pluralism tends to focus on particular national contexts or specific issues, such as women's rights, religious freedom, or administrative recognition of marriages.²² Previous studies have not provided a comprehensive analysis of how legal pluralism operates within family law systems in Central Asia. The novelty of this research therefore lies in examining the construction of marriage regulation within the framework of legal pluralism in Central Asian family law systems, particularly through a comparative analysis between state law, Islamic legal norms, and customary traditions. Additionally, this study undertakes a comparative examination between Uzbekistan and Indonesia.²³ Through this approach, the research aims to contribute to the broader discourse on legal pluralism, family law reform, and the harmonisation of religious, customary, and state legal norms within pluralistic societies.

Research Method

This study employs a normative legal research method focusing on the analysis of marriage regulation within the framework of legal pluralism in Central Asian family law systems. The research examines the interaction between state law, Islamic law, and customary law in regulating marriage, particularly concerning the validity, registration, and legal consequences arising from marital relationships. The doctrinal approach is applied through the analysis of primary legal sources, including the Family Code of the Republic of Uzbekistan, the Constitution of the Republic of Uzbekistan, and regulations governing civil registration, as well as Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019 in Indonesia. In addition, relevant international human rights instruments, such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), are also examined in

²⁰ Judith Koschorke, 'Legal Pluralism in Indonesia: The Case of Interfaith Marriages Involving Muslims', *Studies in Islamic Law and Society*, 49 (2019), 199–229
https://doi.org/10.1163/9789004398269_010

²¹ Nur Iwana Safi Muhamad Hanizad and others, 'A Maqasid Al-Shariah Approach to Divorce Due to a Spouse's Mental Illness: Legal and Rights-Based Insights from Islamic Family Law', *International Journal of Research and Innovation in Social Science*, IX.VI (2025), 5496–5505
<https://doi.org/10.47772/ijriss.2025.906000419>

²² Ade Khoirunnisa and others.

²³ Anantdeep Singh.

order to identify legal principles governing the right to marry and to found a family.²⁴

This study further reviews secondary legal sources, including academic literature, scholarly journals, and previous studies relating to legal pluralism and family law, in order to understand the historical development and doctrinal foundations of marriage regulation within plural legal systems.²⁵ Furthermore, the research adopts a comparative legal approach by examining the marriage law systems of Uzbekistan and Indonesia, particularly with regard to the legal foundations of marriage, requirements of validity, the role of religion, and the function of marriage registration. Through this interpretative and comparative analysis, the study seeks to explain the dynamics of legal pluralism in the regulation of marriage and to formulate conceptual insights regarding the harmonisation of state law, religious norms, and customary traditions within contemporary family law systems.²⁶

Results and Discussion

Historical and Socio-Cultural Development of Marriage Regulation

Marriage has, since the earliest periods of human civilisation, constituted one of the most significant social institutions within society. From a historical perspective, marriage did not initially emerge as a formal legal concept but rather developed as a social practice shaped by moral values, religious beliefs, and customary traditions prevailing within communities.²⁷ In the early stages of societal development, marriage was primarily understood as a social ritual intended to maintain social order, preserve lineage continuity, and strengthen relationships between family groups.²⁸ Accordingly, prior to the emergence of modern legal systems, the regulation of marriage largely derived from social norms, spiritual beliefs, and cultural traditions transmitted across generations.

One historical source illustrating the importance of marriage as a social institution in ancient societies can be found in the religious text Avesta, which

²⁴ Bedner and Van Huis.

²⁵ Rustamjon Urinboyev and Måns Svensson, 'Living Law, Legal Pluralism, and Corruption in Post-Soviet Uzbekistan', *Journal of Legal Pluralism and Unofficial Law*, 45.3 (2013), 372–90 <https://doi.org/10.1080/07329113.2014.867752>

²⁶ Corresponding Author, 'Negotiating Legal Pluralism: Customary Nobat Marriage and Islamic Law in Bayan, North Lombok', *Kawanua International Journal of Multicultural Studies*, 6.2 (2025), 279–91 <https://doi.org/10.30984/KIJMS.v6i2.1874>

²⁷ Tomáš Ledvinka, 'Conceptualisations of Legal Otherness in Asylum Evidentiary Practices: From Formal to Anthropological Interpretations of Unconventional Legal Authorities', *Sociologicky Casopis*, 59.4 (2023), 441–65 <https://doi.org/10.13060/csr.2023.005>

²⁸ Ihsan Yilmaz, 'Informal Laws, Islamist Legal Hybridity, and Its Producers', *Authoritarianism, Informal Law, and Legal Hybridity*, 2022, 31–65 https://doi.org/10.1007/978-981-19-0276-5_2

forms the doctrinal foundation of Zoroastrianism in Central Asia.²⁹ Within this text, marriage is regarded as a sacred institution possessing significant moral value in social life. Norms within Zoroastrian communities positioned the family as a social institution whose purity had to be preserved. Consequently, polygamy was generally discouraged as it was believed to undermine the sanctity of the family, while lifelong celibacy was also regarded as an undesirable condition for members of society.³⁰ Moreover, the tradition recognised prohibitions against marriage between close relatives, reflecting an early awareness of the need to regulate marital relations in order to preserve lineage purity and maintain social stability within the community.

In addition to religious influences, marital practices in ancient societies also demonstrate the emergence of early forms of legal regulation through marriage agreements or contracts. Evidence of such practices can be found in historical documents from the Sogdian civilisation discovered in the Mount Mug region of Central Asia. These documents record a marriage agreement between a Turkish ruler named Uttegin and a Sogdian woman, containing provisions regarding the rights and obligations of the parties within the marital relationship.³¹ The agreement stipulated the husband's duty to provide protection, maintenance, and respect to his wife, while the wife was expected to respect and obey her husband. It even contained provisions for financial compensation in the event that the husband violated the agreement by taking another wife without the consent of his first wife. The existence of such documents demonstrates that ancient Central Asian societies had already developed a legal awareness concerning the importance of regulating marital relations through written agreements, as well as mechanisms intended to protect women's rights within family relationships.³²

Furthermore, marital practices in traditional societies reveal a wide diversity of forms influenced by social, economic, and cultural conditions. Among the Saka people of Central Asia, for instance, there existed a tradition requiring a young man to defeat the woman he intended to marry in a wrestling contest before the

²⁹ Queen Adila and Zamzami Ahmad, 'The Dynamics of Women's Involvement in the Formulation of Islamic Family Law in Indonesia: Analysis of Law No. 1 of 1974', *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyah*, 8.2 (2025), 343–58 <https://doi.org/10.58824/mediasas.v8i2.345>

³⁰ Teuku Hafid Hududillah and others, 'Reconstructing Islamic Family Law in ASEAN: A Normative Analysis of Marriage, Divorce, and Inheritance in Plural Legal Systems', *ASEAN Journal of Islamic Studies and Civilization (AJISC)*, 2.2 (2025), 183-210- <https://doi.org/10.62976/ajisc.v1i1.1427>

³¹ Muhamad Sofan Jupri and others, 'Kajian Perbandingan Sistem Hukum Adopsi Anak Di Indonesia Dan Kazakhtan', *Al-Adl: Jurnal Hukum*, 16.1 (2024), 61–80 <https://doi.org/10.31602/al-adl.v16i1.11687>

³² Siavash Rahbari, 'From Normative Pluralism to a Unified Legal System in Afghanistan?', *Asian Journal of Law and Society*, 5.2 (2018), 289–314 <https://doi.org/10.1017/als.2018.30>

marriage could proceed.³³ This custom illustrates that in certain communities, marriage was not merely perceived as a social union but also as a mechanism reflecting values of courage, strength, and honour within the community.³⁴ Similarly, in ancient Uzbek societies, several traditional forms of marriage were practised, including arranged marriages at an early age, bride exchange between families, and marriages in which the groom was required to work for the bride's family as a substitute for the payment of bride wealth.³⁵ The diversity of these practices demonstrates that the institution of marriage possesses broad social dimensions and is often shaped by economic interests, kinship relations, and the social structure of society.

In traditional Central Asian societies, the formation of marriage was also accompanied by various rituals and cultural symbols imbued with social and spiritual meaning. The tradition of arranged marriage, for example, has been recognised since the seventh and eighth centuries, as reflected in the Orkhon–Yenisei inscriptions.³⁶ Within this tradition, the role of matchmakers or marriage intermediaries was particularly significant in facilitating communication between the families of prospective spouses.³⁷ Additional rituals such as the sharing of particular foods, the burning of incense, and other symbolic ceremonies demonstrate that marriage was not merely a private matter between two individuals but a broader social event involving the community at large. These rituals functioned to confer social legitimacy upon the marital relationship while simultaneously reinforcing communal solidarity.³⁸

Subsequent developments indicate that the regulation of marriage in Central Asian societies began to transform following the spread of Islam in the region from the seventh century onwards. Within Islamic legal doctrine, marriage is regarded as a contract (*akad*) that gives rise to legal consequences for the parties involved.³⁹ The legal foundations of marriage in Islam derive from the Qur'an and

³³ Ella Safitri and Ahmat Saiful, 'Islamic Inheritance Law in Indonesia: Analysis of Legal Implementation and Compliance Among Muslim Communities', *Responsive Law Journal*, 2.1 (2025), 53–61 <https://doi.org/10.59923/rlj.v2i1.460>

³⁴ Muhammad Suhardi, 'Legal Pluralism and Cultural Legitimacy: Reframing Sasak Customary Law to Prevent Child Marriage in Lombok', *Society*, 13.1 (2025), 538–52 <https://doi.org/10.33019/society.v13i1.818>

³⁵ Duman Bahrami-Rad, 'Keeping It in the Family: Female Inheritance, Inmarriage, and the Status of Women', *Journal of Development Economics*, 153 (2021) <https://doi.org/10.1016/j.jdeveco.2021.102714>

³⁶ Ihsan Yilmaz, 'Sharia and Young Muslims in the Anglosphere', *Islam in the Anglosphere*, 2023, 163–88 https://doi.org/10.1007/978-981-99-3780-6_5

³⁷ Arlette Gautier, 'Family Law across Cultures (Comparative Family Law)', *Cross-Cultural Family Research and Practice*, 2020, 143–83 <https://doi.org/10.1016/B978-0-12-815493-9.00005-3>

³⁸ Nafay Choudhury, 'Revisiting Critical Legal Pluralism: Normative Contestations in the Afghan Courtroom', *Asian Journal of Law and Society*, 4.1 (2017), 229–55 <https://doi.org/10.1017/als.2017.2>

³⁹ Ihsan Yilmaz, 'Towards an Islamist Hybrid Family Law', *Authoritarianism, Informal Law, and Legal Hybridity*, 2022, 67–112 https://doi.org/10.1007/978-981-19-0276-5_3

the Hadith of the Prophet Muhammad, including, for example, Qur'an Surah An-Nisa verse 3 concerning polygamy and the responsibilities of the husband toward his wife, and Surah An-Nisa verse 4 concerning the obligation to provide mahr (dower) to the bride.⁴⁰ In addition, prophetic traditions emphasise that marriage constitutes a recommended practice (*sunnah*) for Muslims.⁴¹ In Islamic legal practice, a marriage is considered valid when it fulfils certain pillars and conditions, including the presence of the prospective husband and wife, a lawful guardian (*wali*), two witnesses, the pronouncement of offer and acceptance (*ijab and qabul*), and the provision of mahr to the bride.⁴²

Nevertheless, in the social practice of Central Asian societies, Islamic legal norms often operate alongside long-standing customary laws. Certain customary practices such as the payment of bride price or the expectation that a widow marry a male relative of her deceased husband have continued to exist within social life, even when they do not fully correspond with Islamic legal principles.⁴³ This situation reflects the presence of legal pluralism in the regulation of marriage, whereby religious norms and customary traditions interact within the social fabric of the community.⁴⁴ Entering the modern period, the regulation of marriage underwent processes of codification through the establishment of state legal systems. A major transformation occurred following the revolutionary changes in the Turkestan region in the early twentieth century, when the Soviet administration introduced a secular family law system.⁴⁵ During this period, various regulations concerning civil marriage registration and divorce were enacted, requiring all marriages to be registered with authorised state institutions. This policy marked a significant shift from a system in which marriage was primarily governed by religious and customary norms toward one formally regulated by state law.⁴⁶

Following the independence of Central Asian states in the early 1990s, marriage regulation was subsequently codified in various national family codes, including

⁴⁰ Author.

⁴¹ Sufyan Useng, 'Analisis Komparatif Antara Konsep Wali Nikah Dalam Hukum Keluarga Islam Di Thailand Dan Indonesia Menurut Perspektif Sosiologi Hukum Islam', 2024 <https://dspace.uui.ac.id/handle/123456789/52994>

⁴² Jayus and others.

⁴³ Lukman Hakim, 'Perkembangan Hukum Keluarga Di Tunisia', *JURNAL PAI: Jurnal Kajian Pendidikan Agama Islam*, 1.2 (2022), 81–94 <https://doi.org/10.33507/pai.v1i2.1014>

⁴⁴ Jesús Toribio, 'Multiscale Microstructural Evolution in Cold Drawn Pearlitic Steel: A Palimpsestus Approach and a Tribute to Raffaello', *Procedia Structural Integrity*, 28 (2020), 2424–31 <https://doi.org/10.1016/j.prostr.2020.11.092>

⁴⁵ Rusdi Rizki Lubis and others, 'Reconstruction of Obligatory Bequest in the Perspective of the Objectives of Islamic Law: Contextualizing Islamic Law in a Case Study of The Secret Wife in Polygamous Marriage', *Jurnal Ilmiah Mizani*, 12.1 (2025), 64–85 <https://doi.org/10.29300/mzn.v12i1.3809>

⁴⁶ Muhamad Hanizad and others.

the Family Code of the Republic of Uzbekistan, the Family Code of the Republic of Kazakhstan, and the Family Code of Turkmenistan. Within these legal systems, marriage is generally recognised as legally valid when it is conducted based on the free consent of both prospective spouses and officially registered with the state civil registration authorities.⁴⁷ Such provisions demonstrate that modern states regard marriage registration as an essential requirement for ensuring legal certainty in marital relations and protecting the rights of family members.⁴⁸

In addition to national legal frameworks, marriage regulation is also connected to various international legal instruments emphasising the protection of the right to marry and to found a family.⁴⁹ For instance, Article 16 of the Universal Declaration of Human Rights (1948) affirms that men and women of full age have the right to marry and to found a family based on the free and full consent of both parties. This principle is further reinforced in the International Covenant on Civil and Political Rights (1966), which recognises the family as the natural and fundamental unit of society entitled to protection by both the state and society.⁵⁰ These developments demonstrate that the institution of marriage has undergone a long transformation from a socially based practice rooted in custom to a formally regulated legal institution within modern legal systems.⁵¹ In its early stages, marriage functioned primarily as a social mechanism to preserve family honour, maintain lineage continuity, and establish alliances between social groups. However, with the development of legal systems and state organisation, marriage came to be regulated through legal norms designed to provide certainty and legal protection concerning the rights and obligations of the parties within family relationships.⁵² Accordingly, modern marriage law can be understood as the product of a long historical evolution of social, customary, and religious norms

⁴⁷ Zahid Shahab Ahmed and Ihsan Yilmaz, 'Islamists and the Incremental Islamisation of Pakistan: The Case of Women's Rights', *Commonwealth and Comparative Politics*, 59.3 (2021), 275–95 <https://doi.org/10.1080/14662043.2021.1948661>

⁴⁸ Federica Sona, 'Divorcing Abroad, Shari'ah Style: Legal Reforms and Moroccan Women', *Oxford Journal of Law and Religion*, 12.2 (2023), 253–82 <https://doi.org/10.1093/ojlr/rwad017>

⁴⁹ Herianto Putra and Desi Anwar, 'Muhammad Shahrur's Perspective on Gender Equality in Inheritance Distribution', *Indonesian Journal of Islamic Law*, 6.2 (2023), 56–72 <https://doi.org/10.35719/ijil.v6i2.2018>

⁵⁰ Desti Widiani and Dwiky Bagas Setyawan, 'Polygamy in Islamic Family Law in Indonesia (Comparative Study on Law Number 1 of 1974 and the Compilation of Islamic Law)', *Proceedings of the 1st International Seminar on Sharia, Law and Muslim Society (ISLAMAS 2022)*, 2022, 98–107 https://doi.org/10.2991/978-2-494069-81-7_12

⁵¹ Vaughan and others.

⁵² Doni Azhari, 'Komparasi Otoritas Hukum Adat Dan Hukum Positif Dalam Adat Beseang Masyarakat Suku Sasak Perspektif Maqasid Syariah', 2024 <https://dspace.uui.ac.id/handle/123456789/54252>

that have subsequently been institutionalised within formal legal systems by the state.⁵³

Marriage Regulation Dualism across Customary Religious and State Law Systems in Central Asian Countries

The regulation of marriage in modern societies cannot be separated from the coexistence of multiple legal systems, namely customary law, religious law, and state law. This phenomenon reflects the existence of legal pluralism in the governance of marriage, whereby social and religious norms that develop within communities often operate alongside formal legal norms established by the state.⁵⁴ In this context, the state seeks to establish legal certainty through the codification of marriage regulations, while communities continue to maintain practices rooted in tradition and religious teachings. Such a situation creates dynamic interactions as well as the potential for normative conflicts between these three legal systems.⁵⁵

Within the framework of state law, marriage regulation in many Central Asian countries has been codified in family codes that comprehensively regulate the procedures, requirements, and legal consequences of marriage. For example, in Turkmenistan these regulations are contained in the Family Code of Turkmenistan, which systematically sets out provisions concerning marriage.⁵⁶ Article 15 regulates the concept and scope of marriage, Article 16 governs the procedures for conducting marriage, Article 17 establishes the legal requirements for the validity of marriage, Article 18 requires Civil Registry Offices to provide explanations to prospective spouses regarding their rights and obligations within family life, and Article 19 regulates the official procedure for marriage registration.⁵⁷ These provisions indicate that the state regards marriage registration as an essential element in granting legal legitimacy to the marital relationship.

Similar regulations can also be found in the legal systems of other states within the region. In Uzbekistan, for instance, provisions concerning marriage procedures and registration are regulated through the Regulation on Civil Registry Offices, adopted through Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 550 of 2023. This regulation emphasises that marriage registration must be conducted through authorised state institutions in order to ensure legal certainty regarding family status. The similarity of norms between Turkmenistan

⁵³ Egor Lazarev, 'Laws in Conflict: Legacies of War, Gender, and Legal Pluralism in Chechnya', *World Politics*, 71.4 (2019), 667–709 <https://doi.org/10.1017/S0043887119000133>

⁵⁴ Muhamad Hanizad and others.

⁵⁵ Ade Khoirunnisa and others.

⁵⁶ Ihsan Yilmaz, 'Nation Building, Islamic Law and Unofficial Legal Pluralism: The Cases of Turkey and Pakistan', *Studies in Islamic Law and Society*, 49 (2019), 109–38 https://doi.org/10.1163/9789004398269_007

⁵⁷ Saldi Isra, Ferdi, and Hilaire Tegnan, 'Rule of Law and Human Rights Challenges in South East Asia: A Case Study of Legal Pluralism in Indonesia', *Hasanuddin Law Review*, 3.2 (2017), 117–40 <https://doi.org/10.20956/halrev.v3i2.1081>

and Uzbekistan demonstrates a regional tendency to regard marriage registration as the principal legal instrument for state recognition of marital relationships.⁵⁸

A comparable approach can also be observed in other legal systems, such as that of Belarus. The Marriage and Family Code of the Republic of Belarus introduces the concept of “preparation for marriage”, a mechanism that allows for the provision of legal, medical, and psychological counselling services to couples intending to marry. These services may be organised by civil registry offices at the district or municipal level with the aim of preparing couples for married life.⁵⁹ This approach demonstrates that the state does not merely perform an administrative function in recording marriages, but also plays a role in fostering legal awareness and social preparedness among couples who intend to establish families.⁶⁰ Nevertheless, differences remain in the technical procedures for marriage registration among various states. In Uzbekistan, for example, a marriage must be conducted within a specific period following the submission of an application, namely no earlier than three days and no later than three months after the application has been submitted to the Civil Registry Office. By contrast, under the Marriage and Family Code of the Republic of Kazakhstan, marriage registration is carried out within fifteen days following the submission of an application by the prospective couple.⁶¹ Such differences indicate that although the fundamental principles of marriage regulation are relatively similar, each state maintains distinct legal policies in governing the administrative procedures of marriage.⁶²

On the other hand, despite the existence of formal state regulations governing marriage procedures, social practices in several Central Asian countries continue to reflect the strong influence of customary law and local traditions.⁶³ Among Kazakh and Kyrgyz communities, for instance, various traditional forms of marriage remain recognised, including arranged marriages from childhood, bride exchange between families, and marriages conducted through the abduction of the

⁵⁸ Ido Shahaar and Karin Carmit Yefet, ‘Rethinking the Rethinking of Legal Pluralism: Toward a Manifesto for a Pluri-Legal Perspective’, *Law and History Review*, 42.2 (2024), 223–35 <https://doi.org/10.1017/S0738248023000184>

⁵⁹ Muhamad Jazil Rifqi and others, ‘Children’s Legal Identity at Stake: Reconstructing Maqāṣid Al-Syarī’ah through Marriage Isbat Applications by the Second Generation in Pasuruan’, *El-Mashlahah*, 15.1 (2025), 125–48 <https://doi.org/10.23971/el-mashlahah.v15i1.9068>

⁶⁰ Doni Azhari and Asmuni Asmuni, ‘Gender Equality in the Political Reform of Islamic Family Law in Contemporary Muslim Countries’, *USRATY: Journal of Islamic Family Law*, 3.1 (2025), 87–99 <https://doi.org/10.30983/usraty.v3i1.8721>

⁶¹ Naqiyah and others, ‘Polygamy Legal Politics in Southeast Asian Muslim Countries: Legal Pluralism and Qur’anic Perspectives.’, *Al-Manahij: Jurnal Kajian Hukum Islam*, 19.1 (2025), 51 <https://doi.org/10.24090/mnh.v19i1.13201>

⁶² Naqiyah and others.

⁶³ Mohd Amir bin Abdullah, ‘Analyzing the Dynamics Between Sharia Law and Civil Law in Governing Divorce Proceedings Among Muslims in Malaysia and Comparing Legal Outcomes’, *Law and Economy*, 3.4 (2024), 29–38 <https://doi.org/10.56397/le.2024.04.05>

bride.⁶⁴ In addition, the tradition of widow remarriage with the deceased husband's brother, commonly known as levirate marriage, also persists in certain communities.⁶⁵ These practices demonstrate that within traditional societies marriage is not merely perceived as a personal relationship between two individuals but also as a social mechanism intended to maintain inter family relations and preserve the social structure of the community.⁶⁶

From the perspective of modern state law, some of these customary practices may give rise to legal concerns, particularly when they conflict with the principle of voluntary consent in marriage, which constitutes a fundamental element of modern legal systems. In many national legal systems including those of Turkmenistan, Uzbekistan, and Kazakhstan marriage must be based on the free consent of both prospective spouses and must comply with minimum age requirements established by law.⁶⁷ These principles reflect the development of modern legal values emphasising the protection of individual rights, particularly the rights of women in determining their marital choices.⁶⁸

In addition to the influence of customary law, religious law particularly Islamic law (*Sharia*) also plays an important role in regulating marriage practices within society. Under Islamic law, marriage is regarded as a valid contract when it fulfils certain conditions, including the pronouncement of offer and acceptance (*ijab* and *qabul*), the consent of both spouses, the presence of witnesses, and the provision of mahr by the husband to the wife.⁶⁹ These norms are derived from the Qur'an and the Sunnah of the Prophet Muhammad, which position marriage as an important institution for maintaining family harmony and ensuring the continuity of society. In practice, Sharia law also establishes various prohibitions in marriage, including the prohibition of marriage between close relatives, the prohibition of marrying a woman during her waiting period (*iddah*), and restrictions on the number of wives permitted in polygamous marriages.⁷⁰ These provisions demonstrate that

⁶⁴ Amal Yousef and Omar Alqawasmi, 'Muslim Family Law in the Legal Pluralism System in Europe, Justifications and Conflicts', 2022 <https://boa.unimib.it/handle/10281/385020>

⁶⁵ Mohamad Abdun Nasir, 'Religion, Law, and Identity: Contending Authorities on Interfaith Marriage in Lombok, Indonesia', *Islam and Christian-Muslim Relations*, 31.2 (2020), 131–50 <https://doi.org/10.1080/09596410.2020.1773618>

⁶⁶ Royan Utsany, Tw Afrizal, and Khamim, 'Women's Rights and Gender Equality: An Analysis of Jasser Auda's Thoughts and His Contribution to Renewal of Islamic Family Law in Indonesia', *Journal of Islamic Law*, 3.1 (2022), 54–73 <https://doi.org/10.24260/jil.v3i1.530>

⁶⁷ Gautier.

⁶⁸ Ihsan Yilmaz, 'Emergence of the Secular Turkish Nation-State, Islamic Movements and Islamism', *SSRN Electronic Journal*, 2020 <https://doi.org/10.2139/ssrn.3598747>

⁶⁹ Ibnu Elmi A.S. Pelu and others, 'Polygamy Law Reform Through the Development of the Aceh Qanun: A New Approach to Protecting the Rights of Women and Children in Indonesia', *El-Mashlahah*, 14.1 (2024), 149–68 <https://doi.org/10.23971/el-mashlahah.v14i1.7864>

⁷⁰ Khoiriyah Shofiyah Tanjung and others, 'A Normative Study on Polygamy and Gender Justice in Islamic Family Law: Insights from ASEAN Jurisprudence', *ASEAN Journal of Islamic Studies and Civilization (AJISC)*, 2.2 (2025), 211–35 <https://doi.org/10.62976/AJISC.V2I2.1429>

Islamic law does not merely regulate the formation of marriage but also seeks to protect the interests of women and to maintain the stability of the family as the fundamental unit of society.⁷¹

In modern societies that adopt secular legal systems, the performance of marriage according to religious law must often be harmonised with state legal requirements. For example, under Turkish law as regulated in the Turkish Civil Code, a marriage is considered legally valid only if it is conducted before an authorised state official.⁷² Religious ceremonies cannot be performed prior to the issuance of an official marriage certificate by the state. This provision illustrates the state's effort to affirm the supremacy of state law in the regulation of marriage, while still allowing space for religious practices within social life.⁷³ A comparison of these various legal systems demonstrates that the regulation of marriage across different countries essentially pursues the same objective: to provide legal certainty regarding family relationships and to protect the rights and obligations of the parties involved in marriage.⁷⁴ However, the continuing influence of customary and religious norms within society frequently creates situations in which individuals operate within more than one legal system simultaneously.

Accordingly, dualism and even pluralism in the regulation of marriage constitutes an unavoidable phenomenon in societies characterised by cultural and religious diversity. In this context, states face the challenge of harmonising the relationship between state law, religious law, and customary law in order to establish a legal system capable of providing legal certainty while simultaneously respecting the social and cultural values prevailing within society.⁷⁵ Such a harmonisation approach is essential to ensure that marriage regulation is not merely legal-formal in nature but also possesses social legitimacy within the communities that practise it.⁷⁶

Regulation and Legal Status of Marriage in Modern Legal Systems: Lessons from Indonesia

Within modern legal systems, marriage is no longer understood merely as a social relationship or a religious ritual, but rather as a legal institution that carries

⁷¹ Dede Ahmad Permana, 'Majallah Al Akhwal Ash-Shakhshiyah Dan Pembaharuan Hukum Keluarga Di Tunisia', *Jurnal Studi Gender Dan Anak*, 7.01 (2020), 1 <https://doi.org/10.32678/jsga.v7i01.173>

⁷² Toribio.

⁷³ Ikmilul Khoiroh, A Hirzan Anwari, and Fitriana Deva Yanti, 'Perbandingan Batas Usia Perkawinan Di Negara-Negara Muslim Asia Dan Afrika Utara: Kajian Yuridis Dan Sosio-Kultural', *Muslim Heritage*, 9.2 (2024), 337–51 <https://doi.org/10.21154/muslimheritage.v7i1.3676>

⁷⁴ Amal Alqawasmī, 'Legal Pluralism's Perspectives and Human Rights Challenges in Marriage and Divorce Norms: The Case of Muslims in Europe', *Relationships Rights and Legal Pluralism: The Inadequacy of Marriage Laws in Europe*, 2024, 123–40 <https://doi.org/10.4324/9781003470786-10>

⁷⁵ Ihsan Yilmaz, 'Young Muslims in the Anglosphere and Expression of Faith', *Islam in the Anglosphere*, 2023, 129–61 https://doi.org/10.1007/978-981-99-3780-6_4

⁷⁶ Naqiyah and others.

juridical consequences concerning personal status, family relations, and the rights and obligations of the parties involved.⁷⁷ Modern states regard marriage as the foundation for the formation of the family, which occupies an important position within the social structure of society. Accordingly, the regulation of marriage is generally specifically governed within national legal systems in order to provide legal certainty regarding the relationship between husband, wife, and children.⁷⁸

In the context of national law, the regulation of marriage aims to ensure that family relationships are established based on legal principles that guarantee the protection of individual rights and social stability.⁷⁹ These principles commonly include the free consent of both spouses, a minimum age requirement for marriage, the principle of monogamy, and the obligation to register marriages with the state.⁸⁰ Such principles reflect the development of modern family law, which not only regulates private relationships between individuals but also relates to broader public interests, including the protection of women and children and the maintenance of administrative order within the state.

Within the Indonesian legal system, the regulation of marriage is governed by Law Number 1 of 1974 on Marriage, as amended by Law Number 16 of 2019. The statute stipulates that marriage constitutes a physical and spiritual bond between a man and a woman with the purpose of forming a happy and enduring family based upon belief in the One and Only God. Article 2 of the law further provides that a marriage is considered legally valid if it is conducted in accordance with the respective religious laws of the parties and subsequently registered in accordance with statutory regulations.⁸¹ This provision demonstrates that the Indonesian legal system integrates religious elements in determining the validity of marriage, thereby granting religious law a significant role within the national family law framework.⁸²

The legal system of Uzbekistan, marriage regulation is governed by the Family Code of the Republic of Uzbekistan, which places the state as the primary

⁷⁷ Azhari and Asmuni.

⁷⁸ Rifqi and others.

⁷⁹ Tubagus Farhan Maulana, 'Hubungan Hukum Keluarga Islam Dengan Isu Hak Anak Dan Pencatatan Perkawinan Di Malaysia', *Syakhshiyah Jurnal Hukum Keluarga Islam*, 5.1 (2025), 50–70 <https://doi.org/10.32332/wpzqy564>

⁸⁰ Shahar and Yefet.

⁸¹ Khafid Abadi and others, 'Hukum Keluarga Islam Di Negara Berpenduduk Minoritas Muslim (Studi Hukum Keluarga Di Inggris)', *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 6.2 (2021), 145–56 <https://doi.org/10.14421/ahwal.2013.06203>

⁸² Theresia Dyah Wirastri and Stijn Cornelis van Huis, 'The State of Indonesia's Marriage Law: 50 Years of Statutory and Judicial Reforms', *Ahkam: Jurnal Ilmu Syariah*, 24.2 (2024), 215–32 <https://doi.org/10.15408/ajis.v24i2.38424>

authority in determining the legal validity of marriage.⁸³ Under this legal framework, a marriage acquires legal force only when it is officially registered with the state civil registration authority. Marriage ceremonies conducted solely on the basis of religious or customary traditions do not possess legal validity unless they are accompanied by official state registration.⁸⁴ This approach reflects the more secular character of the Uzbek legal system, in which the state serves as the principal institution conferring legal legitimacy upon the institution of marriage. A comparison between Indonesia and Uzbekistan demonstrates that although both states regulate marriage within their respective national legal frameworks, fundamental differences exist concerning the relationship between state law and religious norms. These differences may be illustrated in the following table.

Table 1. Comparative Table of Marriage Law Regulations in Indonesia and Uzbekistan

Aspect	Indonesia	Uzbekistan
Legal Basis	Law Number 1 of 1974 on Marriage as amended by Law Number 16 of 2019	<i>Family Code of the Republic of Uzbekistan</i>
Concept of Marriage	A spiritual and physical union between a man and a woman intended to establish a happy and enduring family	A voluntary union between a man and a woman that becomes legally recognised after registration by the state
Validity Requirements	Valid if conducted according to the parties' respective religious laws and subsequently registered by the state	Valid only if registered at the state civil registry office
Position of Religion	Religion constitutes the primary basis for determining the validity of marriage	Religion does not determine the legal validity of marriage
Marriage Registration	Functions primarily as administrative proof of marriage	Constitutes the principal requirement for the legal validity of marriage
Registration Authority	Office of Religious Affairs (KUA) for Muslims and Civil Registry Office for non-Muslims	State Civil Registry Office (ZAGS)
Minimum Age of Marriage	19 years for both men and women	Approximately 18 years according to national family law
Principles of Marriage	Consent of the parties, monogamy, and protection of the family	Free consent, monogamy, and mandatory state registration

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The comparison demonstrates that within modern legal systems, marriage is not merely regarded as a social relationship but also as a legal fact that generates

⁸³ Mateusz Stępień and Anna Juzaszek, 'Relationships Rights and Legal Pluralism: The Inadequacy of Marriage Laws in Europe', *Relationships Rights and Legal Pluralism: The Inadequacy of Marriage Laws in Europe*, 2024, 1–217 <https://doi.org/10.4324/9781003470786>

⁸⁴ O. I. Brusina, 'Sharia and Civil Law in Marital Relations of the Muslim Population in Central Asia', *Anthropology & Archeology of Eurasia*, 47.2 (2008), 53–68 <https://doi.org/10.2753/AAE1061-1959470203>

various legal consequences for the parties involved.⁸⁵ These consequences include the rights and obligations of spouses, the regulation of marital property, responsibilities toward children, as well as other legal implications such as inheritance rights and legal protection for members of the family.⁸⁶

In addition to national legal frameworks, the regulation of marriage is also closely related to various international legal instruments that emphasise the protection of human rights within family life.⁸⁷ For instance, Article 16 of the Universal Declaration of Human Rights affirms that men and women of full age have the right to marry and to found a family with the free and full consent of both parties. This principle is further reinforced in the Convention on the Elimination of All Forms of Discrimination Against Women, which emphasises the importance of equality of rights between men and women in marriage and family relations.⁸⁸ From a juridical perspective, marriage may therefore be understood as a legal fact that gives rise to various legal consequences for the parties involved. These consequences include the emergence of rights and obligations between husband and wife, the regulation of property within marriage, responsibilities toward children, and other legal implications such as inheritance rights, maintenance obligations, and the protection of family members.⁸⁹ The regulation of marriage within modern legal systems thus reflects the significant role of the state in providing legal certainty for the institution of the family.

Through the enactment of legislation and the establishment of administrative registration mechanisms, the state seeks to ensure that marital relationships are not only valid from a social or religious perspective but also possess clear legal legitimacy and provide protection for the rights of the parties within family life.⁹⁰ The comparison between Indonesia and Uzbekistan demonstrates that although differences exist in their regulatory approaches, both states essentially pursue the

⁸⁵ Danny Singh, 'The Management of Legal Pluralism and Human Rights in Decentralized Afghanistan', *Journal of Legal Pluralism and Unofficial Law*, 51.3 (2019), 350–80 <https://doi.org/10.1080/07329113.2019.1660079>

⁸⁶ Rehana Parveen, 'A Study of Muslim Marriage (and Divorce) Practices in England and Wales: Making a Case for Reform', *Relationships Rights and Legal Pluralism: The Inadequacy of Marriage Laws in Europe*, 2024, 105–22 <https://doi.org/10.4324/9781003470786-9>

⁸⁷ Abubaker Chiagozie and Akpofure Akpofure, 'An Analysis of Islamic Law on Polygamy Without Court Permission: Legal, Ethical, and Social Perspectives', *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah*, 1.3 (2024), 156–64 <https://doi.org/10.35335/wh2zd103>

⁸⁸ Sally Engle Merry, 'Legal Pluralism', *Law & Society Review*, 22.5 (1988), 869 <https://doi.org/10.2307/3053638>

⁸⁹ Elta Agustina, Asasriwarni Asasriwarni, and Zulfan Zulfan, 'Eksistensi Sistem Peradilan Agama Dan Sistem Pemerintahan Di Negara Tunisia', *Abdurrauf Journal of Islamic Studies (ARJIS)*, 2.1 (2024), 66–81 <https://doi.org/10.58824/arjis.v2i1.72>

⁹⁰ Opik Roziqin and Ah. Fathonih, 'The Evolution of Marriage and Inheritance Law in Brunei Darussalam: A Comparative and Historical Study', *Indonesian Journal of Advanced Research*, 3.11 (2024), 1675–88 <https://doi.org/10.55927/ijar.v3i11.12117>

same objective: to establish marriage as a legal institution capable of ensuring family stability and providing legal protection for family members within modern society.⁹¹

Based on the foregoing analysis, it can be understood that within modern legal systems the state plays a crucial role in regulating, supervising, and ensuring legal certainty with regard to the institution of marriage.⁹² Through various legislative frameworks and clearly defined administrative mechanisms, the state seeks to ensure that marriage is not only socially and religiously recognised but also possesses legal force capable of protecting the interests of the parties within family life.⁹³ Accordingly, the regulation of marriage in modern law constitutes part of the state's broader effort to maintain legal order while simultaneously safeguarding the fundamental rights of individuals within the institution of the family.

Conclusion

Marriage regulation within modern legal systems reflects a complex interaction between state law, religious norms, and customary traditions, which collectively form the framework of legal pluralism. Within the context of Central Asian family law systems, particularly in Uzbekistan, marriage is primarily recognised through state registration, which functions as the principal determinant of legal validity and provides certainty regarding the legal status of spouses and family relations. This approach reflects the secular character of the legal system, whereby the state exercises primary authority in regulating the institution of the family. Nevertheless, in social practice, religious traditions and customary norms continue to influence the formation of marriages, demonstrating that formal legal provisions do not entirely replace the normative values embedded within society. A comparative analysis with Indonesia reveals a different model in regulating marriage within a plural legal system. Indonesian marriage law integrates religious legitimacy with state registration, meaning that the validity of a marriage is determined according to religious law and subsequently recorded by the state. These differences illustrate that legal systems adopt varying strategies in managing the coexistence of multiple normative orders within society. Despite these distinctions, both systems pursue the same objective of ensuring legal certainty and protecting the rights and obligations arising from marital

⁹¹ Hjh Norhartijah binti Haji Puteh and Cecep Soleh Kurniawan, 'Reforming Islamic Family Law in Southeast Asia: A Comparative Study of Indonesia, Malaysia, and Brunei Darussalam', *ASEAN Journal of Islamic Studies and Civilization (AJISC)*, 2.1 (2025), 1–25 <https://doi.org/10.62976/AJISC.V2I1.1367>

⁹² Nafay Choudhury, 'The Regulation of Informal Trade Credit (Ograyi) in Afghanistan', *Asian Journal of Law and Society*, 10.3 (2023), 347–75 <https://doi.org/10.1017/als.2020.58>

⁹³ Muhammad Zubair Abbasi, 'Development of Women's Right to No-Fault Judicial Divorce (Khul') in Pakistan: Judges and "Ulamā" as Catalysts for Legal Reform', *Islamic Studies*, 61.2 (2022), 169–89 <https://doi.org/10.52541/isiri.v61i2.2313>

relationships. Accordingly, effective marriage regulation in pluralistic societies requires a balanced approach that harmonises state authority, religious norms, and social traditions, while simultaneously ensuring the protection of individual rights and the stability of the family as a social institution.

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