



The Legitimacy of Marriage Registration in the State of Law: An Epistemological Study of Muhammad Abid Al-Jabiri

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Abstract

*This study aims to analyze the epistemology of bayani as an approach in understanding religious texts and examine its implications for the urgency of marriage registration in the legal context in Indonesia. This study uses a qualitative method with a content analysis approach. The main source of data for this research is the work of Muhammad Abid al-Jabiri, namely *Bunyah al-'Aql al-'Arabi*, which is used as a conceptual basis to understand the framework of bayani epistemology. Secondary data sources include scientific journals, books, and laws and regulations relevant to the issue of marriage registration in Indonesia. The analysis is carried out by tracing the structure of bayani thinking that places the text (*nash*) as the main source of knowledge and makes the authority of the text as the basis for legitimacy in the formation of law. The results of the study show that bayani epistemology emphasizes the importance of understanding religious texts through the principle of correspondence between the meaning of the text and social reality. In the context of marriage, marriage registration is a concrete form of textual authorization efforts to suit modern social and legal needs. Thus, marriage registration is not only administrative, but has epistemological and moral dimensions as a form of responsibility for social clarity and benefits. Therefore, marriage registration is seen as very urgent in order to prevent mistakes, legal uncertainties, and potential disputes in the future.*

Keywords: Legitimacy of Marriage; Registration; State of Law

Abstrak

Penelitian ini bertujuan untuk menganalisis epistemologi *bayani* sebagai pendekatan dalam memahami teks keagamaan serta mengkaji implikasinya terhadap urgensi pencatatan pernikahan dalam konteks hukum di Indonesia. Penelitian ini menggunakan metode kualitatif dengan pendekatan analisis isi (content analysis). Sumber data utama penelitian ini adalah karya Muhammad Abid al-Jabiri yaitu *Bunyah al-'Aql al-'Arabi* dijadikan sebagai basis konseptual untuk memahami kerangka epistemologi bayani. Sumber data sekunder meliputi jurnal ilmiah, buku, dan peraturan perundang-undangan yang relevan dengan isu pencatatan pernikahan di Indonesia. Analisis dilakukan dengan menelusuri struktur berpikir bayani yang menempatkan teks (*nash*) sebagai sumber utama pengetahuan dan menjadikan otoritas teks sebagai dasar legitimasi dalam pembentukan hukum. Hasil penelitian menunjukkan bahwa epistemologi bayani menegaskan pentingnya pemahaman terhadap teks keagamaan melalui prinsip korespondensi antara makna teks dan realitas sosial. Dalam konteks pernikahan, pencatatan nikah merupakan bentuk konkret dari upaya otorisasi teks agar sesuai dengan kebutuhan sosial dan hukum modern. Dengan demikian, pencatatan pernikahan tidak sekadar bersifat administratif, tetapi memiliki dimensi epistemologis dan moral sebagai bentuk tanggung jawab terhadap kejelasan dan kemaslahatan sosial. Oleh karena itu, pencatatan pernikahan dipandang sangat urgen dalam rangka mencegah kekeliruan, ketidakpastian hukum, serta potensi sengketa di kemudian hari.

Kata Kunci: Legitimasi Pernikahan; Registrasi; Negara Hukum

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INTRODUCTION

The study of bayani epistemology has its own urgency in an effort to understand the methodology of interpretation of religious texts, especially the Qur'an and hadith.¹ In the midst of the complex dynamics of modern society, approaches to texts are not only required to be linguistically accurate, but also contextually relevant.² Bayani epistemology, as developed by Muhammad Abid al-Jabiri, provides a framework of thought that emphasizes the supremacy of the text, but also leaves room for the use of limited rationality. In the context of family law, particularly marriage registration, this approach can be used to bridge classical understanding with current positive administrative and legal needs.

Rohmatul Izad, for example, uses bayani epistemology as a framework for criticism of Islamic fundamentalist political thought, which he considers to be literal and takfiristic because it is based on the absolute authority of religious texts without considering the socio-political context behind the interpretation.³ In a different context, M. Arif stated that the dominance of the bayani approach in Islamic education has given birth to a conservative school that is closed to rational and transformative approaches.⁴ This approach causes the intellectual heritage of Islam to be framed dichotomously and rigidly, thus closing the possibility of dialogue with thoughts outside the Islamic tradition. The research conducted by Zulpa Makiah compares three epistemological paradigms in Islam, namely bayani, burhani, and irfani, to explain how to acquire knowledge about *maslahah*. He shows that the text-focused bayani approach has advantages in normative aspects, but has limitations in responding to the dynamics of contemporary social needs.⁵ These studies show the importance of bayani epistemology in shaping Islamic thinking patterns, but not many have directly related it to contemporary family law problems, especially the issue of marriage registration.

Meanwhile, marriage registration in Indonesia has become a separate study in the realm of Islamic law and positive law. Abu Yazid, Ahmad Muzakki, and Zainuddin examined it from the perspective of Islamic law and Law Number 1 of 1974 concerning Marriage.⁶ On the other hand, Shofiatul Jannah highlighted the urgency of marriage registration with a positive and

¹ Anggi Radar and Lukman Al-Hakim, "Between Science and Revelation: A Critical Assessment of Zaghūl al-Najjār's Scientific Hermeneutics in Hadith Interpretation," *Basmala: Journal of Qur'an and Hadith* 1, no. 1 (2025): 68–85.

² Susan R. Goldman, "Reading Is Complex: Implications for Research and Practice," *Educational Psychologist* 59, no. 4 (2024): 315–25, <https://doi.org/10.1080/00461520.2024.2418062>.

³ Rohmatul Izad, "The Construction of Islamic Fundamentalism's Political Theology in the Perspective of the Epistemology of Muhammad Abid Al-Jabiri," *Khazanah Theologia* 2, no. 3 (2020): 132–41, <https://doi.org/10.15575/kt.v2i3.9710>.

⁴ M Arif, *The Millennial Generation in the Internalization of the Character of the Archipelago* (repository.iainkediri.ac.id, 2021).

⁵ Zulpa Makiah, "The Epistemology of Bayani, Burhani, and Irfani in Gaining Knowledge of Mashlahah," *Jurnal: Syariah* 14, no. 2 (2014): 1–28.

⁶ Abu Yazid Adnan Quthny et al., "Marriage Registration from the Perspective of Islamic Law and Law No. 1 of 1974," *Ash-Sharia: Journal of Islamic Law* 8, no. 1 (2022): 25–40, <https://doi.org/10.55210/assyariah.v8i1.765>.

Islamic legal approach, emphasizing the importance of administrative legality.⁷ A similar study was conducted by Toha Ma'arif using *the ushul fiqh* approach, including *qiyas*, *maslahah*, *istihsan*, and *sad al-dzari'ah*.⁸ Ahmad Tholabi Kharlie conducted a comparative study of marriage administration in modern Islamic countries, showing that there are variations in the recording system.⁹ Roni Efendi added the dimension of criminal law by examining the potential criminalization of violations of the obligation to register marriage.¹⁰ However, all of these studies tend to see marriage registration as a positive administrative and legal matter, without examining the epistemological-theological dimension that can strengthen the justification for the importance of such registration.

This study has a significant difference compared to previous studies that generally only discuss marriage registration from a positive legal perspective or normative fiqh. Most previous research has highlighted marriage registration as an administrative obligation or a form of compliance with state regulations without linking it to the Islamic epistemological framework. For example, some studies emphasize the importance of marriage registration in preventing serial marriages or family disputes, but have not explored in depth the epistemological basis that underlies Islamic law's view of the social legality of a contract. In contrast, this study offers a new approach by using bayani epistemology as proposed by Muhammad Abid al-Jabiri to analyze the relationship between religious texts and the social practice of marriage registration. This approach not only interprets texts normatively, but also traces how the authority of the text is grounded in the context of modern law in Indonesia. Thus, this research makes a more in-depth conceptual contribution, namely bridging the understanding between classical Islamic epistemology and the national legal system in realizing benefits through marriage registration.

The novelty of this research lies in the integration of the bayani epistemological approach with the practice of family law in Indonesia. Unlike previous research that placed marriage registration solely as a formal regulation, this study offers an epistemological justification rooted in the Islamic scientific tradition. This approach is expected to strengthen the religious legitimacy of marriage registration policies and open up space for more adaptive and contextual reform of Islamic family law. Through this study, it is hoped that the understanding of marriage registration will no longer be dichotomous between administrative legality and religious values. In contrast, marriage registration can be seen as a meeting between authoritative religious texts and evolving socio-societal needs. With the bayani approach, marriage registration is positioned not as a form of secularization of family law, but as an

⁷ Shofiatul Jannah et al., "The Urgency of Marriage Registration in the Prefecture of Islamic Law and Positive Law in Indonesia," *Al-Ulum Journal of Islamic Thought and Research* 8, no. 2 (2021): 190–99.

⁸ Toha Ma'arif, "MARRIAGE REGISTRATION (Analysis with the Approach of Qiyas, Istihsan, Sadd al-Dzari'ah, Maslahah Mursalah and Positive Law in Indonesia)," *Principle* 11, no. 01 (2019): 119–41, <https://doi.org/10.24042/asas.v11i01.4647>.

⁹ Ahmad Tholabi Kharlie, "Administration of Marriage in the Modern Islamic World," *Journal of Bimas Islam* 9, no. 2 (2016): 259–92.

¹⁰ R Efendi, "Criminalization of Sirri Marriage According to the Draft Law on Religious Matters in the Field of Marriage," *Pagaruyuang Law Journal* 2, no. 2 (2019): 221–38.

expansion of the meaning of the text in the modern legal space that guarantees justice, protection, and the sustainability of family institutions.

RESEARCH METHOD

This research uses a qualitative approach with the type of library research, aiming to analyze the concept of bayani epistemology and its relevance to marriage registration in Islamic law and legislation in Indonesia.¹¹ The content analysis approach is used to examine the meaning, structure, and patterns of thought in religious texts and legal regulations. The primary data source in this study is the work of Muhammad Abid al-Jabiri entitled *Bunyah al-'Aql al-'Arabi*, while secondary data is obtained from scientific journals, books, and relevant legal documents.¹² The analysis technique was carried out through the categorization of themes, interpretation of meanings, and comparisons between the bayani frame of thought and the social reality and law of marriage registration. The steps of the analysis include: Identification of the epistemological structure of the hero (sources, methods, and validation); Elaboration of normative doctrines around marriage from the point of view of bayani; Analysis of the implications of bayani epistemology on the regulation of marriage registration; Conclusion on the urgency of marriage registration as a form of actualization of religious texts in the context of the state of law.

RESULTS AND DISCUSSION

Bayani Epistemology and Knowledge Structure

Epistemology is the study that studies the sources of science and the ways in which they obtain knowledge. Epistemology is taken from the Greek language, which is episteme which means knowledge, and logos which means words, thoughts, and science. Thus episteme literally means knowledge as an intellectual effort to "put something in its proper position."¹³ Al Jabiri prioritizes three epistemological paradigms, namely bayani, irfani and burhani. Bayani epistemology as one of the typical Arabic methods of thought emphasizes the authority of the text. Bayani considers the source of knowledge to be the text (nash), or in the perspective of religion is the Quran and hadith. According to Al-Jabiri that Bedouin Arabs are the shapers of the Arab world. The Bedouin Arabs are a pure Arab tribe that has not been contaminated by outside traditions. That is why their language is used as the sole reference and authority for the understanding of religious texts (the Qur'an and hadith).¹⁴

Bayani epistemology has several methods for gaining knowledge from texts. First, directly through a linguistic approach by using linguistic methods that adhere to text

¹¹ cAbd Hakim Atang MA dan Jaih Mubarak and ROSDA, *Metodologi Studi Islam* (Rosda, 2017).

¹² Wahyudin Darmalaksana, "Metodologi Penelitian Hukum Islam," *Sentra Publikasi Indonesia*, 2022, <https://digilib.uinsgd.ac.id/53402/>.

¹³ Sudarminta, *Basic Epistemology: Introduction to the Philosophy of Knowledge*, (Yogyakarta: Kanisius, 2002), p. 18.

¹⁴ S Rahmadi, "Epistemologi Arab-Islam Muhammad Abid Al-Jabiri," *Tarbawi*, 2020, 1–30.

redaction.¹⁵ The second is indirectly by holding on to the meaning of the text by using logic and reasoning as tools of analysis, this is the main principle of epistemology.¹⁶ The process of gaining knowledge from texts by sticking to their meaning gives birth to several kinds of methods of using logic on text. First, the *istiqla'* method means using thematic induction to adhere to the main goal or *maqashid al-sharia*.¹⁷ The second method of *qiyas* means analogizing a branch of law with the law of origin as applicable in *fiqh*.¹⁸ Third, *istidlal* means, looking for postulates from outside the text. Fourth, *istishhab*, means determining something based on the circumstances that prevailed previously as long as no evidence is found that shows the change. Although the use of texts indirectly involves reason or ratio, reason in bayani epistemology only plays a role as a supervisor of the text, while the source of authority for truth is still the text itself.¹⁹

Bayani epistemologists			
Source	Metode		Verifikasi
	Immediately	Indirect	Correspondence
	Linguistic Linguistics (Nahwu and Sharaf)	Istiqla' Qiyas Istidlal Istishhab	

Table1: Bayani epistemologists

In the epistemology of the bayani Al-Jabiri, it emphasizes the aspect of broad understanding in understanding a text through delving deeper into the linguistic aspect and placing the truth of revelation (text) in the top priority compared to the truth produced through the use of reason.²⁰ The scientific validity of bayani is tested by correspondence, seeing the harmony of the text with the reality that occurs. For example, in determining whether the hadith is valid or not depends on whether the sanad and the narration are valid, whether the student and the teacher have really met each other or not.

¹⁵ A Khudori Soleh, "Models of Islamic Epistemology," *Psychoislamika : Journal of Islamic Psychology and Psychology* 2, no. 2 (2005), <https://doi.org/10.18860/psi.v0i0.342>.

¹⁶ M. Abid Al-Jabiri, *Bunyah Al-Aql Al Arabi*, (Beirut: Almarkaz Altsaqafi) 1991, H. 530

¹⁷ Umi Kulsum, "Islamic Epistemology in a Philosophical Review," *Urwatul Wutsqo: Journal of Education and Islamic Studies* 9, no. 2 (2020): 229–41, <https://doi.org/10.54437/urwatulwutsqo.v9i2.185>.

¹⁸ Rahmadi, "Epistemologi Arab-Islam Muhammad Abid Al-Jabiri."

¹⁹ Izzatun Naimah, "Normative Islam: Bayani Epistemology in Islamic Studies," *Scientific Journal of Islamic Studies* 1, no. 1 (2022): 2022.

²⁰ Zaedun Na'im, "Islamic Epistemology in the Perspective of M. Abid Al Jabiri," *Transformative* 5, no. 2 (2021): 163–76, <https://doi.org/10.23971/tf.v5i2.2774>.

Marriage Registration in Indonesia

Indonesian law stipulates that a new marriage is considered valid if it has met the material and formal requirements that have been determined. Law Number 1 of 1974 concerning Marriage article 2 paragraph 1 states that: marriage is legal, if it is carried out according to the laws of each religion and belief. Furthermore, in Article 2 paragraph 2, it is determined that each marriage is recorded in accordance with the applicable laws and regulations.²¹ However, in another reference to Indonesian marriage law, namely Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law, articles 5 and 6 do not so firmly place marriage registration as a determinant of the validity of marriage. The article only reads "in order to create marital order for the Islamic community, every marriage must be registered in front of and under the supervision of a marriage registrar".²² The purpose of this recording is stated in the explanation of UUP No. 4 Point (b) paragraph II, "The recording of each marriage is the same as the recording of important events in a person's life, for example births, deaths stated in certificates, a deed that is also included in the registration list. This rule gives birth to a public interpretation that marriage registration is only limited to administrative requirements in order to create marital order.

Marriage registration in Indonesia must go through procedures consisting of; preparation of documents by prospective spouses in the form of ID cards, family cards, birth certificates and unmarried certificates. Furthermore, the marriage registration is carried out to the civil registry office by filling out the marriage registration form and verifying documents. If the document issue has been approved, it is possible to schedule the wedding and carry out the wedding ceremony in accordance with the traditions and religion adhered to. After the wedding ceremony, the officer will issue a valid marriage certificate in the form of a marriage book. This deed then becomes a record and archive for married couples and also for the state.

The sanctions as a result of not registering the marriage are affirmed in Article 45 paragraph (1) letter (a) of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage. Violation of the marriage registration provisions that have been regulated in Article 3 and Article 10 paragraph (3) of the Government Regulation is threatened with a fine of Rp7,500.00 (seven thousand five hundred rupiah). Furthermore, based on Article 45 paragraph (1) letter (b) of the same Government Regulation, Registrar Employees who violate the provisions on marriage registration procedures can be punished with imprisonment for a maximum of 3 (three) months or a fine of up to Rp 7,500 (seven thousand five hundred rupiah).

²¹ Law Number 1 of 1974 concerning Marriage

²² Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law

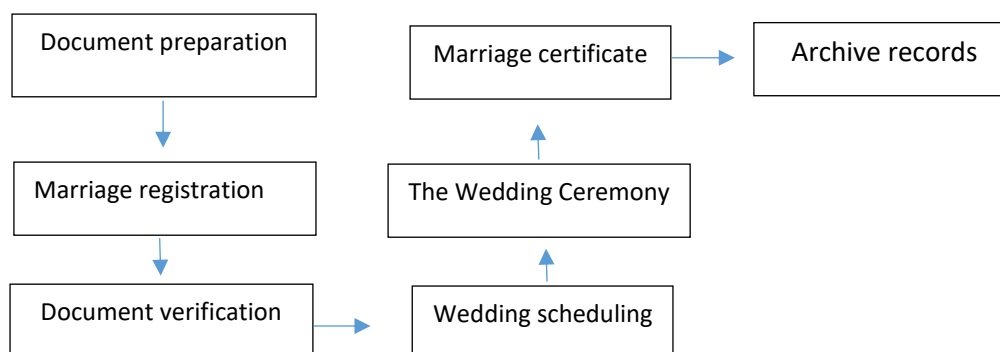


Table 2: Marriage Record Chart

Implications of Bayani's Epistemology on the Urgency of Marriage Registration

Although marriage registration in the context of the modern state is an important part of the legal order, not a few community groups, especially those based on the classical fiqh tradition, reject the obligation to register marriages. One of the forms is the practice of *nikah seri*, which is a marriage that is legally valid in religion but not recorded by state law. This practice is often justified on the basis that the conditions and pillars of marriage have been fulfilled in a bayani, namely the existence of *ijab kabul*, wali, dowry, and witnesses, without the need for administrative authorization. From the perspective of pure bayani epistemology, this kind of argument is indeed justified because the bayani structure considers religious texts and literal practices as legitimate sources of knowledge and law. So, as long as there is no explicit statement that mentions the obligation to record, some consider the state not authorized to stipulate this as a condition for the validity of the contract. However, the use of bayani epistemology that relies only on text (directly) has limited consequences. As a result, the thinking based on bayani becomes less dynamic in following the rapid and rapid development of society.²³ In fact, the bayani approach also contains the principles of *qiyas* and *istidlal* which opens up space for legal analogies based on benefits.

The commandment to marry in Islam comes from the highest textual authority in Islam, namely the Quran. Allah has decreed marriage in Q.S An-Nisa' verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِّنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ
أَيْمَانُكُمْ ذَٰلِكُمْ أَدْنَىٰ أَلَّا تَعُولُوا

"And if you are afraid that you will not be able to do justice to the orphan (if you marry her), then marry (other) women whom you like: two, three or four. Then if you are afraid that you will not be able to do justice, then (marry) only one, or the slaves that you have. That is closer to doing no wrong."

In the Qur'an, marriage is not just an ordinary command. Marriage is a strong and great covenant before God which is called "*mitsaqan ghaliza*". This is stated in Q.S An-Nisa':21

²³ A. Khudori Soleh, "Epistemologi of Bayani," in *ULUL ALBAB Journal of Islamic Studies*, vol. 10, no. 2, preprint, 2018, <https://doi.org/10.18860/ua.v10i2.6058>.

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُمْ إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُمْ مِيثَاقًا غَلِيظًا

"How are you going to take it back, even though some of you have mingled with others as husband and wife. And they (your wives) have taken from you a strong covenant."

The majesty of the marriage contract must be maintained. One form of refinement and protection of marriage in Indonesia is the obligation to register marriages. The registration of marriage was not found to have been carried out during the time of the Prophet and has also not been explicitly regulated in the Quran, hadith and madhhab fiqh. If compared to classical fiqh and the early Islamic period, marriage does not involve an administrative process and formal registration. The terms of marriage are more verbal and simple. Marriage is legal as long as the elements of *ijab kabul*, wali, dowry, and witnesses have been fulfilled. In addition, some scholars of the madhhab recommend making *i'lan* or an announcement that a marriage has taken place, the announcement is in the form of *walimatul 'ursy*.²⁴ These conditions are considered sufficient to legalize marriage within the framework of Islamic teachings.

The consequences of applying classical fiqh rules without renewal in marriage registration are very risky in modern times. This is because marriage depends on the existence of guardians and witnesses. If they died or could not be found, it would be difficult to prove the existence of marriage. Therefore, the marriage registration rules are present as authentic evidence of a marriage event that can be guaranteed by the state to maintain it. Direct marriage registration in marriage certificates and data archives in the form of digital media by the state can maintain the accuracy of texts from time to time.

The background of the marriage registration is inspired by the sharia of the registration of muamalah in Q.S Al-Baqarah: 282. In the verse, there is an encouragement to record all muamalah transactions, not only recorded but also to be witnessed by two men. This is to prevent errors, doubts, and uncertainties so that there are parties who are harmed. As is known, marriage is also part of muamalah. The similarity between muamalah marriage and muamalah buying and selling or debts and receivables is that in them there is a similarity of harmony, especially the existence of people who make contracts, the presence of witnesses, and *sighat* contracts. Even marriage is not an ordinary muamalah but a very strong covenant, as mentioned in the Qur'an surah an-Nisa' verse 21. Consequently, if the muamalah contract, debts and receivables or other employment relationships must be recorded, then it is appropriate that such a noble, majestic, and sacred marriage contract should be recorded. Thus, the registration of marriage contracts is recommended by Islam as the order for the registration of debts and receivables contracts on the basis of *qiyas*.²⁵

According to the view of fuqoha, the obligation to register a marriage is not at all contrary to Islamic law.²⁶ Marriage registration is precisely one of the efforts to improve marriage²⁷ to

²⁴ Said Amirul Kamar, "The Administrative Urgency of Marriage Registration in the Review of Islamic Law (An Analysis Study of the Thinking of the Aceh MPU)," *Jurisprudesi* 14, no. 1 (2022): 103–15.

²⁵ Endri Nugraha Laksana, "The Obligation of Marriage Registration in the Review of Qiyas and Legal Certainty," *Al-'Is: Journal of Sharia and Islamic Law* 7, no. 2 (2022): 355–76, <https://doi.org/10.31538/adlh.v7i2.2642>.

²⁶ Abu Yazid Adnan Quthny et al., "Marriage Registration from the Perspective of Islamic Law and Law Number 1 of 1974."

²⁷ Lauryan Orin, "Marriage Registration in Indonesia," *Legal Journal* 1, no. 2 (2020): 1–8.

realize benefits.²⁸In addition, based on the concept of *sad az-dzari'ah*, the existence of marriage registration will close the door to acts of misappropriation, denial, and lies about the wedding event.²⁹

The urgency of Marriage registration not only has symbolic value, but also has significant practical and legal impacts. Ignoring the rules for marriage registration will actually have fatal consequences for various aspects of life and the state. When a person postulates having committed a marriage but is unable to show the marriage book as proof of an authentic deed, the legal status of the marriage can become unclear, it will affect the rights and obligations of both couples in the future. Other adverse impacts are that the perpetrator will experience incompetence in the eyes of the law, administrative difficulties, inheritance uncertainty, obstacles in divorce, unclear status of children, restrictions on insurance rights and employment benefits, and even difficulties in accessing public services. With that, the community is obliged to comply with marriage registration regulations for the benefit of the community. As the rule of fiqh "the government's decision on the people depends on the *mashlahat*".³⁰

Thus, marriage registration can be considered as a form of preserving the meaning of religious texts in the context of modern law. From a bayani perspective, the state's action in requiring recording is not a form of secularization of Islamic law, but an expansion of the function of the text as a social binder. Registration gives formal legitimacy and prevents the occurrence of misappropriation, denial, and difficulty of proving as also emphasized in the rules of fiqh: "*tasharruf al-imam manutun bi al-mashlahah*" (government policy must be based on benefits).

Aspects	Bayani epistemologists	State Legal System
Legal sources	Text (Qur'an, Hadith)	Constitution, Laws, Regulations
Otoritas	Ulama / fuqaha	Country/government
Legal validity	According to nash and ijma'	Formal administrative and legal legitimacy
Purpose	Maintaining the purity of sharia	Ensuring legal certainty and civil rights
Form of implementation	Ijab qabul, wali, mahar, witness	Official procedures, deeds, digital recording
Control mechanism	Fiqh and fatwa traditions	Legal sanctions, state supervision

Table.3 Comparison of Bayani vs Modern State Approach to Marriage Registration

²⁸ Zakiyatul Ulya, "The Views of Lecturers of the KHI Study Program UINSA Surabaya on the Policy of Recording Siri Marriage in the Family Card from the Maslahah Perspective," *Al-Qanun: Journal of Islamic Law Thought and Reform* 26, no. 1 (2023): 26–42, <https://doi.org/10.15642/alqanun.2023.26.1.26-42>.

²⁹ M. Taufan B & Marzuki Marzuki Basrin Ombi, "The Urgency of Marriage Registration from the Perspective of Islamic Law," ... *Islamic Studies And Knowledge Integration In ...* 2, no. 1 (2023): 71–76.

³⁰ Jaih Mubarak, *Rules of Fiqh, History and Basic Rules*, (Jakarta: Rajawaki Press, 2000)p.178

From this table, it appears that bayani epistemology and the modern legal system do not need to be positioned antagonistically, but can complement each other. When the state requires marriage registration, it can be interpreted as an effort to maintain the benefit and clarity of the law, not as an intervention against the sharia.

CONCLUSION

Bayani epistemology places text as the primary source of knowledge and truth, with validity determined through the correspondence between text and reality. Within this framework, marriage registration is not simply considered as an administrative obligation of the state, but as a form of actualization and authorization of religious texts in modern social life. The bayani approach allows theological justification for the obligation to record marriages through the instruments of qiyas, istidlal, and the rules of benefit such as *tasharruf al-imam manutun bi al-mashlahah*. Thus, the obligation to register marriage does not contradict the sharia, even in line with the objectives of Islamic law (maqashid al-shari'ah), namely to maintain legal order, protect the rights of women and children, and ensure the validity of marriage in the long term.

The contribution of this research lies in the integration of bayani epistemology with contemporary Islamic family law discourse, especially in building normative justifications for marriage registration policies. This research proves that the authority of the text in bayani can be functionally expanded in the context of the modern state of law, without detracting from the sacredness of Islamic teachings. This research has limitations on the single focus of the bayani approach. Therefore, further studies are recommended to explore the epistemological approaches of burhani and irfani in order to build a more inclusive, rational, and spiritual understanding of Islamic family law,

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