

When Marriage Guardians Refuse: Can Religious Courts Ensure Justice?

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ABSTRACT

This study analyzes the judicial reasoning and legal implications of a *wali adhol* (unjustified refusal of a marriage guardian) decision in the Sumber Class 1A Religious Court, Case Number 83/Pdt.P/2025/PA.Sbr. The case concerns the appointment of a *wali adhol* to authorize the marriage contract on behalf of a prospective bride whose legal guardian refused without valid justification. The research addresses two main questions: how the concept of *wali adhol* is applied within the court's decision, and how the ruling affects the legal validity of marriage and the protection of the parties' rights. Using an empirical juridical method, this study examines court documents, judicial considerations, and procedural practices as primary data. The findings show that the court's decision is grounded in Islamic legal principles as codified in the Compilation of Islamic Law and the Indonesian Religious Court Law. The judge determined that the refusal of the original guardian constituted *adhol*, thereby justifying the transfer of guardianship authority to a state-appointed guardian to ensure the validity of the marriage. The ruling confirms that the appointment of a *wali adhol* is legally valid and results in a lawful marriage under Indonesian Islamic family law. This article contributes to the discourse on Islamic family law in Indonesia by demonstrating how Religious Courts function as corrective institutions to prevent guardianship abuse, while ensuring both legal certainty and protection of women's marital rights within the framework of state-administered Islamic law.

KEYWORDS *Wali Adhol, Religious Court, Islamic Family Law, Marriage Validity, Legal Protection*

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I. INTRODUCTION

Marriage occupies a central position in Islamic law as both a religious institution and a legal relationship intended to preserve family integrity, protect individual rights, and promote social order. In Islamic jurisprudence, the validity of a marriage depends upon the fulfillment of essential pillars (*arkān*) and legal conditions (*shurūṭ*), one of which is the presence of a lawful marriage guardian (*wali*) for the bride according to the majority of Islamic legal schools.¹ The institution of guardianship serves not merely as a ceremonial requirement but also as a mechanism for safeguarding the interests of women while ensuring that marriages comply with the principles of Islamic law. Nevertheless, the authority granted to a marriage guardian is not absolute. Islamic jurisprudence recognizes circumstances in which a guardian abuses or improperly exercises this authority by refusing to approve a marriage without a legally acceptable reason, a condition known as *wali adhol*.²

The issue of *wali adhol* has become increasingly significant in contemporary Muslim societies, particularly in jurisdictions where Islamic family law is administered through state judicial institutions. While classical Islamic jurisprudence grants guardians an important role in protecting family interests, it simultaneously limits their authority by prohibiting arbitrary refusal that causes injustice to prospective spouses.³ Such refusals may arise from economic considerations, social status, ethnic differences, family disputes, or personal preferences that are unrelated to Islamic legal requirements. These practices may undermine fundamental Islamic values of justice (*‘adl*), public welfare (*maṣlahah*), and the right of competent adults to marry. Consequently, Islamic legal systems have developed judicial mechanisms allowing state-appointed guardians or judges to replace guardians who unjustifiably refuse to perform their legal responsibilities.⁴

Indonesia presents a unique legal context in addressing *wali adhol* because Islamic family law operates within a pluralistic national legal system that combines

¹ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*. (Oxford: Oneworld Publications, 2008).

² Noel J. Coulson, *A History of Islamic Law*. (Edinburgh: Edinburgh University Press, 1964).

³ Jamal J. A. Nasir, *The Islamic Law of Personal Status*. 3rd ed. (Leiden: Brill, 2009).

⁴ Wael B. Hallaq, *An Introduction to Islamic Law*. (Cambridge: Cambridge University Press, 2009).

Islamic legal principles with statutory regulation.⁵ The Religious Courts possess exclusive jurisdiction over Muslim family matters, including marriage guardianship disputes, under Law No. 7 of 1989 concerning Religious Courts as amended by Law No. 3 of 2006 and Law No. 50 of 2009. Furthermore, the Compilation of Islamic Law (*Kompilasi Hukum Islam*), enacted through Presidential Instruction No. 1 of 1991, provides substantive legal guidance concerning marriage guardianship and authorizes judicial intervention when a guardian refuses to conduct a lawful marriage without legitimate reasons. Within this framework, Religious Courts function not only as adjudicative bodies but also as institutions responsible for balancing Islamic legal doctrine, statutory law, and constitutional guarantees of legal protection.

The increasing number of *wali adhol* petitions submitted to Indonesian Religious Courts reflects broader social transformations involving family relationships, individual autonomy, and changing understandings of guardianship authority. Consequently, scholarly attention to *wali adhol* has also expanded. Candra et al.⁶ examine the procedural characteristics of *wali adhol* proceedings and argue that the voluntary (*voluntair*) nature of such cases may create procedural limitations because the guardian is not positioned as an opposing litigant. Their study primarily addresses procedural reform rather than judicial reasoning in individual cases. Similarly, Brilliant, et.al⁷ discuss *wali adhol* from the perspective of Indonesian positive law and Islamic jurisprudence, emphasizing the legal authority of Religious Courts to appoint a *wali hakim* when a guardian refuses without lawful justification. However, the analysis remains largely doctrinal and provides limited discussion of judicial practice.

Case-based studies have also contributed to understanding the implementation of *wali adhol* in Religious Courts. Aini and Umar⁸, for example, analyze judicial considerations in determining *wali adhol* at the Sorong Religious Court and conclude that judges consistently rely on statutory provisions alongside classical Islamic legal doctrines. Herawati⁹ further argues that the appointment of a judicial guardian reflects the objectives of *maqāṣid al-sharī'ah*, particularly in protecting women's right to marry and preventing legal injustice. Likewise, Fitria, Ibrahim, and Handayani¹⁰ demonstrate that judges balance legal certainty with

⁵ Jan Michiel Otto, ed. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*. (Leiden: Leiden University Press, 2010).

⁶ Mardi Candra, Ramlani Sinaulan, Fahadil Al Hasan, and Jelang Ramadhan. "The Religious Court Trial of *Wali Adhal* Cases in the Indonesian Legal System: A Legal Analysis." *Jurnal Hukum dan Peradilan* 12, no. 1 (2023): 77–96. <https://doi.org/10.25216/jhp.12.1.2023.77-96>

⁷ Inda Brilliant, Dzulfikar Rodafi, and Shofiatul Jannah. "Islamic Legal Communication in the Determination of Wali Adhal: A Comparative Study of Indonesia and Morocco." *INJECT (Interdisciplinary Journal of Communication)* 10, no. 1 (2025): 255-276. <https://doi.org/10.18326/inject.v10i1.4442>

⁸ Nur Aini, and Kenau Umar. "Analisis Pertimbangan Hakim dalam Penetapan Wali Adhol di Pengadilan Agama." *Muadalah: Jurnal Hukum* 1, no. 1 (2021): 37–51.

⁹ Rahmi Herawati, "Urgensi Penetapan Wali Adhal Perspektif Maqashid Syari'ah: Studi Penetapan di Pengadilan Agama Tanjung Pati." *Al Muhkam: Journal of Islamic Law and Jurisprudence* 1, no. 2 (2025): 97-107. <https://doi.org/10.65980/almuhkam.v1i2.39>

¹⁰ Halla Nurin Fitria, Malik Ibrahim, and Dwi Handayani. "Harapan vs Realitas: Studi Wali Adhal di Pengadilan Agama Sleman Perspektif Sosiologi Hukum Islam." *Al-Iqro': Journal of Islamic Studies* 2, no. 1 (2025): 31-50. <https://doi.org/10.54622/aijis.v2i1.444>. See also Fazlon Umar, and Muhammad Fazlurrahman Syarif. "Reformulating the Concept of Guardianship in Marriage:

considerations of public welfare (*maṣlahah*) when resolving guardianship disputes. More recently, Sari¹¹ observes that Religious Court decisions increasingly prioritize substantive justice by protecting women from arbitrary guardianship practices while maintaining compliance with Islamic legal principles.

Although these studies have significantly enriched the literature on Islamic family law in Indonesia, several important gaps remain. First, most existing research emphasizes normative legal interpretation or procedural aspects of *wali adhol* without examining in detail how judges evaluate evidence and construct legal reasoning in individual cases. Second, relatively few studies investigate the legal consequences of *wali adhol* decisions for the validity of marriage and the protection of the legal rights of prospective spouses. Third, no published study has specifically analyzed Decision Number 83/Pdt.P/2025/PA.Sbr issued by the Sumber Class IA Religious Court, despite its importance as a recent judicial determination concerning the transfer of guardianship authority. Consequently, empirical evidence explaining how Religious Courts operationalize Islamic legal doctrine through judicial reasoning remains limited.

This study seeks to address these gaps by conducting an empirical juridical analysis of Decision Number 83/Pdt.P/2025/PA.Sbr. Unlike previous studies that primarily focus on doctrinal analysis or procedural issues, this research comprehensively examines the court's reasoning, evidentiary assessment, interpretation of statutory provisions, and application of Islamic legal principles in determining the existence of *wali adhol*. Furthermore, it evaluates the legal implications of the decision for the validity of marriage and the protection of women's marital rights within Indonesia's system of state-administered Islamic family law. By integrating normative legal analysis with empirical examination of judicial practice, this study contributes to a deeper understanding of the corrective role of Religious Courts in preventing abuse of guardianship authority while promoting legal certainty, justice, and gender-sensitive protection under Indonesian Islamic family law.

Accordingly, this article addresses two principal research questions. First, how is the concept of *wali adhol* interpreted and applied in the judicial reasoning of Decision Number 83/Pdt.P/2025/PA.Sbr? Second, what are the legal implications of the court's decision for the validity of marriage and the protection of the legal rights of the parties involved? Answering these questions contributes to the broader scholarship on Islamic family law by providing empirical evidence of judicial practice and demonstrating how Religious Courts function as institutions that harmonize classical Islamic jurisprudence, national legislation, and principles of justice in resolving contemporary family disputes.

Between Classical Fiqh Traditions and the Demands of Modern Law." *Journal of Mujaddid Nusantara* 2, no. 2 (2025): 61-70. <https://doi.org/10.62568/jomn.v2i2.373>

¹¹ Sariati Sari, "Analysis of Protection of Women's Rights in Marriage According to Islamic Law and Law-in Indonesia." *Al-Qadha: Jurnal Hukum dan Syar'iah* 1, no. 2 (2025): 39-47. <https://doi.org/10.64317/alqadha.v1i2.9>

II. JUDICIAL INTERPRETATION OF *WALI ADHOL* IN DECISION NUMBER 83/PDT.P/2025/PA.SBR

Marriage guardianship (*wilāyah al-nikāḥ*) occupies a central position in Islamic family law because it functions as a legal mechanism to ensure that marriage is concluded in accordance with religious principles while safeguarding the interests of the bride. The majority of classical jurists from the Mālikī, Shāfi'ī, and Ḥanbalī schools regard the presence of a lawful guardian (*wali*) as an essential pillar of a valid marriage, whereas the Ḥanafī school adopts a more flexible approach by recognizing the capacity of an adult woman to conclude her own marriage under certain conditions.¹² Despite these doctrinal differences, all schools agree that the authority of a guardian is intended to facilitate marriage and protect the welfare (*maṣlaḥah*) of the woman rather than to provide unrestricted power to obstruct a lawful marriage. Consequently, guardianship in Islamic law should be understood as a legal responsibility (*taklīf*) that is subject to ethical and juridical limitations.

One of the principal limitations on guardianship authority is the prohibition of *'aḍl* (wrongful refusal), commonly referred to in Indonesian Islamic legal practice as *wali adhol*. Classical Islamic jurists define *wali adhol* as the unjustified refusal of a guardian to marry a woman under his guardianship to a prospective husband who fulfills the legal requirements of marriage and possesses adequate compatibility (*kaḥfā'ah*). Such refusal is regarded as inconsistent with the objectives of Islamic law because it deprives women of their legitimate right to marry and potentially exposes them to social and psychological harm.¹³ The prohibition against arbitrary refusal reflects the Qur'anic command not to prevent women from marrying when they mutually consent to a lawful union (Qur'an 2:232), a verse that has long been interpreted by Muslim jurists as establishing limits on guardianship authority. Accordingly, judicial intervention through the appointment of a *wali hakim* represents not a departure from Islamic legal doctrine but rather its proper implementation when a guardian abuses his legal authority.

Within the Indonesian legal system, these classical principles have been institutionalized through statutory regulations governing Islamic family law.¹⁴ Article 23 paragraph (2) of the Compilation of Islamic Law (KHI) provides that where a marriage guardian is declared *adhol*, the authority to solemnize the marriage may be transferred to a judicial guardian (*wali hakim*) following a determination by the Religious Court. This provision demonstrates that Indonesian Islamic family law adopts a balanced approach that simultaneously respects the religious significance of guardianship and guarantees legal protection for women whose marriage rights are obstructed by arbitrary refusals. Rather than viewing

¹² Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*. (Oxford: Oneworld Publications, 2008); Wael B. Hallaq, *An Introduction to Islamic Law*. (Cambridge: Cambridge University Press, 2009).

¹³ Noel J. Coulson, *A History of Islamic Law*. (Edinburgh: Edinburgh University Press, 1964); Nasir, Jamal J. A. *The Islamic Law of Personal Status*. 3rd ed. (Leiden: Brill, 2009).

¹⁴ See also John R. Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. (Cambridge: Cambridge University Press, 2003); Mark Cammack, Adriaan Bedner, and Stijn van Huis. "Democracy, Human Rights, and Islamic Family Law in Post-Soeharto Indonesia." *New Middle Eastern Studies* 5 (2015): 1–22; Tim Lindsey, ed. *Indonesia: Law and Society*. 2nd ed. (Sydney: Federation Press, 2012).

judicial intervention as replacing religious authority, the law positions the Religious Court as a supervisory institution responsible for ensuring that guardians exercise their authority in accordance with both Islamic legal principles and statutory requirements.¹⁵

The legal and social significance of *wali adhol* has attracted increasing scholarly attention in Indonesia. Ernawati¹⁶, in her study of the Bukittinggi Religious Court, argues that the appointment of a judicial guardian constitutes an important legal instrument for protecting women's rights while maintaining the validity of marriage under both Islamic and national law. Likewise, Suharto and Sarkanto¹⁷ demonstrate that the settlement of *wali adhol* disputes through mediation, administrative examination, and judicial determination reflects the principle of *istiṣlāḥ* (*maṣlaḥah mursalah*), whereby legal decisions are directed toward achieving public welfare and preventing injustice. From a sociological perspective, Nurin Fitria, Ibrahim, and Handayani¹⁸ further observe that judges increasingly consider not only statutory provisions but also the broader social context surrounding guardianship disputes, including the absence of legitimate religious obstacles to marriage and the practical consequences of delaying or preventing lawful unions. Collectively, these studies indicate that the function of Religious Courts has evolved beyond the mechanical application of legal norms toward a more substantive model of justice that integrates Islamic legal doctrine with contemporary social realities.¹⁹

Although previous studies have significantly advanced the understanding of *wali adhol*, they also reveal several important limitations. Most existing research focuses either on normative legal interpretation, sociological explanations, or procedural mechanisms for appointing a *wali hakim*. Comparatively little attention has been devoted to examining how judges construct legal reasoning in individual cases, evaluate competing evidence, and reconcile statutory provisions with classical Islamic jurisprudence when determining whether a guardian's refusal constitutes *adhal*. Moreover, existing scholarship has not examined Decision Number 83/Pdt.P/2025/PA.Sbr of the Sumber Class IA Religious Court, despite its relevance as a recent judicial determination concerning the transfer of guardianship authority. The present study therefore extends previous research by conducting an empirical juridical analysis of judicial reasoning, evidentiary assessment, and the legal implications of the decision for marriage validity and the protection of

¹⁵ See Saifu Amar, et al. "Konstruksi Hukum Kewenangan Pengadilan Agama dalam Penetapan Wali Adhal Menurut Sistem Peradilan Agama." *Journal Juridisch* 3, no. 1 (2025): 11-25. <https://doi.org/10.26623/jj.v3i1.11379>

¹⁶ Ernawati Ernawati. "Kedudukan Wali Nasab yang Dinyatakan Adhal Berdasarkan Penetapan Pengadilan Agama Bukit Tinggi." *Sakato Law Journal* 3, no. 1 (2025): 77-86.

¹⁷ Suharto Suharto, and Sarkanto Sarkanto. "Penyelesaian Wali Adhal dalam Perspektif Istishlah: Studi Kasus di Kecamatan Bejen Kabupaten Temanggung Tahun 2023." *El-Qenon: Journal of Islamic Law* 1, no. 1 (2025): 33-40.

¹⁸ Halla Nurin Fitria, Malik Ibrahim, and Dwi Handayani. "Harapan vs Realitas: Studi Wali Adhal di Pengadilan Agama Sleman Perspektif Sosiologi Hukum Islam." *Al-Iqro': Journal of Islamic Studies* 2, no. 1 (2025): 31-50. <https://doi.org/10.54622/aijis.v2i1.444>.

¹⁹ See Imron Rosyadi, and Mohamad Asep. "Rethinking Wali Adhal Proceedings: The Role of Audi et Alteram Partem in Advancing Procedural Fairness." *Masalah-Masalah Hukum* 54, no. 3 (2025): 296-313. <https://doi.org/10.14710/mmh.54.3.2025.296-313>

women's marital rights within Indonesia's system of state-administered Islamic family law.

In Case Number 83/Pdt.P/2025/PA.Sbr, the Sumber Religious Court was confronted with a legal dispute concerning the tension between the authority of the *wali nasab* (blood-related marriage guardian) and the right of the prospective bride to enter into a valid marriage. The application was submitted because the *wali nasab*, namely the biological father of the prospective bride, refused or obstructed the implementation of the marriage. From the perspective of Islamic family law, the existence of a *wali nasab* holds a significant position as one of the essential elements in the marriage contract (*akad nikah*). However, this authority cannot be interpreted as an absolute power that allows a guardian to prevent a marriage without a legally and religiously justified reason. Therefore, when a guardian refuses to perform his guardianship function improperly, Islamic law and Indonesian positive law provide a corrective mechanism through the Religious Court as the competent judicial institution.²⁰

The application for the determination of *wali adhol* essentially represents a form of legal protection for prospective brides who encounter obstacles in exercising their right to marry. Within the Indonesian Islamic family law system, the submission of a *wali adhol* case does not aim to eliminate the position or authority of the *wali nasab*, but rather to examine whether the guardian's refusal is based on a legitimate reason recognized by Islamic law and national regulations. Consequently, judges are required to conduct an objective examination of several aspects, including the reasons behind the guardian's refusal, the suitability (*kafā'ah*) of the prospective husband, the fulfillment of marriage requirements, and the absence of religious or legal impediments to the marriage. This mechanism demonstrates that the state, through the Religious Court, performs a supervisory function over religious authority to ensure that guardianship does not become an instrument that causes injustice or violates the protected rights of women.

From the perspective of *fiqh munakahat* (Islamic jurisprudence on marriage), a refusal by a *wali nasab* can only be categorized as *wali adhol* when it is carried out without a valid reason recognized by Islamic principles. Classical Islamic scholars emphasize that the primary function of a guardian is to protect and promote the welfare (*maṣlaḥah*) of the woman under his guardianship, rather than to impose personal preferences or subjective considerations. When a guardian prevents a marriage with a prospective husband who fulfills religious and legal requirements, such action contradicts the fundamental purpose of guardianship in Islam. Therefore, the transfer of guardianship authority to a *wali hakim* through a judicial determination should not be viewed as a rejection of Islamic legal principles, but rather as an implementation of justice (*al-'adl*) and the prevention of harm (*dar'u al-mafāsid*).

The legal reasoning in Case Number 83/Pdt.P/2025/PA.Sbr illustrates the strategic role of the Religious Court as an institution that harmonizes Islamic legal

²⁰ See also Maisya Rizqa Ainni, "Konsep Wali 'Adhal dalam Kasus Penolakan Wali Karena Faktor Nasab: Analisis Yuridis Terhadap Putusan Pengadilan Agama Palangkaraya." *Mitsaqan Ghulizan* 5, no. 2 (2025): 64-73. <https://doi.org/10.33084/mg.v5i2.11640>; Siti Nurjanah, "Tinjauan Hukum Islam Terhadap Pernikahan Wali Hakim Akibat Wali Nasabnya Adhal: Studi Analisis Putusan PA Serang No. 0401/Pdt. P/2017/PA. Srg." *Syaksia: Jurnal Hukum Perdata Islam* 19, no. 1 (2018): 123-150. <https://doi.org/10.37035/syaksia.v17i1.1121>

norms with Indonesian positive law. The court is not merely responsible for ensuring the formal validity of marriage procedures, but also for ensuring that the application of marriage guardianship rules does not produce injustice toward prospective brides. In this context, the determination of *wali adhol* functions as a form of judicial correction against the misuse of guardianship authority. The involvement of judges in determining the status of *adhol* demonstrates that the transfer of guardianship authority is not conducted arbitrarily, but rather through a formal legal process that provides certainty, legitimacy, and protection for the marriage that will be conducted.²¹

The judicial determination of *wali adhol* in this case also reflects the broader objectives of Islamic family law, particularly the protection of individual rights and the realization of social justice. Marriage guardianship is fundamentally designed as a protective institution, but when its implementation results in the restriction of a woman's lawful right to marry, judicial intervention becomes necessary to restore balance between authority and rights. This approach is consistent with the concept of *maqāṣid al-sharī'ah*, particularly the protection of lineage (*ḥifẓ al-nasl*), dignity (*ḥifẓ al-'ird*), and human welfare (*maṣlaḥah*). By allowing the appointment of a *wali hakim*, the court ensures that the institution of guardianship continues to serve its original purpose rather than becoming a source of obstruction.

Compared with Ernawati's research concerning the appointment of judicial guardians at the Bukittinggi Religious Court²², the case shares similarities in terms of protecting women's marital rights and strengthening the role of Religious Courts in resolving guardianship disputes. However, this study provides a different contribution by examining how a recent judicial decision constructs the relationship between the concept of *wali adhol*, marriage validity, and legal protection within contemporary Indonesian religious court practice. While previous studies have primarily focused on the normative basis for replacing a guardian, the analysis of Decision Number 83/Pdt.P/2025/PA.Sbr demonstrates how these legal norms are practically implemented through judicial mechanisms to resolve concrete conflicts between the authority of a guardian and the fundamental right of a woman to marry.

Furthermore, the Sumber Religious Court's determination can be understood as part of the continuing development of Indonesian Islamic family law, where religious principles are interpreted within the framework of constitutional values, legal certainty, and gender justice. The court's intervention does not diminish the religious significance of the *wali nasab*, but instead reinforces the ethical responsibility attached to guardianship. A guardian's authority must always be exercised in accordance with the principles of fairness, responsibility, and protection. Therefore, the recognition of *wali adhol* status serves as evidence that Indonesian Islamic family law provides a balanced mechanism between maintaining the traditional structure of marriage guardianship and ensuring that women are not deprived of their legitimate rights due to unjustified refusal.

²¹ See also Adillah Karim Munir, "Analysis of the Authority of Marriage Guardians in the Perspective of Islamic Law and Marriage Law in Indonesia." *SYARIAT: Akhwal Syaksyah, Jinayah, Siyasah and Muamalah* 2, no. 1 (2025): 25-33. <https://doi.org/10.35335/k2t0nd10>

²² Ernawati Ernawati. "Kedudukan Wali Nasab Yang Dinyatakan Adhal Berdasarkan Penetapan Pengadilan Agama Bukit Tinggi." *Sakato Law Journal* 3, no. 1 (2025): 77-86.

In the context of Decision Number 83/Pdt.P/2025/PA.Sbr, the determination of *wali adhol* should be understood as the result of a comprehensive judicial examination of the conduct and legal position of the *wali nasab*, rather than merely an approval of the prospective bride's request to proceed with marriage. The Religious Court is required to assess whether the refusal of the biological guardian is based on legitimate reasons recognized by Islamic law and Indonesian positive law. Therefore, the role of the court is not limited to confirming the existence of a dispute between the guardian and the prospective bride, but extends to evaluating whether the guardian has exercised his authority in accordance with the fundamental objectives of guardianship. In this regard, the concept of *wali adhol* within Indonesian Islamic family law contains two interconnected dimensions: first, the limitation of guardianship authority to prevent arbitrary obstruction of marriage; and second, the protection of women's fundamental rights to establish a lawful family relationship. Consequently, the judicial determination of *wali adhol* represents not merely an administrative solution to a guardianship dispute, but a substantive legal mechanism designed to prevent injustice and protect the marital rights of women.

This legal construction reflects the broader principle in Islamic jurisprudence that every legal authority (*wilāyah*) is not absolute but is restricted by the objectives (*maqāṣid*) underlying its establishment. The authority of a marriage guardian is granted because the guardian is expected to act as a protector and facilitator of the woman's interests, not as an individual who possesses unrestricted control over her marital decisions. Classical Islamic legal thought emphasizes that guardianship is a form of responsibility (*amānah*) rather than ownership (*milk*) over the person under guardianship. Therefore, when a guardian refuses to approve a marriage without a valid religious or legal justification, such refusal represents a deviation from the original purpose of guardianship. In this situation, judicial intervention functions as a corrective mechanism to restore the proper meaning of guardianship by ensuring that the authority of the guardian remains oriented toward justice (*'adl*), welfare (*maṣlahah*), and the prevention of harm (*dar' al-mafāsid*). The appointment of a *wali hakim* in cases of *wali adhol* is therefore not a rejection of Islamic legal principles, but rather an implementation of the protective objectives embedded within Islamic family law.

From the perspective of Indonesian positive law, the institution of *wali adhol* demonstrates the process of harmonization between Islamic legal norms and the national legal system. The Religious Court does not replace religious authority with state authority; rather, it performs a constitutional and statutory function by ensuring that the implementation of Islamic family law remains consistent with the principles of justice, legal certainty, and human protection. Article 23 of the Compilation of Islamic Law (KHI) provides a clear legal basis that a *wali hakim* may act as a marriage guardian when the *wali nasab* is declared *adhol* through a determination of the Religious Court. This provision illustrates that Indonesian Islamic family law recognizes the possibility of conflict between traditional guardianship structures and individual rights, and therefore provides a formal legal remedy to resolve such conflicts. The requirement of judicial determination also prevents the arbitrary transfer of guardianship authority by ensuring that every declaration of *wali adhol* is based on judicial examination, evidence, and legal reasoning.

The determination of *wali adhol* in Decision Number 83/Pdt.P/2025/PA.Sbr also reflects a significant transformation in the interpretation and application of Islamic family law in Indonesia. Historically, the concept of guardianship was often understood primarily through the perspective of family authority, lineage, and male responsibility within the patriarchal structure of society. However, contemporary developments in Islamic family law demonstrate that guardianship must be interpreted together with principles of justice, gender protection, and access to legal remedies. The authority of the guardian cannot be separated from the obligation to respect the autonomy and welfare of the woman under guardianship. In this context, the Religious Court functions as a balancing institution that reconciles two important interests: respect for the traditional role of the family guardian and protection against the misuse of that authority. Through the *wali adhol* mechanism, the court ensures that family authority does not become an instrument that unjustly restricts women's rights to marry.

Furthermore, the decision strengthens the understanding that Religious Courts in Indonesia have a dual function in resolving *wali adhol* cases. On one hand, they serve as institutions responsible for implementing Islamic family law by ensuring that marriage procedures comply with religious requirements. On the other hand, they operate as legal protection institutions that safeguard individuals from the negative consequences of unjust legal practices. This dual function demonstrates the dynamic character of Indonesian Islamic law, where religious principles are interpreted within the framework of national legal institutions. The court's involvement ensures that the principle of guardianship remains meaningful while preventing it from being transformed into an instrument of domination or obstruction.

The findings from Decision Number 83/Pdt.P/2025/PA.Sbr reinforce previous studies concerning the corrective function of Religious Courts in resolving guardianship disputes. Suharto and Sarkanto²³ explain that the settlement of *wali adhol* cases through legal mechanisms reflects the principle of *istiṣlāḥ* (*maṣlaḥah mursalah*), where judicial decisions are directed toward achieving social benefit and preventing injustice. Similarly, Nurin Fitria, Ibrahim, and Handayani²⁴ demonstrate that judges in *wali adhol* cases consider not only formal legal requirements but also social and religious factors in determining whether a guardian's refusal constitutes an unlawful obstruction. However, the present analysis contributes further by emphasizing that the determination of *wali adhol* is not merely a procedural mechanism for replacing a guardian, but also a judicial effort to establish legal certainty regarding the continuation of marriage. The decision illustrates that the Religious Court plays a strategic role in transforming abstract principles of Islamic law into concrete legal protection for women facing unjustified barriers to marriage.

Therefore, Decision Number 83/Pdt.P/2025/PA.Sbr can be viewed as an example of how Indonesian Religious Courts interpret *wali adhol* through an

²³ Suharto Suharto, and Sarkanto Sarkanto. "Penyelesaian Wali Adhal dalam Perspektif Istishlah: Studi Kasus di Kecamatan Bejen Kabupaten Temanggung Tahun 2023." *El-Qenon: Journal of Islamic Law* 1, no. 1 (2025): 33-40.

²⁴ Halla Nurin Fitria, Malik Ibrahim, and Dwi Handayani. "Harapan vs Realitas: Studi Wali Adhal di Pengadilan Agama Sleman Perspektif Sosiologi Hukum Islam." *Al-Iqro': Journal of Islamic Studies* 2, no. 1 (2025): 31-50. <https://doi.org/10.54622/aijis.v2i1.444>.

integrated approach combining Islamic jurisprudence, statutory regulation, and the objectives of family law. The decision reflects a judicial understanding that marriage guardianship must always operate within the boundaries of justice and public welfare. By recognizing the possibility of transferring guardianship authority from a *wali nasab* to a *wali hakim*, the court does not diminish the importance of family involvement in marriage but ensures that such involvement remains consistent with the protective values of Islamic law. Ultimately, the decision confirms that the institution of *wali adhol* serves as an essential legal instrument for maintaining the balance between religious authority, family responsibility, and the protection of women's rights within Indonesia's Islamic family law system.

The judicial determination of *wali adhol* in Decision Number 83/Pdt.P/2025/PA.Sbr further demonstrates the transformative role of Religious Courts in contemporary Indonesian Islamic family law. The court's authority to declare a guardian as *adhol* represents an important limitation on private religious authority when such authority conflicts with the fundamental principles of justice and legal protection. In this sense, the Religious Court does not undermine the institution of family guardianship but rather strengthens its original purpose by ensuring that guardianship operates within the boundaries of Islamic ethical and legal principles. The transfer of guardianship authority to a *wali hakim* therefore constitutes a corrective mechanism designed to restore justice when the original guardian fails to perform his legal responsibility.

From the perspective of *maqāṣid al-sharī'ah*, the court's intervention reflects the objectives of Islamic law in preserving human dignity (*hifẓ al-'ird*), protecting family formation (*hifẓ al-nasl*), and preventing harm (*daf' al-mafṣadah*). An unjustified refusal by a marriage guardian may create significant social and legal consequences, including the postponement of a lawful marriage and the restriction of a woman's ability to exercise her legitimate rights. Therefore, the judicial appointment of a *wali hakim* should be understood as an implementation of Islamic legal objectives rather than merely an administrative procedure. The decision reflects the principle that legal authority must ultimately serve justice and public welfare rather than preserve formal authority without substantive justification.

Furthermore, the case illustrates the dynamic relationship between classical Islamic jurisprudence and Indonesian statutory law. Classical fiqh provides the conceptual foundation for identifying wrongful refusal by a guardian, while Indonesian legislation provides the institutional mechanism through which such disputes are resolved. This combination demonstrates the distinctive character of Indonesian Islamic family law, where religious norms are not applied independently from the state legal system but are transformed into judicially enforceable rules. The Religious Court therefore occupies a significant position as an institution that translates Islamic legal principles into practical legal solutions within a modern nation-state framework.

The analysis of Decision Number 83/Pdt.P/2025/PA.Sbr also strengthens the argument that judicial reasoning in *wali adhol* cases should not be viewed merely from a formal legal perspective. The significance of such decisions lies in their ability to balance competing interests: the respect for parental authority, the preservation of religious requirements for marriage, and the protection of individual rights. In this regard, the decision contributes to the development of a

more responsive model of Islamic family law in which legal interpretation is directed toward achieving substantive justice. This approach corresponds with contemporary developments in Islamic legal studies, which emphasize that the application of Islamic law must consider social realities and the objectives underlying legal norms.²⁵

Therefore, Decision Number 83/Pdt.P/2025/PA.Sbr provides important evidence regarding the function of Religious Courts as corrective institutions within Indonesia's Islamic family law system. While previous studies have examined *wali adhol* from normative, procedural, or sociological perspectives.²⁶ This study highlights the judicial dimension of *wali adhol* by examining how the court serves as a mediator between religious authority and individual legal protection. The case confirms that the determination of *wali adhol* is not merely a mechanism for replacing a reluctant guardian but a broader legal instrument for ensuring justice, legal certainty, and the protection of women's marital rights. Accordingly, the Sumber Religious Court decision contributes to the ongoing development of Indonesian Islamic family law by demonstrating how judicial institutions can harmonize Islamic principles with national legal standards in resolving contemporary family disputes.

III. LEGAL BASIS AND LEGAL IMPLICATIONS OF DECISION NUMBER 83/PDT.P/2025/PA.SBR

The determination of *wali adhol* in Decision Number 83/Pdt.P/2025/PA.Sbr must be understood within the broader legal framework governing marriage guardianship in Indonesian Islamic family law. The existence of *wali adhol* is not merely a religious concept derived from classical Islamic jurisprudence but has been institutionalized through Indonesia's legal system as a mechanism to resolve conflicts between the authority of a marriage guardian and the rights of prospective spouses. The legal framework governing *wali adhol* demonstrates the effort of Indonesian Islamic family law to maintain the essential role of guardianship while preventing the misuse of guardianship authority.²⁷ Through judicial intervention, the state ensures that the requirement of a marriage guardian does not become an instrument that unjustifiably restricts women's rights to enter into a lawful marriage.

From the perspective of Islamic jurisprudence, the legal basis of *wali adhol* is closely connected with the principle that guardianship is a form of responsibility

²⁵ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*. (Oxford: Oneworld Publications, 2008); Wael B. Hallaq, *An Introduction to Islamic Law*. (Cambridge: Cambridge University Press, 2009).

²⁶ Suharto Suharto, and Sarkanto Sarkanto. "Penyelesaian Wali Adhal dalam Perspektif Istishlah: Studi Kasus di Kecamatan Bejen Kabupaten Temanggung Tahun 2023." *El-Qenon: Journal of Islamic Law* 1, no. 1 (2025): 33-40; Ernawati Ernawati. "Kedudukan Wali Nasab Yang Dinyatakan Adhal Berdasarkan Penetapan Pengadilan Agama Bukit Tinggi." *Sakato Law Journal* 3, no. 1 (2025): 77-86; Halla Nurin Fitria, Malik Ibrahim, and Dwi Handayani. "Harapan vs Realitas: Studi Wali Adhal di Pengadilan Agama Sleman Perspektif Sosiologi Hukum Islam." *Al-Iqro': Journal of Islamic Studies* 2, no. 1 (2025): 31-50. <https://doi.org/10.54622/aijis.v2i1.444>.

²⁷ Rinwanto Rinwanto, Yudi Arianto, and Masruchan Masruchan. "Urgensi Wali Adhal Studi Komparasi Perspektif Kompilasi Hukum Islam dan Fikih." *The Indonesian Journal of Islamic Law and Civil Law* 4, no. 1 (2023): 40-56. <https://doi.org/10.51675/jaksya.v4i1.402>

rather than absolute ownership over the decision-making process of the woman under guardianship. Classical Muslim jurists emphasize that a guardian must consider the suitability (*kafā'ah*) and religious compatibility of the prospective husband while prioritizing the welfare of the woman concerned. When a guardian refuses a marriage without a legitimate reason, such refusal contradicts the protective function of guardianship and may be categorized as *'adl* (wrongful obstruction). Therefore, Islamic jurisprudence provides a legal solution through judicial intervention, allowing authority to be transferred to a qualified substitute guardian when the original guardian fails to fulfill his obligation.²⁸

The Qur'anic foundation frequently associated with the prohibition of unjustified guardianship obstruction is found in Qur'an 2:232, which prohibits guardians from preventing women from marrying their chosen partners when mutual agreement has been reached. Classical and contemporary scholars interpret this verse as establishing a limitation on guardianship authority and emphasizing that guardians must not act contrary to the interests of the women they represent. This principle reflects the broader objective of Islamic law that legal authority must be exercised to achieve justice (*'adl*) and welfare (*maṣlaḥah*). Consequently, the concept of *wali adhol* represents a situation where the guardian's personal decision conflicts with the higher objectives of Islamic family law.

In Indonesia, these principles have been incorporated into positive law, particularly through the Compilation of Islamic Law (KHI). Article 23 paragraph (2) of the KHI provides that a *wali hakim* may act as the marriage guardian when the *wali nasab* is declared *adhol*, but such authority can only be exercised after a determination by the Religious Court. This provision establishes two important legal principles. First, the authority of the *wali nasab* remains recognized as the primary form of guardianship. Second, such authority is subject to judicial review when it is exercised improperly or contrary to the objectives of marriage law. Therefore, the Religious Court's determination functions as a legal safeguard that ensures the replacement of a guardian occurs through a legitimate and accountable process.

The legal mechanism established by Article 23 of the KHI demonstrates the Indonesian legal system's attempt to harmonize Islamic legal doctrine with principles of procedural justice. The requirement of a court determination prevents arbitrary transfer of guardianship authority while simultaneously providing protection for women facing unjustified refusal. In this context, Decision Number 83/Pdt.P/2025/PA.Sbr reflects the implementation of a legal framework designed to balance religious requirements, state authority, and individual rights. The court's involvement confirms that the appointment of a *wali hakim* is not an exception that weakens the institution of guardianship, but rather a legally regulated solution to ensure that the objectives of marriage law can still be achieved when the original guardian fails to perform his responsibility.

The legal foundation of *wali adhol* in Indonesia is further strengthened by the statutory authority granted to Religious Courts to adjudicate Muslim family law disputes. Under Law Number 7 of 1989 concerning Religious Courts, as amended by Law Number 3 of 2006 and Law Number 50 of 2009, Religious Courts possess

²⁸ Mohammad Hashim Kamali, *Shari'ah Law: An Introduction*. (Oxford: Oneworld Publications, 2008); Noel J. Coulson, *A History of Islamic Law*. (Edinburgh: Edinburgh University Press, 1964).

jurisdiction over matters relating to marriage, including disputes concerning marriage guardianship. This institutional authority confirms that the determination of *wali adhol* is not merely an internal religious matter within the family but a legal issue that requires judicial examination when it affects the ability of a Muslim woman to enter into a lawful marriage. Therefore, the Religious Court functions as the competent institution to assess whether a guardian's refusal constitutes an unlawful obstruction or remains within the legitimate scope of guardianship authority.

The procedural character of *wali adhol* applications also demonstrates the importance of judicial supervision in protecting legal certainty. Although the application is generally submitted by the prospective bride as a voluntary matter (*perkara voluntair*), the court is still required to examine the factual and legal basis of the request before issuing a determination. This process reflects the principle that the transfer of guardianship authority cannot occur solely based on the personal claim of the applicant but must be supported by judicial findings. The judge must evaluate whether the refusal of the *wali nasab* is based on acceptable Islamic legal grounds or whether it represents an unjustified restriction of the applicant's marital rights. Consequently, the court's determination provides legitimacy and legal certainty for the subsequent marriage ceremony.

The procedural mechanism for resolving *wali adhol* disputes has also been reinforced through regulations issued by the Ministry of Religious Affairs concerning the role of the *wali hakim* in marriage administration. These regulations recognize that a *wali hakim* may act as a substitute guardian in circumstances where the prospective bride does not have a qualified *wali nasab*, including situations where the existing guardian is declared *adhol*. The requirement of a prior Religious Court determination ensures that the authority of the *wali hakim* is exercised within a controlled legal framework. This arrangement demonstrates the integration between judicial authority and administrative marriage institutions, where the court determines the legal status while marriage officials implement the resulting decision.

In relation to Decision Number 83/Pdt.P/2025/PA.Sbr, the application of this legal framework illustrates how the Religious Court transforms abstract legal norms into practical protection for individuals experiencing barriers to marriage. The court's role is not limited to confirming whether the formal requirements of guardianship exist but extends to examining whether the refusal of the guardian contradicts the protective purpose of marriage law. Through the determination of *wali adhol*, the court provides a lawful pathway for the continuation of marriage by transferring guardianship authority to a *wali hakim*. This process demonstrates the preventive function of judicial review, ensuring that personal authority within the family does not override legal rights recognized by Islamic and national law.

The legal significance of the Sumber Religious Court's decision can also be viewed through the principle of legal certainty (*rechtszekerheid*). Without a judicial determination of *wali adhol*, the status of the marriage could potentially be questioned because the absence or refusal of a legitimate guardian may affect the validity of the marriage contract under Islamic legal requirements. By issuing a formal determination, the court eliminates uncertainty regarding the legitimacy of the guardian substitution and provides a clear legal foundation for the marriage. Thus, the decision serves both a corrective and preventive function: corrective

because it resolves an existing conflict between the guardian and the prospective bride, and preventive because it prevents future disputes concerning the validity of the marriage.

The legal implications of Decision Number 83/Pdt.P/2025/PA.Sbr extend beyond the procedural replacement of a marriage guardian because the determination directly affects the legal validity and certainty of the marriage to be conducted. In Islamic family law, the existence of a valid guardian is considered an important element in the marriage contract according to the majority of Sunni legal schools. Therefore, when a *wali nasab* refuses to perform the guardianship function without a legally recognized justification, the appointment of a *wali hakim* becomes a necessary legal mechanism to preserve the validity of the marriage. The Religious Court's determination ensures that the transfer of authority occurs within a legitimate legal framework, thereby preventing doubts regarding the status of the marriage and protecting the rights of the prospective spouses.

The appointment of a *wali hakim* following a declaration of *wali adhol* should not be interpreted as a reduction of the role of the biological guardian or a rejection of family authority. Rather, it represents a legal consequence arising from the failure of the original guardian to perform his responsibility in accordance with Islamic principles. Guardianship in Islamic law is fundamentally based on protection and responsibility, meaning that the authority granted to a guardian must be exercised for the benefit of the person under guardianship. When such authority is transformed into an obstacle that prevents a lawful marriage, judicial intervention becomes necessary to restore the balance between authority and responsibility.

From the perspective of women's legal protection, Decision Number 83/Pdt.P/2025/PA.Sbr reflects the protective function of Religious Courts in preventing gender-based legal obstacles within marriage arrangements. Although Islamic family law recognizes the importance of family involvement in marriage, it also acknowledges the legal capacity and rights of women to establish a family life. An unjustified refusal by a guardian may create a situation where women become dependent upon the personal preferences of another person despite fulfilling the requirements for marriage. Through the determination of *wali adhol*, the court provides a legal remedy that prevents women from losing access to their marital rights due to an improper exercise of guardianship authority.

This aspect corresponds with the principle of *maqāṣid al-sharī'ah*, particularly the protection of dignity, family formation, and social welfare. The purpose of Islamic family law is not limited to maintaining formal compliance with legal requirements but also ensuring that legal institutions produce justice and benefit for society. The intervention of the Religious Court in *wali adhol* cases demonstrates the application of the principle that preventing harm (*mafsadah*) may justify judicial action when maintaining the existing situation would result in injustice. Therefore, the appointment of a *wali hakim* serves as an instrument for achieving the higher objectives of Islamic law rather than merely a technical solution to a procedural problem.

The findings of this study reinforce and expand previous research on *wali adhol* in Indonesian Religious Courts. Ernawati²⁹ emphasizes that the appointment

²⁹ Ernawati Ernawati. "Kedudukan Wali Nasab Yang Dinyatakan Adhal Berdasarkan Penetapan Pengadilan Agama Bukit Tinggi." *Sakato Law Journal* 3, no. 1 (2025): 77-86.

of a judicial guardian provides legal protection for prospective brides and ensures the validity of marriage according to Islamic and national law. Similarly, Suharto and Sarkanto³⁰ highlight that the resolution of *wali adhol* disputes reflects the principle of *istiṣlāḥ* because judicial intervention prioritizes justice and social benefit. However, Decision Number 83/Pdt.P/2025/PA.Sbr provides additional insight by demonstrating how the legal framework operates in contemporary judicial practice, where Religious Courts function not only as institutions applying legal rules but also as mechanisms for balancing religious authority, individual rights, and the demands of substantive justice.

The contribution of Decision Number 83/Pdt.P/2025/PA.Sbr to Indonesian Islamic family law can be understood through its demonstration of how judicial institutions mediate between religious norms and contemporary legal demands. The case illustrates that the application of Islamic family law within Indonesia is not limited to the literal implementation of classical legal doctrines but involves contextual interpretation through state judicial mechanisms. The Religious Court, as an institution authorized to resolve Muslim family disputes, plays a significant role in ensuring that Islamic legal principles remain responsive to social realities while maintaining consistency with statutory regulations. In this regard, the determination of *wali adhol* represents an example of how Islamic legal concepts are transformed into practical legal solutions within a modern legal system.

Furthermore, the decision strengthens the understanding that guardianship authority in Islamic marriage law is conditional upon the fulfillment of legal and ethical responsibilities. The authority of a *wali nasab* originates from the objective of protecting the interests of the prospective bride, not from an unrestricted power to determine her marital future. Therefore, when a guardian's refusal contradicts the principles of justice and prevents the realization of a lawful marriage, the legal system provides a mechanism to correct such conduct. The appointment of a *wali hakim* after judicial determination confirms that the legitimacy of guardianship depends on its alignment with the objectives of marriage law and the protection of individual rights.

The decision also demonstrates the importance of judicial reasoning in maintaining a balance between legal certainty and substantive justice. A purely formal interpretation of guardianship requirements could potentially result in injustice if it allows an unreasonable refusal to permanently prevent marriage. Conversely, unrestricted judicial intervention without legal standards could undermine the significance of guardianship within Islamic law. The Indonesian legal framework addresses this tension by requiring a formal court determination before a *wali hakim* may act. This requirement reflects a balanced approach that preserves the religious function of guardianship while providing a lawful solution when guardianship authority is misused.

Compared with previous studies, the analysis of Decision Number 83/Pdt.P/2025/PA.Sbr highlights several aspects that contribute to the development

³⁰ Suharto Suharto, and Sarkanto Sarkanto. "Penyelesaian Wali Adhal dalam Perspektif Istishlah: Studi Kasus di Kecamatan Bejen Kabupaten Temanggung Tahun 2023." *El-Qenon: Journal of Islamic Law* 1, no. 1 (2025): 33-40.

of existing scholarship. Earlier studies by Ernawati³¹, Suharto and Sarkanto³², and Fitria et al.³³ have examined *wali adhol* from normative, procedural, and sociological perspectives. However, the present analysis emphasizes the relationship between legal doctrine, judicial authority, and rights protection within a recent Religious Court determination. This perspective demonstrates that *wali adhol* decisions should not be viewed solely as administrative approvals for marriage but as judicial instruments that actively protect legal rights and maintain the integrity of Islamic family law.

Therefore, Decision Number 83/Pdt.P/2025/PA.Sbr confirms the strategic role of Religious Courts in ensuring that marriage law operates according to the principles of justice, legal certainty, and social welfare. The determination of *wali adhol* provides a lawful pathway for marriage when the authority of a guardian is exercised contrary to its intended protective function. By transferring guardianship authority to a *wali hakim*, the court ensures that the marriage process remains valid under Islamic law and Indonesian positive law while preventing women from experiencing unjust restrictions on their marital rights. Therefore, the Sumber Religious Court decision contributes to the broader development of Indonesian Islamic family law by illustrating how judicial institutions can harmonize religious principles, statutory provisions, and human rights values in resolving contemporary family disputes.

IV. CONCLUSION

This study concludes that Decision Number 83/Pdt.P/2025/PA.Sbr of the Sumber Class IA Religious Court demonstrates the important role of judicial intervention in resolving *wali adhol* disputes within Indonesian Islamic family law. The application of the *wali adhol* concept in this case reflects the integration of Islamic legal principles, the Compilation of Islamic Law (KHI), and the authority of Religious Courts to examine whether a guardian's refusal is justified according to law. The decision confirms that guardianship is a responsibility aimed at protecting the interests of the bride rather than an absolute authority to prevent marriage. When a guardian refuses without legitimate grounds, the appointment of a *wali hakim* becomes a lawful mechanism to restore justice and ensure the continuity of a valid marriage.

The decision further demonstrates that the legal implications of *wali adhol* extend beyond the transfer of guardianship authority. By appointing a *wali hakim*, the Religious Court provides legal certainty regarding the validity of the marriage while protecting women's marital rights from unjustified restrictions. This finding contributes to the study of Islamic family law by showing how Religious Courts function as corrective institutions that harmonize classical Islamic jurisprudence,

³¹ Ernawati Ernawati. "Kedudukan Wali Nasab Yang Dinyatakan Adhal Berdasarkan Penetapan Pengadilan Agama Bukit Tinggi." *Sakato Law Journal* 3, no. 1 (2025): 77-86.

³² Suharto Suharto, and Sarkanto Sarkanto. "Penyelesaian Wali Adhal dalam Perspektif Istishlah: Studi Kasus di Kecamatan Bejen Kabupaten Temanggung Tahun 2023." *El-Qenon: Journal of Islamic Law* 1, no. 1 (2025): 33-40.

³³ Halla Nurin Fitria, Malik Ibrahim, and Dwi Handayani. "Harapan vs Realitas: Studi Wali Adhal di Pengadilan Agama Sleman Perspektif Sosiologi Hukum Islam." *Al-Iqro': Journal of Islamic Studies* 2, no. 1 (2025): 31-50. <https://doi.org/10.54622/aijis.v2i1.444>.

national legislation, and principles of substantive justice. The case also confirms the relevance of *maqāṣid al-sharī'ah* in judicial reasoning, particularly in promoting justice, preventing harm, and protecting family welfare.

Although this study focuses on a single court decision, it provides empirical insight into the practical implementation of *wali adhol* within Indonesia's state-administered Islamic legal system. The Sumber Religious Court decision illustrates that judicial determination of *wali adhol* is not merely a procedural step but an instrument for ensuring legal certainty, gender protection, and the realization of Islamic legal objectives. Future studies may expand this analysis through comparative examination of multiple Religious Court decisions to identify broader patterns in judicial reasoning and the development of Indonesian Islamic family law.

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