

THE POSITION OF A MARRIAGE GUARDIAN (*WALI NIKAH*) IN THE HANAFI SCHOOL OF THOUGHT: ITS RELEVANCE: A Case Study of the Marriage of Rizky Febian and Mahalini

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Abstract

The debate over the role of the marriage guardian (*wali nikah*) in Islamic law remains an important issue in the study of Islamic family jurisprudence and remains relevant today. This research aims to analyze the Hanafi school of thought's perspective on the role of the marriage guardian and to examine its relevance to contemporary marriage practices in Indonesia. This study uses a normative juridical approach and a library research method, drawing on classical *fiqh* literature, legal regulations, and scholarly studies on Islamic family law. The analysis focuses on the differences among Islamic jurists concerning the status of the guardian in the marriage contract, particularly between the Shafi'i school, which considers the guardian an essential pillar of marriage, and the Hanafi school, which does not regard it as a determining requirement for the validity of marriage. According to the Hanafi view, a mature and legally competent woman may enter into her own marriage contract, provided she considers the principles of compatibility (*kafa'ah*) and a proper dowry. The findings show that Indonesian marriage law still requires a guardian, although the Hanafi perspective offers an alternative interpretation in contemporary practice.

Keyword: Islamic family law; Ijtihad; *Kafa'ah*; Marriage guardian.

Abstrak

Perdebatan mengenai kedudukan wali nikah dalam hukum Islam merupakan isu penting dalam kajian fikih keluarga yang masih relevan hingga saat ini. Penelitian ini bertujuan menganalisis pandangan mazhab Hanafi mengenai wali nikah serta relevansinya terhadap praktik perkawinan kontemporer di Indonesia. Penelitian menggunakan pendekatan yuridis normatif dengan metode studi kepustakaan terhadap literatur fikih klasik, peraturan perundang-undangan, serta penelitian tentang hukum keluarga Islam. Analisis difokuskan pada perbedaan pandangan ulama mengenai status wali dalam akad nikah, khususnya antara mazhab Syafi'i yang mewajibkan wali sebagai rukun nikah dan mazhab Hanafi yang tidak menjadikannya sebagai penentu sahnya pernikahan. Dalam pandangan Hanafi, perempuan yang telah baligh dan cakap hukum dapat melakukan akad nikah sendiri dengan tetap memperhatikan prinsip kafa'ah dan mahar yang pantas. Hasil penelitian menunjukkan bahwa dalam hukum perkawinan di Indonesia wali tetap menjadi syarat penting sesuai Kompilasi Hukum Islam, namun pandangan mazhab Hanafi dapat menjadi perspektif alternatif dalam memahami praktik perkawinan kontemporer.

Kata kunci: hukum keluarga Islam; ijtihad; kafa'ah; wali nikah

INTRODUCTION

The marriage of public figures Rizky Febian and Mahalini Raharja has become a contemporary case that has sparked debate regarding the role of a *wali nikah* (marriage guardian) under Islamic law in Indonesia. Public attention emerged after their marriage process was associated with issues concerning the status of the guardian used in the marriage contract (*akad nikah*). Mahalini, who had converted to Islam, did not have a *wali nasab* (blood-related guardian) who met the Sharia requirements because her biological father was a non-Muslim. Consequently, a *wali hakim* (court-appointed guardian) was used in the marriage ceremony. The debate subsequently developed regarding the validity of the guardian who acted in the marriage contract and the legal procedures that should be followed to comply with both Islamic law and the positive law of Indonesia (SIREGAR & Pratiwi, 2024). This case underscores that the issue of *wali nikah* (marriage guardianship) is not merely a normative subject within classical *fiqh* literature, but also a social issue that remains highly relevant in contemporary society (Tara & Firmansyah, 2026). Therefore,

the study of *wali nikah* is important for examining how classical Islamic legal concepts can be understood and applied within the context of evolving social realities.

Within the framework of Islamic law in Indonesia, a *wali hakim* (court-appointed guardian) may be used when the *wali nasab* (blood-related guardian) does not meet the Sharia requirements, whose whereabouts are unknown, who refuses without a valid Sharia reason (*wali adhal*), or who is prevented from acting due to a difference in religion (Rossa et al., 2024). In Mahalini's case, her biological father had not embraced Islam and, therefore, according to Islamic jurisprudence (*fiqh*), was not eligible to serve as a guardian for a Muslim woman. Consequently, the use of a *wali hakim* in the marriage contract can be viewed as the implementation of provisions contained in Islamic law and the *Compilation of Islamic Law (Kompilasi Hukum Islam)* in Indonesia (Muzaki et al., 2024) (W. Muhammad, 2025). This procedure also reflects the state's involvement, through the Office of Religious Affairs (*KUA*) and the Religious Court, in ensuring that marriages comply with both Islamic principles and national legal regulations.

From the perspective of the Hanafi School of Thought, this case is particularly interesting because the school grants adult women with legal capacity the authority to enter into a marriage contract without a guardian (*wali*) (Y. M. Muhammad et al., 2022). In other words, theoretically, a woman such as Mahalini, who has reached maturity (*baligh*) and possesses legal competence, may conduct her own marriage contract provided that the requirements of *kafa'ah* (compatibility between spouses) and *mabr al-mithl* (a customary dower equivalent to that received by women of similar status) are fulfilled. However, marriage law practices in Indonesia do not fully adopt the Hanafi position. Instead, the Indonesian legal system is more strongly influenced by the Shafi'i School of Thought, which regards the guardian (*wali*) as one of the essential pillars (*rukun*) of marriage (Rosdiana et al., 2024). Therefore, although the Hanafi perspective may serve as a valuable reference for *fiqh* discussions, the administration of marriage contracts in Indonesia must comply with national legal provisions that require the involvement of a guardian.

This case illustrates the intersection of classical *fiqh* traditions, state regulations, and modern social conditions. On the one hand, the view of the majority of Islamic scholars, which emphasizes the importance of a guardian (*wali*) as an essential element for

the validity of marriage, remains deeply rooted in society. On the other hand, growing discussions concerning women's rights and individual autonomy have generated interest in the Hanafi School of Thought, which adopts a more flexible position regarding the role of the guardian. Thus, the marriage of Rizky Febian and Mahalini is not merely a matter of public interest; it also serves as a concrete example of how Islamic family law evolves and adapts to contemporary social changes.

The study conducted by Rosdiana, Faris Abdurrahman, Syifa Rianadiwa, and Muhammad Fatahillah Podungge entitled "*Tracing the Principles of Marriage: Perspectives of Islamic Schools of Thought and the Compilation of Islamic Law*" examines the principles of marriage from the perspectives of various schools of Islamic jurisprudence (*fiqh*) and their relevance to the *Compilation of Islamic Law (Kompilasi Hukum Islam)* in Indonesia (Rosdiana et al., 2024). The study highlights the *wali nikah* (marriage guardian) as an essential element of the marriage contract, according to the majority of Islamic scholars and Indonesian positive law. However, the study primarily focuses on a normative and comparative analysis of marriage principles in general. As a result, it does not specifically discuss the relevance of the Hanafi School's view on *wali nikah* to contemporary social phenomena in Indonesia. Furthermore, the study does not relate the concept of *wali nikah* to actual case studies that have emerged in modern society.

Meanwhile, the study by Wardatun and Purnamasari (2025), entitled "*The Existence of Guardians in Marriage Contracts According to the Compilation of Islamic Law and Religious Court Practices*," focuses more specifically on the implementation of *wali nikah* (marriage guardianship) in Indonesian positive law, particularly regarding the position of guardians within the *Compilation of Islamic Law (Kompilasi Hukum Islam)* and the practice of appointing *wali hakim* (court-appointed guardians) in the Religious Courts (Wardatun & Purnamasari, 2025). The study demonstrates that Indonesian marriage law continues to regard the guardian as an essential requirement for the validity of a marriage contract. However, the study is primarily oriented toward legal aspects and judicial practice. As such, it does not provide an in-depth examination of the Hanafi School's perspective on women's autonomy in entering into marriage contracts, nor does it explore the relevance of this perspective to contemporary marriage practices.

Based on these two studies, it can be observed that research on *wali nikah* (marriage guardianship) is still predominantly focused on normative discussions and the implementation of positive law. Previous studies have not extensively connected the Hanafi School's perspective with modern social phenomena through public case studies emerging within Indonesian society. Therefore, this study seeks to fill this research gap by analyzing the position of *wali nikah* from the perspective of the Hanafi School of Thought and examining its relevance to contemporary marriage practices through a case study of the marriage of Rizky Febian and Mahalini. The novelty of this research lies in its effort to connect classical *fiqh* studies on *wali nikah* with modern social realities and to analyze the interaction among the perspectives of Islamic schools of thought, Indonesian positive law, and the social dynamics of contemporary society.

DESCRIPTION OF THE RESEARCH OBJECT

A *wali nikah* (marriage guardian) is one of the essential elements in the study of *fiqh al-munakahat* (Islamic family and marriage law), particularly concerning the validity of a marriage contract. From the perspective of Islamic law, a guardian is understood as a person who possesses the authority to marry off a woman in a marriage contract. The position of the guardian is based on evidence derived from the Qur'an, Hadith, and the *ijtihad* of Islamic scholars. The majority of scholars (*jumhur al-ulama*) regard these sources as the basis for the view that a marriage conducted without a guardian is invalid (Amalia & Hidayati, 2026). Therefore, the presence of a guardian is considered integral to ensuring the validity of the marriage contract and safeguarding women's interests in marriage.

In Islamic jurisprudential literature, there are differing opinions regarding the legal status of the *wali nikah* (marriage guardian). The majority of scholars from the Maliki, Shafi'i, and Hanbali schools of thought agree that a guardian is an essential pillar (*rūkn*) of marriage and must be present for a marriage contract to be valid. From this perspective, the guardian serves not only a formal role in the *ijab* and *qabul* (offer and acceptance) process but also a substantive role as a representative of the family, responsible for safeguarding the woman's welfare and honor (Gunawan & Rahman, 2022). In contrast, the Hanafi School of Thought maintains that a woman who has reached maturity (*baligh*) and possesses legal capacity (*abliyyah al-adā'*) has the right to enter into a marriage contract

independently without the involvement of a guardian. This view is based on the principle of legal competence, which grants adult individuals the authority to undertake legal acts on their own behalf, including entering into a marriage contract (Muslim et al., 2024). Nevertheless, the Hanafi School does not eliminate the guardian's role. The guardian continues to serve as a social supervisor who may object if the marriage fails to meet the principle of *kafa'ah* (compatibility or suitability between spouses) or if the *mahr* (dower) does not conform to prevailing societal standards.

These differing perspectives demonstrate the dynamic nature of *ijtihad* in Islamic family law, reflecting the diversity of interpretive methods applied to Sharia sources. On the one hand, the textual approach adopted by the majority of scholars (*jumhur al-ulama*) emphasizes the necessity of a guardian (*wali*) for the validity of marriage. On the other hand, the rational approach employed by the Hanafi School of Thought provides greater room for women's autonomy in choosing their life partners. In the Indonesian context, marriage regulations, particularly under Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (*Kompilasi Hukum Islam*), tend to adopt the view of the majority of scholars, requiring the presence of a guardian in the marriage contract (Gunawan & Rahman, 2022). This indicates that Indonesia's positive law seeks to maintain legal certainty and administrative order in marriage by continuing to refer to the dominant *fiqh* tradition, especially the Shafi'i School of Thought. Nevertheless, the development of modern society has given rise to various new issues that require a more contextual understanding of the concept of *wali nikah* (marriage guardianship).

This study employs a library research method with a normative juridical approach. The approaches used include the statutory, conceptual, and comparative approaches. The statute approach is applied to analyze Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law (*Kompilasi Hukum Islam*). The conceptual approach is used to examine *wali nikah* (marriage guardianship) within Islamic jurisprudence (*fiqh*). In contrast, a comparative approach is employed to examine the perspectives of the Hanafi School of Thought and the majority of Islamic scholars (*jumhur al-ulama*) on the position of the guardian in the marriage contract.

The research data were obtained from the Qur'an, Hadith, classical *fiqh* literature, statutory regulations, scholarly journals, books, and studies related to Islamic family law. Data collection was conducted through documentation studies and literature review. The data were analyzed using a qualitative-descriptive method with a content analysis technique, involving data classification, interpretation, and comparison. This approach was employed to understand the relevance of the Hanafi School of Thought's perspective on *wali nikah* (marriage guardianship) to the contemporary practice of marriage guardianship within Indonesian marriage law.

DISCUSSION

The Legal Status of Marriage Guardians (*Wali Nikah*) in Islamic Jurisprudence

The term *marriage guardian* (*wali nikah*) in Arabic is expressed through the phrases *al-wilāyah fī al-nikāḥ* or *al-wilāyah fī al-zawāj*. Another commonly used expression is *wali al-mar'ah*, which generally refers to a person who has the authority or legal right to contract a marriage on behalf of a woman. Linguistically, the term *al-wilāyah* is derived from the Arabic root *waliya-yaliya-wilāyah*. *Al-wilāyah* is the verbal noun (*maṣḍar*) of *wa-li-ya*, which carries the meanings of loving, helping, exercising authority, and leading. The term *al-wilāyah* denotes the capacity to act, manage affairs, exercise authority, administer matters, and serve as a guardian for a woman.

Meanwhile, the term *al-walī* refers to a person who manages, protects, or bears responsibility for something. Terminologically, Islamic scholars have provided various definitions of guardianship (*wilāyah*). According to Islamic legal terminology, Wahbah al-Zuhayli defines guardianship as the authority to conclude a contract or dispose of property without requiring another person's permission (Sholihah et al., 2025).

In Islamic law, the *wali nikah* (marriage guardian) plays an important role during the *ijab* and *qabul* (offer and acceptance) stage of the marriage contract. The majority of scholars from the Maliki, Shafi'i, and Hanbali schools of thought classify the guardian as an essential pillar (*rukn*) of the marriage contract, which must be present for it to be considered valid (Rinwanto et al., 2023). This position is based on a Hadith of the Prophet Muhammad, which affirms the invalidity of a marriage conducted without a guardian (Hudaya, 2022). Accordingly, the presence of a guardian protects the rights and interests

of women within the sacred bond of marriage. It ensures social order and the validity of the marriage contract in the Muslim community (Amalia & Hidayati, 2026). In contemporary Islamic legal practice, the concept of *wali nikah* is also associated with various issues, such as *wali adhal* (a guardian who refuses to consent without a valid Sharia reason), *wali hakim* (a court-appointed guardian), and differing scholarly opinions regarding who is entitled to serve as a guardian (Munir, 2025).

This discussion demonstrates that *wali nikah* possesses not only theological and normative dimensions but also significant social and legal implications within modern Muslim societies. Recent studies indicate that the presence of a guardian is considered part of the legal protection system for women in marriage under both Islamic and positive law. Within the framework of Indonesian Islamic law, the function of the guardian also extends to addressing obstacles such as the absence of a *wali nasab* (blood-related guardian) or a guardian's refusal for reasons lacking a valid Sharia basis. In such circumstances, the Religious Court may appoint a *wali hakim*, thereby ensuring that the marriage contract remains valid in accordance with both state regulations and Islamic law (Nurjannah, 2021).

In its subsequent development, the role of the *wali nikah* (marriage guardian) may also be understood as a mechanism of social control within Muslim society. The presence of a guardian is not merely related to the legal validity of the marriage contract; it also serves as a representation of the family in ensuring that the marriage is conducted in accordance with religious values and societal customs (Nisa & Andriyaldi, 2023). In this sense, the guardian serves as a bridge between individual and family interests, grounding marriage in shared responsibility rather than a purely personal matter (Nasoha et al., 2024).

Furthermore, contemporary *fiqh* discourse on *wali nikah* demonstrates a growing tendency to reinterpret the role of the guardian in more contextual terms (Tara & Firmansyah, 2026). This development has been influenced by changing social conditions, including increasing awareness of women's rights to make decisions regarding their own lives. In certain cases, a more flexible approach to the concept of guardianship has begun to be considered, particularly when the presence of a guardian becomes an obstacle to the realization of a valid marriage that promotes public welfare (*maṣlahah*) (Badawi & Masrokhin, 2025).

On the other hand, the positive legal framework in Indonesia continues to maintain the position of the guardian as an essential element of the marriage contract while providing an alternative through the *wali hakim* (court-appointed guardian) mechanism (Rofiq et al., 2024). This reflects an effort to harmonize the principles of classical *fiqh* with the needs of modern society. Therefore, the concept of *wali nikah* should not be viewed as static; rather, it continues to evolve alongside the social, legal, and intellectual developments in contemporary Muslim communities.

The Hanafi School's View on Marriage Guardianship (*Wali Nikah*)

The Hanafi School of Thought holds a view that differs from that of most Islamic jurisprudential schools regarding the status of the *wali nikah* (marriage guardian). According to the Hanafi School, an adult woman who possesses legal capacity (*abliyyah al-ada'*) is permitted to conclude a marriage contract independently without the requirement of a guardian (Payuhi, 2023). This position is based on the belief that an adult woman possesses full legal authority to enter into contracts, just as she may engage in ordinary civil and commercial transactions (*mu'āmalāt*) (Muslim et al., 2024). Nevertheless, the Hanafi School imposes certain limitations on this autonomy. A marriage contract concluded independently by a woman must comply with the principle of *kafa'ah* (compatibility or equality of social status) between the prospective husband and wife (Al Rosyid & Hidayah, 2023). Furthermore, the *mahr* (dower) must be equivalent to the *mahr al-mithl*—that is, the customary dower generally accepted within the community (Darlius, 2024). Therefore, if these conditions are violated, the guardian retains the authority to object to the marriage.

Imam Abu Hanifah was often influenced by earlier rationalist thought. Therefore, he opened the door to *qiyas* (analogical reasoning) as widely as possible as a basis for legal practice while limiting the use of Hadith. However, he did not employ Hadith arbitrarily; rather, he accepted only Hadith that met the necessary criteria and conditions, exercising great caution in their selection. He was willing to accept only well-known Hadith transmitted by trustworthy narrators, *mutawatir* (mass-transmitted) Hadith, Hadith that had been agreed upon by jurists as authoritative sources for legal practice, or *abad* (solitary) Hadith that had gained acceptance among the Companions of the Prophet. However, if

an *abad* Hadith were disputed or contradicted by others, he would not accept it. He also advised narrators not to act upon such disputed Hadith in order to prevent the emergence of discord (*fitnah*) within the Muslim community (Diyansyah, 2022).

The differences in perspective between the Hanafi School of Thought and other Islamic legal schools stem from the methods of legal reasoning (*istinbāt al-ahkām*) employed by each school. The Shafi'i, Maliki, and Hanbali schools tend to adopt a textual (*bayāni*) approach in interpreting legal sources, particularly the Hadith stating that there is no valid marriage without a guardian (*wali*). This Hadith is understood literally, leading to the normative conclusion that a guardian constitutes an essential pillar (*rukn*) that cannot be omitted from a marriage contract (Daud & Sururuie, 2021). In contrast, the Hanafi School adopts a more flexible rational (*ra'y*) approach in interpreting legal evidence. From this perspective, a woman who has reached maturity (*baligh*) and possesses sound reasoning is considered to have legal capacity (*abliyyah al-adā'*) equivalent to that of a man in conducting legal transactions, including the marriage contract (*akad nikah*) (Rosidah et al., 2023). This approach does not reject the Hadith; rather, it interprets it contextually by taking into account the social conditions of the society in which it was originally applied. This comparative perspective demonstrates that legal differences arise not only from differences in the sources of evidence themselves but also from the interpretive methodologies used to understand those sources. Therefore, the concept of *wali nikah* should be examined within the broader epistemological framework of Islamic law rather than merely as a matter of scholarly disagreement.

These differing perspectives demonstrate that the concept of *wali nikah* (marriage guardianship) in Islamic jurisprudence is not monolithic; rather, it is the product of the *ijtihad* of Islamic scholars in interpreting the sources of Sharia (Fahrol & Haikal, 2025). The Hanafi School of Thought provides greater scope for women's autonomy in entering into marriage contracts. In contrast, other schools emphasize the guardian's role as a prerequisite for the validity of marriage (Daud & Sururuie, 2021). This discussion reflects the dynamic nature of Islamic legal thought, which continues to evolve in response to the social contexts of Muslim societies. In classical Islamic jurisprudence, the Hanafi position on *wali nikah* is closely related to the doctrine of individual freedom in undertaking legal

acts. This principle is based on the assumption that a person possessing legal capacity (*abliyyah*) has full authority over his or her own decisions, including the choice of a marriage partner. Accordingly, a woman who has reached maturity (*baligh*) and possesses sound reasoning is considered to have legal capacity equivalent to that of a man in concluding a marriage contract, provided that the marriage is free from coercion and injustice (Muslim et al., 2024). Therefore, this perspective reflects recognition of individual autonomy within the framework of Islamic law.

Furthermore, the approach adopted by the Hanafi School cannot be separated from the social realities of its formative period. In societies that were relatively open economically and socially, women played active roles in various activities, including commercial and civil transactions (*mu'amalāt*). These conditions influenced Hanafi scholars' assessment of women's legal capacity. Thus, Hanafi legal thought may be understood as a response to a social context that afforded women broader opportunities for participation in public life.

Nevertheless, the freedom granted by the Hanafi School of Thought is not without limits. Its emphasis on *kafa'ah* (compatibility or suitability between spouses) in marriage contracts underscores that social considerations remain a primary concern. *Kafa'ah* is not limited to social status alone; it also encompasses the prospective husband's moral character, religious commitment, and economic capability (Triyono & Habibi, 2025). This requirement aims to preserve marital harmony and prevent potential conflicts arising from imbalances in the marital relationship. Therefore, although a woman has the right to contract her own marriage, social considerations remain integral to the process.

On the other hand, the role of the guardian (*wali*) within the Hanafi School retains some significance, particularly in its supervisory function. A guardian may raise objections if a marriage is deemed not to meet the standards of *kafa'ah* or to be detrimental to the woman's interests (Susanto, 2024). Thus, the position of the guardian is not entirely abolished; rather, it is transformed from a formal requirement (*ruk'n*) into a substantive mechanism of social oversight. This demonstrates that the Hanafi School continues to provide space for family involvement in marriage, although not as a mandatory formal requirement in the marriage contract itself.

In the contemporary context, the Hanafi perspective is often regarded as an alternative approach for addressing various family law issues that arise in society. For example, in cases where a guardian is absent, refuses consent without a valid reason, or fails to meet the necessary qualifications, the Hanafi approach may offer a more flexible solution. This illustrates that classical *fiqh* thought remains relevant in addressing modern legal challenges, particularly regarding the protection of individual rights and the promotion of social justice.

The Relevance of the Concept of Marriage Guardianship (*Wali Nikah*) in Indonesian Marriage Law

Within the Indonesian legal system, regulations on *wali nikah* (marriage guardianship) generally align with the views of the majority of Islamic scholars, who require a guardian in the marriage contract (Wardatun & Purnamasari, 2025). This provision is reflected in the *Compilation of Islamic Law (Kompilasi Hukum Islam)*, which designates the guardian as one of the essential pillars of marriage for a female bride (Ramadhan et al., 2025). Consequently, a marriage conducted without a guardian may be considered noncompliant with the applicable legal requirements. This policy demonstrates that Indonesian marriage law adopts the dominant *fiqh* approach within the Islamic legal tradition, particularly that of the Shafi'i School of Thought (Arjam & Jalil, 2023). At the same time, it reflects the state's effort to maintain legal certainty and orderly marriage administration within society.

However, the social developments of modern society have given rise to various new issues concerning *wali nikah* (marriage guardianship), such as cases of *wali adhal* (a guardian who refuses consent without a valid Sharia basis), the absence of a *wali nasab* (blood-related guardian), or the use of non-formal guardians in a marriage contract (Fitria et al., 2025). These situations demonstrate that the issue of *wali nikah* is not merely a matter of normative *fiqh* but also involves social and legal dynamics that continue to evolve in contemporary Muslim societies.

Furthermore, the state's role in regulating *wali nikah* reflects a form of contemporary *ijtihad* carried out within the framework of positive law. The state does not merely adopt *fiqh* opinions in a textual manner; rather, it adapts them to the needs of

modern society. This can be seen in the mechanism of the *wali hakim* (court-appointed guardian), which functions as a solution to various practical obstacles, such as the absence of a *wali nasab* or a guardian's refusal without a valid Sharia justification. The existence of the *wali hakim* serves as evidence that Islamic law in Indonesia is dynamic and capable of adapting to social realities without disregarding the fundamental principles of Sharia. (Rofiq et al., 2024).

Moreover, evolving social dynamics have influenced the way the role of the *wali* (marriage guardian) is understood within marriage. Changes in social structures, rising levels of women's education, and growing awareness of individual rights have encouraged new interpretations of guardianship. In this context, some groups no longer view the guardian as an absolute authority but rather as a person who provides guidance and consideration during the marriage process. This shift reflects a transformation of values within Muslim societies as they seek to balance religious traditions with the demands of modernity.

On the other hand, practical experiences demonstrate that issues surrounding *wali nikah* often do not exist in isolation but are intertwined with other factors, such as family conflicts, disagreements over spouse choice, and economic concerns (Nisa & Andriyaldi, 2023). Under such circumstances, the presence of a guardian can become either a source of conflict or a means of resolution, depending on how the role is exercised. Therefore, a comprehensive understanding of the guardian's function is necessary, not only from a normative perspective but also within the broader social context in which it operates.

In institutional practice, the roles of the Office of Religious Affairs (KUA) and the Religious Court are crucial to ensuring that the provisions concerning *wali nikah* (marriage guardianship) are properly implemented in accordance with applicable regulations. As the institution responsible for marriage registration, the KUA performs not only administrative functions but also verifies the validity of the guardian, including lineage (*nasab*), religion, and other legal qualifications. Meanwhile, the Religious Court serves as an adjudicative institution that addresses issues that cannot be resolved administratively, such as applications for the appointment of a *wali hakim* (court-appointed guardian) or the settlement of disputes involving a *wali adhal* (a guardian who refuses consent without a

valid Sharia basis). The synergy between these two institutions demonstrates that the implementation of marriage law in Indonesia involves a structured and multi-layered mechanism (Saputra & Nelli, 2025).

On the other hand, technological advancements and digitalization have begun to influence marriage practices within society. The emergence of online marriages and the use of digital media in marriage administration has raised new questions regarding the validity of guardianship and the presence of the guardian during the marriage contract (*akad nikah*) (Utari & Yamani, 2025). These developments require regulatory adaptation to ensure that legal frameworks can accommodate contemporary changes without undermining the fundamental principles established in Islamic law. Therefore, the relevance of *wali nikah* in Indonesian marriage law is inseparable from the interplay among religious norms, state regulations, and evolving social realities. These three dimensions influence one another and collectively shape a legal practice that is adaptive and responsive to societal needs. Within this framework, the concept of *wali nikah* continues to occupy an important position, although its interpretation evolves alongside the social changes occurring within contemporary Muslim communities.

Discussion of Research Findings from the Perspective of Normative Analysis and a Multidisciplinary Approach

The findings of this study indicate that the position of the *wali* (marriage guardian) in Islamic law is one of the issues that demonstrates the diversity of opinions within the tradition of Islamic jurisprudence (*fiqh*). The most evident difference lies between the Hanafi School of Thought and the majority of other schools, namely the Maliki, Shafi'i, and Hanbali schools. Most scholars regard the guardian as an essential pillar (*rukn*) of a marriage contract, determining its validity. In contrast, the Hanafi School permits an adult, mentally competent woman to enter into a marriage contract without a guardian, provided certain conditions are met (Asman, 2024). These differences reflect that Islamic law is not a single, uniform system; rather, it is the product of *ijtihad*, shaped by diverse methods of interpretation and legal reasoning adopted by each school of thought.

From a normative perspective, the differences of opinion regarding *wali nikah* (marriage guardianship) reflect a dialectical relationship between religious texts and

scholars' interpretations of those texts. Each school of thought strives to understand the sources of Sharia within its own methodological framework. In this context, legal differences arise not merely from differences in the textual evidence itself, but also from differences in the ways those texts are interpreted and applied to social realities. Therefore, the diversity of opinions concerning *wali nikah* may be viewed as part of the intellectual richness of Islamic law, demonstrating the flexibility of Sharia in responding to society's varied conditions and needs.

In the context of Indonesian marriage law, the findings of this study indicate that the existing legal regulations are more closely aligned with the view of the majority of Islamic scholars, who regard the guardian (*wali*) as an essential component of the marriage contract. This policy is intended to ensure legal certainty, administrative order, and the protection of the rights of all parties involved in marriage. Nevertheless, Indonesian positive law also demonstrates an adaptive character by providing the mechanism of the *wali hakim* (court-appointed guardian) as a solution to various issues that arise in practice, such as *wali adhal* (a guardian who refuses consent without a valid Sharia basis), the absence of a *wali nasab* (blood-related guardian), or other obstacles that prevent the solemnization of marriage. This reflects an effort to harmonize the principles of classical *fiqh* with the needs and realities of modern society.

When analyzed through the lens of the sociology of law, the role of the *wali nikah* (marriage guardian) extends beyond the legal validity of the marriage contract. It encompasses important social functions within Muslim communities. The presence of a guardian reflects family involvement in the marriage process and serves to preserve social relationships, family responsibility, and stability in domestic life. However, social changes characterized by higher levels of education, increased social mobility, and greater legal awareness among the public have influenced perceptions of the guardian's role. Under these conditions, the guardian is no longer viewed solely as an authority responsible for determining the choice of a spouse, but also as a party who provides guidance, support, and consideration throughout the marriage process.

From a multidisciplinary perspective, the study of *wali nikah* (marriage guardianship) demonstrates that this issue cannot be adequately understood solely through

a normative *fiqh* approach. Perspectives from positive law, sociology, and gender studies provide a more comprehensive understanding of how the concept of guardianship is applied within contemporary society. The findings of this study affirm that Islamic law can adapt to social change through *ijtihad* and legal development while remaining grounded in the fundamental principles of Sharia. Accordingly, the position of the *wali nikah* remains relevant not only for ensuring the validity of marriage under Islamic law but also for supporting the development of a family law system that is responsive to the needs and realities of modern society.

CONCLUSION

This study demonstrates that the position of *wali nikah* (marriage guardianship) in Islamic law is one of the areas of *ijtihad* where diverse scholarly opinions exist. The Hanafi School of Thought maintains that a woman who has reached maturity (*baligh*), possesses sound reasoning, and has legal capacity may conclude a marriage contract independently without the involvement of a guardian. In contrast, the majority of scholars from the Maliki, Shafi'i, and Hanbali schools regard the guardian as an essential pillar (*rukn*) that determines the validity of a marriage. These differences arise not merely from variations in the textual evidence but also from variations in the methods of legal reasoning (*istinbāt*) employed in interpreting Sharia sources.

The findings further indicate that Indonesian marriage law is more closely aligned with the view of the majority of scholars by positioning the guardian as an essential element of the marriage contract, as reflected in the *Compilation of Islamic Law (Kompilasi Hukum Islam)*. Nevertheless, the national legal system also provides the mechanism of the *wali hakim* (court-appointed guardian) as a practical solution to issues such as *wali adhal* (a guardian who refuses consent without a valid Sharia basis), the absence of a *wali nasab* (blood-related guardian), or differences in religion. These findings illustrate an effort to harmonize the principles of classical *fiqh* with the legal needs of modern society.

The analysis of the marriage of Rizky Febian and Mahalini Raharja confirms that the issue of *wali nikah* (marriage guardianship) is not merely a normative legal matter but also encompasses social and legal dimensions that continue to evolve. The appointment of a *wali hakim* (court-appointed guardian) in this case illustrates how Islamic law in

Indonesia is implemented through state institutions to ensure both the validity of the marriage and legal certainty. The case also indicates that the Hanafi perspective remains relevant as an alternative interpretive framework for addressing social change, even though it does not serve as the primary foundation of Indonesia's national marriage law system.

The academic contribution of this study lies in its effort to connect classical *fiqh* discussions on *wali nikah* with contemporary social phenomena through the examination of a current and widely discussed case. In doing so, this research enriches the field of Islamic family law by demonstrating that the understanding of *wali nikah* should be approached from a multidisciplinary perspective, incorporating not only normative legal analysis but also positive law and social dynamics. Such an approach enables Islamic law to be understood more contextually and responsively, allowing it to address contemporary developments while remaining faithful to the fundamental principles of Sharia.

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