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Research Article

Strengthening Women's Legal Protection through Marriage Registration: A Normative Analysis of Law Number 16 of 2019 in Indonesia

Reswadi^{1*}, Faisal Sadat S. Hrh², Mospa Darma³

¹²³Universitas Tjut Nyak Dhien, Medan

*Correspondence: E-mail: faisalsadat@utnd.ac.id

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Abstract

Marriage registration has played a fundamental role in ensuring legal certainty and protecting the rights of spouses within the Indonesian legal system. Nevertheless, the continued prevalence of unregistered marriages has weakened women's legal position and limited their access to legal protection, particularly regarding marital status, property rights, inheritance, maintenance, and the civil rights of children. This study aimed to analyze the role of marriage registration in strengthening women's legal protection under Law Number 16 of 2019 concerning the Amendment to Law Number 1 of 1974 on Marriage. The study employed a normative legal research method using statutory, conceptual, comparative, and philosophical approaches. Legal materials were collected through library research from legislation, judicial decisions, official legal documents, and contemporary scholarly publications and were analyzed qualitatively using prescriptive legal reasoning. The analysis showed that marriage registration functioned not merely as an administrative obligation but as a preventive legal mechanism that established legal certainty and enhanced the protection of women's rights. The findings further indicated that effective marriage registration strengthened legal recognition of marital status, safeguarded property and inheritance rights, facilitated access to judicial remedies, protected children's civil rights, and promoted gender equality. The study concluded that strengthening the implementation of marriage registration under Law Number 16 of 2019 provided a more comprehensive framework for protecting women's legal rights, improving access to justice, and reinforcing legal certainty within Indonesia's family law system.

Introduction

Marriage registration constitutes one of the fundamental legal institutions in family law because it provides legal certainty regarding the existence, validity, and consequences of a marital relationship. Beyond serving as an administrative requirement, marriage registration functions as a legal instrument that guarantees the protection of the rights and obligations of spouses and their children. In Indonesia, the legal framework governing marriage registration has been strengthened through Law Number 16 of 2019, which amended

Law Number 1 of 1974 on Marriage, particularly by equalizing the minimum marriage age for men and women at nineteen years ([Rahman & Azizah, 2022](#); [Soekanto & Mamudji, 2022](#)). This legislative reform reflects the government's commitment to promoting gender equality, protecting women's rights, and preventing child marriage while reinforcing legal certainty in marital relations.

Despite the existence of comprehensive legal regulations, the phenomenon of unregistered marriages (*nikah siri*) remains prevalent in various regions of Indonesia. Cultural traditions, religious interpretations, economic constraints, limited legal awareness, and administrative barriers continue to encourage individuals to enter marriages without official registration ([Women, 2023](#)). Although such marriages may be recognized religiously, they often fail to produce legal consequences under state law. As a result, women involved in unregistered marriages frequently encounter difficulties in obtaining legal recognition of their marital status, claiming inheritance rights, accessing marital property, securing maintenance, filing for divorce through the courts, and protecting the civil rights of their children ([Aldyan & Nugroho, 2024](#)). Consequently, the absence of marriage registration disproportionately affects women, placing them in a legally vulnerable position.

The legal implications of unregistered marriage extend beyond private family relations and directly influence the realization of constitutional principles concerning equality before the law and access to justice. Legal protection for women requires not only substantive legal norms but also effective legal mechanisms capable of ensuring that those rights can be exercised and enforced. Marriage registration therefore represents a preventive legal instrument that safeguards women's legal status by providing authentic evidence of marriage and facilitating access to judicial protection when disputes arise. From this perspective, marriage registration serves as an essential component of legal certainty, legal protection, and the fulfillment of women's human rights ([Abubakar & Rodliyah, 2022](#)).

Previous studies have extensively discussed marriage registration from the perspectives of administrative law, Islamic family law, child protection, and legal certainty. Other studies have examined the legal consequences of unregistered marriage, particularly regarding inheritance, marital property, and the civil status of children. However, limited scholarly attention has been devoted to analyzing marriage registration primarily as a mechanism for strengthening women's legal protection following the enactment of Law Number 16 of 2019 ([Nisa & Wulandari, 2023](#)). Existing literature generally emphasizes the validity of marriage or procedural aspects of registration without comprehensively examining its strategic role in protecting women's legal rights within the broader framework of gender justice and constitutional legal protection. This gap demonstrates the need for a normative legal analysis focusing specifically on the relationship between marriage registration and the realization of women's legal rights in Indonesia.

The novelty of this study lies in its reconstruction of marriage registration as more than an administrative obligation. Rather, the study conceptualizes marriage registration as a preventive legal protection mechanism that strengthens women's access to legal certainty, justice, and the enforcement of civil rights. By integrating the principles of legal certainty, gender equality, and legal protection within the framework of Law Number 16 of 2019, this study offers a broader normative perspective on the role of marriage registration in safeguarding women's rights throughout marital relationships ([Sari & Putri, 2024](#); [Yusdina & Kholis, 2024](#)).

Based on these considerations, this study aims to analyze the role of marriage registration in strengthening women's legal protection under Law Number 16 of 2019 through a normative legal approach. It further seeks to evaluate the adequacy of the current legal framework in ensuring legal certainty for women and to formulate recommendations for enhancing legal protection through the effective implementation of marriage registration in Indonesia ([Zubaidah & Ramadhani, 2023](#)).

Hypotheses Development

Marriage registration has long been recognized as an essential legal mechanism for establishing the legal validity of marital relationships and ensuring legal certainty for spouses and their children. In Indonesia, the enactment of Law Number 16 of 2019, which amended Law Number 1 of 1974 on Marriage, reflected the government's commitment to strengthening legal protection, promoting gender equality, and preventing

discriminatory practices in marriage. By equalizing the minimum age of marriage for men and women, the amendment sought to enhance women's legal status and reinforce the constitutional principle of equality before the law. Nevertheless, the effectiveness of marriage registration in providing comprehensive legal protection for women remains a significant legal issue ([Aisyah & Hidayat, 2023](#)).

Despite the mandatory nature of marriage registration under Indonesian law, the practice of unregistered marriage (nikah siri) continues to occur in many regions. Various socio-cultural, religious, economic, and administrative factors contribute to the persistence of unregistered marriages. Consequently, many women encounter legal difficulties in proving the existence of their marriage, claiming inheritance rights, obtaining marital property, requesting spousal maintenance, initiating divorce proceedings, and securing the civil status of their children ([Programme, 2022](#)). These circumstances demonstrate that the absence of marriage registration creates legal uncertainty and disproportionately weakens the legal position of women.

From the perspective of legal protection theory, the law should provide preventive as well as repressive mechanisms to safeguard individual rights. Marriage registration functions as a preventive legal instrument because it establishes authentic legal evidence of marriage, thereby enabling women to exercise their legal rights effectively. However, existing legal studies have predominantly examined marriage registration as an administrative requirement or as evidence of marital validity, while relatively little attention has been devoted to its broader function as a comprehensive mechanism for strengthening women's legal protection. This theoretical limitation reveals an important research gap that requires further normative analysis ([Hikmah & Fadli, 2024](#)).

The novelty of this study lies in reconstructing marriage registration as a preventive legal protection mechanism rather than merely an administrative obligation. This study integrates the principles of legal certainty, women's rights, gender equality, and access to justice into a comprehensive normative framework that explains how marriage registration contributes to strengthening women's legal protection under Indonesian marriage law ([Kurniawan & Wibowo, 2022](#); [Sulastrri & Haryanto, 2023](#)).

Conceptual Framework

The conceptual relationship developed in this study can be illustrated as follows:



Research Proposition

Since this study employs a normative legal research approach that aims to examine legal norms and reconstruct legal concepts rather than statistically test causal relationships, it does not formulate empirical hypotheses. Instead, the study advances the following research proposition:

Proposition: Marriage registration under Law Number 16 of 2019 serves not merely as an administrative requirement but as a fundamental legal mechanism that strengthens women's legal protection by ensuring legal certainty, safeguarding marital and property rights, enhancing access to justice, protecting children's civil status, and promoting gender equality.

This proposition provides the theoretical foundation for evaluating the adequacy of Indonesia's marriage registration system in protecting women's legal rights. It further serves as the basis for reconstructing the normative role of marriage registration as an instrument of preventive legal protection capable of strengthening legal certainty and advancing gender-responsive family law in Indonesia.

Method

The study utilized secondary legal materials consisting of primary, secondary, and tertiary legal sources. Primary legal materials included the 1945 Constitution of the Republic of Indonesia, Law Number 16 of 2019, Law Number 1 of 1974 on Marriage, the Compilation of Islamic Law, relevant provisions of the Civil Code, Constitutional Court decisions, Supreme Court decisions, and other legislation related to marriage registration and the protection of women's rights. Secondary legal materials comprised peer-reviewed journal articles, scholarly books, legal commentaries, conference proceedings, and reports issued by national and international institutions addressing family law, women's rights, legal protection, marriage registration, and gender equality. Tertiary legal materials included legal dictionaries, encyclopedias, official government publications, and other authoritative references used to clarify legal concepts and terminology ([Wahyuni & Prasetyo, 2022](#)).

Legal materials were collected through library research by systematically reviewing legislation, judicial decisions, academic publications, and official legal documents relevant to the research objectives. The literature selection prioritized the collected legal materials were processed through qualitative legal analysis, involving the organization, comparison, interpretation, and synthesis of statutory provisions, judicial reasoning, and legal doctrines. The analysis adopted statutory, conceptual, comparative, and philosophical approaches to evaluate the adequacy of the current legal framework in protecting women's rights through marriage registration. Statutory analysis examined the consistency and implementation of relevant legislation, while the conceptual approach explored the principles of legal certainty, legal protection, and gender equality. Comparative analysis was conducted by reviewing legal developments and international perspectives concerning marriage registration and women's legal rights, whereas the philosophical approach examined the underlying values of justice and equality embodied in marriage law.

recent publications from reputable national and international journals to ensure the reliability and contemporary relevance of the legal analysis. All collected materials were then classified according to their legal authority, thematic relevance, and contribution to understanding the relationship between marriage registration and women's legal protection ([Fund, 2023](#)).

The study applied prescriptive legal analysis to formulate legal arguments and normative recommendations based on the interpretation of legal sources. Legal interpretation was conducted using grammatical, systematic, and teleological methods to identify the objectives and coherence of the existing legal framework. The findings were subsequently synthesized to evaluate the effectiveness of marriage registration as a preventive legal mechanism for protecting women's rights and to develop recommendations for strengthening legal certainty, access to justice, and gender-responsive family law in Indonesia. Through this

analytical process, the study sought to provide a comprehensive normative understanding of the role of marriage registration in enhancing women's legal protection under Law Number 16 of 2019.

Results And Discussion

Results

The normative legal analysis demonstrates that marriage registration under **Law Number 16 of 2019** functions not merely as an administrative requirement but as a fundamental legal mechanism for protecting women's rights. The analysis of statutory provisions, judicial decisions, and legal doctrines indicates that marriage registration establishes legal certainty regarding marital status and provides authentic legal evidence necessary for exercising civil rights. Women whose marriages are officially registered obtain stronger legal standing in matters concerning inheritance, marital property, maintenance, divorce proceedings, and the legal status of their children.

The analysis further reveals that unregistered marriages continue to generate legal uncertainty despite the mandatory provisions governing marriage registration. Women involved in unregistered marriages frequently encounter obstacles in proving the existence of marital relationships before judicial institutions, thereby limiting their access to legal protection and justice. Consequently, the absence of marriage registration creates legal vulnerability that disproportionately affects women and weakens the realization of constitutional principles of equality before the law.

The study also finds that **Law Number 16 of 2019** has strengthened the normative foundation of women's legal protection by promoting equal minimum marriage age requirements and reinforcing the legal framework governing marriage administration. Nevertheless, the effectiveness of the law remains dependent upon consistent implementation, public legal awareness, administrative accessibility, and institutional support. Therefore, marriage registration should be understood as a preventive legal instrument that guarantees legal certainty while simultaneously protecting women's civil rights throughout the marital relationship.

Based on the normative analysis, this study reconstructs the role of marriage registration beyond its conventional administrative function. Marriage registration should be recognized as a comprehensive legal protection mechanism that integrates legal certainty, gender equality, access to justice, and the protection of women's fundamental rights within Indonesia's family law system.

Table 1
Research Proposition Assessment

Research Proposition	Analysis Result	Conclusion
Marriage registration under Law Number 16 of 2019 serves not merely as an administrative requirement but as a fundamental legal mechanism that strengthens women's legal protection by ensuring legal certainty, safeguarding marital and property rights, enhancing access to justice, protecting children's civil status, and promoting gender equality.	Normative analysis of legislation, judicial decisions, and legal doctrines demonstrates that marriage registration provides legal certainty and significantly strengthens women's legal protection. However, effective implementation requires stronger legal awareness and institutional commitment.	Proposition Supported

Source: Processed by the author (2026).

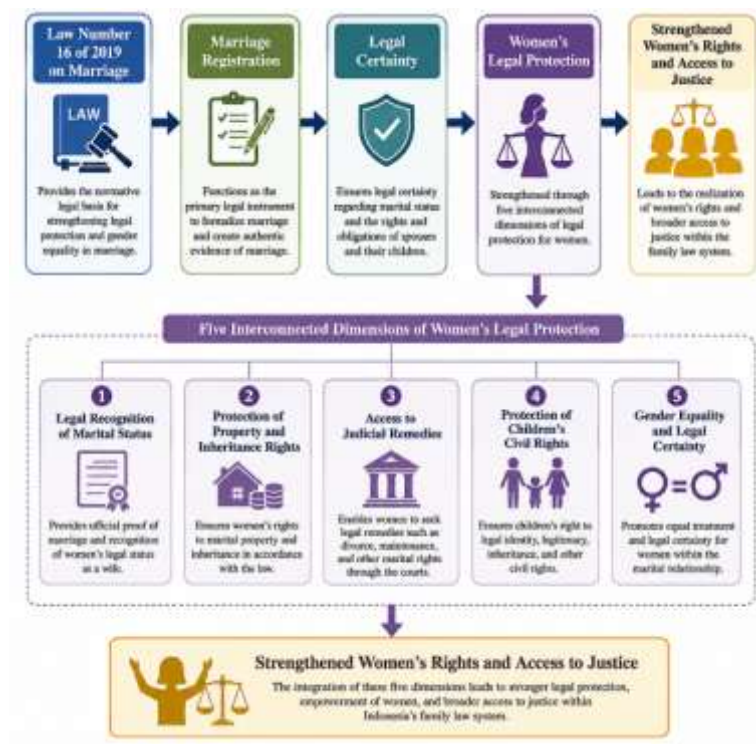


Figure 1. Conceptual Framework of Women's Legal Protection through Marriage Registration

Figure 1 illustrates the conceptual framework developed in this study to explain how marriage registration functions as a fundamental legal mechanism for strengthening women's legal protection under Law Number 16 of 2019 concerning the Amendment to Law Number 1 of 1974 on Marriage. The framework presents a logical sequence beginning with the statutory foundation and culminating in the realization of women's rights and broader access to justice.

The framework begins with Law Number 16 of 2019 on Marriage, which serves as the primary normative basis governing marriage registration in Indonesia. The amendment reflects the state's commitment to promoting legal certainty, gender equality, and the protection of women's rights by establishing equal minimum marriage age requirements and reinforcing the legal administration of marriage. This statutory framework provides the legal authority for ensuring that marital relationships receive formal recognition by the state.

The second component, Marriage Registration, represents the principal legal instrument through which marital relationships are formally documented and recognized. Registration provides authentic legal evidence of marriage and establishes the legal status of spouses within the national legal system. Consequently, it serves as the foundation for recognizing and enforcing the rights and obligations arising from marriage.

The next stage is Legal Certainty, which constitutes the direct legal consequence of marriage registration. Legal certainty ensures that spouses possess clear legal status and that their rights and obligations are protected under Indonesian law. It also facilitates access to judicial institutions and administrative services whenever legal disputes or claims arise. Without marriage registration, women often encounter substantial difficulties in proving the existence of a lawful marriage and exercising their legal rights.

The framework further identifies Women's Legal Protection as the central objective achieved through legal certainty. This protection is realized through five interconnected dimensions. The first dimension is legal recognition of marital status, which provides official evidence of marriage and secures women's legal identity as spouses. The second dimension is protection of property and inheritance rights, ensuring that women may lawfully claim marital property, inheritance, and other economic rights arising from marriage.

The third dimension is access to judicial remedies, enabling women to seek legal protection through the courts in matters such as divorce, maintenance, domestic disputes, and other family law proceedings. The fourth dimension is protection of children's civil rights, ensuring legal certainty concerning children's identity, legitimacy, inheritance, and other civil rights derived from a legally recognized marriage. The fifth dimension is gender equality and legal certainty, emphasizing equal legal treatment and the elimination of discriminatory practices within marital relationships.

The integration of these five dimensions ultimately produces the final outcome of the framework, namely Strengthened Women's Rights and Access to Justice. Through effective marriage registration, women obtain stronger legal protection, greater legal certainty, and improved access to judicial and administrative remedies. This integrated framework demonstrates that marriage registration should not be viewed merely as an administrative obligation but rather as a preventive legal mechanism that safeguards women's rights, strengthens gender equality, and promotes justice within Indonesia's family law system.

Overall, Figure 1 demonstrates that the effectiveness of legal protection for women depends upon the proper implementation of marriage registration as mandated by Law Number 16 of 2019. By linking statutory regulation, legal certainty, and the protection of women's rights within a unified conceptual framework, the study highlights the strategic role of marriage registration in advancing legal justice, protecting fundamental civil rights, and supporting a more equitable and gender-responsive family law system in Indonesia.

Discussion

The findings of this study demonstrate that marriage registration constitutes a fundamental legal mechanism for strengthening women's legal protection rather than merely fulfilling an administrative requirement. The normative analysis reveals that the legal certainty created through marriage registration provides women with formal legal recognition of their marital status and facilitates the exercise of their civil rights. This finding is consistent with the theory of legal certainty proposed by Gustav Radbruch, which emphasizes that legal rules must provide predictability, protection, and enforceability of individual rights. Marriage registration therefore serves as authentic legal evidence that enables women to claim their rights before judicial and administrative institutions while reducing legal uncertainty arising from marital disputes.

The study further indicates that the effectiveness of Law Number 16 of 2019 extends beyond equalizing the minimum age of marriage for men and women. The amendment reflects a broader legislative commitment to strengthening women's legal status through a more equitable marriage law framework. Equal minimum marriage age requirements support the principle of gender equality by reducing discriminatory legal treatment and contributing to the prevention of child marriage, which has frequently resulted in social, economic, and legal disadvantages for women. Consequently, the amendment reinforces constitutional principles concerning equality before the law and the protection of human rights within family law.

The findings also confirm that unregistered marriages (*nikah siri*) continue to pose significant legal challenges despite the existence of mandatory marriage registration. Women involved in unregistered marriages frequently encounter difficulties in proving marital relationships, claiming inheritance and marital property rights, obtaining maintenance, filing for divorce, and protecting the legal status of their children. These circumstances illustrate that legal protection depends not only on the existence of statutory provisions but also on effective implementation and compliance. This interpretation supports the concept of preventive legal protection, which argues that legal mechanisms should prevent legal disputes and protect individual rights before violations occur. In this context, marriage registration functions as a preventive legal safeguard by establishing legal certainty from the beginning of the marital relationship.

From the perspective of legal protection theory, as developed by Philipus M. Hadjon, the state has an obligation to provide both preventive and repressive legal protection for its citizens. Marriage registration represents a preventive form of legal protection because it provides official recognition of marital status and enables women to access legal remedies whenever disputes arise. Repressive legal protection, by contrast, is exercised through judicial institutions after legal rights have been violated. The findings demonstrate that

preventive protection through marriage registration is considerably more effective in safeguarding women's rights than relying solely on dispute resolution after legal conflicts have occurred.

The conceptual framework developed in this study further demonstrates that women's legal protection is achieved through five interrelated dimensions: legal recognition of marital status, protection of property and inheritance rights, access to judicial remedies, protection of children's civil rights, and gender equality supported by legal certainty. These dimensions collectively illustrate that marriage registration influences multiple aspects of women's legal status rather than serving a single administrative purpose. The framework therefore broadens the understanding of marriage registration by positioning it as an integrated legal instrument that simultaneously promotes legal certainty, justice, and the protection of fundamental civil rights.

From a policy perspective, the findings suggest that improving women's legal protection requires more than legislative reform alone. The effective implementation of Law Number 16 of 2019 should be accompanied by strengthening public legal awareness, improving the accessibility and quality of marriage registration services, enhancing coordination among religious and civil registration authorities, and expanding legal education concerning the importance of marriage registration. Such measures would reduce the prevalence of unregistered marriages and reinforce the state's commitment to protecting women's rights within Indonesia's family law system.

Overall, this study demonstrates that marriage registration is not merely an administrative procedure but a cornerstone of legal certainty and women's legal protection. By integrating the principles of legal certainty, legal protection, and gender equality, Law Number 16 of 2019 provides a stronger normative foundation for safeguarding women's rights and promoting broader access to justice. The reconstructed conceptual framework therefore contributes to the development of Indonesian family law by positioning marriage registration as an essential instrument for achieving legal certainty, protecting women's civil rights, and advancing substantive gender justice.

Conclusion

This study concludes that marriage registration under Law Number 16 of 2019 constitutes a fundamental legal mechanism for strengthening women's legal protection in Indonesia. Beyond its administrative function, marriage registration provides legal certainty by establishing official recognition of marital status and ensuring the enforceability of rights arising from marriage. Through legal certainty, women obtain stronger protection regarding marital status, property and inheritance rights, access to judicial remedies, the protection of their children's civil rights, and equal treatment before the law. Accordingly, marriage registration serves as a preventive legal instrument that safeguards women's rights and promotes greater access to justice within Indonesia's family law system. The study further demonstrates that the effectiveness of legal protection depends not only on the existence of statutory provisions but also on their consistent implementation. The persistence of unregistered marriages continues to undermine legal certainty and places women in vulnerable legal positions. Therefore, strengthening public legal awareness, improving the accessibility of marriage registration services, and enhancing institutional coordination are essential to ensuring that the objectives of Law Number 16 of 2019 are fully realized. The findings contribute theoretically by reconceptualizing marriage registration as a comprehensive mechanism of women's legal protection rather than merely an administrative obligation. This perspective enriches the development of family law by integrating the principles of legal certainty, legal protection, and gender equality into a unified normative framework. Practically, the study provides guidance for legislators, policymakers, judicial institutions, and marriage registration authorities to strengthen legal policies and administrative practices that better protect women's rights and promote equitable access to justice. Future research may extend this normative analysis by conducting empirical studies on the implementation of marriage registration across different regions of Indonesia, evaluating the effectiveness of public legal awareness programs, or undertaking comparative analyses with marriage registration systems in other jurisdictions. Such studies

would provide valuable evidence for assessing the practical impact of marriage registration on women's legal protection and contribute to the continued development of gender-responsive family law.

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