

**ANALYSIS OF MARRIAGE CONTRACT COSTS FROM THE
PERSPECTIVES OF ISLAMIC LAW AND POSITIVE LAW: A CASE
STUDY AT THE OFFICE OF RELIGIOUS AFFAIRS (KUA) OF
TLANAKAN DISTRICT, PAMEKASAN REGENCY**

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ABSTRAK

Penelitian ini mengkaji analisis biaya akad nikah dalam perspektif hukum Islam dan hukum positif di KUA Tlanakan Kecamatan Tlanakan Kabupaten Pamekasan. Biaya akad nikah masih menjadi perhatian masyarakat karena berkaitan dengan pelaksanaan perkawinan, terutama mengenai perbedaan biaya akad nikah yang dilaksanakan di Kantor Urusan Agama dan di luar kantor. Selain itu, masih terdapat perbedaan pemahaman masyarakat mengenai ketentuan biaya akad nikah serta dasar hukumnya menurut hukum Islam dan hukum positif. Penelitian ini hadir untuk menjelaskan mekanisme penetapan biaya akad nikah, pandangan masyarakat terhadap biaya tersebut, serta tinjauan hukum Islam dan hukum positif terhadap praktik yang terjadi di KUA Tlanakan. Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan kualitatif. Data diperoleh melalui wawancara, observasi, dan dokumentasi yang melibatkan pihak KUA dan masyarakat. Hasil penelitian menunjukkan bahwa pelaksanaan biaya akad nikah di KUA Tlanakan telah mengikuti ketentuan peraturan yang berlaku. Dalam perspektif hukum Islam, biaya akad nikah diperbolehkan selama tidak bertentangan dengan prinsip kemaslahatan, sedangkan dalam hukum positif biaya tersebut memiliki dasar hukum yang jelas sehingga pelaksanaannya dapat dipertanggungjawabkan.

Kata Kunci: Biaya Akad Nikah, Hukum Islam, Hukum Positif, KUA Tlanakan, Perkawinan.

ABSTRACT

This study examines the analysis of marriage contract costs from the perspectives of Islamic law and positive law at the Office of Religious Affairs (KUA) of Tlanakan District, Pamekasan Regency. Marriage contract costs remain a concern for the community because they are related to the implementation of marriage, particularly regarding the differences in costs for marriage ceremonies conducted at the Office of Religious Affairs and those conducted outside the office. In addition, there are still differences in public understanding regarding the provisions of marriage contract costs and their legal basis according to Islamic law and positive law. This research aims to explain the mechanism for determining marriage contract costs, public perceptions of these costs, and the review of Islamic law and positive law regarding the practices occurring at the KUA of Tlanakan. This study employs an empirical legal research method with a qualitative approach. Data were collected through interviews, observations, and documentation involving the KUA officials and the community. The results indicate that the implementation of marriage contract costs at the KUA of Tlanakan has complied with the applicable regulations. From the perspective of Islamic law, marriage contract costs are permissible as long as they do not contradict the principle of public benefit (maslahah), while under positive law, these costs have a clear legal basis, making their implementation legally accountable.

Keywords: Marriage Contract Costs, Islamic Law, Positive Law, KUA Tlanakan.

INTRODUCTION

Marriage in Islam is regarded as a sacred institution aimed at establishing a harmonious and prosperous family life. In addition to religious aspects, marriage also involves administrative and legal procedures regulated by the state. One important issue related to marriage administration is the determination of marriage contract costs, especially for marriages conducted at the Office of Religious Affairs (KUA) and outside the office. The regulation of marriage costs is intended to ensure legal certainty, administrative order, and equal access to marriage services for the community.

The discussion of marriage contract costs remains relevant in contemporary society because many people still have different perceptions regarding the implementation of marriage fees. The distinction between marriages conducted at the KUA office during working hours and those conducted outside the office often raises questions concerning legality, fairness, and the conformity of such costs with Islamic teachings and state regulations. Therefore, examining marriage contract costs becomes important in understanding the relationship between Islamic law and positive law in marriage administration.

Several previous studies have discussed marriage administration and marriage costs from various perspectives. Rahman (2020) explained that government regulations concerning marriage service fees aim to create transparency and prevent illegal charges in marriage administration. Meanwhile, Hidayat (2021) argued that marriage costs should be implemented according to legal regulations while considering the principles of justice and public welfare in Islamic law.

Recent studies also reveal that public understanding of marriage administration has developed alongside social changes. Nurhayati (2022) stated that legal awareness regarding official marriage fees has increased, although misunderstandings concerning additional costs remain common in several communities. Likewise, Abdullah (2021) emphasized that marriage costs should be viewed as administrative fees rather than burdens imposed on prospective spouses.

Although previous studies have contributed significantly to discussions regarding marriage administration and legal regulations, most of them focus on normative legal perspectives. Studies examining the implementation of marriage contract costs from both Islamic law and positive law perspectives at the local level, particularly in Tlanakan District, remain limited. In addition, research exploring community perceptions regarding marriage costs and their practical implementation has not been widely conducted.

This research aims to analyze the implementation of marriage contract costs at the KUA of Tlanakan District, identify community perceptions regarding such costs, and examine them from the perspectives of Islamic law and positive law. This study is important because marriage services directly affect the community and require transparency, legal certainty, and conformity with Islamic principles.

This article argues that the implementation of marriage contract costs in Tlanakan District generally follows existing legal regulations while maintaining the principles of justice and public welfare in Islamic law. Therefore, this study is expected to contribute to the broader discourse on Islamic family law, marriage administration, and the implementation of positive law in contemporary Muslim society.

RESEARCH METHODE

This study employs an empirical legal research method with a qualitative approach. Data were collected through interviews, observation, and documentation involving the Head of KUA, marriage registrars, KUA staff, and members of the community who had conducted marriage contracts in Tlanakan District. Through this approach, the research

seeks to understand the implementation of marriage contract costs, public perceptions regarding such costs, and the conformity of these practices with the principles of Islamic law and positive law in the administration of marriage services.¹

RESULTS AND DISCUSSION
IMPLEMENTATION OF MARRIAGE CONTRACT COSTS IN TLANAKAN DISTRICT

Marriage contract costs constitute an important aspect of marriage administration in Indonesia because they are closely related to legal certainty and public services in marriage registration. Positive law regulates marriage fees through government provisions concerning non-tax state revenue, while Islamic law emphasizes the principles of justice, public welfare, and the avoidance of hardship in financial obligations related to marriage (Nasution, 2021).

The discussion regarding marriage contract costs remains relevant because differences in public understanding concerning official fees and additional expenses continue to occur in several communities. The distinction between marriages conducted at the KUA office during working hours and those conducted outside the office often creates different perceptions regarding legality, fairness, and religious considerations (Hooker, 2008).

Several studies have explained that marriage administration should prioritize transparency and legal certainty. Rahman (2020) argued that official marriage fees are intended to prevent illegal charges and improve the quality of public services. Likewise, Abdullah (2021) emphasized that marriage fees should not become financial burdens for prospective spouses but rather serve as administrative support for marriage services.

Recent studies also indicate that public awareness of legal regulations concerning marriage administration has increased. However, differences in social, educational, and cultural backgrounds continue to influence people's understanding of marriage costs. Religious considerations and economic capability often become important factors in evaluating the fairness of marriage fees (Hallaq, 2009).

From the perspective of Islamic law, marriage-related financial obligations should uphold the principles of justice, mutual consent, and public welfare. Islamic scholars generally permit service fees as long as they do not contain elements of exploitation or hardship (Al-Zuhaili, 1985). Therefore, the implementation of marriage contract costs should balance legal regulations with Islamic ethical principles.

The findings of this study indicate that the implementation of marriage contract costs in Tlanakan District reflects the interaction between state regulations, religious values, and local social traditions. This condition demonstrates that legal awareness and community perceptions continue to influence the practice of marriage administration in contemporary Muslim society (Esposito, 2001).

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Table 1. The Community’s Perspectives on Marriage Contract Costs in Tlanakan District

No	Informant	Perspective on marriage contract costs	Main Consideration
1	Drs. Molyono, MA(Head of kua tlanakan)	Marriage contract costs are implemented according to government regulations, where marriages conducted at the KUA	Legal certainty and administrative compliance

¹Sugiyono, *Metode Penelitian Kuantitatif Kualitatif Dan R&D.*

		office during working hours are free, while those conducted outside the office are subject to official fees.	
2	Ilyas (Marriage registrar / kua staff)	The implementation of marriage fees follows administrative procedures and official regulations to ensure transparency in marriage services.	Administrative procedures and public service
3	Ustad Yahya (Religious leader)	In Islamic law, marriage contract costs are permissible as long as they do not impose hardship and are intended to support marriage services.	Islamic principles, justice, and maslahah
4	Community leader	Local traditions may influence additional expenses related to marriage ceremonies, although official marriage fees remain regulated by the government.	Social values and local traditions
5	Married couple / guardian	The community generally expects marriage fees to be affordable, transparent, and in accordance with both Islamic teachings and government regulations.	Affordability, transparency, and fairness

Source: Processed Interview Data, 2026

Based on the interview findings presented in Table 1, the implementation of marriage contract costs in Tlanakan District demonstrates various perspectives influenced by legal regulations, religious values, social traditions, and community experiences. Most respondents emphasized that marriage costs should be transparent, affordable, and implemented according to official government regulations. This finding indicates that the understanding of marriage contract costs within contemporary Muslim society reflects the interaction between Islamic principles and positive law (Nasution, 2021).

The Head of KUA Tlanakan explained that marriage contract costs have been implemented according to applicable government regulations. According to him, marriages conducted at the KUA office during working hours are free of charge, while marriages conducted outside the office or outside working hours are subject to official fees regulated by the government. This implementation aims to provide legal certainty and improve the quality of marriage services for the community.

The implementation of official marriage fees reflects the state's responsibility in providing transparent and accountable public services. Government regulations concerning marriage fees are intended to prevent illegal charges and ensure equal access to marriage services. Consequently, legal certainty becomes an essential aspect of marriage administration within contemporary Indonesian society (Hooker, 2008).

The marriage registrar and administrative staff of KUA Tlanakan emphasized that administrative procedures play an important role in implementing marriage costs. According to them, marriage registration, documentation, and payment procedures have been adjusted to official regulations to maintain transparency and accountability. Nevertheless, several members of the community still possess limited understanding regarding the distinction between official fees and additional personal expenses.

This condition indicates that public legal awareness continues to influence people's perceptions regarding marriage administration. Educational background, access to information, and social experience contribute to differences in understanding the

implementation of marriage costs. Therefore, public socialization concerning marriage regulations remains necessary to improve legal awareness within the community (Rahman, 2021).

Religious leaders interviewed in this study explained that marriage contract costs are permissible in Islamic law as long as they do not create hardship or injustice. According to local religious scholars, service fees may be categorized as *ujrah* or compensation for services provided, provided that they do not burden prospective spouses. Religious commitment, justice, and public welfare remain the primary considerations in evaluating the permissibility of marriage costs.

This perspective is consistent with Islamic family law, which emphasizes justice, mutual consent, and the avoidance of hardship in financial obligations. Islamic teachings do not prohibit administrative costs related to marriage services as long as they support public welfare and comply with ethical principles (Al-Zuhaili, 1985).

Community leaders also explained that local traditions sometimes influence additional expenses related to marriage ceremonies. In Madurese society, several social customs and ceremonial activities may require financial contributions outside official marriage fees. However, these customary expenses are generally considered separate from government-regulated marriage costs.

The existence of local traditions demonstrates the interaction between legal regulations and cultural values within marriage practices. Social harmony, family reputation, and community relationships continue to influence marriage ceremonies in Madurese society. Therefore, marriage expenses often reflect both legal requirements and local cultural expectations (Azra, 2020).

Married couples and guardians interviewed in this study stated that affordable and transparent marriage costs are important considerations. According to several respondents, differences in economic background should not become obstacles to marriage because marriage is fundamentally based upon mutual willingness and responsibility. Financial capability is considered important, but it should not create excessive burdens for prospective spouses.

Similarly, respondents emphasized that clear information regarding official marriage fees helps reduce misunderstandings between the community and marriage service providers. Transparency and accountability are therefore essential in maintaining public trust toward marriage institutions and government services (Mulia, 2010).

The findings also indicate that modernization and increased access to information have influenced public understanding regarding marriage administration. Communities increasingly expect marriage services to be efficient, transparent, and consistent with both religious principles and legal regulations. Consequently, legal awareness and religious understanding jointly shape contemporary perspectives regarding marriage costs (Rahman, 2021).

From the perspectives of Islamic law and positive law, the implementation of marriage contract costs should prioritize justice, transparency, and public welfare. Marriage fees are not intended to impose financial burdens but rather to support the administration of marriage services and legal certainty for the community. Therefore, the implementation of marriage costs should remain consistent with Islamic ethical principles and applicable legal regulations (Nasution, 2021).

The findings of this study support previous studies stating that public understanding of marriage administration continues to develop alongside social transformation and legal awareness. Transparency, accountability, and fairness are increasingly considered important elements in the implementation of marriage costs. The differences in perceptions among informants also demonstrate the influence of educational background, religious

understanding, and social environment on community perspectives regarding marriage administration.

Ultimately, the findings indicate that the implementation of marriage contract costs in Tlanakan District reflects the interaction between Islamic law, positive law, and local social values. Although legal regulations provide the primary basis for determining marriage fees, religious principles and community traditions continue to influence public perceptions regarding the fairness and legitimacy of marriage costs within contemporary Muslim society.

THE IMPLEMENTATION OF MARRIAGE CONTRACT COSTS IN THE CONTEMPORARY SOCIAL CONTEXT

The implementation of marriage contract costs within contemporary Muslim society has experienced significant changes alongside social, educational, and legal developments. Traditionally, marriage expenses were often influenced by local customs, social expectations, and family traditions. In many communities, including Madurese society, marriage expenses were not solely related to administrative requirements but were also associated with social prestige and cultural obligations. Consequently, various additional costs often accompanied marriage ceremonies beyond the official fees regulated by the government.

However, the findings of this study demonstrate that public understanding regarding marriage contract costs in Tlanakan District has gradually shifted toward greater legal awareness and transparency. Most respondents emphasized that official marriage fees regulated by the government should become the primary reference in marriage administration. This finding indicates that contemporary Muslim communities increasingly distinguish between official marriage costs and customary expenses associated with marriage ceremonies.

The transformation of public understanding regarding marriage costs is closely related to educational development, access to information, and increasing legal awareness within society. Communities today possess greater access to information concerning marriage regulations, administrative procedures, and government policies. Consequently, prospective spouses increasingly expect marriage services to be transparent, affordable, and consistent with legal provisions (Rahman, 2021).

Despite these developments, local cultural traditions continue to influence marriage practices within Madurese society. Several respondents explained that social customs, family expectations, and community traditions remain important considerations during marriage ceremonies. Additional expenses related to customary events are still commonly found, although they are generally distinguished from official marriage fees regulated by the state (Nawawi, 2020).

From the perspective of Islamic law, the implementation of marriage contract costs reflects the principles of justice, public welfare, and the avoidance of hardship. Islamic teachings permit service fees as long as they do not create financial burdens or injustice for prospective spouses. Therefore, marriage costs should function as administrative support rather than becoming obstacles to marriage itself (Al-Zuhaili, 1985).

The transformation of public perceptions regarding marriage costs also reflects the increasing awareness of individual rights and legal certainty in marriage administration. Communities increasingly expect clear information regarding official fees and administrative procedures. This development demonstrates a gradual shift from informal understandings toward more transparent and legally regulated marriage services (Hooker, 2008).

Furthermore, the implementation of marriage contract costs in contemporary society reflects the interaction between Islamic principles, state regulations, and local cultural

values. While positive law provides legal certainty regarding marriage fees, Islamic law emphasizes ethical values and social justice. Consequently, the administration of marriage services should balance legal requirements with religious principles and social realities.

The findings ultimately indicate that the implementation of marriage contract costs in Tlanakan District demonstrates a balance between legal regulations, Islamic values, and local traditions. Communities continue to uphold religious principles and social harmony while increasingly emphasizing transparency and legal certainty in marriage administration. This transformation confirms that marriage contract costs remain relevant within contemporary Muslim society, although their implementation continues to develop according to changing social and legal realities.

ISLAMIC LAW AND POSITIVE LAW PERSPECTIVES ON MARRIAGE CONTRACT COSTS

The implementation of marriage contract costs in Indonesia cannot be separated from the perspectives of Islamic law and positive law. Both legal systems play important roles in regulating marriage administration and ensuring legal certainty for the community. Positive law establishes formal regulations concerning marriage fees, while Islamic law emphasizes ethical principles, justice, and public welfare in financial obligations related to marriage. Therefore, the implementation of marriage contract costs reflects the interaction between religious principles and state regulations within contemporary Muslim society (Nasution, 2021).

From the perspective of positive law, marriage contract costs are regulated through government provisions concerning non-tax state revenue in the Ministry of Religious Affairs. These regulations distinguish between marriages conducted at the Office of Religious Affairs (KUA) during working hours and marriages performed outside the office or outside official working hours. Such regulations aim to provide legal certainty, transparency, and accountability in marriage administration services (Hooker, 2008).

The findings of this study indicate that the KUA of Tlanakan has generally implemented marriage contract costs according to existing regulations. Informants explained that marriages conducted at the KUA office during working hours are free of charge, whereas marriages conducted outside the office are subject to official fees established by the government. This implementation demonstrates the role of positive law in maintaining order and preventing unauthorized charges within marriage services.

From the perspective of Islamic law, marriage itself is considered an act of worship intended to establish a harmonious and prosperous family. Islamic teachings do not specifically determine administrative costs related to marriage services. However, Islamic law permits service fees or compensation provided that they do not create hardship or injustice for prospective spouses. Therefore, marriage contract costs may be categorized as permissible administrative expenses that support public services and social welfare (Al-Zuhaili, 1985).

Religious leaders interviewed in this study emphasized that the collection of marriage fees is acceptable as long as it is conducted transparently and does not burden the community. According to Islamic legal principles, financial obligations should uphold justice, mutual consent, and public benefit. Consequently, the implementation of marriage costs should prioritize social welfare and avoid exploitation or excessive financial demands (Syarifuddin, 2006).

The relationship between Islamic law and positive law in the implementation of marriage contract costs demonstrates substantial compatibility. Positive law provides administrative regulations and legal certainty, while Islamic law offers ethical and moral foundations concerning justice and public welfare. Both perspectives emphasize that marriage services should support the realization of family welfare and social harmony

(Mardani, 2016).

However, several respondents explained that misunderstandings regarding marriage costs still occur within the community. Some individuals continue to associate additional ceremonial expenses with official marriage fees. This condition indicates that legal awareness and public understanding regarding marriage administration remain important factors influencing community perceptions of marriage costs (Rahman, 2021).

The findings also indicate that transparency and dissemination of information are necessary to improve public understanding regarding official marriage fees. Communities increasingly expect marriage services to be accessible, affordable, and consistent with both religious teachings and government regulations. Therefore, cooperation between religious leaders, KUA officials, and community leaders becomes essential in strengthening legal awareness and public trust (Hakim, 2000).

Ultimately, the perspectives of Islamic law and positive law demonstrate that marriage contract costs are intended to support marriage administration rather than create financial burdens for prospective spouses. The implementation of marriage costs in Tlanakan District reflects the balance between legal certainty, religious principles, and social values. Consequently, both legal systems contribute to ensuring justice, transparency, and public welfare within contemporary marriage administration.²

CONCLUDING REMARKS

This study demonstrates that the implementation of marriage contract costs remains an important aspect of marriage administration in Tlanakan District, Pamekasan Regency. The implementation of marriage costs is closely related to legal regulations, religious values, and local social traditions. The findings indicate that marriage fees at the KUA of Tlanakan generally comply with applicable government regulations, particularly regarding the distinction between marriages conducted at the KUA office and those conducted outside the office. While legal regulations provide the primary basis for determining marriage costs, community perceptions continue to be influenced by religious understanding, social values, and local cultural traditions.

The findings also indicate that transparency, fairness, and legal certainty remain the primary considerations in the implementation of marriage contract costs. From the perspective of Islamic law, marriage costs are permissible as long as they do not create hardship and continue to uphold the principles of justice and public welfare. From the perspective of positive law, marriage costs possess clear legal foundations that support the effectiveness and accountability of marriage administration services. Therefore, the implementation of marriage costs should balance legal regulations, religious principles, and community needs.

This research contributes to the broader discourse on Islamic family law and marriage administration by providing an empirical analysis of marriage contract costs within the community of Tlanakan District. Unlike previous studies that primarily focus on normative legal discussions, this study highlights the practical implementation of marriage costs and the perspectives of various community groups regarding such costs. Nevertheless, this study is limited to the KUA of Tlanakan District and its surrounding communities. Therefore, further research is recommended to examine the implementation of marriage contract costs in other regions and cultural settings in order to obtain broader perspectives regarding the relationship between Islamic law, positive law, and local social traditions in contemporary Muslim society

²Al-Hasan, "Tradisi Haul Dan Terbentuknya Solidaritas Sosial (Studi Kasus: Peringatan Haul KH. Abdul Fattah Pada Masyarakat Desa Siman Kabupaten Lamongan)," 112.

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