

Prohibition vs Persistence: Contract Marriages between the Objectives of Islamic Law and Local Legal Realities in Indonesia

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Abstract

The phenomenon of contract marriage (nikah kontrak) in Cianjur Regency has emerged as a significant legal and socio-religious issue within Indonesian society, attracting both national and international scholarly attention. This study is driven by two core research questions: (1) How is Regent Regulation No. 38 of 2021 implemented in addressing the practice of contract marriage? and (2) To what extent does this regulation reflect and uphold the objectives of Islamic law (Maqāṣid al-Sharī'ah)? The research aims to critically examine the legal implementation and social impact of the regulation, particularly on individuals involved in contract marriages. Employing a qualitative method with a descriptive-analytical and case-study approach, data were collected through in-depth interviews with contract marriage actors, community leaders, and government officials. The findings reveal that contract marriages in Cianjur occur through various forms of informal or semi-formal arrangements often without legal guardians or witnesses, or with invalid ones thereby fulfilling only the outward form of marriage without generating legal consequences such as the obligation of 'iddah. From the Sunni legal perspective, such practices are considered invalid, whereas in the Shi'a Imamiyah tradition, they may resemble nikah mut'ah under specific conditions. The persistence of contract marriage is influenced by internal factors (economic necessity, cultural accommodation) and external factors (social tolerance and weak enforcement). Although Regent Regulation No. 38/2021 seeks to curb the practice, its implementation has yet to produce a substantial deterrent effect. Within the broader global discourse on Islamic legal reform, this study underscores the necessity of integrating normative Islamic legal principles with contextual socio-legal realities. A more comprehensive strategy combining legal enforcement, community education, and theological engagement is essential to safeguard the higher objectives of Islamic law and protect vulnerable parties in marital relations.

Keywords: Maqashid al-Syariah; Contract Marriage; Cianjur Regent Regulation 38/2021; Prevention of Temporary Marriage.

Abstrak

Fenomena nikah kontrak di Kabupaten Cianjur telah muncul sebagai isu hukum dan sosial-agama yang signifikan dalam masyarakat Indonesia, menarik perhatian ilmiah nasional dan internasional. Penelitian ini didorong oleh dua pertanyaan inti penelitian: (1) Bagaimana Peraturan Bupati No. 38 Tahun 2021 diimplementasikan dalam mengatasi praktik perkawinan kontrak? dan (2) Sejauh mana peraturan ini mencerminkan dan menjunjung tinggi tujuan hukum



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Islam (Maqāṣid al-Sharī‘ah)? Penelitian ini bertujuan untuk mengkaji secara kritis implementasi hukum dan dampak sosial dari peraturan tersebut, terutama pada individu yang terlibat dalam pernikahan kontrak. Menggunakan metode kualitatif dengan pendekatan deskriptif-analitis dan studi kasus, data dikumpulkan melalui wawancara mendalam dengan aktor perkawinan kontrak, tokoh masyarakat, dan pejabat pemerintah. Temuan ini mengungkapkan bahwa perkawinan kontrak di Cianjur terjadi melalui berbagai bentuk pengaturan informal atau semi-formal, seringkali tanpa wali atau saksi yang sah, atau dengan yang tidak sah sehingga hanya memenuhi bentuk lahiriah pernikahan tanpa menimbulkan konsekuensi hukum seperti kewajiban ‘iddah. Dari perspektif hukum Sunni, praktik semacam itu dianggap tidak sah, sedangkan dalam tradisi Syiah Imamiyah, mereka mungkin menyerupai nikah mut‘ah dalam kondisi tertentu. Kegigihan perkawinan kontrak dipengaruhi oleh faktor internal (kebutuhan ekonomi, akomodasi budaya) dan faktor eksternal (toleransi sosial dan lemahnya penegakan). Meskipun Peraturan Bupati No. 38/2021 berupaya mengekang praktik tersebut, penerapannya belum menghasilkan efek jera yang substansial. Dalam wacana global yang lebih luas tentang reformasi hukum Islam, penelitian ini menggarisbawahi perlunya mengintegrasikan prinsip-prinsip hukum Islam normatif dengan realitas sosial-hukum kontekstual. Strategi yang lebih komprehensif yang menggabungkan penegakan hukum, pendidikan masyarakat, dan keterlibatan teologis sangat penting untuk menjaga tujuan hukum Islam yang lebih tinggi dan melindungi pihak-pihak yang rentan dalam hubungan perkawinan.

Kata Kunci: Maqashid al-Syariah; Pernikahan Kontrak; Peraturan Bupati Cianjur 38/2021; Pencegahan Pernikahan Sementara.

INTRODUCTION

Marriage is not only a fulfillment of legal biological needs between a man and a woman but also part of the essential nature of human life. In Islamic law, marriage encompasses psychological, spiritual, and moral dimensions, aiming at inner well-being (sakinah), human values, and the pursuit of truth. Fundamentally, marriage in Islam rests on faith, Islam, and sincerity as its core principles (Abdul Djamali, 2002). Similar perspectives can also be traced in comparative contexts: in Iran, the practice of mut‘ah (temporary marriage) is recognized under Ja‘fari jurisprudence as a legitimate form of marriage, while in Sunni-majority countries such as Egypt, Indonesia, and Saudi Arabia, such practices are generally prohibited on the grounds that they contradict the higher objectives of marriage (Haeri, 1989; Ali, 2006).

Islamic law, as a normative system derived from divine revelation, seeks to establish order, justice, and protection of fundamental human interests. This is in line with the doctrine of Maqashid al-Syariah the preservation of religion (*hifz al-din*), life (*hifz al-nafs*), intellect (*hifz al-‘aql*), lineage (*hifz al-nasl*), and property (*hifz al-mal*) (Auda, 2008). Within the marriage context, contract marriage or temporary unions undermine *hifz al-nasl* and *hifz al-‘ird* (protection of dignity), as they often result in the marginalization of women and children. Integrating Maqashid al-Syariah with socio-legal theories such as legal pluralism and governance theory provides a comprehensive framework to critically analyze both the persistence of contract marriage and state responses to it (Griffiths, 1986; Merry, 1988).

In Indonesia, Law Number 1 of 1974 concerning Marriage establishes that marriage is valid if conducted according to religious law and belief, and must be registered with the state (Article 2). This dual requirement reflects Indonesia’s unique legal pluralism, combining religious norms with state regulation (Cammack, Bedner, & Van Huis, 2015). However, deviations such as contract marriages in Cianjur reveal tensions between state law, religious interpretation, and local practices. Comparative evidence shows similar

tensions in other Muslim-majority contexts: for example, in Egypt, unregistered ‘urfi marriages create legal uncertainty for women, while in Lebanon and Iran, the coexistence of civil and religious authorities complicates marital governance (Singerman, 2005; Clarke, 2009).

From a governance perspective, local governments in Indonesia such as Cianjur Regency through Regent Regulation No. 38 of 2021 have begun to play an active role in preventing contract marriages, highlighting the increasing localization of family law enforcement. This is consistent with broader debates on decentralization and regional governance in Muslim societies, where local authorities are tasked with implementing policies aligned with both national law and community values (Salim & Crouch, 2016). However, the persistence of contract marriage illustrates gaps in regulatory effectiveness, particularly when local economic actors and social networks sustain these practices as part of an informal tourism industry.

The socio-legal impact of contract marriages is profound, especially for women and children. Women in contract marriages often lack legal recognition of marital property rights and face stigmatization, while children may be denied legal paternity recognition, echoing challenges also observed in *mut’ah* practices in Iran and ‘urfi marriages in Egypt (Haeri, 1989; Sonneveld, 2012). Viewed through the lens of *Maqashid al-Syariah*, such practices undermine justice, dignity, and the protection of vulnerable groups—objectives that Islamic law fundamentally seeks to uphold. Therefore, integrating religious objectives with socio-legal governance theory allows for a more critical analysis of how Islamic law is applied, contested, and reinterpreted in contemporary Indonesia.

RESEARCH METHODS

This study employs a qualitative research method with an empirical juridical approach as the analytical framework (Muhammad Rijal Fadli, 2021; Muhammad Rizal Pahkeviannur, 2022; Gumilar Rusliwa Somantri, 2005). The sampling technique used was purposive sampling, selecting informants who were considered to have direct relevance and knowledge of the issue under study. The key informants included religious leaders, members of the local community, and officers from the Office of Religious Affairs (KUA) in Cianjur.

The primary data were obtained from two main sources: (1) legal documents, particularly Cianjur Regulation No. 38 of 2022 concerning marriage outside the marriage administration; and (2) field data, consisting of interviews with religious leaders, community members, and local KUA officials. Meanwhile, secondary data were gathered from supporting materials, including books, scientific journals, and online news reports relevant to the theme of this research. Data collection techniques comprised semi-structured interviews, which allowed flexibility in exploring respondents’ perspectives, documentation analysis of regulatory and institutional documents, and direct observation of community practices.

The data analysis followed Miles and Huberman’s interactive model, which involves three key stages: (1) data reduction, where raw information is filtered and categorized according to thematic relevance; (2) data display, in the form of narrative descriptions to illustrate findings systematically; and (3) conclusion drawing and verification, ensuring that the interpretations are consistent and supported by evidence. This structured process enhances the transparency and replicability of the study.

RESULTS AND DISCUSSION

Implementation of Contract Marriage in Cianjur Regency

Contract marriage is a marriage that is agreed upon for a certain period of time and ends automatically after the specified period ends. This practice is often associated with terms such as "visa marriage" or "passport marriage," even in some cases called "tourist marriage" (Wawancara Bapak Yunus Kabag TU KUA Cisarua, 2023). This happens because contract marriages are often associated with the arrival of foreign tourists, especially from the Middle East. However, in reality, this practice not only involves foreign tourists, but also domestic tourists from various regions outside Bogor.

The term contract marriage in Cianjur Regency refers to the practice of temporary marriage carried out by tourists, both foreign and local, based on certain agreements without following the applicable legal rules. Despite being banned, this practice is still rampant, especially for economic reasons (Aidatussholihah, 2016). Contract-based marriage actors generally come from vulnerable groups that use the relationship as a source of income.

Before the marriage contract outside the government administration takes place, the male party first chooses a partner through an intermediary, such as a motorcycle taxi driver, villa guard, or car rental driver. After the agreement is reached, the intermediary will deliver the selected woman. Based on interviews with the perpetrators, the practice of contract marriage in Cianjur Regency is carried out with the presence of the two brides, the *ijab kabul* procession, the giving of dowry, and the determination of the duration of the marriage that is mutually agreed. The amount of dowry is adjusted to the contract period. According to Vi and Widia's statements, the initiative of contract marriage generally comes from the male side. Those who want physical intercourse will first perform an agreement or *shahadah* with short-term commercial sex workers. This is done with the belief that the relationship established becomes religiously valid if preceded by a contract. In addition, based on Vi and Widia's confession, after the contract period ends, they do not undergo the *iddah* period and are allowed to immediately make a new contract with another party without any time limit.

Cipanas District, Cianjur Regency, is a tourist destination that attracts local and foreign tourists. This condition encouraged investors from outside the region to establish inns, hotels, and villas, considering that the environment at that time was still dominated by plantation land. Previously, the majority of the population, especially in Tugu Selatan, made a living as farmers because of their large land ownership. However, the rapid development of infrastructure has led to a decrease in agricultural land, so many residents have changed their professions to become traders, villa guards, or migrate outside the region for the sake of economic sustainability (Wawancara Bapak Atang, 2023).

The presence of tourists also encourages the practice of prostitution. According to Mr. Deden, before the reform era, prostitution activities in Cipanas were concentrated in three locations, namely one at the bottom and two at the top of Cipanas. However, after the reform, this condition has changed, causing the government to have difficulties in carrying out supervision.

The Cipanas area, especially Tugu Utara Village, South Tugu, and Warung Caneng, is known as the location of contract marriage practices (Wawancara Bapak Usep, 2023). The three villages are located at the top of Cipanas and are separated only by a highway, with each having a motorcycle taxi base in each alley leading to the villa. South Tugu Village was chosen as the location for the research because the village officials were willing to provide information through interviews and provide the necessary data. In

addition, the village has many villas that are easily accessible, with affordable sizes and rental prices for research purposes.

Certain villas are cooperating with local security officials to increase surveillance, as happened at Vila el-Gitta. Each villa building is equipped with security guards wearing official uniforms and patrol cars parked in the courtyard. At the location, a number of women who had been ordered through motorcycle taxi services arrived in neat condition, wearing jackets with bottoms in the form of mini skirts or trousers. Some of them also wear head coverings such as long veils. After arriving at their destination, they began to take off their outer clothes until only more revealing clothes were left. In the courtyard of the villa, tourists are seen interacting with the newly arrived women. The atmosphere at the location was colored by laughter, parties, playing music using guitars, and consuming alcoholic beverages. Before accompanying the guest, a transaction was made that included the cost of motorcycle taxi transportation, rewards for villa security officers, and compensation for the woman. After the agreement is reached, the service is provided according to the agreement.

Based on the results of interviews with various contract marriage actors, this study found that the practice of contract marriage has several variations. First, the marriage was carried out without the presence of a guardian, two witnesses, and the headman, as experienced by Vi. Second, the marriage is carried out in the presence of a legal guardian, two witnesses, and religious leaders or hamlet officials as the headman, as happened to Ai. Third, marriage involves guardians, witnesses, and payees, as experienced by Widia and Anin. The results of the interviews showed that the practice of contract marriage in South Tugu and Cipanas Villages did not have legal consequences. This is different from the *mut'ah* marriage in the early days of Islam, which regulated the *iddah* period, the obligation of maintenance for children born from the marriage, and the inheritance rights between father and child.

The Marriage Law in Indonesia regulates the principles and conditions of marriage which have similarities with the provisions in Cianjur Regent Regulation No. 38. Article 2 paragraph (1) of Law Number 1 of 1974 states that the validity of marriage is determined based on the provisions of their respective religions. The law does not accommodate the concept of *nikah mut'ah*, because marriage in national law aims to form a bond that is permanent, not temporary. Although marriage *mut'ah* is not explicitly prohibited, the practice does not meet the principles and conditions set and is contrary to the principle of marital sustainability. Similarly, marriages carried out outside the administration of the government do not meet the applicable legal provisions, especially because they are temporary and not in accordance with the purpose of marriage as stipulated in Law Number 1 of 1974.

Based on the description above, contract marriage is declared invalid because it does not meet the principles and conditions of marriage stipulated in Cianjur Regent Regulation No. 38 and Marriage Law No. 1 of 1974. In addition, contract marriage is contrary to the purpose of marriage as stated in the Qur'an. Although *nikah mut'ah* is referred to as a solution for individuals who cannot afford to marry permanently, this concept cannot be applied in contract marriage because of the difference in implementation rules between *nikah mut'ah* and marriage that is not recorded in the government administration. Furthermore, the legalization of contract marriage can reduce the sacred value of marriage.

The Role of the Government and Community Leaders in the Phenomenon of Contract Marriage in the Community of Cianjur Regency

The phenomenon of contract marriage is a social problem that requires a comprehensive solution. The role of community leaders, village officials, and all elements of society is very important in efforts to overcome it. Without proper intervention, this phenomenon can cause social inequality and negative impacts on society. Therefore, a common vision and commitment between the government, village officials, and the community is needed to effectively overcome this problem.

a. The Role of the Office of Religious Affairs

The term contract marriage has been known since Cipanas District developed as a tourist area. The Cipanas Religious Affairs Office (KUA) does not have the authority to practice contract marriage because marriages that take place outside the administration of the government are not recorded in their system. Legally, and religiously, contract marriage has no basis for legitimacy, so its existence is not formally recognized. Nevertheless, KUA Cipanas routinely holds socialization to educate the public about the prohibition of marriage outside the administration of the government. This socialization aims to emphasize that contract marriage has no legal or religious basis and to convey the potential risks and negative impacts that can arise if this practice continues (Wawancara Bapak Yunus Kabag TU KUA Cisarua, 2023).

According to Mr. Kamal, one of the heads of KUA Cipanas, the people of Cipanas have a good understanding of marriage regulations, both in terms of religious law and legislation. They also implement and comply with these rules well. Marriage Law Number 1 of 1974 was received positively because the public realized the importance of compliance with these regulations. This is reflected in their participation in marriage counseling and training, as well as the implementation of orderly marriage registration. He also revealed that about 15 years ago, the practice of marriage was still rampant due to a lack of understanding of the urgency of marriage registration. However, in recent years, more and more people are taking care of marriage books for their previous marriages, showing an increasing awareness of the importance of legal certainty in marriage.

The people of Cipanas still have difficulty distinguishing between contract marriage and sirri marriage, because both are not recorded and not carried out by the authorities. According to Pak Kamal, they are aware that contract marriage is a form of covert sexual transaction and understand the prohibition, even though they do not fully know the basis of the haram. In addition, they are also aware of the negative impact and reject the practice in order to maintain the reputation of Cipanas District. The term "contract marriage" is used because people do not consider it a valid marriage according to laws and regulations.

The Cipanas Religious Affairs Office (KUA) actively organizes socialization to prevent the practice of contract marriage, with the aim of increasing public understanding of the prohibition and legal implications of marriage that are not recorded in government administration. This socialization is carried out through the recitation of syahriyahan which is held regularly every month. In addition, KUA Cipanas also participates in control operations carried out by local security forces, as part of coordination between various government agencies and related parties. According to Mr. Kamal, the involvement of certain parties in the practice of contract marriage often has a negative impact. One of the challenges in law enforcement is the leakage of information regarding raid plans, which leads to operations often being fruitless. Even if there are individuals who are netted, most of them come from outside the Bogor area.

Contract marriage is often associated with the arrival of foreign tourists especially from the Middle East, despite the fact that not all Middle Eastern tourists are so. In fact,

their presence is often very beneficial for certain parties such as ojeg drivers, car rentals, restaurants, *laundry*, villas and existing tourist attractions (Wawancara Bapak Yunus Kamal penghulu KUA Cisarua, 2023). So far, the KUA does not seem to be too optimal in tackling this phenomenon because some of the existing policy makers are very difficult to deal with individuals who have an interest in this phenomenon.

b. The Role of the Indonesian Ulema Council of Cipanas District

According to Mr. Gogon, as stated by Mr. Kamal, the people of Cipanas have a good understanding of marriage rules, both based on religious teachings and applicable laws and regulations, and obey these provisions. The Indonesian Ulema Council (MUI) supports the existing marriage regulations because it is in line with the fiqh of madhhab al-arba'ah and does not cause rejection. However, rules related to polygamy had become a debate among scholars, especially the MUI of Cipanas District, because it was considered contrary to the law of Allah that had been agreed upon by previous scholars. As a form of rejection, the signatures of scholars are collected as evidence of agreement against the rule.

The Indonesian Ulema Council (MUI) Cipanas, in collaboration with the local Religious Affairs Office (KUA), once implemented a local policy to marry couples on November 11, 2011. This decision was taken because the conditions at that time did not allow to wait for the arrival of KUA officers. This policy is not a violation of the rules, but an effort to support the duties of the head in carrying out marriage. Similarly, in the case of a widow's marriage at night, the local cleric can act as a temporary headman, while the official recording is still carried out by the KUA.

The concept of Contract Marriage, according to him, is only used as an imaging strategy to appear attractive and get public attention. The term is more aesthetic, considering that in Islamic teachings and laws and regulations there is no legitimacy to the practice. In addition, Contract Marriage is considered invalid in the view of Sunni scholars, so this practice is considered contrary to the principles of Islamic law.

The Indonesian Ulema Council (MUI) has consistently socialized the prohibition on the practice of contract marriage, which is considered contrary to Islamic teachings. This socialization is carried out through routine recitations, taklim assemblies, and discussions involving the community. In addition, the MUI also participated in raids carried out by security forces as part of the amar ma'ruf nahi munkar efforts. This raid does not simply aim to eradicate contract marriage, but rather to reduce or eliminate the practice of covert prostitution. This effort is carried out collaboratively to create a safe environment and free from negative images, especially in Cipanas District (Wawancara Bapak M. Apan Abdul Goni Ketua MUI Desa Cibereum, 2023).

This effort achieved maximum effectiveness when community leaders conducted raids in various locations. However, the results will be more optimal if community leaders collaborate with government officials in providing services and counseling to contract marriage actors and parties involved in the practice, such as motorcycle taxi drivers, villa guards, and drivers who drive tourists. This counseling aims to improve their understanding of the impact and consequences of this phenomenon.

c. The Role of the Sub-district Head

In principle, the term "Contract Marriage" actually does not exist. Tourists who come to Cipanas usually rent villas, inns, or hotels as a temporary place while they are there. However, it is possible that there are perpetrators who carry out the contract outside Cipanas and only stop by the area to enjoy the atmosphere. However, it needs to be

admitted that there are still some residents in Cipanas who are involved in the practice of sirri marriage.

Regarding marriages that are not recorded in the government administration, until now Cipanas District has never been one. Based on Mr. Deden's explanation, before the reform period, prostitution places in Cipanas were well organized and centralized in three locations. However, the situation has changed. The Bogor Regent program, known as "Nobad" (Nongol Babad), also played a role in this change. The program aims to respond to violations of the law directly, by monitoring and addressing indications of violations. In addition, the Regent also provides incentives to the head of the RT so that they can work together in realizing this program.

To maintain security in the Cipanas area, the sub-district routinely carries out raids involving security forces and in collaboration with other government agencies. According to the information obtained, the raid team once found a junior high school student involved in the raid. Based on his confession, he has had contract marriages eleven times. However, limited funds and human resources often hinder the effectiveness of raids, considering the resistance from the community. Several groups, such as motorcycle taxi drivers, car rental drivers, laundry owners, and other parties who benefit from the arrival of foreign tourists, are worried that they will suffer losses if the raid is carried out. The circulation of money in the region, as seen in Warung Caneng, which reaches two billion rupiah per day, reflects the significant economic impact of the tourist presence.

The circulation of money in Tugu Utara Village, Tugu Selatan, and Warung Caneng comes from various sectors, including colleges (places to exchange foreign currency, book plane tickets, trains, and other transportation), restaurants, villas/hotels/inns, cafes, car rentals, laundry, traders, motorcycle taxis, and freelancers. Each college in Warung Kaleng is estimated to be able to conduct money exchange transactions of up to Rp 500,000 per day. Based on information from Mr. Tatang, one of the owners of the Ciburial Indah villa and car rental in North Tugu Selatan Village, the net income earned every month ranges from IDR 10,000,000 to IDR 25,000,000.

Based on the results of observations, food prices around the North Monument, South Monument, and Canned Goods tend to be high. The price of a serving of rice with fried chicken reaches Rp 23,000, rice with fried catfish is around Rp 17,000, and kale cah costs Rp 15,000. For villa rental prices, the rate per room starts from IDR 140,000, while villa rentals per house range from IDR 250,000 to IDR 5,000,000 per day. The rental price for freelancers (short time) ranges from IDR 250,000 to IDR 400,000 per hour, with working hours starting at 23.00 WIB to 05.00 WIB. On the other hand, motorcycle taxi drivers earn a wage of around Rp 50,000 per shuttle trip for the freelancer. As conveyed by Siti (pseudonym), one of the freelancers, and Enjang, who explained that the implementation of Contract Marriage provides great financial benefits, considering that the wages received as villa guards are equivalent to half of the wages of women involved in marriages outside the administration of the government.

The economic impact arising from this marriage does provide benefits for many parties. However, the social impact of this phenomenon also needs attention. The main goal is not material gain alone, but a balance between moral and material aspects, without sacrificing self-esteem and honor for temporary material gains.

d. The Role of Village Apparatus

Based on the explanation of Mr. Winandar Kaur, the Government of South Tugu Village, the people in the village have a good understanding of the rules regarding

marriage, both those sourced from religious teachings and applicable laws and regulations. They have also implemented and complied with these rules well.

Contract marriages are often associated with the presence of tourists from the Middle East. Mr. Nandar, (Wawancara Bapak Nandar, 2023) who is more familiarly called that, acknowledged the existence of this phenomenon, although according to him, the perpetrators of contract marriage are not native residents of South Tugu or Cipanas. Most of them come from outside the Bogor area. They may have had a contract marriage elsewhere, then came to travel to Tugu Selatan and rented a villa in the area.

South Tugu Village officials routinely conduct raids to reduce or eradicate marriages that are not recorded in government administration. The results of the raids often found that women involved in contract marriages came not only from Tugu Selatan, but also from areas such as Karawang, Sukabumi, Garut, and other areas outside Bogor. Once, the raid succeeded in uncovering the perpetrator who was still a junior high school (SMP) student. After being examined, he admitted that he had had been married indentured eleven times and was from Jakarta. As a follow-up, the village intends to hand over the perpetrator to a rehabilitation institution for immoral women, but the perpetrator always refuses. The Head of South Tugu Village finally decided to make an agreement accompanied by a stamped statement signed by the perpetrator. In the agreement, the perpetrator promised not to repeat it. If it happens again, the village will call the family and parents of the perpetrator to inform their child's actions, because most parents do not know their child's activities outside the area.

According to Mr. Nandar, the indigenous people of South Tugu Village generally work as *khaddamah* (housekeepers), restaurant waiters, or laundry workers (Wawancara Bapak Nandar, 2023). Meanwhile, most of the perpetrators of contract marriage are former female workers who previously worked in the Middle East. After returning to Indonesia, they often maintain relationships with their peers in the region.

The presence of Middle Eastern tourists provides economic benefits for the local community, such as motorcycle taxi drivers, rental owners, taxi drivers, traders, restaurants, laundry, and housekeepers. These tourists open up job opportunities for local residents. However, the Tugu Selatan Village Government does not gain financial benefits from this sector, due to the absence of tax obligations for tourists and villa owners. Most of the villa owners are not native to Tugu Selatan, and locals only act as guards or maids in these villas (Wawancara Bapak Winandar kaur Pemerintahan Desa Tugu Selatan, 2023).

Mr. Nandar's statement was strengthened by Mr. Ujang, the Head of Hamlet I as well as the taxation section of South Tugu Village. According to him, the perpetrators of contract marriages do not come from indigenous people. As a result, the perpetrator's family often does not know what their children are doing overseas, including in South Tugu Village. This leads to the falsification of the guardian in marriage. For example, a woman who is going to have a contract marriage often hires someone to be a guardian, so that the family does not know her actions. In fact, according to the law, marriage must involve a legal guardian, so the act is clearly contrary to the applicable rules (Wawancara Bapak Ujang Kepala Dusun I merangkap Bagian Pajak Desa Tugu Selatan, 2023).

The author's analysis shows that the role of village officials in the implementation of Contract Marriage is not optimal, considering that there are still individuals involved in the practice. Therefore, internal evaluation among village officials needs to be improved, as well as strict action against individuals involved in marriage outside the administration of the government.

e. The Role of Kyai/Ulama

The existence of Islamic boarding schools in South Tugu Village seems hidden because the boarding schools in the North Tugu Selatan Village area do not have signboards. In fact, when visited at the residence of one of the caregivers of the Islamic boarding school in Tugu Selatan, he refused to provide information about contract marriage on the grounds that he did not have competence in this matter (Wawancara dengan salah satu pengasuh pondok pesantren di Desa Tugu Selatan, 2023).

In line with the statement of the Cipanas District MUI member, the people of Cipanas have a good understanding of marriage rules, both according to religious teachings and applicable laws and regulations. The people of Cipanas responded positively to the implementation of the rule. Regarding contract marriage, this concept actually does not exist in Islamic teachings. Islam only recognizes mut'ah marriage, which has been forbidden by scholars, and only the Shi'a still recognize its validity to this day.

The term "Contract Marriage" is developing among people who do not understand the religious and legal aspects related to marriage. They often refer to it as a "passport marriage" or "visa marriage", referring to a marriage that takes place temporarily according to the validity period of the passport or visa. Contractors usually do not recognize that the marriage is outside the administration of the government. They argue that marriage is legal according to sharia and is done to avoid adultery. However, the marriage ended when the foreign couple returned to their home country. However, there are some who choose to bring their wives and children home or still provide for those who are left behind.

According to H. Gogom, the majority of contract marriage perpetrators do not come from the local community, so they often use guardians, witnesses, and paid guardians. This makes these activities a source of income for several parties. Meanwhile, according to Deden, the economic section of Cipanas District, the arrival of tourists provides economic benefits for the community, especially traders, considering the large number of residents who work as traders, as previously explained (Wawancara Bapak KH. Cecep Gogom direktur Lembaga Pendidikan Islam Nurul Yaqin Desa Cibereum Kecamatan Cisarua, 2023).

The implementation of contract marriage in Cipanas District is greatly influenced by the social conditions of the local community. This understanding of social conditions can be explained through the theory of structural functionalism put forward by Robert K. Merton. One of Merton's contributions to this theory is the analysis of the relationship between culture, social structure, and anomy (George Ritzer, Douglas J. Goodman, 2010).

The local community is aware that the practice of contract marriage is contrary to the applicable rules, but they still try to maintain their livelihood to overcome the economic problems they face. This encourages the formation of cooperation between marriage actors outside the government administration, villa guards, motorcycle taxi drivers, and other parties who feel benefited. All parties have the same goal, which is to meet economic needs, and they strive to protect each other so that they do not lose their source of livelihood.

The Phenomenon of Contract Marriage in Cianjur Regency

Contract marriages that take place in Puncak Cipanas are different from marriages in general, because they do not involve civil records from the KUA. In addition, in the implementation of this contract marriage, the contract is carried out without the presence of legal guardians and witnesses from both parties. Although there are parties acting as guardians and witnesses, they do not meet the requirements stipulated in religious law.

According to Mr. Enjang, the guardians and witnesses involved in the contract are basically invalid or just symbolic,

“yahh biasanamah nu jadi wali na supir mobil jeung saksina tukang ojeg atau nu ngajagaan Villa, nu pentingmah keliatan akadna jeung sah we kitu”.
(Wawancara dengan Enjang di salah satu Villa Tugu Selatan Cisarua, 2023).

Lack of clarity of status and recognition from the state and religion has a negative impact, especially for women, related to their rights in marriage, such as alimony and inheritance. Children born to marriages outside of government administration often do not get proper legal protection, making them a burden on their mothers. These children are often victims of decisions made for momentary gain or material gain. The phenomenon of contract marriage reflects social inequality, where a broader perspective on its impact on individuals, society, and the future of offspring needs to be considered. Child welfare, education, and good guidance are essential to guarantee a better future.

Historically, women have often been seen as weak creatures, but Islam positions women with high dignity, one of which is through the institution of marriage. Marriage in Islam aims to glorify women, lift them from oppression and injustice. Before the arrival of Islam, during the Jahiliyah period, women were often treated like merchandise that could be traded at any time. Islam exists to uplift the dignity of women by providing equal rights, such as earning the same livelihood and inheritance as men. This is proof of justice in Islamic rules towards women.

Contract marriages, as already discussed, are often seen as relationships that only aim to satisfy the sexual needs of men and the material needs of women. If this is the case, then this condition is not much different from the practice in the age of ignorance, where women are treated as if they were items that can be used and thrown away. Externally, this can degrade women, as they look as if they are "renting" themselves to meet men's needs in time and in return.

The main purpose of marriage is to build a prosperous family, both in this world and the hereafter, and to preserve human offspring, not solely to satisfy the needs of lust. However, this is often difficult to achieve in the practice of temporary contract marriages. For example, according to Icha and Cucu's confession, although they obtained material convenience through contract marriages, they often felt undervalued and their dignity was trampled on by tourists *“kadang-kadang aing mah kesel ka si onta mun geus kawin teh, kahayangna macem2 jeung rese deuih...hayang kieu hayang kitu kadang mun teu baleg sok dibabuk, kudu cicing diimah ulah Kamana mana, ai manehna ulin jeung awewe deui.”* (Wawancara dengan Icha dan Cucu Melalui Saleh di Villa Haikal, 2023).

If contract marriage is legalized, what will be the fate of the children born from the marriage? Children should get affection, education, and direction from parents to create a happy family, according to the expectations of each individual.

In the Marriage Law No. 1 of 1974, it is explained that the purpose of marriage is to form a happy and eternal family. In addition, in the Compilation of Islamic Law, it is also revealed that marriage is a very strong contract. The concept of "eternal" in marriage law and "a very strong contract" in Islamic Law indicates that marriage aims to build a strong and lasting family, where "eternal" means to last forever and "strong" means unbroken. When compared to the purpose of contract marriage which focuses more on fulfilling biological and material needs, it is clearly contrary to the purpose set out in the law and the Compilation of Islamic Law.

Based on an interview with amel on May 19, 2024, it says:

“ya kita nikahnya cuma dihadiri mempelai pria dan Wanita, amil, dan saksi, mahar jelas ada sama ada perjanjian sebelumnya misal saya nikah cuma 6 bulan dengan orang arab itu, maka selama 6 bulan itu saya tidak kemana-mana dirumah aja dan kalua pun keluar harus dengan baba (sebutan orang arab). Dan setiap bulan saya dikasih uang 15 juta selama 6 bulan. Setelah kontraknya selesai ya sudah tidak ada ikatan lagi”. (Wawancara dengan amel, 2023).

Contractual marriages that only last for a limited time result in deviations from the norms and purposes of marriage in general. This phenomenon indirectly damages the true meaning of marriage. As conveyed by one of the ustad in Cipanas, they regret the practice of contract marriage. Even though maximum efforts have been made in socializing the impact and consequences of contract marriage to the people of Cipanas, they still remind the community not to fall into actions that can harm the future by undergoing temporary marriages (Wawancara Ust Deden, 2023).

The act of adultery has serious consequences related to destiny and obligations in the family. If a woman becomes pregnant and gives birth to a child due to adultery, the child cannot be passed on to her biological father, which means that the father has no obligation to provide maintenance or inheritance to the child. This also applies to marriages that are not officially registered in the government administration, where the husband is not obliged to provide maintenance to the wife and the two do not inherit each other (Faizal Hamdani, 2008). Even so, children from the relationship can still inherit their parents' property. Adultery can lead to unclear destiny, which has the potential to obscure social relations in society. Children born to adultery do not have a clear father and, in certain cases, they may feel uncomfortable with their half-siblings, especially if their mother is involved in several relationships with different men. Worse, if the mother commits adultery with many men and gives birth to many children, then not only will the fate of the children run away, but there will also be difficulties for the mother in providing sufficient support and care for them (Faizal Hamdani, 2008: 132).

As a result of contract marriage, the status and position of the children became unclear, with the impact of neglecting their maintenance and education. In the context of the marriage, the child's destiny is only recognized based on the mother's lineage. This was also experienced by Anin, as conveyed by Vi when asked about the fate of Anin's child born from a contract marriage. Vi revealed that after the contract period ended, Anin's husband left Anin and her child without providing support for the two of them.

In Islam, men are allowed to marry more than one woman (polygamy), while women are not allowed to marry more than one man. This is related to biological considerations that can be risky for women's health. For example, a case I read in a magazine in Iran, where a woman who was often involved in mut'ah (contract) marriages with more than one man, ended up infected with AIDS. This condition shows potential health risks that can also be experienced by those involved in the practice of contract marriage, as happened in the Cipanas community.

Delay in handling contract marriage perpetrators infected with HIV/AIDS can cause the disease to spread quickly to other individuals. Based on the author's findings, there is an interesting phenomenon in the tourist area of the City of Flowers, Cianjur. One of the locals revealed that there had been an incident in the area involving individuals involved in marriage outside the administration of the government, which they called the

term "*gencet*" ("Gencet" The union of the bodies of a man and a woman who have sex outside of marriage and cannot be released in a state of attachment. Interview with iwan, one of the traders in the flower city area shop in Cianjur, september 29, 2022). An incident involving a body connected between a man and a woman, which cannot be separated, had shocked the residents of Flower City. The incident ended with both of them being taken to the hospital. Based on information from Iwan, the woman was forced to be anesthetized to separate her from the man's body. As compensation, the man compensated the woman's family.

Researchers do not know the amount of compensation received to the cost of the woman's life. If this phenomenon of contract marriage is allowed to continue, it is possible that other negative impacts will appear. This incident may be a warning from the Creator of a phenomenon that is very troubling, even worse than adultery.

Analysis of Maqashid Al-Syariah in Regent Regulation Number 38 of 2021

Cianjur Regency Regent Regulation Number 38 of 2021 concerning the Prevention of Contract Marriage is an effort to deal with the problem of contract marriage that is increasingly widespread in the Cianjur area. Contract marriage refers to a temporary marriage that does not aim to form a harmonious family, but rather to fulfill short-term needs or even exploitation. This practice often involves marriages between locals and foreigners who have a contractual agreement for a certain period of time.

Maqāṣid al-Sharī'ah refers to the fundamental objectives that Islamic law seeks to realize in order to ensure human welfare and prevent harm. These objectives are commonly encapsulated in the concept of al-ḍarūriyyāt al-khams, namely the protection of religion (ḥifẓ al-dīn), life or soul (ḥifẓ al-naḥs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and property (ḥifẓ al-māl). Together, these five principles form the normative foundation for the formulation of Islamic legal norms, including regulations governing marriage, which aim to uphold human dignity, social order, and moral integrity.

From the perspective of ḥifẓ al-dīn, the regulation prohibiting contract marriage is intended to safeguard Islamic values that emphasize honesty, justice, and the sanctity of marital bonds (Lathifah et al., 2022; Nasution et al., 2022). In Islamic teachings, marriage is regarded as a *mīthāqan ghalīẓan*—a solemn and binding covenant that carries profound moral and spiritual responsibilities. It is not meant to be a temporary arrangement driven by short-term interests or personal gain. Contract marriage contradicts the essence of marriage in Islam, which is founded on sincere intentions, mutual commitment, and long-term responsibility. Therefore, the prohibition of such practices plays a crucial role in preserving the honor and sacredness of marriage as an institution rooted in Islamic law.

The objective of ḥifẓ al-naḥs underscores the importance of protecting human life, dignity, and personal safety. Contract marriage often generates adverse consequences, particularly for women and children, who are the most vulnerable parties in such arrangements (Abubakar et al., 2021; Roslan & Zainuri, 2023). Women involved in contract marriages are frequently exposed to exploitation, psychological abuse, and social degradation, while children born from these unions may face discrimination, social stigma, and legal uncertainty regarding their status and rights. Consequently, the regulation aims to protect women's dignity and fundamental rights, as well as to ensure that children are born within legally recognized marriages that guarantee their protection and welfare.

In terms of ḥifẓ al-nasl, one of the primary purposes of marriage in Islam is the preservation of lineage and the establishment of a stable family environment conducive to the healthy upbringing of children (Kurniawan & Qohar, 2021; Ramdan Wagianto,

2020). Contract marriage, by its temporary and conditional nature, undermines this objective, as it fails to provide continuity, emotional security, and legal certainty for offspring. Such instability can have long-term social and psychological implications for children. The prohibition of contract marriage is therefore designed to ensure that lineage is preserved through legitimate and enduring marital relationships, enabling children to obtain their rightful legal, social, and moral protections.

The principle of *ḥifẓ al-‘aql* emphasizes the protection and development of human intellect through proper education, moral awareness, and sound understanding of religious teachings. A significant factor contributing to the persistence of contract marriage is the lack of adequate understanding of the true values and purposes of marriage in Islam (Nadhiroh & Larashati, 2021). By restricting such practices, the regulation seeks to foster greater public awareness and comprehension of Islamic marital ethics, encouraging individuals to approach marriage with maturity, responsibility, and moral consciousness. In the long run, this contributes to the intellectual, spiritual, and ethical development of society as a whole.

Finally, the objective of *ḥifẓ al-māl* relates to the protection of property and economic rights. Contract marriage often involves unequal and exploitative financial arrangements that disproportionately disadvantage women (Hasan & Badri, 2020; Hoque et al., 2021). In many cases, women receive minimal or temporary financial compensation, while bearing long-term economic, social, and psychological consequences. The regulation prohibiting contract marriage thus aims to protect women's economic rights by ensuring that marriage is conducted on the basis of fairness, mutual responsibility, and justice, rather than financial exploitation. Through this approach, Islamic law seeks to uphold economic security and equity within marital relationships.

Based on the explanation above, if it is associated with the theory of *maqashid sharia* described by as-Syatibi in his book *Al-Muwaafakat Fii Usul Al-Sharia*, every command from Allah has a deep purpose and meaning in its implementation. This purpose and meaning is a form of benefit for mankind, which means an effort to realize good and avoid evil, or to attract benefits and overcome harm (Al-Syathibi, *Al-Muwafaqat fi Ushul al-Syari'ah*, Riyadh: Maktabah al-Riyadh alHaditsah).

First, the main purpose of marriage is to create a life of *sakinah*, *mawaddah*, and *rahmah*. *Sakinah* life is difficult to achieve in a temporary marriage such as *nikah mut'ah*, which is more temporary and only to meet physical needs. The same applies to marriages carried out outside the administration of the government, which are often oriented only to lust satisfaction, in which after the contract period ends, the couple will separate without paying attention to each other's feelings. In the contract marriage system, a man can marry as many women as there is no limit to the number, and there is no obligation to be fair among his wives. *Sakinah*, *mawaddah*, and *rahmah* are the main principles in building a harmonious family, which brings goodness to both parties. If these principles do not exist in contract marriage, then logically, the marriage does not provide benefits or goodness for the perpetrators, especially in creating a family that is *sakinah*, *mawaddah*, and *rahmah*.

The two main purposes of marriage are for reproduction and regeneration. However, in *nikah mut'ah*, this goal is not always achieved because the marriage lasts for a limited time and allows the couple to agree not to have children. Similarly, in marriages outside of government administration, success in producing quality offspring becomes difficult because there is no binding minimum time requirement, which has the potential to hinder regeneration. Children born out of marriage should get attention and education

from both parents. In contract marriages, often the father leaves the child after the marriage period ends, while the mother must take care of and educate the child alone without the support of the father. This phenomenon, as experienced by Anin, shows a great negative impact on children, who are victims of parental indifference. If left unchecked, this can lead to poverty and threaten the future of children. Therefore, it is important to address this problem so that children can grow up with good education and parenting for a brighter future.

Third, the main purpose of marriage is to meet biological needs. This also applies to the practice of *nikah mut'ah*, which is similar to adultery in the name of marriage, where the main purpose is to meet biological needs and avoid adultery. Likewise with marriage outside the administration of the government, which basically aims to fulfill biological needs. Based on the interview described in the previous chapter, the reason why men perform contract marriages with short-time workers is to avoid adultery. When sexual desire peaks, they choose marriage outside the administration of the government as an alternative that is considered safe, because there is a contract that is considered legal to legalize sexual relations like husband and wife. In this context, contract marriage is not based on love, but on the agreement of both parties.

Fourth, the purpose of marriage is to maintain honor. In the practice of *nikah mut'ah*, the position of women seems to be an object that can change hands between men, without certain restrictions. A man is also allowed to marry several women at the same time without the obligation to pay special attention. Similarly, in marriages outside of government administration, women can move from one man to another after the contract period ends, without the need for a waiting period. Maintaining the dignity and dignity of women should be a top priority, considering that women are the pillars of the lives of future generations. This damage to dignity due to contract marriage can have a widespread adverse impact, like a virus that never subsides. Therefore, this damage must be immediately overcome by all of us as the watchers of the people. Religious understanding of the benefits of women must take precedence over economic needs, which are not the main goal in life. It is not valid if women have to sacrifice dignity and dignity to meet material needs.

The implementation of Regent Regulation Number 38 of 2021 faces a number of challenges, one of which is the need for more intensive socialization to the public about the dangers and negative impacts of contract marriage. For this reason, the public must be empowered with adequate information so that they understand the importance of maintaining the sanctity of marriage and the adverse effects of the practice. In addition, strict law enforcement against contract marriage actors, both those who offer and those who receive, is very necessary. This can be achieved through solid cooperation between law enforcement officials, religious leaders, and the community.

Cianjur Regent Regulation Number 38 of 2021 concerning the Prevention of Contract Marriage is an important effort in protecting Islamic values and preventing practices that damage the social and moral order. By referring to the principles of *maqashid al-sharia*, this regulation aims to protect religion, soul, descendants, intellect, and community property. The success of the implementation of this regulation is highly dependent on public awareness and cooperation. Therefore, more effective socialization and law enforcement need to be strengthened so that the objectives of this regulation can be achieved.

CONCLUSION

This study highlights the dynamics of contract marriage practices in Cianjur Regency. First, although the implementation of contract marriage often involves witnesses, guardians, and headmen, it does not fulfill the requirements of valid marriage under Islamic law and does not produce legal consequences such as *iddah*. Second, the persistence of this practice is influenced by both internal factors such as the actors' motives and external factors, including community tolerance and the tacit support of local leaders. Third, the government and community leaders have not played an optimal role in curbing this phenomenon, despite evident social anomalies that undermine cultural and religious values. Finally, contract marriage has wide-ranging impacts: socially, it damages women's dignity, denies children legal and religious recognition, and erodes social cohesion; economically, it benefits certain actors, traders, and local income streams.

Policy implications arising from this research emphasize the need for stronger regulatory enforcement, community-based education, and collaborative initiatives between government, religious leaders, and civil society to address the root causes of contract marriage. Enhancing legal literacy, empowering women, and ensuring child protection must become policy priorities to mitigate its adverse consequences.

Future research should explore in greater depth the long-term socio economic and psychological impacts of contract marriage, with particular attention to children's welfare, women's rights, and the role of globalization and tourism in perpetuating this practice. Comparative studies across regions and countries could also provide valuable insights for designing more effective and context-sensitive interventions.

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