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The Phenomenon of Development *Misyar* Marriage from the Perspective of Islamic Law and Human Rights

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Abstract:

Misyar marriage is one of several Muslim terms in the Middle East. Due to the evolution of life and society, this marriage is a significant phenomenon in Islamic circles. *Misyar* marriage is performed by a man under the correct contract and conditions, where both parties must give up some rights that are incomparable with the conditions of other marriages. *Misyar* marriage demands that women relinquish certain rights ordinarily associated with marriage, which raises concerns for human rights, particularly those governing discrimination against women. On the contrary, human rights uphold the values of rights and dignity regardless of gender, particularly for women who should receive the same treatment and rights as men, one of which is discussed in the conventions on eradicating all forms of discrimination against women and the rights of the child. This study examines the phenomenon of *Misyar* marriage through the lens of Islamic law and human rights, employing legal doctrinal or normative research methods, a statutory approach, and a historical perspective. The findings of this study indicated that *Misyar* marriage differs from other marriages and has a connection to human rights, particularly women's rights to marry. Some scholars believe that this Marriage is permissible and valid. However, according to the following opinion, *Misyar* marriage is prohibited. This is a violation of international law and not a violation of human rights because the conditions for marriage are not satisfied.

Keywords: *misyar*; Islamic law; human rights.

Introduction

Religion requires marriage for a variety of reasons. One of them is to multiply offspring, perpetuate human life, maintain chastity so as not to fall into abominable and forbidden things, assist men and women in dealing with life's problems, create love, affection, and tranquility between husband and wife, and educate children in the shade of love and gentleness.¹ This is reflected in the words of Allah: "And among the signs of His power is that He created for you spouses of your kind, so that you may care for them and feel at ease, and He created between you love and affection. (Surah Ar-Rum, 21:30). More than eighty terms for Marriage in Islam have emerged recently, including *Misyar* marriage.² This term originates from the public to distinguish marriages as a tradition living in a community, which means that in a tradition like marriage, there is typically a contract that mutually fulfils the rights and obligations of husband and wife, without requiring the relinquishment of certain rights as in a *Misyar* marriage. Also in *Misyar* marriage, the husband and wife do not reside together but instead, they meet for a limited period. Not only is the discussion of Marriage informed by the discourse and cultural relativism of societal practices, but it is also grounded on the sacrosanct rule of law.

In essence, *Misyar* marriage is a type of marriage that differs from conventional marriage, where a woman willingly and knowingly relinquishes some of her rights. This model of marriage is prevalent among Middle Eastern societies. It was initially recorded in Al-qassim, a region in Saudi Arabia, and subsequently spread to other regions in the Middle East.³ The phenomenon of *Misyar* marriage has experienced troubled development as a result of the implementation of a new conception of marriage that has spread across various regions, including Indonesia.⁴ In practice, *Misyar* refers to a marriage in which the couple establishes specific conditions that allow them to lead physically separate lives or have limited obligations within the marriage. This marriage has existed for a long time, and some scholars refer to them as "*zawaj lailiyyat*" and "*zawaj nahariyyat*", which means that a wife will be visited or given turns during daytime and/or vice versa during nighttime.⁵ This arises from cases in which a woman works outside the home at night and meets with her husband during the day.

The discussion of facts and philosophies regarding *Misyar* marriage has been extensively studied and discussed by researchers. However, in various existing

¹ Kudrat Abdillah dan Ah Kusairi, "Reinterpretasi Hak Ijbar Dalam Hukum Perkawinan Islam Di Keluarga Pesantren," *Asy-Syari'ah* 22, no. 1 (14 Juli 2020): 35–50, <https://doi.org/10.15575/as.v22i1.7874>; Nirwan Nazaruddin, "Sakinah, Mawaddah Wa Rahmah Sebagai Tujuan Pernikahan: Tinjauan Dalil Dan Perbandingannya Dengan Tujuan Lainnya Berdasarkan Hadits Shahih," *Jurnal Asy-Syukriyyah* 21, no. 02 (16 Oktober 2020): 164–74, <https://doi.org/10.36769/asy.v21i02.110>; Suprima Suprima, "Pernikahan Dini Dalam Upaya Menjauhi Zina: Solusi Atau Kontroversi?," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (20 Oktober 2022): 381–90, <https://doi.org/10.37680/almanhaj.v4i2.1716>.

² Abdul Salam, *al-zawaj inda al-'arab fi al-jahiliyyati wa al-islam* (Kuwait: Alam marifat, 1984), 16.

³ Lathifah Munawaroh dan Suryani Suryani, "Ketimpangan Pemenuhan Hak Istri pada Pernikahan Misyar dalam Pemikiran Wahbah Al-Zuhaily," *Muslim Heritage* 6, no. 1 (30 Juni 2021), <https://doi.org/10.21154/muslimheritage.v6i1.2546>.

⁴ Ratno Lukito, "Continuity and Change in Law: Confabulating Misyar Marriages in Indonesia," *Oñati Socio-Legal Series* 12, no. S1 (22 Desember 2022): S240–63.

⁵ Munawaroh dan Suryani, "Ketimpangan Pemenuhan Hak Istri pada Pernikahan Misyar dalam Pemikiran Wahbah Al-Zuhaily."



studies, the focus has been more on general aspects that emphasize specific aspects of a comprehensive explanation and implementation of *Misyar* marriage. As a result, there is a need for a comprehensive study that encompasses the wide-ranging relationship between *Misyar* marriage and human rights, particularly women's rights. Regarding human rights, *Misyar* marriage does not conform to the elements of Marriage stipulated by international law, as several holy marriage characteristics are uncommon. In *Misyar* marriage, the husband and wife do not reside together, and the husband does not provide for the wife's daily requirements or as agreed upon by the wife's willingness to relinquish some of her rights.⁶ Scholars have argued that this constitutes discrimination against women and a loss of their rights, particularly if they have children in the future.

Several scholars have conducted research on the phenomenon of *Misyar* marriage, and this basis has led this study to a discussion that has been previously addressed, but it aims to provide a broader and distinct coverage that emphasizes *Misyar* marriage and human rights. Furthermore, there are several relevant studies that can be used as a basis for comparison and referencing in this research. "*Factors and Reasons That Influenced The Misyar marriage Phenomenon in Surabaya Urban Communities*", a study conducted by Mochamad Rohman Firdian implies that several factors influence *Misyar* marriage. This is evident from the interview samples involving widows as respondents with well-established careers who have chosen to marry men who already have wives, agreeing to the consequences that have been mutually agreed upon.⁷ Another study entitled "*Pandangan Al- Qaradawi Tentang Hukum Nikah Misyar (Kajian Analisis Kritis Perspektif Dhawabith Al-Maslahah Syekh Ramadhan Al-Buti)*" written by Hasbi Ash Shiddiqi explores the critical analysis of *Misyar* marriage from the perspective of Al-Qaradawi. This study concludes that, from an Islamic legal standpoint, *Misyar* marriage does not contradict formal fiqh law. However, it is not in line with the maqasid al-sharia (the objectives of Islamic law) since the concepts of marital harmony, affection, and mercy are absent in *Misyar* marriage.⁸ Furthermore, "*Ketimpangan Pemenuhan Hak Istri Pada Pernikahan Misyar Dalam Pemikiran Wahbah Al-Zuhaily*", a study conducted by Lathifah Munawaroh and Suryani explains that Al-Zuhaily approves of *Misyar* marriage, contradicting the author's opinion believing that the drawbacks this marriage brings outweigh the benefits. The situation can worsen when a child is born from *Misyar* marriage.⁹

Previous studies have predominantly focused on the practices and views of scholars regarding *Misyar* marriage. Thus, no research has yet been conducted on *Misyar* marriage in terms of human rights and the norms of international instruments about *Misyar* marriage. This study discusses the outline of, first, the existence and nature of *Misyar* marriage, with a focus on the phenomenon of the development of *Misyar* marriage, and, second, the examination of *Misyar* marriage in terms of Islamic

⁶ Lukito, "Continuity and Change in Law."

⁷ Mochamad Rochman Firdian, "Factors and Reasons That Influenced The Misyar Marriage Phenomenon in Surabaya Urban Communities," *Journal of Social Science* 3, no. 1 (27 Januari 2022): 137–46, <https://doi.org/10.46799/jss.v3i1.284>.

⁸ Hasbi Ash Shiddiqi, "Pandangan Al- Qaradawi Tentang Hukum Nikah Misyar (Kajian Analisis Kritis Perspektif Dhawabith Al-Maslahah Syekh Ramadhan Al-Buti)," *Al Maqashidi: Jurnal Hukum Islam Nusantara* 3, no. 1 (18 Juni 2020): 1–15, <https://doi.org/10.32665/almaqashidi.v3i1.868>.

⁹ Munawaroh dan Suryani, "Ketimpangan Pemenuhan Hak Istri pada Pernikahan Misyar dalam Pemikiran Wahbah Al-Zuhaily."

law and human rights as they relate to international instruments. This study follows doctrinal or normative legal research, which examines international rules in reviewing *Misyar* marriage from secondary legal sources such as books, periodicals, and studies on *Misyar* marriage and marriage studies in the context of international laws. This research also takes a historical approach to better understand the origins and phenomena underlying the unique evolution of *Misyar* marriage.

Result and Discussion

Misyar Marriage and the Causes of Their Occurrence

The word *Misyar* is derived from *sara-yasiru-siyan. As-sairu*, which means travelling on earth, is called *Misyar* because the spouse visits his wife whenever he desires and does not remain with her for an extended period. *Misyar*, which translates to "passing through" in Arabic, is interpreted by jurists to refer to a marriage in which the husband does not prepare and does not reside, in addition to covering all necessary expenses.¹⁰ A *Misyar* marriage is one in which the conditions and pillars are satisfied. However, the woman gives up, relinquishes, and forfeits certain Sharia privileges, such as the right to spend the night with her.¹¹ This marriage is commonly referred to as a second or even third marriage; similar to *polygamy*, Sunni scholars do not permit this marriage, but contemporary Sunnis do. In his writings, Sheikh Abdul Aziz bin Baz explains that *Misyar* marriage is permissible so long as it adheres to the Prophet's laws regarding "Muslims subject to several conditions," including the presence of a guardian, the consent of the man and the woman, and the presence of two witnesses. The bride and suitor are free to marry.¹²

The term and practice of *Misyar* marriage first appeared in the al-Qasshim region of Saudi Arabia; Fahd al-Ghanim, who married off women who had lost the opportunity to marry naturally and widows, mediated this *Misyar* marriage.¹³ In the Saudi region, most *Misyar* marriages involve women who embrace being a second wife and view this union as equivalent to a second marriage. In this marriage, a man engages in a legal contract to fulfil the requirements of a *Misyar* marriage, which the relevant government agency subsequently records.¹⁴ *Misyar* marriage is distinct from *'urfi* marriage (marriage contract) or *mut'ah* marriage (temporary marriage). The term "marriage contract" in *'urfi* marriage refers to a marriage conducted based on specific agreements and conditions between the couple, often with a predetermined duration or temporary nature. However, it is important to note that not all "*'urfi* marriage" can be equated to "marriage contract" because there are variations in practices and interpretations across different cultures and legal contexts. "*Nikah urfi*" is a term used to describe a marriage that is conducted without involving any formal process or

¹⁰ Lukito, "Continuity and Change in Law."

¹¹ Syafri Gunawan, "Historis Kajian Hak Azasi Manusia Didalam Hukum Islam," *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyariahan Dan Pranata Sosial* 6, no. 2 (2020): 166–78, <https://doi.org/10.24952/el-qanuniy.v6i2.3255>.

¹² Ali Hasannia dan Mostafa Masoudian, "Temporary Marriage Among Shiite and Sunni Muslims: Comparative Study of 'Istimtā', Mut'ah, and Misyār," dalam *Temporary and Child Marriages in Iran and Afghanistan: Historical Perspectives and Contemporary Issues*, ed. oleh S. Behnaz Hosseini (Singapore: Springer, 2021), 31–45, https://doi.org/10.1007/978-981-33-4469-3_2.

¹³ Usamah al-Ashqar, *Mustajaddat Fiqhiyyah fi qadhaya az-zawaj wa at-talaq* (Egypt: Dar an-nafais, t.t.).

¹⁴ Isa Mosa, "Mada qanuniyah zawaj Misyar fi al-emirat," 7 Juli 2020, <https://www.mohamah.net/law/>.



valid, social, or traditional marriage records. In "*nikah urfi*," the married couple forms a marital bond without the involvement of government authorities or recognized marriage institutions.¹⁵

In the definition of *Mut'ah*, It is a type of marriage that is entered into for a specific duration, and the woman involved receives financial compensation in return.¹⁶ As opposed to *mut'ah*, *Misyar* marriage is conducted openly and officially registered with the government; there is also no specific time limit. The woman must give up and forfeit some of her privileges for various reasons. It may be because the woman is wealthy and no longer requires her husband's financial support, but she still wants Allah and His Messenger to approve of her actions. If daytime and nighttime marriage is likened to *Misyar* marriage, the main similarity of the marriage is akin to Islamic marriage (*nikah syar'i*), where conditions and pillars must exist in both types of marriages. *Misyar* marriage is not necessarily comparable to Unregistered Marriage (known as *Sirri* Marriage in Indonesia), and *Sirri* marriage is not necessarily equal to *Misyar* marriage. The only distinction between a *Misyar* marriage and a traditional marriage is the willingness of the wife to give up some of her rights.¹⁷

This *Misyar* marriage is caused by several factors, including the large number of unmarried women over the age limit, men's reluctance to marry because of the high dowry, and the hefty burden of Marriage. This marriage is frequently practised by women who have reached the age limit and have few children; however, this does not prevent the union from producing offspring.¹⁸ In Egypt in 2011, there were nine million young adults over the age of 35 who were unmarried; Furthermore, some other contributing factors also involve the noble desire of some men to maintain the chastity of women and fulfil their biological needs in a *halal* place and not fall into adultery without a negative impact on children and the first household, and the frequent travel of a man to another country for an extended period. Undoubtedly his stay in another country with a wife is more protected.¹⁹

***Misyar* marriage in Islamic Law**

Regarding the ruling on *Misyar* marriage, the law academics are split. This disagreement relates to whether or not Shari'ah justifies the *tanazul* of a wife over something to which she is entitled. According to the first opinion, Sheikh Ali Jum'ah and Sheikh Nasr Farid Washil, the former Mufti of the Arab Republic of Egypt, hold this view. Sheikh Ibrahim al-Hafnawi, Al-Azhar Egypt Professor of Ushul-Fiqh, Egyptian Government Fatwa Institute, Al-Azhar Islamic Research Institute, 30 May 2007 and Sheikh Abdul Aziz Bin Baz & Abdul Aziz Al-Sheikh of Saudi Arabia stated that *Misyar* marriage is permissible and valid. This Marriage must be officially registered in the marriage registry to protect the woman's reputation and prevent her

¹⁵ Shahreena Shahrani, *The Social (Re)Construction of 'Urfi Marriage* (Ohio State University, 2010), 16.

¹⁶ Hasannia dan Masoudian, "Temporary Marriage Among Shiite and Sunni Muslims."

¹⁷ Silvia Vignato, "'Men come in, men go out': single Muslim women in Malaysia and Aceh," *Social Identities* 18, no. 2 (1 Maret 2012): 239–57, <https://doi.org/10.1080/13504630.2012.652847>.

¹⁸ Firdian, "Factors and Reasons That Influenced The Misyar Marriage Phenomenon in Surabaya Urban Communities."

¹⁹ Irma Riyani, *Islam, Women's Sexuality and Patriarchy in Indonesia: Silent Desire*, ASAA Women in Asia Series (London: Routledge, Taylor & Francis Group, 2021).

from any prejudice when, for example, a male enters her home once a month. When this *Misyar* marriage is made public, she can visit her husband anytime.²⁰

A hadith narrated by Aisha r.a. serves as evidence for the legitimacy of this *Misyar* marriage. "Saudah bint Zam'ah gave her turn during the day and night to Aisyah r.a. by expecting the pleasure of the Messenger of Allah".²¹ From the hadith mentioned above, it can be inferred that Saudah bint Zam'ah gave up her turn for Sayyidah Aisyah, indicating that it was permissible for her to release and give up what was lawfully hers from the night's turn, including maintenance and shelter. If it were forbidden, the Prophet would not have approved. *Misyar* is permissible because both parties have agreed to relinquish some of their rights. For instance, if a wife accepts and agrees of her own volition not to be provided for or visited during her turn on certain days, then this agreement must be honored under the words of the Prophet (peace be upon him). His terms bind every Muslim.²²

The permissibility of *Misyar* marriage is also reinforced by the decree of the eighteenth Convention of Islamic Jurisprudence in April 2004 in Makkah al-Mukarramah, which reads: "The Convention on Islamic Jurisprudence stipulates that the marriage contracts that have emerged in recent times, despite their different names, characteristics and descriptions, are all subject to the Shari'ah rulings that the fulfilment of the pillars and conditions of marriage and the absence of prohibitions on the contract has established. Some contracts are based on the following rulings: 1 - A marriage contract in which the woman waives her rights to housing, maintenance, turnover, or some of these, and she allows her husband to come to her house at any time of the day or night. 2 - The marriage contract is validated because the woman stays in her family's house and can meet when they wish in her family's house or elsewhere. These two contracts and others like them are valid if the pillars and conditions are fulfilled, and there is no prohibition on them. However, that is the opposite of what is essential." The second view is that it is entirely forbidden, as in the view of Nasiruddin al-Bani, Abdul Aziz al-Musnid, 'Umar Sulaiman al-Ashqar and Ali Muhyiddin al-Qaradaghi.²³ Al-Bani prohibits this type of marriage for two reasons. The first is that the purpose of marriage is to achieve peace and tranquillity, as Allah explains: "And among the signs of His power is that He created for you wives of your kind, so that you may care for them and be at ease with them, and He created between you love and affection. Indeed, in such things are signs for the discerning" (Ar-Rum 21:30). This type of marriage cannot accomplish what is stated in verse. On Thursday, 16 April 2009, the fatwa institute of the Egyptian government during the time of Mufti Nasr Farid Washil & Ali Jum'ah declared the permissibility of *Misyar* marriage as long as it meets the conditions and pillars and on the condition of obtaining permission from the government. It is feared that this will lead to *dharar* and damage that endangers people's lives. The government may prohibit *Misyar* marriage if the prohibition gives rise to *maslahat* and the allowance leads to *mudharat*, as in the principles of *fiqh* in government."

²⁰ Ibrahim al-Hafnawi, *Fatawa Mu'ashirah* (Cairo: Dar al-Hadith, 2009), 406.

²¹ Alven Putra, "The Prophet's Household Problems and The Solving Method in Hadith," *AJIS: Academic Journal of Islamic Studies* 7, no. 1 (7 Juni 2022): 1–26, <https://doi.org/10.29240/ajis.v7i1.4283>.

²² Abdurrahman Abadi, *Aunul ma'bud 'ala Sunan Abi Daud*, vol. 9 (Jordan: Bait Afkar Ad-Dauliy, t.t.), 491.

²³ al-Ashqar, *Mustajaddat Fiqhiyyah fi qadhaya az-zawaj wa at-talaq*, 179.



One must differentiate between marriages sanctioned by society and those permitted by Sharia. There are marriages in society that are not socially permissible. Such marriages, such as an employer marrying his servant or a young woman marrying an older man for his fortune, are socially unacceptable in the community.²⁴ However, if it occurs with consent, witnesses, guardians, and a dowry, the marriage is valid and legal although some scholars discourage it. However, *Misyar* marriage does not come without drawbacks since in such a marriage, the meaning of marriage in terms of perfect peace, love and affection between husband and wife may not be appropriately interpreted; the wife feels the absence of *qawamah* in the husband towards her, which can affect the wife's social life and society; the child may not be perfectly educated, which may impede the personality development of the child concerned.

***Misyar* Marriage Viewed in Terms of Human Rights**

In essence, human rights are a concept for protecting humans, where these rights are inherent, and the state must protect them. Article 5 of the Vienna Declaration states that human rights have universal qualities and values that transcend space and time and are inseparable, interdependent, and interrelated.²⁵ International agreements, such as the 1948 United Nations Declaration of Human Rights, as well as other treaties, such as "the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child, among others", uphold universally applicable values. Marriage is a fundamental privilege protected by international accords. Article 16 of the UDHR emphasises that every person, regardless of sex or gender, has the freedom to marry and form a family.

These rights apply to both spouses, not only during the marriage but also after its dissolution. The state explicitly defines the legal aspects of marriage, including rights and responsibilities. Participating nations in international covenants take measures to secure the well-being of both spouses during and after marriage to ensure the safety of children. Article 23, section 3 of the International Covenant on Civil and Political Rights states that a marriage is invalid unless both parties' consent freely and without reservation. If the issue is related to *Misyar* marriage, then there is a consensus of agreement between the two parties who agree to each other's will; in *Misyar* marriage, there is a partial abrogation of the wife's rights, where one of them can take the form of not providing external maintenance to the wife, such as expenses, property, and housing; the partial abrogation of the wife's rights is carried out by both parties with free and full consent. Consent results in a marriage that can be performed, so rights and obligations arise, as well as other consequences of the *Misyar* marriage's consent.

Articles 23(2) and (3) indicate that the freedom to marry is a necessary condition for forming a family and that both men and women have rights that should

²⁴ Agung Tri Nugroho, "Problematika Nikah Misyar Dalam Tinjauan Sosiologis Dan Psikologis," *Al Qadhi : Jurnal Hukum Keluarga Islam* 1, no. 1 (2021): 79–95, <https://doi.org/10.47902/alqadhi.v1i1.16>.

²⁵ Heru Susetyo, "Human Rights Regime: Between Universality and Cultural Relativism, An Indonesian Experience," *Indonesian Journal of International Law* 16, no. 2 (31 Januari 2019): 191–209, <https://doi.org/10.17304/ijil.vol16.2.749>.

be recognized within the marriage and family formation era.²⁶ However, in the absence of marriage, this article should not be construed as prohibiting other methods of family formation. In article 23(1), the family's right to protection 'by society and the state' is the only instance where state authority is used as a protective measure, demonstrating the drafters' high regard for the family.²⁷ The significance of family cannot be overstated, both from a global perspective and according to Islamic teachings. However, the privileges and responsibilities granted to married couples during and after marriage differ significantly. Article 23 of the International Covenant on Civil and Political Rights highlights the importance of family rights as human rights that governments must uphold and protect.²⁸ This includes the right to marriage, which should be equally accessible to both spouses and the right to protection for children from juvenile or forced marriages and domestic violence. Additionally, the article emphasizes that the right to choose one's companion without coercion is a fundamental right that must be respected. In the context of *Misyar* marriage, Article 23 states that the state must ensure that all marriages are founded on mutual consent and equality. Unfortunately, *Misyar* marriage frequently occurs without the required consent from both parties, which can result in injury to one party, especially to women. This marriage violates Article 23 of the International Covenant on Civil and Political Rights, as lack of understanding of the consensus can have detrimental effects.

The practice of *Misyar* marriage can be evaluated from the human rights perspective, focusing on economic and social liberties. These include the right to an income and a place to sleep. The International Covenant on Economic, Social, and Cultural Liberties is a vital safeguard for these liberties. This international protocol on human rights seeks to assure people's liberty and safety. The right to life is the most fundamental of all natural rights, as it is the basis for all other rights.²⁹ *Misyar* marriage has sparked much debate in various circles because it can harm the woman and cause the man to disregard his obligation to provide for the family he created. Considering the definition of *Misyar* and what it entails regarding the loss of certain women's rights, the second opinion, according to Nasiruddin al-Bani, Abdul Aziz al-Musnid, 'Umar Sulaiman al-Ashqar and Ali Muhyiddin al-Qaradaghi which prohibits and invalidates this form of marriage, considers it a violation of human rights and incompatible with them. This is because it does not fulfil the intended purposes of marriage. In addition, the wife may be deprived of her economic rights due to the lack of maintenance, her husband's education because she does not reside with him, and her right to security and comfort because her husband cannot be with her daily or weekly. Additionally, if they are blessed with children, it will hurt the education and liberties of children. Some of the rights and responsibilities involved in establishing a family not only cover personal considerations but also societal ones.

²⁶ Paula Gerber, Kristine Tay, dan Adiva Sifris, "Marriage: A Human Right for All?," *The Sydney law review* 36 (10 Desember 2014): 643.

²⁷ Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press, 1999), <https://www.jstor.org/stable/j.ctt3fhrpm>.

²⁸ Mashood A. Baderin, *HUKUM HAK ASASI MANUSIA DAN HUKUM ISLAM* (Jakarta: Penerbit Komisi Nasional Hak Asasi Manusia, t.t.), 136.

²⁹ Lorna McGregor, Daragh Murray, dan Vivian Ng, "International Human Rights Law as a Framework for Algorithmic Accountability," *International & Comparative Law Quarterly* 68, no. 2 (April 2019): 309–43, <https://doi.org/10.1017/S0020589319000046>.



Misyar marriage is lawful in Islam, but it requires special consideration in the context of human rights. As a social institution, marriage must recognise and protect fundamental human rights such as life, health, equality, and freedom. Therefore, *Misyar* marriage should be reviewed from a human rights standpoint. In *Misyar* marriage, for instance, it is crucial to ensure that women are not subject to discrimination and receive adequate legal protection. In addition, *Misyar* marriage should completely recognise and protect women's legal and social rights.

Regarding *Misyar* marriage, several perspectives must be considered regarding human rights. The right to live with dignity and without discrimination comes first. *Misyar* marriage can result in discrimination against women, as women frequently become the object of men's sexual desires in the absence of adequate security and legal protection. To ensure the right to a life with dignity and without discrimination, measures must be taken to prevent gender discrimination in *Misyar* marriage, including ensuring that women have equal rights in choosing their partners. The second right is the freedom of health and well-being. *Misyar* marriage poses risks to women's physical and mental health and well-being due to a lack of financial security and adequate legal protection; *Misyar* marriage should be entered voluntarily and without coercion or pressure, and couples should have access to adequate health and social services. Third, in terms of the right to equal protection under the law, Women's legal privileges, such as the right to inherit, maintain, and have children, can be affected by *Misyar* marriage. Therefore, ensuring that women's legal rights are thoroughly protected and acknowledged in marriage *Misyar* is essential. Fourth, access to employment and education. As women are expected to serve their spouses and families, *Misyar* marriage can restrict women's access to education and employment. Therefore, it is essential to ensure that women's rights to education and employment are thoroughly protected and recognised in the practice of *Misyar* marriage.

International Rules of Marriage and Their Relation to *Misyar* Marriage

Each nation has its procedures and requirements for a legally binding marriage recognised in that nation. Some nations and international organisations do not recognise *Misyar* marriage as a valid marriage or recognise such unions. In Egypt, for instance, *Misyar* marriage is not recognised as a legally valid form of marriage, nor do the courts acknowledge it. On the other hand, the Organisation of the Islamic Conference (OIC) does not recognise *Misyar* marriage as a valid form of marriage because it believes that such marriage violates women's rights and is incompatible with Sharia principles. However, some countries, such as Saudi Arabia and Pakistan, still recognise the validity of *Misyar* marriage. However, it is essential to observe that the existence and validity of *Misyar* marriage can generate considerable debate among the general public, scholars, and authorities.

The mistreatment of women in *Misyar* marriage is also a controversial topic. Some women believe they are mistreated in these unions because they do not receive the same privileges as in traditional marriages. However, despite the criticism of *Misyar* marriage, no international laws govern them specifically, so policies regarding *Misyar* marriage differ from country to country. Although international law does not yet regulate *Misyar* marriage in detail, the human rights principles in several international laws indicate that *Misyar* marriage is not under international marriage

and human rights laws. This is debatable, as the absence of such international standards may lead to disparities in interpreting and treating *Misyar* marriage in Islamic-adhering nations.

In addition, it should be noted that marriage is an internationally recognised social institution that, in many nations, is governed by law, is formal and must adhere to preexisting regulations.³⁰ The international regulations governing matrimony are: Article 16 of the 1948 Universal Declaration of Human Rights (UDHR) states, "Everyone has the same right to the protection of the law against discrimination in marriage and family matters and the same rights in a valid marriage."³¹ The UDHR prioritises legal protections and eliminating discriminatory treatment in family and marriage-related matters. Men and women of all ethnicities, nationalities, and religions have equal rights under Article 16 of the UDHR to marry, remain married, and dissolve the marriage. Consent is necessary for a marriage, and society and the government must secure the family unit. Article 16 of the Convention on the Elimination of Discrimination Against Women reaffirms these principles by guaranteeing every woman the right to choose her companion and access accurate information about her marital and parental rights.³² In Article 16, paragraph 2, the CEDAW Committee emphasizes the shared obligations of both spouses in a union, emphasizing that marriage requires maturity and the capacity to act responsibly.³³

Numerous global regulations emphasize protecting personal liberties in Marriage and family matters. These principles encourage the complete and unrestricted agreement of both parties. In addition, many international organizations are devoted to marriage-related issues. United Nations Population Fund and Gender Equality and Women's Empowerment Division (UN Women) are examples of such organizations. Their primary objective is to promote individual liberties in Marriage, gender equality and women's rights. In conclusion, international laws exist to govern the institution of Marriage, and this regulation priorities protecting individual rights and guaranteeing both parties' free and informed consent. In addition, several international organizations, including the United Nations, have departments devoted to marriage-related issues, such as the United Nations Population Fund and the Gender Equality and Women's Empowerment Division (UN Women). The primary objective of these organizations is to advocate for gender equality and women's rights while advocating equitable marriage practices. Thus, Marriage is rigorously regulated by international law and vital to every nation's social and cultural survival. These rules and regulations are essential to provide protection and legal certainty for married couples and safeguard individual rights, particularly women's rights.

³⁰ Frances Hamilton, "The Case for Same-Sex Marriage Before the European Court of Human Rights," *Journal of Homosexuality* 65, no. 12 (2018): 1582–1606, <https://doi.org/10.1080/00918369.2017.1380991>.

³¹ Andrew Betlehn, "Limitations on Interfaith Marriage Practices in Indonesia According to Human Rights Perspective," *International Journal of Social Science and Human Research* 05, no. 04 (13 April 2022), <https://doi.org/10.47191/ijsshr/v5-i4-17>.

³² Megan Arthur dkk., "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities," *Journal of Women, Politics & Policy* 39, no. 1 (2 Januari 2018): 51–74, <https://doi.org/10.1080/1554477X.2017.1375786>.

³³ Nazir Ullah, Saidatul Nadia Binti Abd Aziz, dan Rao Qasim Idrees, "Child Marriages: International Laws and Islamic Laws Perspective | Journal of Educational and Social Research," *Journal of Educational and Social Research* 11, no. 3 (2021), <https://doi.org/10.36941/jesr-2021-0051>.



The Development of *Misyar* Marriage and Legal Perspectives in Indonesia

Numerous aspects of life, including Marriage, are frequently affected by the passage of time. *Misyar* marriage is one of the recognised marriage phenomena in recent years in Indonesia. The recognition of *Misyar* marriage in Indonesia began in 2000 and has continued to grow. In Indonesia, the general marriage law, Law No. 1/1974 on Marriage, does not explicitly regulate *Misyar* marriage. As previously explained, *Misyar* marriage is incompatible with internationally recognised human rights principles and humanitarian values. Article 2 Paragraph 1 of Law No. 1 of 1974 on Marriage stipulates that Marriage must meet the following requirements: These rules are committed to upholding the legal values of women's equality in Indonesia by requiring marriages to be voluntary, a marriage must be attended by a marriage guardian and witnesses who are present during the marriage contract and presented with *ijab* and *Kabul*.³⁴ In a *Misyar* marriage practice, these conditions are frequently overlooked. Women in *Misyar* marriage are only sometimes accompanied by a marriage guardian and witnesses while signing the marriage contract. In addition, sometimes the *ijab* and *qabul* are not pronounced clearly, and the husband and wife do not live together permanently and do not have the same responsibilities as in a valid marriage under positive Indonesian law, leaving the Marriage's validity questionable.

Although not explicitly regulated by Indonesian marriage law, people in some Indonesian regions continue to engage in this practice, particularly Muslims who regard *Misyar* marriage as halal and permissible in Islam. However, the practice of *Misyar* marriage has been controversial in Indonesia, primarily because it is believed to violate women's rights and undermine the institution of Marriage, which should be founded on equal rights between husband and wife. In addition, the practice has resulted in problems since it is not grounded on the consent of the marriage guardian, it fails to provide "adequate protection for the wife in terms of maintenance and inheritance rights, and it is prone to domestic violence." Indonesia is predominantly Muslim but adheres to a favourable legal system that regulates Marriage under applicable laws. Although *Misyar* marriage is permitted by Islam in Indonesia, it does not meet the marriage requirements outlined by positive Indonesian law.³⁵ Thus, *Misyar* marriage is not legally recognised by the Indonesian government and is not afforded legal protection. In Indonesia, however, if a marriage violates the provisions of the law, the Marriage can be annulled or cancelled under the provisions of the law. Even though *Misyar* marriage is not expressly regulated by Indonesian civil law, if the legal requirements of Marriage are violated, the marriage can be annulled or dissolved. In this circumstance, Indonesian civil law does not recognise a *Misyar* marriage as a valid and legally recognised form of marriage. Instead, Indonesian civil law regulates marriage validity conditions and safeguards married individuals'

³⁴ Hoko Horii, "Pluralistic legal system, pluralistic human rights?: teenage pregnancy, child marriage and legal institutions in Bali," *The Journal of Legal Pluralism and Unofficial Law* 51, no. 3 (2 September 2019): 292–319, <https://doi.org/10.1080/07329113.2019.1683429>.

³⁵ Firdian, "Factors and Reasons That Influenced The Misyar Marriage Phenomenon in Surabaya Urban Communities."

rights.³⁶ Human rights are a modern institution with ideals or goals for a clear human future;³⁷ the conception of human rights in Indonesia is based on Pancasila and cultural values that grow and develop in society; the implementation of human rights lies in an obligation to uphold human rights values.³⁸

The Basic Law essentially protects human liberties, including the Bill of Liberties. In order to prevent discrimination against women, the Convention on the Elimination of All Forms of Discrimination Against Women expressly forbids restrictions and exclusions, especially those about Marriage. Ratifying international treaties such as the Convention against Cruel, Inhuman, and Degrading Treatment and the Convention on the Elimination of All Forms of Discrimination against Women and Children demonstrates Indonesia's commitment to upholding human rights. The Law of the Republic of Indonesia No. 39 of 1999, which specifies measures to combat discrimination against women in Articles 45-51, further emphasises this commitment.³⁹

The 1945 Constitution of the Republic of Indonesia guarantees the protection of every citizen's human rights. The Constitution of 1945 guarantees the rights of its citizens to associate freely and peacefully, to express their thoughts publicly and in writing, to obtain protection for their lives and property, to meet their basic needs and develop as human beings by acquiring knowledge and skills, and to enjoy the benefits of scientific and technological advancement.⁴⁰ Indonesia acknowledges the utmost significance of human rights within the marriage institution. As a nation guided by the *Pancasila* philosophy and the Constitution of 1945, it is resolutely committed to upholding and respecting the human rights of every citizen. This encompasses the right to gender equality, protection from domestic violence, and freedom of religion or belief.

Therefore, Indonesia must enforce the law and take decisive action against the practice of *Misyar* marriage. In addition, the government should strengthen human rights protection institutions and mechanisms, such as the National Human Rights Commission (Komnas HAM), to safeguard women's rights within the context of Marriage. Communities and families should also support efforts to promote gender equality in Marriage and defend women victims of *Misyar* marriage customs.⁴¹ In practice, all valid and legally recognised marriages in Indonesia must comply with the statutory requirements. The rights of married couples and human liberties will be protected and respected if these conditions are met. Therefore, individuals must comprehend and adhere to marriage rules and regulations for their rights to be protected and legally recognized.

³⁶ Agus Hermanto, Dwi Wulandari, dan Meriyati Meriyati, "Nikah Misyar Dan Terpenuhinya Hak Dan Kewajiban Suami Istri," *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam* 13, no. 2 (27 Desember 2020): 131–60, <https://doi.org/10.24042/ijpmi.v13i2.6555>.

³⁷ Horii, "Pluralistic legal system, pluralistic human rights?"

³⁸ Muladi, *Hak asasi manusia: hakekat, konsep dan implikasinya dalam perspektif hukum dan masyarakat* (Bandung: Refika Aditama, 2009), 40.

³⁹ Louisa Yesami Krisnalita, "Perempuan, HAM dan Permasalahannya di Indonesia," *Binamulia Hukum* 7, no. 1 (30 Juli 2018): 71–81, <https://doi.org/10.37893/jbh.v7i1.15>.

⁴⁰ Rudyanti Dorotea Tobing, "Prevention of Child Marriage Age in the Perspective of Human Rights," *Sriwijaya Law Review* 2, no. 1 (31 Januari 2018): 1–17, <https://doi.org/10.28946/slrev.Vol2.Iss1.107.pp1-17>.

⁴¹ Kameel Ahmady, *A House on Water- A Comprehensive Study on Sigheh Mahramiat and Temporary Marriage in Iran*, 2018.



In relation to the practice of *Misyar* marriage, it can be considered that *Misyar* marriage frequently victimizes women, so it can be considered a violation of human rights and gender equality. In a traditional legal marriage, the rights and responsibilities of the husband and wife are equal. In *Misyar* marriage, however, women do not always receive equal rights and are frequently sexually exploited by men who desire pleasure without the same responsibilities and obligations. According to some perspectives, *Misyar* marriage is valid if the following conditions are met: a. The surrender of some of the woman's rights in a *Misyar* marriage is founded on the woman's will and choice and there is no element of force or coercion; b. The waiver only pertains to some of the woman's rights and not all of her rights because losing all rights, including the right to maintenance, overnight stay, lodging, health care, and education, would negate the essence and purpose of Marriage; c. It is permissible for the woman to alter and revoke some of the rights she has surrendered in the marriage contract or outside of it. This is a woman's privilege, as most *fiqh* schools acknowledge. If all these conditions are satisfied, the author considers the *Misyar* marriage valid under Islamic law. It is like a parable - If a person owes money, the lender has the right to collect the debt, but the lender gives up some of the money. Since the borrower has given up part of the debt, the lender will only pay part of the remaining debt. Is this a violation of human rights for the lender to give up part of the debt and for the borrower to pay only part of the remaining debt?

Conclusion

Misyar marriage satisfies the conditions and pillars, but the woman gives up and forfeits some of her Sharia rights voluntarily. For instance, she waives her maintenance claim and spends the night with him. The disagreement among academics of *fiqh* regarding the ruling on *Misyar* marriage is whether or not sharee'ah recognises the wife's *tanazul* of an entitlement. Sheikh Ali Jum'ah and Nasr Farid Washil, the former Mufti of Egypt, hold the first opinion that *Misyar* marriage is permissible and valid, and this is in line with the thoughts of Sheikh Ibrahim al-Hafnawi, Al-Azhar Egypt Professor of Ushul-Fiqh, Egyptian Government Fatwa Institute, Al-Azhar Islamic Research Institute, 30 May 2007, and Sheikh Abdul Aziz Bin Baz & Abdul Aziz Al-Sheikh of Saudi Arabia. Nasiruddin al-Bani, Abdul Aziz al-Musnid, Umar Sulaiman al-Ashqar, and Ali Muhyiddin al-Qaradaghi hold the second opinion, prohibiting *Misyar* marriage, while Yusuf al-Qardhawi believes that *Misyar* marriage is permissible but not advised.

Considering the definition of *Misyar* and what it entails in terms of depriving women of some of their rights, there is no doubt, especially for the second opinion, that prohibiting and annulling this form of marriage violates and is not under human rights, as it does not achieve the intended purposes of marriage. In addition, some international regulations, such as the 1948 Universal Declaration of Human Rights (UDHR), which regulates marriage, believe that *Misyar* marriage does not meet the requirements of a conventional marriage mainly because women's rights are not respected. Although there is no specific international regulation regarding *Misyar* marriage, such unions are not entirely supported and do not comply with international regulations from a human rights perspective.

Bibliography

- Abadi, Abdurrahman. *Aunul ma'bud 'ala Sunan Abi Daud*. Vol. 9. Jordan: Bait Afkar Ad-Dauliy, t.t.
- Abdillah, Kudrat, dan Ah Kusairi. "Reinterpretasi Hak Ijbar Dalam Hukum Perkawinan Islam Di Keluarga Pesantren." *Asy-Syari'ah* 22, no. 1 (14 Juli 2020): 35–50. <https://doi.org/10.15575/as.v22i1.7874>.
- Ahmady, Kameel. *A House on Water- A Comprehensive Study on Sigheh Mahramiat and Temporary Marriage in Iran*, 2018.
- Arthur, Megan, Alison Earle, Amy Raub, Ilona Vincent, Efe Atabay, Isabel Latz, Gabriella Kranz, Arijit Nandi, dan Jody Heymann. "Child Marriage Laws around the World: Minimum Marriage Age, Legal Exceptions, and Gender Disparities." *Journal of Women, Politics & Policy* 39, no. 1 (2 Januari 2018): 51–74. <https://doi.org/10.1080/1554477X.2017.1375786>.
- Ashqar, Usamah al-. *Mustajaddat Fiqhiyyah fi qadhaya az-zawaj wa at-talaq*. Egypt: Dar an-nafais, t.t.
- Asiah, Nur. "HAK ASASI MANUSIA PERSPEKTIF HUKUM ISLAM." *DIKTUM: Jurnal Syariah dan Hukum* 15, no. (1) (2017): 55–66.
- Betlehn, Andrew. "Limitations on Interfaith Marriage Practices in Indonesia According to Human Rights Perspective." *International Journal of Social Science and Human Research* 05, no. 04 (13 April 2022). <https://doi.org/10.47191/ijsshr/v5-i4-17>.
- Krisnalita, Louisa Yesami. "Perempuan, HAM dan Permasalahannya di Indonesia." *Binamulia Hukum* 7, no. 1 (30 Juli 2018): 71–81. <https://doi.org/10.37893/jbh.v7i1.15>.
- Firdian, Mochamad Rochman. "Factors and Reasons That Influenced The Misyar Marriage Phenomenon in Surabaya Urban Communities." *Journal of Social Science* 3, no. 1 (27 Januari 2022): 137–46. <https://doi.org/10.46799/jss.v3i1.284>.
- Gerber, Paula, Kristine Tay, dan Adiva Sifris. "Marriage: A Human Right for All?" *The Sydney law review* 36 (10 Desember 2014): 643.
- Gunawan, Syafri. "Historis Kajian Hak Azasi Manusia Didalam Hukum Islam." *Jurnal El-Qanuniy: Jurnal Ilmu-Ilmu Kesyarahan Dan Pranata Sosial* 6, no. 2 (2020): 166–78. <https://doi.org/10.24952/el-qanuniy.v6i2.3255>.
- Hafnawi, Ibrahim al-. *Fatawa Mu'ashirah*. Cairo: Dar al-Hadith, 2009.
- Hamilton, Frances. "The Case for Same-Sex Marriage Before the European Court of Human Rights." *Journal of Homosexuality* 65, no. 12 (2018): 1582–1606. <https://doi.org/10.1080/00918369.2017.1380991>.
- Hasannia, Ali, dan Mostafa Masoudian. "Temporary Marriage Among Shiite and Sunni Muslims: Comparative Study of 'Istimtā', Mut'ah, and Misyār." Dalam *Temporary and Child Marriages in Iran and Afghanistan: Historical Perspectives and Contemporary Issues*, disunting oleh S. Behnaz Hosseini, 31–45. Singapore: Springer, 2021. https://doi.org/10.1007/978-981-33-4469-3_2.
- Hermanto, Agus, Dwi Wulandari, dan Meriyati Meriyati. "Nikah Misyar Dan Terpenuhinya Hak Dan Kewajiban Suami Istri." *Ijtima'iyya: Jurnal Pengembangan Masyarakat Islam* 13, no. 2 (27 Desember 2020): 131–60. <https://doi.org/10.24042/ijpmi.v13i2.6555>.
- Horii, Hoko. "Pluralistic legal system, pluralistic human rights?: teenage pregnancy, child marriage and legal institutions in Bali." *The Journal of Legal Pluralism and*

- Unofficial Law* 51, no. 3 (2 September 2019): 292–319. <https://doi.org/10.1080/07329113.2019.1683429>.
- Lukito, Ratno. "Continuity and Change in Law: Confabulating Misyar Marriages in Indonesia." *Oñati Socio-Legal Series* 12, no. S1 (22 Desember 2022): S240–63.
- Mashood A. Baderin. *HUKUM HAK ASASI MANUSIA DAN HUKUM ISLAM*. Jakarta: Penerbit Komisi Nasional Hak Asasi Manusia, t.t.
- McGregor, Lorna, Daragh Murray, dan Vivian Ng. "International Human Rights Law as a Framework for Algorithmic Accountability." *International & Comparative Law Quarterly* 68, no. 2 (April 2019): 309–43. <https://doi.org/10.1017/S0020589319000046>.
- Morsink, Johannes. *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*. University of Pennsylvania Press, 1999. <https://www.jstor.org/stable/j.ctt3fhrpm>.
- Mosa, Isa. "Mada qanuniyah zawaj Misyar fi al-emirat," 7 Juli 2020. <https://www.mohamah.net/law/>.
- Muladi. *Hak asasi manusia: hakekat, konsep dan implikasinya dalam perspektif hukum dan masyarakat*. Bandung: Refika Aditama, 2009.
- Munawaroh, Lathifah, dan Suryani Suryani. "Ketimpangan Pemenuhan Hak Istri pada Pernikahan Misyar dalam Pemikiran Wahbah Al-Zuhaily." *Muslim Heritage* 6, no. 1 (30 Juni 2021). <https://doi.org/10.21154/muslimheritage.v6i1.2546>.
- Nazaruddin, Nirwan. "Sakinah, Mawaddah Wa Rahmah Sebagai Tujuan Pernikahan: Tinjauan Dalil Dan Perbandingannya Dengan Tujuan Lainnya Berdasarkan Hadits Shahih." *Jurnal Asy-Syukriyyah* 21, no. 02 (16 Oktober 2020): 164–74. <https://doi.org/10.36769/asy.v21i02.110>.
- Nugroho, Agung Tri. "Problematika Nikah Misyar Dalam Tinjauan Sosiologis Dan Psikologis." *Al Qadhi : Jurnal Hukum Keluarga Islam* 1, no. 1 (2021): 79–95. <https://doi.org/10.47902/alqadhi.v1i1.16>.
- Putra, Alven. "The Prophet's Household Problems and The Solving Method in Hadith." *AJIS: Academic Journal of Islamic Studies* 7, no. 1 (7 Juni 2022): 1–26. <https://doi.org/10.29240/ajis.v7i1.4283>.
- Riyani, Irma. *Islam, Women's Sexuality and Patriarchy in Indonesia: Silent Desire*. ASAA Women in Asia Series. London: Routledge, Taylor & Francis Group, 2021.
- Salam, Abdul. *al-zawaj inda al-'arab fi al-jahiliyyati wa al-islam*. Kuwait: Alam marifat, 1984.
- Shahrani, Shahreena. *The Social (Re)Construction of 'Urfi Marriage*. Ohio State University, 2010.
- Shiddiqi, Hasbi Ash. "Pandangan Al- Qaradawi Tentang Hukum Nikah Misyar (Kajian Analisis Kritis Perspektif Dhawabith Al-Maslahah Syekh Ramadhan Al-Buti)." *Al Maqashidi : Jurnal Hukum Islam Nusantara* 3, no. 1 (18 Juni 2020): 1–15. <https://doi.org/10.32665/almaqashidi.v3i1.868>.
- Suprima, Suprima. "Pernikahan Dini Dalam Upaya Menjauhi Zina: Solusi Atau Kontroversi?" *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 4, no. 2 (20 Oktober 2022): 381–90. <https://doi.org/10.37680/almanhaj.v4i2.1716>.
- Susetyo, Heru. "Human Rights Regime: Between Universality and Cultural Relativism, An Indonesian Experience." *Indonesian Journal of International*

- Law* 16, no. 2 (31 Januari 2019): 191–209.
<https://doi.org/10.17304/ijil.vol16.2.749>.
- Tobing, Rudyanti Dorotea. “Prevention of Child Marriage Age in the Perspective of Human Rights.” *Sriwijaya Law Review* 2, no. 1 (31 Januari 2018): 1–17.
<https://doi.org/10.28946/slrev.Vol2.Iss1.107.pp1-17>.
- Ullah, Nazir, Saidatul Nadia Binti Abd Aziz, dan Rao Qasim Idrees. “Child Marriages: International Laws and Islamic Laws Perspective | Journal of Educational and Social Research.” *Journal of Educational and Social Research* 11, no. 3 (2021). <https://doi.org/10.36941/jesr-2021-0051>.
- Vignato, Silvia. “‘Men come in, men go out’: single Muslim women in Malaysia and Aceh.” *Social Identities* 18, no. 2 (1 Maret 2012): 239–57.
<https://doi.org/10.1080/13504630.2012.652847>.

