

The Implications of the Status of Indonesian Migrant Workers' Wives in Malaysia Reviewed from Maslahah

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Abstract

Long-term labor migration separates Indonesian Migrant Worker (PMI) women who are married in Indonesia from their husbands and families, resulting in four patterns of marriage in Malaysia: with foreign migrant workers, fellow migrant workers, employers, and marriages of migrant workers' husbands with other female migrant workers who have the potential to become polygamous are not recorded. The main issue is the validity of marriage according to Islamic law and positive Indonesian law and its implications for inheritance, inheritance, and alimony. This study aims to analyze the validity of the four patterns based on Islamic law, Indonesian positive law, and the perspective of maslahah in ushul fiqh, as well as identify the legal status, types of maslahah, and institutional mitigation efforts. The research uses an empirical juridical method with a social approach. Data were obtained through interviews with PMI and PERMAI figures in Penang as well as informants in Sungai Buloh, Malaysia, supplemented by secondary data from the Ministry of P2MI. The results of the study show that validity according to Islamic law depends on the fulfillment of the marriage and marriage conditions, while positive law requires recording. Official and registered marriages have the potential to become conditional maslahah mursalah, while marriages that are contrary to harmony, contract marriage, and polygamy without permission and registration include maslahah mulghah.

Keywords: *Indonesian Migrant Workers, Wife Status, Marriage, Maslahah, Islamic Law.*

INTRODUCTION

International labour migration has long been one of the main strategies of Indonesian households to improve economic welfare, and Malaysia has consistently been one of the top destination countries for Indonesian Migrant Workers (PMI) due to its geographical proximity, linguistic and cultural similarities among the Malay clan, as well as the high demand for labour in the domestic, plantation, and manufacturing sectors. The proportion of female migrant workers who have the status of migrant workers who are married in Indonesia (wives) occupy a significant portion of the total placement of migrant workers in Malaysia, so that the problems that accompany their migration cannot be separated from the problem of domestic sustainability. This research is important to be carried out because long-term labor migration is

not only an economic event, but also a social and legal event that changes the structure of household relationships, including the continuity of the marriage bond of migrant workers who are bound by marriage in Indonesia (the wife of migrant workers in Indonesia) with their husbands in Indonesia. When the physical separation between a husband and a married migrant worker in Indonesia (wife) lasts for many years without adequate legal and psychosocial assistance mechanisms, the potential for the emergence of a new marital relationship in the country of placement becomes a real and urgent issue to be understood, not only from a sociological point of view, but also from the perspective of positive law and Islamic law that binds the civil status of migrant workers who are bound by marriage in Indonesia (wife) PMI and the rights of children who may be born from these relationships.

The phenomenon of new marriages among migrant workers who are married in Indonesia (wives) of migrant workers is particularly flourishing in Malaysia because of a number of interdependent conditions. First, the placement scheme of migrant workers in Malaysia in the domestic and plantation sectors often places workers in a closed work environment, far from the supervision of their families or Indonesian representative institutions, so that the social interaction of migrant workers in the workplace is more prevalent with fellow migrant workers in the workplace, including male migrant workers from other countries such as Bangladesh and Pakistan who also work in the same sector. Second, the employment contract period, which generally lasts two to four years without guaranteed leave to return home, makes the emotional and social support needs of female migrant workers unable to be fully met by their husbands in Indonesia, so some migrant workers shift these needs to new relationships at work. Third, the unequal power relationship between migrant workers and employers, especially in the domestic worker sector, opens up space for marriage between migrant workers and employers that is not always based on the full willingness of workers. Fourth, the lack of cross-border supervision of the marital status of migrant workers in Indonesia causes some migrant workers in Indonesia to have relationships with other migrant workers without the knowledge of the migrant worker who is married in Indonesia (the first wife), which has the potential to become unrecorded polygamy. These four conditions explain why the issue of the implication of the marital status of migrant workers who are bound by marriage in Indonesia (wives) of migrant workers arises specifically and repeatedly in Malaysia as a country of placement, and not solely a stand-alone individual issue (Priatin, A., Personal interview via Zoom, Secretary General/Secretary of PERMAI)

Based on the results of interviews with several community leaders in Malaysia, including Indonesian Community Organization (PERMAI) figures, guidance studio managers, and several migrant couples, it was found that at least four patterns of marital relationships developed among female migrant workers. First, migrant workers have the status of migrant workers who are married in Indonesia (wives) who are married to male foreign migrant workers from Bangladesh and Pakistan. Second, migrant workers have the status of migrant workers who are married in Indonesia (wives) who are married to fellow Indonesian migrant workers where they work. Third, PMI is a PMI woman who is bound by marriage in Indonesia (wife) who is married to an employer or master where she works. Fourth, migrant workers have the status of husbands who are married to other Indonesian female migrant workers where the two interact while working, which has the potential to become unrecorded polygamy. The four

patterns are in practice manifested in four forms of marriage, namely formal marriages recorded according to Malaysian law, series marriages without registration in both countries, contract marriages or *mut'ah* that are temporary and temporary, and marriages that have the potential to become polygamy are not recorded.

The main problem that this research seeks to answer comes from the gap between the social reality in the field and the requirements for the validity of marriage that apply to Indonesian citizens according to two legal systems at once, namely Islamic law and positive Indonesian law. From the aspect of Islamic law, the validity of a marriage is determined by the fulfillment of the pillars of marriage, namely the existence of a prospective husband and prospective PMI woman who are bound by marriage in Indonesia (wife), a marriage guardian, two witnesses, as well as *ijab* and *kabul*, as stipulated in Article 14 of Presidential Instruction Number 1 of 1991 concerning the Compilation of Islamic Law, so that a marriage contract that has fulfilled these principles and conditions is basically valid according to sharia. From the positive legal aspect of Indonesia, Article 2 paragraph (1) of Law Number 1 of 1974 concerning Marriage emphasizes that marriage is valid if it is carried out according to the laws of each religion and belief, but paragraph (2) of the same article adds the condition that each marriage is recorded in accordance with the applicable laws and regulations, and specifically Article 56 paragraph (2) as amended by Law Number 16 of 2019 requires every Indonesian citizen who married abroad to register their marriage certificate at the Marriage Registration Office within one year of returning to Indonesia. This obligation is strengthened by Article 37 paragraph (4) of Law Number 24 of 2013 concerning Amendments to Law Number 23 of 2006 concerning Population Administration, and specifically for migrant workers, the same spirit of legal protection is also reflected in Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers which places civil protection for migrant workers, including family status, as part of the responsibility of the state. The problem became clear when the results of the interview showed that the four marriage patterns of PMI women who were tied to marriage in Indonesia (the wife) of PMI in Malaysia had different validities: some did not fulfill the full marriage pillar according to Islamic law, some had fulfilled the marriage pillar but were not balanced by compliance with the registration obligation according to positive law, so that the marriage status was in the gray area between validity according to religious beliefs, the certainty of state law, and the livelihood needs of migrant workers themselves. The implications of this ambiguity of the status of validity are concrete and detrimental, namely the emergence of a pattern of marriage that is not valid under Islamic law, legally invalid in Indonesia, or invalid according to both at the same time. The legal status of the marriage of Indonesian migrant workers who are bound by marriage in Indonesia (wives) of Indonesian migrant workers also has implications for children's reproductive rights, inheritance rights, alimony rights, and legal protection for migrant workers who are bound by marriage in Indonesia (wives) and children born from the marriage.

Previous studies have discussed a number of aspects that intersect with the theme of this research, but with a different focus. Wahib et al. (2025) examined unregistered marriages among migrant workers in Sabah and showed that the validity of migrant workers' marriages is often in the gray area between religious law, state law, and livelihood needs. Halim and Pratama (2020) compared the handling of polygamy that was not recorded in the Indonesian Religious

Court and the Malaysian Sharia Court, but did not specifically target migrant workers who were married in Indonesia (wives) of migrant workers as research subjects. Nasution (2002) examines the comparison of contemporary Muslim marriage laws in Indonesia and Malaysia in general, without touching on the patterns of new marital relationships that emerged as a result of labor migration. Different from these studies, this study maps the four patterns of marriage of migrant workers who are bound by marriage in Indonesia (the wives of migrant workers in Malaysia at the same time and assesses the suitability of the type of *maslahah* for each pattern using the framework of the Qur'an, Hadith, and the rules of *mashlahah mursalah* fiqh in an integrated manner, thus offering methodological and substantive updates compared to previous studies.

Based on the above background description, this study formulates three problems that are mutually sustainable. *First*, how is the validity of the marriage of a migrant worker who is bound by marriage in Indonesia (wife) of an Indonesian migrant worker in Malaysia from the four patterns of the migrant marriage phenomenon that occurs in Malaysia reviewed from Islamic law and positive Indonesian law. *Second*, how are the implications of the marital status of migrant workers who are bound by marriage in Indonesia (the wife of migrant workers) reviewed from the perspective of *maslahah* in ushul fiqh. *Third*, an analysis of the legal status and types of *maslahah* in each pattern of marriage of PMI women who are bound by marriage in Indonesia (PMI's wives), their implications for inheritance rights, inheritance rights, and maintenance rights, as well as the necessary institutional mitigation efforts.

In line with the formulation of the problem, this research aims to achieve three things. *First*, describe and analyze the validity of the marriage of Indonesian migrant workers who are bound by marriage in Indonesia (wives) of Indonesian migrant workers in Malaysia from the four patterns of the phenomenon of migrant marriage that occur in Malaysia reviewed from Islamic law and positive Indonesian law. *Second*, analyzing the implications of the marital status of migrant workers who are bound by marriage in Indonesia (the wife) of migrant workers is reviewed from the perspective of *maslahah* in ushul fiqh. *Third*, analyze the legal status and type of *maslahah* in each marriage pattern of PMI women who are bound by marriage in Indonesia (PMI's wives), their implications on nasab rights, inheritance rights, and maintenance rights, as well as the necessary institutional mitigation efforts. These three objectives serve as a framework for all discussions in the research, and the answers to all three will be presented sequentially and equally in the conclusion section.

This study limits the scope of the study to four patterns of marriage-bound migrant workers in Indonesia (the wives of migrant workers) identified from field data in Penang and Sungai Buloh, Malaysia, and is not intended to generalize all marriage practices of migrant workers in all placement countries. This limitation is important to state so that the reader understands that the conclusions of the research are analytical-contextual to the phenomena found, while at the same time opening up space for further research in other regions and countries of placement. The significance of this study lies in the provision of an analytical framework that can be replicated to assess similar problems in the context of other labour migrations, considering that the pattern of new marriage relationships due to long-term migration is not a phenomenon that occurs exclusively in Malaysia, but has the potential to occur in other migrant worker placement countries with different social characteristics.

METHOD RESEARCH

This research was designed with an empirical juridical method, a pattern of legal research that does not stop at the textual reading of laws and regulations alone, but also explores how the provisions of the marriage law are actually lived in the lives of migrant workers who are bound by marriage in Indonesia (wives) of Indonesian migrant workers in Malaysia. The nature of this research is descriptive analytically: the four patterns of marriage patterns of migrant workers who are bound by marriage in Indonesia (wives) of migrant workers recorded from the field are first systematically mapped, then their legal status is tested and their compatibility with certain types of *masalah* is assessed, based on the postulates of the Qur'an, Hadith, and the rules of fiqh. The choice of approach is a *sociological approach*, which is to read the marriage practices of migrant workers who are bound by marriage in Indonesia (the wife of migrant workers) as they are understood and lived by the migrant community themselves, as a foothold for the construction of legal analysis and *masalah* built by the researcher. This approach was chosen because the complexity of the marital status of migrant workers who are bound by marriage in Indonesia (the wife of migrant workers) is impossible to capture only through the text of the law; it demands a reading of the social, economic, and power relations context that surrounds the lives of migrant workers in the region (Sukiati, 2014).

The data source of this research consists of primary data and secondary data. Primary data was obtained through direct interviews with Indonesian migrant workers in Malaysia and the Secretary General of the Indonesian Community Organization (PERMAI) Penang. Secondary data consists of primary legal materials in the form of laws and regulations, namely Law Number 1 of 1974, Law Number 16 of 2019, Law Number 23 of 2006, Law Number 24 of 2013, Law Number 18 of 2017, Government Regulation Number 9 of 1975, and Compilation of Islamic Law, as well as secondary legal materials in the form of classic books of ushul fiqh, books, scientific journals, and articles relevant to the concept of *masalah* and the marital status of migrant workers.

The subjects of this study are migrant workers who are married in Indonesia (wives) Indonesian Migrant Workers (PMI) women who experience one of the four marriage patterns identified in Malaysia, with an average working period of two to four years according to the contract scheme for the placement of migrant workers to Malaysia. As a context of secondary data on the research subject, data SISKOP2MI the Ministry of Migrant Worker Protection of Indonesia (KemenP2MI) noted that of the total placement of female migrant workers for the period 2024 to June 16, 2025 which amounted to 281,738 people, as many as 164,009 people (39%) were married and 35,067 people (8.34%) were divorced, while the rest were unmarried (KemenP2MI, 2025). Malaysia is listed as the destination country for the placement of migrant workers with the highest number of placements among all placement countries (BP2MI, 2024), so that the proportion of migrant workers who are married in Indonesia (wives) of migrant workers working in Malaysia also occupies a significant portion of the total number of married and divorced migrant workers. The marital status data that is specifically disaggregated according to the country of placement in Malaysia and according to marriage pattern has not been publicly published by the Ministry of P2MI, so this study closes the data gap through

primary data from interviews with Indonesian migrant workers and PERMAI Penang figures and informants in Sungai Buloh, Malaysia, as described in the following data collection section.

Data was collected through structured interviews conducted online via Zoom on May 5, 2026 at 20.00 WIB, as well as through informants in Kubu Gajah, Sungai Buloh, Malaysia, namely Ida Mukhtar (Principal) and Sinar Husain (Manager of the Guidance Studio), when the researcher carried out an international Real Work Lecture in the area from August 23 to September 17, 2025. In addition to interviews, the researcher also conducted a literature study on laws and regulations and literature of *ushul fiqh* to build a framework for *maslahah analysis*.

Data analysis was carried out in a qualitative descriptive manner with three stages. The first stage, data reduction, is to sort out the results of interviews to identify the patterns of marital relationships of migrant workers who are bound by marriage in Indonesia (the wives of migrant workers) that appear repeatedly. The second stage is the categorization of legal validity, namely assessing the fulfillment of the harmony and legal requirements of marriage in each pattern according to Islamic law, and assessing its conformity with the legal requirements and obligations of marriage registration according to positive Indonesian law. The third stage, *maslahah analysis*, is to assess the suitability of each pattern with the requirements of *mashlahah mursalah* and the rules of *comparison* between *maslahah* and *mafsadah*, by referring to the postulates of the Qur'an, Hadith, and *fiqh* rules as the main analysis knife. The validity of the data was obtained through source triangulation, which is comparing the information from the informant of PERMAI Penang with the information of the informant in Sungai Buloh, and matching it with the findings of previous research on unrecorded marriages among migrant workers (Wahib et al., 2025).

DISCUSSION

The Validity of the Marriage of Indonesian Migrant Workers' Wives in Malaysia from the Four Patterns of the Marriage Phenomenon of PMI Reviewed from Islamic Law and Indonesian Positive Law

The results of interviews with the Secretary General of the Indonesian Community Organization (PERMAI) of Penang (Priatin, personal interview, May 5, 2026) and informants in Kubu Gajah, Sungai Buloh (Mukhtar & Husain, personal interview, September 17, 2025) confirm four patterns of marital relationships among female migrant workers. The first pattern, marriages with foreign migrant workers from Bangladesh and Pakistan, generally occur due to the proximity of the workplace and the similarity of status as migrant workers who are both far from family. The similarity of fate as a migrant in a foreign country creates an emotional solidarity that, without adequate assistance, can develop into a new marital relationship even though the previous marital status in Indonesia has not necessarily legally ended.

The second pattern, marriage with fellow Indonesian migrant workers, is often driven by the need for social and emotional support during long periods of service, especially when communication with a husband in Indonesia is disrupted by technical, economic, or psychological constraints. This pattern generally occurs when both parties are still legally bound by their respective spouses in Indonesia without the permission or knowledge of the couple, so that factually it has the potential to cause polygamy and polyandry status not recorded at the same time.

The third pattern, marriage with an employer or master at work, involves an unequal power relationship between the migrant worker and his employer. The economic and administrative dependence of migrant workers on employers, coupled with the limited access

of migrant workers to legal information and support networks outside the workplace, makes this pattern vulnerable and not entirely based on the full willingness of the workers. The fourth pattern, the marriage of the husband of the migrant worker of the migrant worker with another female migrant worker, has the great potential to become polygamy is not recorded because the status of the legal marriage with the Indonesian migrant worker (the first wife) in Indonesia continues to run without the knowledge of the party concerned, and this pattern is also the one that has the most potential to harm the migrant worker who is married in Indonesia (the first wife) because of her position of not knowing and not giving consent.

The four patterns are in practice manifested in four forms of marriage, namely official marriages that are registered according to Malaysian law, series marriages that are held religiously without registration in both countries, contract marriages or *mut'ah* that are temporary and limited, and marriages that have the potential to become polygamy that are not valid under Islamic law and are not legally positively recorded in Indonesia. These findings are in line with a study of unrecorded marriages among migrant workers in Sabah, which shows that the validity of migrant worker marriages often lies in the gray area between religious law, state law, and the livelihood needs of migrant workers themselves (Wahib et al., 2025). Similar findings were also confirmed by a comparative study of the handling of unrecorded polygamy between the Religious Courts in Indonesia and the Malaysian Sharia Courts, which showed that both legal systems faced difficulties in providing certainty of legal status for unregistered cross-border marriages (Halim & Pratama, 2020). Marriages that do not meet the registration obligations place migrant workers who are bound by marriage in Indonesia (wives) and children born from the marriage in vulnerable legal positions, including loss of alimony, inheritance rights, and recognition of child status (Syofiyullah et al., 2023).

Judging from their validity, the four forms of marriage found in the field show different legal statuses, both according to Islamic law and positive Indonesian law. An official marriage registered under Malaysian law has basically fulfilled the pillars of marriage according to Islamic law, namely the existence of a prospective husband and prospective PMI woman who are bound by marriage in Indonesia (wife), a marriage guardian, two witnesses, as well as *ijab* and *kabul* as stipulated in Article 14 of the Compilation of Islamic Law, so that it is valid according to Islamic law; its validity according to positive Indonesian law further depends on whether or not the obligation to register a marriage certificate is fulfilled in accordance with Article 56 paragraph (2) of Law Number 1 of 1974 juncto Law Number 16 of 2019 upon return to Indonesia. A series of marriages that are held religiously without registration in both countries can basically also be valid according to Islamic law as long as the harmony and conditions of marriage are met, including the existence of a guardian and two witnesses, but it is not valid according to positive Indonesian law because it does not meet the registration requirements in Article 2 paragraph (2) of Law Number 1 of 1974, so it is not recognized as a legal event that gives rise to civil law before the state (Halim & Pratama, 2020). Contract marriage or *mut'ah* is different from the previous two forms because its invalidity stems from Islamic law itself, not just a matter of record: the time restriction attached to the *mut'ah contract* is contrary to the essence of marriage as an eternal bond as referred to in Surah Ar-Rum verse 21, so this contract is void according to the majority of jurists, and in itself also invalid according to positive Indonesian law because Article 2 paragraph (1) Law Number 1 of 1974 bases the validity of marriage on religious law (Aulia & Azizah, 2025). The unrecorded polygamy carried out by the husband of migrant workers with other female migrant workers has the potential to fulfill the pillars of marriage outwardly, but its validity according to Islamic law and positive law of Indonesia still depends on the fulfillment of the conditions of permission and justice for migrant workers who are bound by marriage in Indonesia (first wife) as well as Surah An-Nisa verse 3 and the procedure for allowing polygamy in the Religious Court according to positive Indonesian law; without both, this marriage leaves a legal status that is

vulnerable to being annulled (Muthalib, 2022). A summary of the analysis of the validity of the four marriage patterns is presented in Table 1.

Table 1. Implications of the Marriage Status of Indonesian Migrant Workers Who Are Bound by Marriage in Indonesia (Wife) of Indonesian Migrant Workers in Malaysia According to Islamic Law and Indonesian Positive Law per Marriage Pattern

Wedding Pattern	Form of Marriage in the Field	Validity According to Islamic Law	Validity According to Indonesian Positive Law
Pattern 1: Legal Marriage in Malaysia Female migrant workers not tied to marriage with foreign migrant workers (Bangladesh/Pakistan)	Marriages are officially registered according to Malaysian law, serial marriages without registration	Valid because the harmony and conditions of marriage (prospective husband-female migrant worker who are bound by marriage in Indonesia (wife), guardian, two witnesses, ijab kabul) are fulfilled and the status of the previous marriage in Indonesia has been legally completed	Invalid because it is not recorded and registered in accordance with Article 56 paragraph (2) of Law No. 1/1974 jo. Law No. 16/2019; Invalid/not recognized by the state if it is not recorded
Pattern 2: Polyandry Marriage of PMI women who are married to fellow Indonesian PMI (both parties are still legally married) PMI women are married to their employers/masters at work	Polyanders	Invalid — contrary to the conditions of permission and justice of polygamy (QS. An-Nisa: 3) as well as the prohibition of damaging the legal marriage bond of another party	Invalid — violates the principle that a valid marriage must be dissolved first before remarriage, and does not meet the registration requirements
Pattern 3: Mut'ah Marriage migrant workers are bound by marriage with men who are not bound by marriage,	It depends on the willingness/absence of the willingness (taradhi) of the parties	Illegal, fasid marriage	Invalid, a temporary marriage is an unregistered marriage
Pattern 4: Unregistered Polygamy PMI women are not bound by marriage with PMI men who are bound by marriage (potentially polygamy is not registered)	Polygamy is not recorded without the knowledge of the migrant worker who is married in Indonesia (first wife)	Valid — meet the requirements for permission and justice for migrant workers who are bound by marriage in Indonesia (first wife) (QS. An-Nisa: 3)	Invalid — without the permission of the Religious Court and without registration as required by Indonesian marriage law

Source: processed by the researcher (2026) based on the results of interviews and analysis of the marriage pillar according to the Compilation of Islamic Law and the provisions of Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019.

Implications of Marital Status Reviewed from Maslahah: Definition, Classification, Evidence, and Fiqh Rules

The word *maslahah* is linguistically based on the root of the word *shalaha*, which leads to the meaning of benefit, goodness, or propriety, and stands opposite to *mafsadah* which means damage. When entering the realm of ushul fiqh, *maslahah* is understood as everything that brings good as well as removes harm to humans, both through efforts to attract benefits (*jalb al-manfa'ah*) and dismiss evil (*daf' al-mafsadah*) (Al Syathibi, 2004). Al-Ghazali views *maslahah* as an effort to maintain the meaning of the Shari'a, whose essence indeed revolves around attracting benefits and rejecting harm, only the benefits and harms in question are not just the interests of creatures, but must be in harmony with the will of the Maker of the Shari'ah (Al-Ghazali, t.t.). Meanwhile, Abu Zahrah reminded that not everything that seems beneficial deserves to be called *maslahah* in the sense of shari'i; it must pass the test of conformity with the spirit and general direction of Islamic sharia, not just follow tastes or conjectures (Abu Zahrah, t.t.).

In order to qualify as a legal argument, *maslahah* cannot be separated from the five main purposes of sharia (*al-maqashid al-khamsah*): to protect religion (*hifz al-din*), to protect the soul (*hifz al-nafs*), to protect reason (*hifz al-aql*), to protect one's descendants (*hifz al-nasl*), and to protect one's property (*hifz al-mal*) (Zuhaili, 1986). In the issue of marriage of PMI women who are bound by marriage in Indonesia (PMI's wives) studied in this study, the two most directly related goals are *hifz al-nasl*, namely maintaining clarity of lineage and child status, and *hifz al-ird*, namely maintaining honor and self-respect, and both depend on how clearly and legally the marital status is enforced.

Judging from how urgent their needs are, ushul fiqh scholars arrange *maslahah* in three levels: *maslahah dharuriyyat*, which is a primary need that touches the existence of the five main objectives of sharia so that it must be fulfilled; *Maslahah Hajiyyat*, a secondary need that eases the burden of life even though its absence does not threaten the existence of the main purpose; and *Maslahah Tahsiniyyat*, a tertiary need that complements and beautifies propriety. The clarity of the status of marriage and its recording is at the level of *dharuriyyat*, because it is directly linked to the protection of *hifz al-nasl* and the certainty of the rights born from it; ignoring it is not only reducing comfort, but risking the existence of the main purpose of the sharia itself (Zuhaili, 1986).

Another point of view divides *maslahah* according to the existence or absence of special evidence that supports or rejects it, and from this three categories are born. *First, mashlahah mu'tabarah*, which is a *maslahah* whose validity has been directly affirmed by the nash of the Qur'an or Hadith, such as the obligation to record and fulfill the pillars of marriage as a form of safeguarding *hifz al-nasl*. *Second, mashlahah mulghah*, which is a *maslahah* that looks good on the surface but is rejected by nash because it clashes with the more basic provisions of sharia, according to the rules of *kullu mashlahatin 'aradhaha al-nash fahiya bathilah* which affirms that any benefit will be lost if it is directly confronted with nash. Contract marriage or *mut'ah* is an example: even though it is considered to answer a momentary biological need, it is still rejected because it hurts *hifz al-ird* and denies the essence of marriage as an eternal bond (Aulia & Azizah, 2025). *Third, mashlahah mursalah*, which is a *maslahah* that is not specifically mentioned by the evidence, either to support or reject it, but is in harmony with the general spirit of sharia. The rule of *al-ashlu fi al-mashalih al-mursalah i'tibaruha ma lam yu'aridhha nash* emphasizes that basically this type of *maslahah* can be used as a legal foothold as long as

it does not deal with nash, so that it can be the basis for determining the law when the conditions are met (Syarifuddin, 2008).

The application of *mashlahah mursalah* in contemporary issues is not something unfamiliar in the study of Indonesian Islamic law. Sukiati and colleagues show that the jurisprudence framework of muamalah, including the consideration of *maslahah*, can be used to assess justice in practices that have not been explicitly regulated by nash, as shown in their study of justice and *maslahah* in the practice of electronic commerce across Malaysia and Indonesia (Batubara et al., 2024). This study is relevant as a methodological foothold for this study, because it both assesses the issue of Indonesia-Malaysia cross-border that has not been explicitly regulated by NASH through *the framework of maslahah*.

The debate on the position of *maslahah* as a stand-alone legal evidence has been going on since the time of classical scholars. Najmuddin al-Thufi, for example, is known for his views that place *maslahah* in a very strong position in the matter of muamalah, even prioritizing the consideration of *maslahah* over nash zanni if the two seem to be contradictory in matters of a purely worldly nature. This view is widely criticized by the majority of ushul fiqh scholars because it has the potential to open up space for the interpretation of *maslahah* that is out of control of the nash. The majority of scholars, including al-Syathibi and al-Buthi who are the main references in this study, still place *maslahah* as a proposition that is subject to nash, not one that defeats nash, so that *mashlahah mursalah* can only be accepted as long as it does not contradict the standard provisions (Al-Buthi, 1965). This moderate position is used as a methodological basis for this research in assessing the four marriage patterns of PMI women who are bound by marriage in Indonesia (PMI's wives), namely *maslahah* is recognized as a valid analysis knife, but still subject to the postulates of the Qur'an, Hadith, and the rules of fiqh that have been established, not replacing them.

The basis for the application of *maslahah* as a method of determining law can be traced to a number of verses of the Qur'an that affirm that Islamic law exists to realize goodness while removing difficulties from human life. In Surah Al-Anbiya verse 107,

And We have not sent you except as a mercy to the worlds.

Allah SWT said that the Prophet PBUH was sent as a blessing for the whole world, and the scholars of ushul fiqh read this statement as a comprehensive signal that every provision of the sharia is, in essence, oriented towards the good of man. The same tone echoes in Surah Al-Baqarah verse 185, which affirms that Allah wants ease, not difficulty, for His servants, a foothold that will later become the basis for scholars to accept the consideration of *maslahah* as long as they are not faced with qath'i nash (Al Syathibi, 2004).

Directly related to the issue of clarity of the status of civil relations, Surah Al-Baqarah verse 282 orders the recording of debt and receivables transactions in writing so as not to cause doubts in the future. The scholars of ushul fiqh interpret this command in *qiyas awlawi* (the more important analogy) as the basis for the importance of recording in civil relationships which is much more fundamental than just debts and receivables, namely marriage, because marriage has much broader legal consequences including nasab, inheritance, and alimony. The provision regarding marriage itself is affirmed in Surah Ar-Rum verse 21 which explains that marriage was created by Allah to foster peace, love, and affection, a goal that conceptually can only be realized in a clear and acknowledged bond, not in a vague or hidden relationship. Regarding the pattern of marriage of PMI's husband who has the potential to become polygamy is not recorded, Surah An-Nisa verse 3,

And if you do not know what you are doing, then you will not be able to do anything about it, and you will not be able to do anything about it.

This paragraph stipulates that polygamy is allowed on the condition that it is able to act fairly between migrant workers who are bound by marriage in Indonesia (wives) and migrant workers who are bound by marriage in Indonesia (wives), and if they are worried that they

cannot be fair, then it is enough to marry only one person. This verse is the basis that polygamy carried out without the knowledge and consent of migrant workers who are bound by marriage in Indonesia (first wife), as found in the fourth pattern of this study, is contrary to the conditions of justice which are a prerequisite for polygamy abilities itself. Furthermore, Surah An-Nisa verse 19,

The Messenger of Allah (peace and blessings of Allaah be upon him) said: "O Messenger of Allaah (peace and blessings of Allaah be upon him) and I am the Messenger of Allaah (peace and blessings of Allaah be upon him). So if you do not know what you are doing, then you will not be able to do anything about it, and you will not be able to do anything about it.

This verse instructs the husband to treat a migrant woman who is bound by marriage in Indonesia (wife) in an appropriate manner (*mu'asyarah bil ma'ruf*), a principle that is violated when the husband enters into a new marriage relationship secretly without the knowledge of the migrant woman who is legally married in Indonesia (his wife).

The evidence from the Hadith reinforces the same principle. The Prophet PBUH said "*la dharara wa la dharir*" لَا ضَرَرَ وَلَا ضِرَارَ, which means that one should not cause harm to oneself or others (Hadith narrated by Ibn Majah). This rule is the basis for the prohibition of all forms of marriage that pose a danger to other parties, including the danger to migrant workers who are bound by marriage in Indonesia (first wife) due to unrecorded polygamy, as well as danger to children due to the unclear marital status of their parents. Another hadith narrated by Imam Bukhari emphasizes that Islam is an easy religion, and the Prophet PBUH commanded his people to facilitate, not make it difficult, a principle that is one of the foundations for the acceptance of *maslahah mursalah* as a method of determining the law on matters that are not explicitly regulated by the nash, as long as its application does not contradict the provisions of the standard sharia (Syarifuddin, 2008). The above postulates together show that the benefits in the marriage of migrant workers who are bound by marriage in Indonesia (the wife of migrant workers) can only be realized through clarity, openness, and compliance with the provisions of the record, as will be further analyzed in the rules of fiqh and the results of the analysis of the next marriage pattern.

In order to stand as the basis for the establishment of a valid law, al-Syathibi and al-Buthi outline three conditions that must be met by a *maslahah mursalah*. It must be intrinsic, in the sense that it is truly real and not just a conjecture or prejudice; it must be general, that is, the benefits are felt by a wide audience, not just benefiting a few parties; and must not clash with the nash or the principles of sharia that have been standardized in *qath'i* (Al-Buthi, 1965).

Beyond these three conditions, this study also relies on a number of fiqh rules as an analysis knife to assess the compatibility of *maslahah* in each marriage pattern of PMI women who are bound by marriage in Indonesia (PMI's wives). The rule of *dar' al-mafasid muqaddam ala jalb al-mashalih* "دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ" puts the prevention of harm above the effort to achieve benefits. The rule of *idza ta'aradha mashlahatani quddima a'laahuma* "إِذَا تَعَارَضَتَا مَصْلَحَتَانِ قُدِّمَ أَعْلَاهُمَا" teaches that when two benefits clash, it is the higher tier that must be won. The rule of *al-mashaqqah tajlib al-taysir* "الْمَشَقَّةُ تَجْلِبُ التَّيْسِيرَ" emphasizes that difficulties do give birth to ease, but that convenience is still bound by the sharia corridor, so the weight of living as a migrant worker is not a valid reason to justify a marriage that violates the conditions of validity and the obligation of registration. The rule of *al-'adah muhakkamah* "الْعَادَةُ مُحَكَّمَةٌ" recognizes that the customs of a society can be a legal consideration as long as it is not contrary to nash, and it is this rule that helps to understand why some PMIs view serial marriage as a common solution, although such a practice does not in itself change its status to *maslahah* which is valid if it is contrary to the recording obligation that has been outlined by positive law. Finally, the rule of *tasharruf al-imam 'ala al-ra'iyah manutun bil maslahah* "تَشَرُّفُ الْإِمَامِ عَلَى الرَّعِيَّةِ مُنَوِّطٌ بِالْمَصْلَحَةِ" emphasizes that every policy of a leader or state towards its people must be based on benefits, and this rule is also the basis for the state's authority to require

marriage registration as an instrument of legal protection for its citizens, including migrant workers (Syarifuddin, 2008).

These five rules, together with the three requirements of *mashlahah mursalah* from al-Syathibi and al-Buthi, are the main analysis knife to assess the suitability of the type of *maslahah* in each marriage pattern of migrant workers who are bound by marriage in Indonesia (wives) of migrant workers in Malaysia as will be described in the next section.

Analysis of Legal Status and Type of Maslahah in Each Marriage Pattern of PMI Wives, Its Implications for Civil Rights, and Institutional Mitigation Efforts

The first pattern, the marriage of migrant workers who are married in Indonesia (the wife of migrant workers) to foreign migrant workers from Bangladesh and Pakistan, has two possible legal status and *maslahah*. If the marriage is taken through an official procedure recognized by Malaysian law and then reported in accordance with Article 56 paragraph (2) of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 and Article 37 paragraph (4) of Law Number 24 of 2013, provided that the previous marital status in Indonesia has been legally completed, this pattern has the potential to meet the three requirements of *mashlahah mursalah*, which is essential, general, and does not contradict Nash, so it can be categorized as a conditional *mashlahah mursalah*. However, if taken without recording in both countries as many are found in the field, this pattern is classified as *mashlahah mulghah*, because the benefits in the form of social and economic support are rejected by the nash which requires clarity and recording of marital status for the sake of *hifz al-nasl*, as hinted at in Surah Al-Baqarah verse 282 concerning the obligation to record civil relations.

The second pattern, the marriage of a migrant worker who is tied to a marriage in Indonesia (the wife of a migrant migrant worker in Indonesia) with a fellow Indonesian migrant worker where the two work, generally occurs when both parties are still legally bound by a legal marriage with their respective spouses in Indonesia without the permission or knowledge of the couple. This pattern is classified as *mashlahah mulghah*, because the benefits in the form of emotional support that it contains are contrary to nash which requires permission and justice in polygamy as Surah An-Nisa verse 3, as well as the obligation to register marriages. Applied to the rule of "*dar' al-mafasid muqaddam ala jalb al-mashalih*" دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ, the harm in the form of the breakdown of two legal marriage bonds at once is much greater than the benefits of momentary emotional support obtained, so the prevention of harm must take precedence.

The third pattern, the marriage of PMI women who are bound by marriage in Indonesia (the wife of PMI) with an employer or master where she works, contains an unequal power relationship between PMI and her employer, so that it has the potential to contradict the principle of willingness (*taradhi*) in the marriage contract and *hifz al-ird*. This pattern is therefore more appropriately categorized as *mashlahah mulghah*, unless it can be proven that the marriage was taken voluntarily, valid according to Malaysian law, and recorded in accordance with the provisions of Indonesian law, so as to meet the essential requirements of *mashlahah mursalah*, which is a real benefit and not just a coercion disguised by power relations.

The fourth pattern, the marriage of PMI's husband with another Indonesian female migrant worker who has the potential to become polygamy is not recorded, clearly contradicts the requirements of justice and permission of the PMI woman who is bound by marriage in Indonesia (wife) first as required by Surah An-Nisa verse 3 and recognized by Indonesia's positive law (Nurdin et al., 2024). This pattern is classified as *mashlahah mulghah* because it threatens *hifz al-din* and *hifz al-nasl*, and is in line with the findings of studies on polygamy without the permission of migrant workers who are bound by marriage in Indonesia (wives) as a form of psychological violence against migrant workers who are bound by marriage in

Indonesia (wives) (Rizkal, 2019) as well as studies on the urgency of consent in polygamy as a form of protection of human rights (Rasyid & Arianti, 2021). Studies on the benefits of polygamous marriage also confirm that legal polygamy according to Islamic law and positive Indonesian law requires the fulfillment of permit procedures in Religious Courts, so that polygamy that is carried out secretly abroad without such procedures loses its legitimacy basis both sharia and positive law (Septiandani et al., 2023).

Of the four patterns, only the part taken through official cross-border registration has the potential to meet the qualifications of the conditional *mashlahah mursalah*, while the other three patterns, namely serial marriage, contract marriage or *mut'ah*, and unrecorded polygamy, are classified as *mashlahah mulghah*. Referring to the rule of "*dar' al-mafasid muqaddam ala jalb al-mashalih*" ذَرُّ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ and the rule of "*idza ta'aradha ma*" *Shlahatani Quddima A'laahuma*" إِذَا تَعَارَضَتْ مَصْلَحَتَانِ فَدُيْمَ أَعْلَاهُمَا, prevention of harm against *Hifz al-Nasl*, *Hifz al-IRD*, and *Hifz al-Din* must take precedence over the momentary benefits in the form of emotional and economic support offered by these unrecorded marriage patterns. These findings are consistent with the study of the use of the concept of *maslahah mursalah* to assess religious fatwa in contemporary family issues, which shows that the gradation of *maslahah* from *mu'tabarah* to *mulghah* can be applied consistently to various family law issues that have not been explicitly regulated by nash (Rosyid & Irfan, 2019; Yusuf, 2014).

The summary analysis of the four patterns shows a consistent pattern, namely the legal status and type of *maslahah* of a marriage of a migrant migrant worker who is bound by marriage in Indonesia (the wife) of migrant workers is not determined by whose spouse they marry, but by whether or not the conditions for validity according to the applicable law in the country of placement, the full willingness of the parties, and compliance with the obligation to register across countries. The same principle applies both to migrant workers who are married to fellow foreign nationals, fellow Indonesian migrant workers, employers, and to migrant workers' husbands who are married to other female migrant workers. In other words, the determinant of the suitability of *maslahah* is not the identity of the couple, but the process and legal compliance that accompanies the marriage, a finding that reinforces the importance of family law education for female migrant workers before departure, not just social restrictions on who they can have a relationship with.

The fourth legal status of the marriage pattern of PMI women who are bound by marriage in Indonesia (PMI's wives) has direct implications for three main civil rights, namely the right of nasab, the right of inheritance, and the right of maintenance. In a pattern that is classified as *mashlahah mulghah* because it is not recorded, children born from the marriage face the vulnerability of the recognition of nasab from their biological father before the positive law of Indonesia, although in Islamic law nasab can still be recognized if the marriage meets the harmony and legal requirements of marriage according to sharia. This gap between religious recognition and state recognition is the source of legal vulnerability for children, as emphasized in a study on legal certainty for migrant workers who are bound by marriage in Indonesia (wives) and children in unregistered marriages in Indonesia (Syofiyullah et al., 2023).

In the aspect of inheritance rights, children from unrecorded marriages have the potential to lose the right to inherit their father's property according to positive Indonesian law, even though in Islamic law inheritance rights are basically attached to a legal relationship of inheritance, not to administrative records alone. However, in practice in the Religious Court, proving the birth of a child from an unrecorded marriage requires an additional legal process in the form of an application to determine the origin of the child, which often encounters obstacles in proof due to the absence of valid proof of marriage. In the aspect of alimony rights, migrant workers who are bound by marriage in Indonesia (wives) from unregistered marriages face difficulties in claiming alimony rights legally in the event of disputes or neglect, because the absence of a marriage certificate makes it difficult to prove the existence of a valid marriage

bond before the court (Muthalib, 2022; Salsabiela & Prananda, 2023). These three implications confirm that the apparent benefits obtained from unrecorded marriage, in the form of convenience and procedural flexibility, in essence harbor much greater long-term harm to migrant workers who are bound by marriage in Indonesia (wives) and children, thus strengthening the conclusion that these patterns are classified *as mashlahah mulghah*.

In addition to the direct civil implications, the unclear marital status of parents also has psychosocial impacts on the child, especially when the child will need population documents such as birth certificates for the benefit of education and public services in Indonesia and Malaysia. The absence of a parent's marriage certificate often makes it difficult to issue a birth certificate that legally includes the father's name, so that the child has the potential to experience social stigma as a child outside of a legal marriage, even though according to sharia the marriage of his parents has fulfilled the pillars of marriage. This condition confirms that the harm of unrecorded marriage does not stop at the PMI generation itself, but continues in the next generation, thus further strengthening the argument that unrecorded marriage patterns are classified *as mashlahah mulghah* reviewed from the rules of Maslahah "*dar' al-mafasid muqaddam ala jalb al-mashalih*." ذَرَأُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ.

Theoretically, this study strengthens the relevance of *the maslahah* framework as a method of determining law on contemporary issues that are not explicitly regulated by Nash, especially in cross-border issues involving two different legal systems. This research also expands the scope of the study of *mashlahah mursalah* which has been widely applied to domestic polygamy issues (Karimullah, 2021; Teguh Mulyo et al., 2023) to the realm of cross-border marriage involving migrant workers, a context that has not been touched by the study of applied jurisprudence in Indonesia.

Practically, this study shows that the issue of the marital status of migrant workers in Indonesia (the wives of migrant workers) cannot be solved only through an administrative legal approach, but requires a cross-sectoral approach involving premarital education, legal assistance for migrant workers before departure, and strengthening the role of Indonesian community institutions in placement countries such as PERMAI in providing socialization about the obligation to record marriage. These findings are in line with the recommendations of a study on legal sanctions for marriage registration violations in Southeast Asian countries, which emphasize the importance of harmonizing cross-border policies to protect the civil rights of migrant workers and their families (Harisudin & Choriri, 2021). The application of *the principle of tasharruf al-imam 'ala al-ra'yyah manutun bil maslahah* تَصَرَّفُ الْإِمَامُ عَلَى الرَّعْيَةِ الْمَنْتُونِ بِالْمَصْلَحَةِ emphasizes that the state has an active responsibility, not just passively waiting for reports, in ensuring the clarity of the civil legal status of its citizens working abroad, as mandated by Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers.

The results of the interviews show that the Indonesian Community Organization (PERMAI) Penang already has a mentoring initiative for migrant workers through social and religious activities, but does not have a special program that systematically educates female migrant workers about the obligation to register marriages and the legal consequences of unregistered marriages (Priatin, private interview, May 5, 2026). A similar condition was found in informants in Kubu Gajah, Sungai Buloh, which showed that local guidance studios played a more role in assisting the education of migrant workers than in assisting family legal status (Mukhtar & Husain, private interview, September 17, 2025). This vacancy emphasizes the need to strengthen the role of the Embassy and Consulate General of the Republic of Indonesia in Malaysia together with community institutions such as PERMAI in providing regular family law education to migrant workers, in line with the mandate of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers which places social and legal

protection as part of the state's responsibility since before departure. during the placement period, until the end of the placement.

Institutional strengthening should ideally include three things. *First*, the provision of family law consultation services on a regular basis at PMI concentration points, including information on the procedure for registering mixed marriages and marriages between Indonesian citizens held in Malaysia. *Second*, socialization of the marriage isbat procedure at the Religious Court for marriages that have occurred but have not been recorded, so that migrant workers who have been married without registration have a clear path to recovery of legal status. *Third*, cross-border collaboration between the civil registration authorities of Indonesia and Malaysia to facilitate the verification of the status of cross-border marriages, considering that one of the root problems in this study is the lack of verification mechanisms that bridge the two different legal systems.

Conclusion

Based on the results of the research and discussion, this study concludes three things that answer in order the three formulations of the problems and research objectives that have been stated previously.

First, the marital status of migrant workers who are bound by marriage in Indonesia (Wife) has implications for the phenomenon of marriage that is not valid according to Islamic law and positive Indonesian law, reviewed from the validity of the four patterns of the phenomenon of marriage of migrant workers who are tied to marriage in Indonesia (wives) of Indonesian Migrant Workers in Malaysia according to Islamic law and positive Indonesian law, namely marriage with foreign migrant workers, marriage with fellow Indonesian migrant workers, marriage with employers or employers at work, and marriages of migrant workers with other female migrant workers who have the potential to become polygamy are not recorded, this study found that the four patterns are in practice manifested in four forms of marriage with different validity statuses, namely officially registered marriages that have the potential to be valid according to both laws, serial marriages that are valid according to Islamic law but not valid according to positive law because they are not recorded, contract marriages or *mut'ah* that are invalid according to Islamic law as well as positive laws because they are contrary to the nature of marriage as an eternal bond, and unregistered polygamy that is invalid according to both laws because they do not meet the requirements for permission and justice for migrant workers who are bound by marriage in Indonesia for the first time (wives) and do not meet the requirements for permission and justice for migrant workers who are bound by marriage in Indonesia for the first time (wives) and do not meet the requirements for marriage in Indonesia the obligation to register marriages as stipulated in Article 56 paragraph (2) of Law Number 1 of 1974 in conjunction with Law Number 16 of 2019 and Article 37 paragraph (4) of Law Number 24 of 2013. The implication is that migrant workers who are bound by marriage in Indonesia (wives) and children born from invalid or unregistered marriages are in a vulnerable legal position, especially in the aspects of inheritance rights, inheritance rights, and maintenance rights.

Second, viewed from the perspective of *maslahah* in ushul fiqh, the clarity and recording of marital status is classified *as maslahah* at the level of *dharuriyyat* because it is directly linked to *hifz al-nasl* and *hifz al-ird*, and is supported by the postulates of the Qur'an, Hadith, and the

rules of *mashlahah mursalah fiqh* which affirm that a *maslahah* It is only valid as a legal foothold as long as it is essential, general, and does not contradict NASH.

Third, the results of the analysis of the legal status and type of *maslahah* in each pattern show that only the pattern of marriage that is taken through official registration in accordance with the applicable law has the potential to meet the qualifications of *the conditional mashlahah mursalah*, while the pattern of serial marriage, contract marriage or *mut'ah*, and polygamy are not recorded as *mashlahah mulghah* Because the benefits it contains are rejected by NASH which requires clarity of status, permission, and marriage registration in order to maintain *Hifz al-Nasl*, *Hifz al-IRD*, and *Hifz Al-Din*. These findings affirm the importance of strengthening the role of institutions, especially the Indonesian Community Organization (PERMAI) and the representative of the Republic of Indonesia in Malaysia, in providing family law education and marriage registration assistance for migrant workers who are bound by marriage in Indonesia (PMI's wives).

This study recommends two things. First, strengthening premarital education and socialization of marriage registration obligations for migrant workers who are married in Indonesia (wives) of migrant workers before departure and during the placement period, in collaboration with community institutions such as the Indonesian Community Organization (PERMAI) in the country of placement. Second, expanding access to the *isbat nikah* program for marriages that have occurred but have not been recorded, in order to restore the rights of migrant workers who are bound by marriage in Indonesia (wives) and children who have not been legally protected. Further research is suggested to expand the scope of the region and number of informants to strengthen the generalization of findings on the pattern of marriage-bound migrant workers in Indonesia (wives) of migrant workers in other placement countries, as well as to further examine the mechanism of Indonesia-Malaysia bilateral cooperation in the cross-border recognition of the marital status of migrant workers.

REFERENCES

- Abu Zahrah, M. *Ushul al-Fiqh*. Kairo: Dar al-Fikr al-'Arabi, t.t.
- Al-Buthi, M. S. R. *Dawabit al-Mashlahah fi al-Syari'ah al-Islamiyyah*. Beirut: Muassasah al-Risalah, 1965.
- Al-Ghazali. *Al-Mustasfa min 'Ilm al-Ushul*. Kairo: Al-Maktabah al-Tijariyyah al-Kubra, t.t.
- Asy-Syathibi, A. I. *Al-Muwafaqat fi Ushul al-Syari'ah*. Beirut: Dar al-Kutub al-Ilmiyyah, 2004.
- Aulia, P., & Azizah, A. F. "Hukum Islam dan Fenomena Pernikahan Kontrak Antara Legalitas dan Moralitas." *Judge: Jurnal Hukum*, Vol. 6, No. 2, 2025.
- Badan Pelindungan Pekerja Migran Indonesia (BP2MI). *Data Penempatan dan Pelindungan Pekerja Migran Indonesia Periode Tahun 2024*. Jakarta: Pusat Data dan Informasi BP2MI, 2024.
- Batubara, C., Rokan, M. K., Manaf, M. F. B. A., Sukiati, & Harahap, I. "Realizing Justice and Maṣlahah in E-Commerce: Fiqh Muamalah Insights and Challenges in Malaysia and Indonesia." *JURIS (Jurnal Ilmiah Syariah)*, Vol. 23, No. 2, 2024.
- Halim, A., & Pratama, A. H. "Poligami Tidak Tercatat di Pengadilan Agama di Indonesia dan Mahkamah Syariah Malaysia." *Jurnal Yuridis*, Vol. 7, No. 1, 2020.
- Harisudin, M. N., & Choriri, M. "On the Legal Sanction Against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, Vol. 5, No. 1, 2021.
- Izzati, N. N. "Substansi Kebolehan Poligami dan Relevansinya dengan Perundang-Undangan Perkawinan Indonesia." *El-Usrah: Jurnal Hukum Keluarga*, Vol. 4, No. 2, 2021.
- Karimullah, S. S. "Poligami Perspektif Fikih dan Hukum Keluarga Negara Muslim." *Maddika: Journal of Islamic Family Law*, Vol. 2, No. 1, 2021.
- Kementerian Agama Republik Indonesia. *Instruksi Presiden Nomor 1 Tahun 1991 tentang Kompilasi Hukum Islam*.
- Kementerian Pelindungan Pekerja Migran Indonesia (KemenP2MI). "Rapat Koordinasi Tingkat Menteri Gerakan Nasional Anti Kekerasan terhadap Perempuan dan Anak: Data Penempatan PMI Perempuan Berdasarkan Status Perkawinan (SISKOP2MI 2024 s.d. 16 Juni 2025)." Siaran pers, Jakarta, 10 Juli 2025.
- Mukhtar, I., & Husain, S. Wawancara pribadi, Kepala Sekolah dan Pengelola Sanggar Bimbingan, Kubu Gajah, Selangor–Sungai Buloh, Malaysia, 17 September 2025.
- Musfiroh, M. R., Saqr, F. M. M., & Syahriar, A. "The Urgency of Maslahah in the Formulation of Fatwa and Legislation in Indonesia: An Analytical Study." *Uhl Albab: Jurnal Studi dan Penelitian Hukum Islam*, Vol. 8, No. 1, 2024.
- Muthalib, S. A. "Pengesahan Isbat Nikah Perkawinan Poligami: Kajian Putusan Nomor 130/Pdt.G/2020/Ms.Bna." *El-Usrah: Jurnal Hukum Keluarga*, Vol. 5, No. 2, 2022.
- Nasution, H. *Pembaharuan Hukum Keluarga Islam tentang Usia Perkawinan di Indonesia (Studi atas Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan)*. Disertasi Doktor, Universitas Islam Negeri Sumatera Utara, Medan, 2019.
- Nasution, Khoiruddin. *Status Wanita di Asia Tenggara: Studi terhadap Perundang-Undangan Perkawinan Muslim Kontemporer di Indonesia dan Malaysia*. Jakarta: INIS, 2002.
- Nurdin, M., Daris Salam, A. L., Abdurrahman, I., Acip, A., & Rizal, R. "Dinamika Poligami dalam Hukum Keluarga Islam (Analisis terhadap Perspektif Hukum, Kesejahteraan Keluarga, dan Kesetaraan Gender)." *Al Mashlahah: Jurnal Hukum Islam dan Pranata Sosial*, Vol. 12, No. 1, 2024.
- Priatin, A. Wawancara pribadi via Zoom pukul 20.00 WIB, Sekretaris Jenderal/Setiausaha, Ketua Bidang Kerjasama, dan Penanggung Jawab Sanggar Bimbingan Pertubuhan Masyarakat Indonesia (PERMAI) Pulau Pinang, Malaysia, 5 Mei 2026.

- Rasyid, M., & Arianti, M. "Urgensi Persetujuan Anak sebagai Syarat Poligami (Perspektif Undang-Undang Perkawinan dan Hak Asasi Manusia)." *Reusam: Jurnal Ilmu Hukum*, Vol. 9, No. 1, 2021.
- Republik Indonesia. *Peraturan Pemerintah Nomor 9 Tahun 1975 tentang Pelaksanaan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*.
- Republik Indonesia. *Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*.
- Republik Indonesia. *Undang-Undang Nomor 16 Tahun 2019 tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan*.
- Republik Indonesia. *Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia*.
- Republik Indonesia. *Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan*.
- Republik Indonesia. *Undang-Undang Nomor 24 Tahun 2013 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan*.
- Rizkal. "Poligami Tanpa Izin Isteri dalam Perspektif Hukum: Bentuk Kekerasan Psikis terhadap Isteri." *Jurnal Yustika: Media Hukum dan Keadilan*, Vol. 22, No. 1, 2019.
- Rosyid, M., & Irfan, M. N. "Reading Fatwas of MUI a Perspective of Maslahah Concept." *Syariah: Jurnal Hukum dan Pemikiran*, Vol. 19, No. 1, 2019.
- Salsabiela, R., & Prananda, R. R. "Pembatalan Perkawinan dalam Kasus Poligami Tidak Tercatat yang Perkawinannya telah Putus akibat Kematian." *Al-Manhaj: Jurnal Hukum dan Pranata Sosial Islam*, Vol. 5, No. 2, 2023.
- Septiandani, D., Triwati, A., & Yulistiyowati, E. "Kemaslahatan dalam Perkawinan Poligami dalam Kajian Hukum Islam dan Hukum Positif Indonesia." *Jurnal Ius Constituendum*, Vol. 8, No. 3, 2023.
- Sukiati. "Penelitian Hukum Islam dengan Menggunakan Metode Penelitian Sosial." *Al-Ushrah*, Vol. 2, No. 1, 2014.
- Syarifuddin, Amir. *Ushul Fiqh Jilid 2*. Jakarta: Kencana Prenada Media Group, 2008.
- Syofiyullah, M. A., Susanti, D. O., & Setiawan, F. "Kepastian Hukum bagi Perempuan PMI yang Terikat Perkawinan di Indonesia (Istri) dan Anak dalam Perkawinan Tidak Tercatat di Indonesia." *Hukmy: Jurnal Hukum*, Vol. 3, No. 1, 2023.
- Teguh Mulyo, M., Nasution, K., Batubara, S., Musawwamah, S., & Abdullah, R. "The Power of Husband-Wife Communication in Building Family Resilience and Preventing Divorce: A Study of Maslahah Mursalah." *Al-Manahij: Jurnal Kajian Hukum Islam*, Vol. 17, No. 2, 2023.
- Wahib, A. B., Hayat, M. J., & Awang, N. "Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood." *Journal of Human Rights, Culture and Legal System*, Vol. 5, No. 2, 2025.
- Yusuf, M. "Pendekatan al-Maslahah al-Mursalah dalam Fatwa MUI tentang Pernikahan Beda Agama." *Ahkam: Jurnal Ilmu Syariah*, Vol. 13, No. 1, 2014.
- Zubaidi, Z., & Attusuha, R. "Pembinaan Narapidana Anak di Rutan Lhoknga Aceh Besar menurut Undang-Undang Nomor 11 Tahun 2012 dan Teori Maslahah Mursalah." *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum*, Vol. 8, No. 2, 2019.
- Zuhaili, Wahbah. *Ushul al-Fiqh al-Islami*. Damaskus: Dar al-Fikr, 1986.