

The Authority of Parents in Marrying Off Their Children: A Normative Analysis of Islamic Law and Its Impact on the Legitimacy of Marriage.

Muhammadong^{a*}

^a Universitas Negeri Makassar, Indonesia,
email: muhammadong@unm.ac.id*

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ABSTRACT

The authority of parents in arranging marriages for their children is a significant subject in family law studies, especially from the viewpoint of Islamic law. In Islamic tradition, marriage is regarded as a valid union provided it fulfills specific criteria, including the agreement of the guardian, which in this instance refers to the parents. However, the practice of parents arranging marriages without the child's consent sometimes incites discussions concerning the validity of such unions. This study seeks to examine the authority of parents in arranging marriages for their children in accordance with Islamic law, as well as the legal ramifications of such activities on the legitimacy of the marriage. The research methodology utilized is a normative approach, examining sources of Islamic law including the Qur'an, Hadith, and scholarly opinions to elucidate the essential principles regarding parental power in marriage. This study also looks at how these laws are used in society and how they affect the legitimacy of marriage. The anticipated outcome of this research is an enhanced comprehension of the constraints of parental authority in arranging marriages for their children and its ramifications on the legitimacy of marriage according to Islamic law. This study aims to enhance the evolution of Islamic family law that is equitable and aligned with Sharia principles.

INTRODUCTION

In Islam, marriage is not just an emotional relationship between two people; it is also a social compact that includes families, communities, and the state. In Islamic law, there are specific prerequisites that must be met for a marriage to be valid and legal. One of the most important rules in Islamic marriage law is that both the groom and the bride must agree to the marriage. But in some social and cultural settings, especially in traditional nations, parents frequently have a lot of power when it comes to

setting up weddings for their children, and the child may not always agree. The authority of parents in this matter has been extensively examined in Islamic legal studies, as it relates to individual rights, justice, and the principles of Sharia law that need to be upheld in family life. (Risna Ayu Lestari & Darlius Darlius, 2025).

The capacity of parents to arrange marriages for their children under Islamic law has frequently been a subject of contention, particularly over the principles of *wali nasab* or *wali hakim*, which empower parents or guardians to facilitate the marriages of their unmarried daughters. In Islamic tradition, marriage is viewed as both an agreement between two individuals and a familial obligation, with parents or guardians playing a crucial role in sanctioning and supervising their children's marriage. Many Islamic societies tolerate this practice, however there are times when parents abuse their power, as when they marry off their kids without their permission or even without thinking about what is best for the child. In contemporary settings, the matter of parental power in marriage frequently contradicts the tenets of human rights, especially the right to select one's partner. (Nadiyah Seff, Muhammad Hidayat, Nurliana, Tharekh Era Elraisay & Maskur Rosyid, 2025)

As society grows more conscious of legal rights and works to improve women's roles in social life, it becomes more and more evident that there is a conflict between traditional Islamic teachings on marriage and the needs of individual rights in modern society. The primary concern addressed in this research is the authority of parents in arranging the marriages of their children under Islamic law, along with the legal ramifications for the legitimacy of the marriage. This study necessitates a more profound examination to ascertain the extent of parental power in marriage under Islamic law and its implications for the legitimacy of the marriage.

Additionally, it is crucial to ascertain if the exercise of this authority consistently adheres to the tenets of justice and individual rights, or if it may lead to legal and social complications, such as invalid weddings or coerced unions without the permission of the people concerned. In this context, the research will delineate the differing perspectives of Islamic scholars concerning parental power in the marriage of children, especially girls, in connection to the concept of *wali hakim*. In certain schools of thought, a *wali hakim* is permitted to marry off a lady who does not possess a genuine *wali nasab*; conversely, in other schools, parents are forbidden from marrying off their children without their agreement. (Thoat Stiawan, Salman Al Farisi, Hisam Sidqi & Agil Laksamana, 2025)

Numerous studies investigate parental power in marriage under Islamic law; yet, a deficiency persists in comprehending the legal and social ramifications of conflicts between parents and children in marital contexts. Most current study concentrates on the normative dimensions of Islamic law, neglecting the principles of justice and individual rights that ought to be upheld during the marriage process. Due to the expansion of social consciousness and advancements in human rights, there exists a necessity for the reinterpretation and adaption of Islamic law to align with contemporary social realities, particularly regarding the legitimacy of marriage founded on mutual agreement. (Muhammad Tang & Nilfatri, 2025)

Another gap exists in the varying uses of parental power inside marriage throughout Islamic countries, frequently shaped by cultural and political influences. This results in considerable

variations in legal practices, even in domains that ought to be consistent, such as marital rights and responsibilities. Consequently, additional research is required to reconcile Islamic legal theory with social practices. The primary concern addressed in this paper is the relevance of parental authority in arranging marriages for minors within contemporary Islamic law, and the impact of this authority on the legitimacy of the marriage. This research seeks to ascertain whether contemporary activities align with Islamic principles that emphasize justice or if they inadvertently foster injustice for the individuals concerned, especially women. (Muhammad Iqbal, Rahmad Wildan & Ahmad Alfarisi, 2025)

This study will investigate the practical ramifications of parental control in marriage among Islamic countries, including concerns about early marriage, unions formed without the child's consent, and legal considerations involving children's rights in selecting their spouse. It is important to understand what this authority means because it has to do with the legality and validity of a marriage in both Islamic and state law. This study introduces an innovative methodology by employing normative analysis to investigate parental power in marriage within a more expansive and modern framework. The innovation also resides in the interdisciplinary methodology employed to integrate Islamic law with social studies, human rights, and gender justice, seeking to offer a more holistic comprehension of parental power in marriage. Moreover, this study seeks to offer a novel viewpoint on the implementation of Islamic law that is more attuned to evolving social circumstances, especially in the protection of individual rights within marriage.

This study will elucidate the legal and social ramifications of forced marriages or marriages executed without the child's consent, examining the impact on the legitimacy of marriage from both Islamic law and state legal viewpoints. The innovation is in the critical assessment of Islamic law rules regulating parental authority in marriage, correlating these matters with contemporary social realities and proposing enhancements for future Islamic family law.

RESEARCH METHODS

This study used a normative legal research methodology to examine parental authority in arranging marriages for their children according to Islamic law and its effects on the legitimacy of marriage. This research employs a normative methodology, concentrating on the examination of legal texts, including the Qur'an, Hadith, scholarly opinions, and pertinent legislation, to elucidate parental authority in the marriage of children within Islam. The research examines the authority of parents in arranging marriages for their children under Islamic law, along with the legal ramifications of this authority on the legitimacy of marriage. This research examines the divergent perspectives within Islamic law concerning the guardian's role in marriage. (Muhammad Iqbal, Rahmad Wildan & Ahmad Alfarisi, 2025)

The data sources for this study comprise secondary data, including Islamic legal literature, family law texts, scholarly articles, and prior research findings pertinent to the subject. The type of data collection employed is library research, which involves the compilation and analysis of material about the authority of parents in arranging marriages for their children from the standpoint of

Islamic law. The study tool comprises legal documents, including texts from the Qur'an, Hadith, and the perspectives of scholars, alongside other pertinent legal sources, to analyze parental power in marriage. (Thoat Stiawan, Salman Al Farisi, Hisam Sidqi & Agil Laksamana, 2025)

ANALYSIS AND DISCUSSION

The Authority of Parents in Marrying Their Daughter According to Islamic Law

In Islam, marriage involves many people who play vital roles, such as parents who are guardians. In this situation, the power of parents to marry off their daughters becomes a very crucial issue. Islamic law says that there are two kinds of guardians who can marry off a daughter: the guardian by lineage (wali nasab) and the guardian by authority (wali hakim). Depending on their relationship with the bride and several other factors, each of these guardians has various powers.

The wali nasab is the guardian who is related to the bride by blood, like her father, grandpa, or brother. The wali nasab can marry off a girl who is not yet old enough or competent to make her own decisions. The wali nasab helps the daughter choose a good life partner by protecting her and giving her advice. The Hanafi, Maliki, and Shafi'i schools of thought in Islam all agree that a marriage that is done without the wali nasab's permission is not legal. This demonstrates that the wali nasab holds a significant role in the marriage process of a daughter, particularly for individuals unable to make the critical decision of marriage. (Rosyada & Islamiyah, 2024).

Wali Hakim, on the other hand, is the guardian who has been given the power by a court or other competent authority to marry off a daughter when the wali nasab is not present or able to do his job. In the Islamic legal system, a wali hakim is usually a judge or religious leader who has power. The wali hakim is very important, especially when the wali nasab is not there or can't do their job, such when parents are missing or can't do their job.

However, although though parents, especially the father as the wali nasab, have the power to marry off his daughters, they can't do it without getting the daughter's permission first. This is a very important subject in Islamic law since Islam places a lot of importance on respecting people's rights, especially women's ability to choose their own partner. (Fakhriyah Annisa Afroo, Septiana Vrativi, Putri Febri Wialdi, dan Intan Slipilia, 2025).

The Maliki and Shafi'i schools of thought say that the wali nasab has the most power when it comes to marrying off a daughter, but the bride's agreement is still very important. The marriage cannot go through if the future bride does not want to marry the person the wali nasab has chosen. This shows how important it is for women to have the right to make choices about their own lives, like who to date. In the Hanafi school, however, a marriage is still lawful even if the wali nasab doesn't agree if the bride is old enough and able to make her own choices. In some schools, though, this isn't the case because they put the woman's consent first. Islamic law says that the daughter's consent is very important while getting married. Parents have power, but a woman's choice to choose her life mate must be honored. Islamic law says that a marriage is not lawful if the lady did not give her permission, either by saying so or by not saying anything at all. (M. Tang & Nilfatri, 2025)

A marriage that the woman does not agree to can have serious effects on her mental and social health. A woman who is coerced into marriage may endure psychological anguish, discontent, and sensations of oppression. Islamic law states that any decision that affects a person, such as marriage, should be taken with the approval and consultation of both parties. In line with Islamic ideals of justice, the woman should have the right to pick her life spouse.

In practice, the wali nasab has the most power, but the bride's agreement is still very crucial and should not be ignored. Islam says that marriage is not just a joining of two families, but also a contract between two people who love one other and want to live together. Islamic law must protect and respect a woman's right to pick her partner. (Asman Asman, 2024)

Legal Implications on the Validity of Marriage

It is a big deal in both Islamic law and national law to marry off a child without their permission. In both legal systems, parents have the power to marry off their children, but they must still think about the daughter's rights and give their permission. Islamic law explicitly defines the roles of the guardian by lineage (wali nasab) and the guardian by authority (wali hakim) in marriage. However, these roles cannot be employed arbitrarily without the agreement of the individual getting married.

Wali nasab and wali hakim are the two sorts of guardians in Islamic law who can marry off a daughter. Wali nasab is the father, grandpa, or brother of the bride, or another close relative who is directly related to her by blood. Wali nasab can marry off a daughter who is not yet an adult or able to make her own choices. The wali nasab's job is to keep the daughter safe and help her find a good life spouse. The Hanafi, Maliki, and Shafi'i schools of thought in Islam all agree that a marriage is not lawful if the wali nasab does not agree. This shows that the wali nasab is highly significant in the marriage process for a daughter, especially for those who can't make such an important decision as marriage. (Muhammad Tang & Nilfatri, 2025).

On the other hand, Wali Hakim is the guardian who the court or other relevant authorities give the power to marry off a daughter when the wali nasab is not present or can't do his job. In the Islamic legal system, a wali hakim is usually a judge or religious leader who has power. The wali hakim is very important, especially when the wali nasab can't do his job or isn't there, such when the parent is away or can't do his job.

Even while the parents, especially the father as the wali nasab, have the right to marry off his daughters, they can't do so without taking into account the daughter's agreement. This is a big deal in Islamic law since Islam places a high priority on respecting people's rights, particularly the ability of women to pick their life spouse. (Faisal Ade & Safia Menad, 2025).

The Maliki and Shafi'i schools of thought say that the wali nasab has the most power when it comes to marrying off a daughter, but the bride's agreement is still very important. The marriage planned by the wali nasab is not legitimate if the prospective bride expressly says no. This shows how important it is for women to have the ability to make decisions about their own lives, such as who they want to be with. In the Hanafi school, however, a marriage is nonetheless lawful even if the wali nasab does not agree if the bride is old enough and able to make her own choices. However, Islam

still doesn't allow marriages that are forced or done without consent because they can make the woman unhappy and hurt her mentally. (Syahrul Mubarak, 2020).

In the national legal system, however, a marriage that is not approved by the daughter can also be void. There are strong rules in many nations about the minimum age for marriage and the need for both men and women to agree. In Indonesia, for example, Law No. 16 of 2019 on Changes to Law No. 1 of 1974 on Marriage says that the minimum age for marriage is 19 for both men and women. Also, both people must agree to the marriage for it to be legal according to national law. Many countries' laws say that child marriage without permission is against the law since it may violate people's human rights, especially women's ability to choose their own mate. Many countries, both those that follow Islamic law and those that don't, have made it illegal for females and children under the age of maturity to get married in order to preserve their rights. (Nurfieni A. Rahmatullah, 2023).

If a woman doesn't agree to the marriage, it could be illegal and have devastating psychological ramifications. A girl who is forced to marry someone she doesn't want to can feel stressed, anxious, and mentally traumatized, which can have long-term effects on her mental health. Also, being unhappy in a marriage that you don't desire can affect the relationship between the husband and wife and the stability of the whole home.

Child marriage without consent can also have an effect on family connections. If parents make their daughter marry someone she doesn't want to, it can break the trust between them and her. A girl who is forced to marry without her consent typically feels alone, loses control of her life, and is angry with her parents. This can cause stress in the family and make the marriage a bad place for kids to grow up.

Both Islamic law and national law stress the need for the bride's permission in marriage. In both religious and civil aspects, the marriage is not lawful without such approval. Child marriage without consent has serious effects on the girl's mental health, social life, and the law. These effects will affect the girl's future and the quality of the marriage. (Fiona Samuels, et al, 2024).

The Differences in Scholars' Views on Parental Authority in Marrying Off Their Children

In Islamic law, marriage is a contract between two people and their families. It also includes the function of parents as guardians, especially the guardian by lineage, in marrying off their daughters. There is a general agreement among scholars about the power of parents, but there are different opinions about how far this power can go, especially when it comes to the role of wali hakim and the child's assent. It is important to look at these disparities in order to understand how far parents can go when it comes to marrying off their children according to different schools of thought.

The Hanafi school has a more permissive attitude on how much power parents have to marry off their daughters. The Hanafi view holds that the wali nasab, particularly the father, possesses the principal authority to arrange the marriage of his daughter. The Hanafi school, on the other hand, is different since they allow a marriage to happen without the wali nasab's permission if the daughter is already of legal age and can make her own decisions. In this situation, the adult daughter has the right to choose her life spouse without needing the wali nasab's permission. (Nur Sasi Septian Rani

et al, 2023).

The Hanafi school recognizes the daughter's right to refuse the marriage; yet, it maintains that the wali nasab, particularly the father, bears the duty to safeguard his daughter in selecting a suitable life partner. Thus, although a marriage executed without the agreement of the wali nasab may be deemed lawful, it is nevertheless discouraged, as it may result in unhappiness and psychological injury for the lady involved. On the other hand, the Maliki and Shafi'i schools put more weight on how important it is for the daughter to agree to the marriage. In both of these schools, the wali nasab has the power to marry off the daughter, but a marriage that doesn't have the woman's permission is not legitimate. Both schools stress that the wife must fully agree to the marriage for it to be legal in Islam.

The Maliki school says that if an adult woman doesn't want to marry the man her wali nasab has chosen for her, the marriage is not valid, even if the wali nasab agrees. The Shafi'i school holds the same view: if the woman doesn't want to marry the man her wali nasab has chosen for her, the marriage can't happen. In both of these schools, the woman's right to pick her life spouse is the most important thing, and the wali nasab's job is solely to protect and guide her. (Ridho, M. & Hannan, A, 2023).

The Hanbali school offers a more equitable perspective on the power of the wali nasab and the consent of the daughter. They agree that the wali nasab has the power to marry off the daughter, especially if she is still a child. But they also agree that the woman has the right to say no to the marriage if she is of legal age and can make her own choices. The Hanbali school asserts that while the wali nasab possesses the principal authority to arrange the marriage of the daughter, her permission is essential to validate the marriage in accordance with Islamic law.

There is also the role of wali hakim, who is the guardian chosen by the court or other relevant authority to marry off a daughter when the wali nasab is not present or can't do his job. The wali hakim can take over the wali nasab's duties, especially if the wali nasab is not there or can't do his job. In this scenario, the wali hakim is the legal guardian under Islamic law and has the power to marry off an adult daughter. (Ilgi Ghoswanul Muzakka & Imanuddin Abil Fida, 2023).

Even though wali hakim can marry off the daughter in some cases, the role of wali hakim does not take the place of the daughter's own consent. As indicated by the perspectives of scholars from other schools, while the wali hakim possesses the right to arrange the marriage of the daughter, the permission of the woman is an essential component of a lawful marriage.

In general, researchers disagree about how much power parents have to marry off their daughters, but practically all schools of thought agree that the daughter's consent is a vital condition for the marriage to be genuine. In more traditional schools like Maliki and Shafi'i, it is necessary for the woman to agree to the marriage in order for it to be legal under Islamic law. The wali nasab or wali hakim has the most power, but the woman still has the right to choose her life mate. This is done to defend her dignity, happiness, and health in marriage. (Solahudin, 2021).

CONCLUSION

This study seeks to examine the authority of parents in arranging marriages for their daughters through the lens of Islamic law, emphasizing the functions of *wali nasab* and *wali hakim*, and their consequences for the legitimacy of marriage. The results indicate that while the *wali nasab* possesses the principal authority to arrange the marriage of the daughter, the consent of the female party is a requisite condition to validate the marriage in accordance with Islamic law. Various schools of thought, including Maliki and Shafi'i, assert that the marriage is deemed illegitimate in the absence of the woman's permission. The ramifications of this study are substantial in securing the child's permission during the marriage process to uphold the validity of the marriage in both Islamic and national law. In Islamic law, the authority of the *wali nasab* must be reconciled with the woman's right to select her life spouse. In national legal systems, a marriage performed without the daughter's consent may be deemed illegal, particularly if it contravenes the minimum marriage age. The child's permission in marriage is important for the marriage to be genuine and for the lady to be mentally healthy. This study emphasizes the necessity of safeguarding the child's rights during the marriage process to guarantee that marriages are legitimate, equitable, and respectful.

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