



Islamic Law, Social Perception, and the Normalization of Premarital Pregnancy in Rural Indonesia

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Abstract: This study aims to analyze public perceptions of the rising phenomenon of out-of-wedlock pregnancies in Pangeo Village, Morotai Island Regency, and to examine the influence of Islamic legal perspectives on the community's social constructs. The research focuses on the social impacts of promiscuity and the normalization of premarital pregnancy among adolescents and adult women. The study employs a qualitative, phenomenological approach based on fieldwork. Informants were selected through purposive sampling and included seven members of the Pangeo Village community. Primary data were collected through in-depth interviews and analyzed using Harvey and Smith's theory of social perception to understand how the community's social judgments regarding this phenomenon are formed. The results indicate that the community views out-of-wedlock pregnancy as unacceptable behavior, as it is perceived to have negative consequences for the morality and social lives of the younger generation. From an Islamic legal perspective, the validity of a relationship between a man and a woman is only recognized through a marriage that meets Sharia requirements. In contrast, relationships outside of marriage are viewed as contrary to the principles of moral protection and lineage. This study contributes to strengthening Islamic socio-legal studies regarding the relationship between religious norms, social perceptions, and local cultural dynamics in contemporary Muslim societies.

Keywords: Community Perception; Marriage of Pregnant Women; Islamic Law.

Abstrak: Penelitian ini bertujuan menganalisis persepsi masyarakat terhadap fenomena kehamilan di luar nikah yang mengalami peningkatan di Desa Pangeo, Kabupaten Pulau Morotai, serta menelaah pengaruh perspektif hukum Islam terhadap konstruksi sosial masyarakat. Fokus penelitian diarahkan pada dampak sosial dari pergaulan bebas dan normalisasi kehamilan pranikah di kalangan remaja hingga perempuan dewasa. Penelitian menggunakan metode kualitatif dengan pendekatan fenomenologi berbasis studi lapangan. Informan dipilih melalui purposive sampling dan melibatkan tujuh anggota masyarakat Desa Pangeo. Data primer dikumpulkan melalui wawancara mendalam, kemudian dianalisis menggunakan teori persepsi sosial dari Harvey dan Smith untuk memahami pembentukan penilaian sosial masyarakat terhadap fenomena tersebut. Hasil penelitian menunjukkan bahwa masyarakat memandang kehamilan di luar nikah



sebagai perilaku yang tidak dapat dibenarkan karena dianggap menimbulkan dampak negatif bagi moral dan kehidupan sosial generasi muda. Dalam perspektif hukum Islam, keabsahan hubungan laki-laki dan perempuan hanya diakui melalui perkawinan yang memenuhi syara syar'i, sementara hubungan di luar nikah dipandang bertentangan dengan prinsip perlindungan moral dan keturunan. Penelitian ini berkontribusi dalam memperkuat kajian sosio-legal Islam mengenai relasi antara norma agama, persepsi sosial, dan dinamika budaya lokal dalam masyarakat Muslim kontemporer.

Kata Kunci: Persepsi Masyarakat; Pernikahan Wanita Hamil; Hukum Islam.

Introduction

Marriage is widely recognized as a foundational social institution that facilitates the formation of family structures through a socially sanctioned relationship between individuals. Beyond its personal dimensions, marriage serves as a cultural and normative mechanism through which societies regulate kinship, social responsibility, and familial continuity. Conducted within public, religious, or customary frameworks, the institution of marriage reflects the prevailing values, traditions, and social norms that characterize a particular community or society.¹ Marriage, or what is commonly called marriage, according to Islamic jurisprudence scholars, is "a contract that makes sexual relations between a man and a woman permissible, mutual assistance between the two, and gives rise to rights and obligations between the two."²

Marriage constitutes a significant social and religious institution that occupies a pivotal position in human civilization across diverse cultural and religious contexts, including Muslim societies.³ Within the framework of Islamic teachings, marriage is not merely perceived as a biological or contractual relationship between a man and a woman; rather, it is regarded as a sacred covenant (*mīthāqan ghalīẓan*) intended to establish a harmonious family, ensure the continuity of future generations, and uphold moral and social order within the community. Consequently, marriage serves both individual and collective functions,

¹ Nurul Shafiqah Zainal Abidin and Mustafa Mat Jubri Shamsuddin, "The Misconception of Early Marriage: Reconciling Perspectives Through Maqasid al-Shariah: Salah Tanggap Tentang Perkahwinan Awal: Menyelaraskan Perspektif-Perspektif Melalui Maqasid al-Shariah," *Jurnal Pengajian Islam* 18, no. 1 (2025): 123–43, <https://doi.org/10.53840/jpi.v18i1.343>.

² The Shafi'i school of thought defines it as: "A contract that contains the ability to have husband and wife relations with the pronouncement of marriage/marriage or something similar to that". Al-Imam Taqiyuddin bin Abu Bakar, hereinafter abbreviated as Taqiyuddin, *Kifayat al-Akhyat*, Dar al-Fikr, Beirut, tt, juz II, 36. Maliki School scholars define it as "A contract that provides halal benefits for carrying out husband and wife relations between a man and a woman as long as there are no sharia obstacles." Al-Imam al-Syatibiy, op. Juz I 74 al-Shan'aniy, op.cit., Volume IV, 4. Muhammad Abu Zahrah, *Al-ahwal al-shakhsiyyah* (Dar al-Fikr al-Ārabi, 1957).

³ Julian Apostu, "Hastening the Marriage Decision for the Pregnant Woman," *Journal for Ethics in Social Studies* 5, no. 1 (2021): 11–20, <https://doi.org/10.18662/jess/5.1/38>; Muhamad Septian et al., "The Mechanism of Pregnant Women's Marriage Out of Wedlock at the Sindangkasih District Religious Affairs Office from the Perspective of Islamic Law and Indonesian Positive Law," *Jurnal El-Thawalib* 6, no. 5 (2025): 690–704, <https://doi.org/10.24952/el-thawalib.v6i5.17437>.

contributing to social stability and the realization of religious values.⁴ In contemporary society, the growing incidence of premarital sexual relations resulting in pregnancy has emerged as a complex global phenomenon that extends beyond questions of personal morality. This issue encompasses broader social, cultural, legal, and religious implications, thereby generating considerable concern among policymakers, religious authorities, and society at large. In many Muslim-majority countries, the phenomenon presents a significant challenge due to the tension between established religious norms and the evolving realities of modern social life.⁵ Against this backdrop, the issue of marriage involving a woman who becomes pregnant as a result of adultery remains a subject of ongoing scholarly debate within Islamic legal discourse. The controversy arises from its close association with fundamental concerns such as family honor, the determination of a child's legal status and lineage, and the practical implementation of Islamic legal principles in contemporary society. As a result, the legal and ethical dimensions of such marriages continue to attract significant attention from scholars and religious institutions.

In Islamic legal tradition, marriage is seen as a means of preserving human honor and preventing the occurrence of adultery, which is expressly prohibited in the Quran.⁶ Islam places reason as an instrument for controlling lust, preventing humans from engaging in behavior that undermines their dignity. Therefore, the relationship between a man and a woman is guided by a legitimate mechanism: a marriage contract that meets certain pillars and requirements.⁷ Marriage in Islam is even referred to as a *mitsaaqan ghalidhan*, or a covenant so strong that its implementation is considered an act of worship.⁸ However, social developments in society have shown changes in the interaction patterns of men and women, leading to an increase in cases of premarital pregnancies. This situation demonstrates the tension between religious norms and prevailing social practices.⁹

⁴ Anwarullah, *Islamic Law of Evidence* (Islami Da'wah Centre, Ministry of Religious Affairs, Brunei Darussalam, 2004); Mohammad H. Fadel, *Islamic Jurisprudence, Islamic Law, and Modernity* (Lockwood Press, 2023).

⁵ Abdul Haris Abbas, *Dinamika hukum islam di indonesia: Konsep, Sejarah, Teori, Dan Legislasi Hukum Islam Dalam Pembinaan Hukum Nasional*, Alauddin University Press, 2017, 73, <https://scholar.google.com/scholar?cluster=13928616988445477782&hl=en&oi=scholar>; Jumrah Jamil et al., "Marriage of Pregnant Women Out of Wedlock According to the Shafi'i School and Compilation of Islamic Law," *Formosa Journal of Applied Sciences* 2, no. 11 (2023): 2103–20, <https://doi.org/10.55927/fjas.v2i11.6869>.

⁶ Agus Hermanto and Rohmi Yuhani'ah, *Fikih munakahat: Kajian Tentang Problematika Pernikahan Kontemporer* (wawasan Ilmu, 2024); Deris Arista Saputra, "Maqashid Syari'ah Analysis Of Pregnant Women's Marriage: A Review Of Individual And Community Welfare," *Journal of Social Science (JoSS)* 2, no. 10 (2023): 875–87, <https://doi.org/10.57185/joss.v2i10.142>.

⁷ Harun Nasution, *Reason and Revelation in Islam* (Jakarta: UI-Press, 1986), 5.

⁸ Tengku Erwinsyahbana and Tengku Rizq Frisky Syahbana, *Aspek Hukum Perkawinan di Indonesia* (Umsu press, 2022); Asfa Widiyanto et al., "The Prevention of Underage Marriage in Indonesia: State, Religious Authority and Human Rights," *Justicia Islamica* 21, no. 2 (2024): 2, <https://doi.org/10.21154/justicia.v21i2.9771>.

⁹ Encep Taufik Rahman and Hisam Ahyani, *Hukum perkawinan islam* (Widina Media Utama, 2023). 9; Cucu Solihah, *Hukum Perkawinan dalam Teori dan Perkembangan* (Zahir Publishing, 2025).

The phenomenon of premarital pregnancy has given rise to the practice of marrying pregnant women as a social solution to avoid societal stigma and preserve the family's reputation. In many Muslim communities, such marriage is seen as the most realistic way to conceal family disgrace while also granting legal status to the unborn child.¹⁰ However, public perception of the marriage of pregnant women is not uniform. Some view it as a moral violation reflecting a failure of religious and social education, while others consider it an unavoidable social reality that must be resolved pragmatically through marriage.¹¹ Cultural values, levels of religiosity, social structures, and local environmental conditions influence these differing views. Therefore, the issue of the marriage of pregnant women cannot be understood solely through a normative approach to Islamic law but also requires a sociological analysis of societal perceptions and behavior.¹²

Studies on the marriage of pregnant women reveal an intersection of normative, social, and legal protection dimensions. Kumedi Ja'far et al. explain that Islamic scholars generally recognize the validity of marriage for pregnant women. However, some viewpoints require the renewal of the marriage contract after the child's birth.¹³ In the Indonesian context, the provisions in the Compilation of Islamic Law (KHI) represent a legal reform that does not rely solely on classical fiqh doctrine but also takes into account the sociological and psychological realities of Indonesian society. The KHI is viewed as a compromise between Islamic law and customary law aimed at providing legal certainty for the unborn child, particularly regarding civil status and the protection of their rights. In line with this, Hanapi et al. demonstrate that differences of opinion among fiqh schools regarding the validity of marriage for pregnant women indicate the flexibility of Islamic law in responding to social issues.¹⁴ The KHI tends to adopt a more moderate and *maslahat*-oriented perspective, particularly by permitting a pregnant woman outside of marriage to be married to the man who impregnated her without having to wait for the child's birth. This approach underscores that regulations regarding the marriage of pregnant women are not solely intended to legitimize adultery, but are rather aimed at protecting the family, the child, and social order.

¹⁰ Khoirul Abror, "Marriage of a Woman Pregnant Due to Adultery: A Comparative Study According to Islamic Law and the UUP" (Lampung: UIN Raden Intan, 2017), 7. Jennifer J. Barr and Lindsey Marugg, "Impact of Marriage on Birth Outcomes: Pregnancy Risk Assessment Monitoring System, 2012–2014," *The Linacre Quarterly* 86, nos. 2–3 (2019): 225–30, <https://doi.org/10.1177/0024363919843019>.

¹¹ Muhammad Quraish Shihab, *M. Quraish Shihab menjawab - 101 soal perempuan yang Patut Anda*, Cet. 5 (Lentera Hati, 2010), 70.

¹² Suhadi Suhadi, "Pernikahan Dini, Perceraian, Dan Pernikahan Ulang: Sebuah Telaah Dalam Perspektif Sosiologi," *Komunitas* 4, no. 2 (2012), <https://doi.org/10.15294/komunitas.v4i2.2412>; Lukman Santoso et al., "Fragmented Legal Protection in Child Marriage Prevention: Intersections of State Law, Religious Norms, and Local Values in East Java," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 11, no. 1 (2026): 27–55, <https://doi.org/10.22515/alahkam.v11i1.14103>.

¹³ Kumedi Ja'far et al., "Reconstruction of Pregnancy Marriage Legality in Indonesia," *International Journal of Criminology and Sociology* 9 (2020): 1082–90, <https://doi.org/10.6000/1929-4409.2020.09.125>.

¹⁴ Agustin Hanapi et al., "The Legitimacy of Marrying a Pregnant Woman from the Perspectives of Islamic Scholars and Legislation in Indonesia," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 10, no. 2 (2023): 247–57, <https://doi.org/10.32505/qadha.v10i2.7328>.

On the other hand, empirical literature shows that marriage during pregnancy is also influenced by social and cultural factors, as well as an individual's readiness to start a family. Research by Sheila Fakhria indicates that the attitudes of legal officials (marriage registrars) in determining legal references for cases involving the marriage of pregnant women still vary.¹⁵ Marriage registrars at several KUA offices in Kediri opine that a pregnant woman may be married to a man who did not impregnate her. This indicates that marriage registrars in Kediri prefer to refer to classical fiqh rather than state law (KHI). Sociological factors such as the pesantren environment and the influence of kyai as religious authorities form the basis of this stance.

Meanwhile, Rahmah et al. emphasize the importance of marriage readiness and pregnancy planning as key factors in building a healthy and sustainable family.¹⁶ The significant relationship between marriage readiness and pregnancy planning indicates that marriages entered into as a response to pregnancy do not always guarantee the psychological, economic, and social readiness of the couple. Therefore, although previous studies have extensively discussed legal aspects, the status of children, and the factors causing out-of-wedlock pregnancies, there remains a research gap regarding how society views the practice of marrying pregnant women within the local social context. This gap is important to examine because public perception can influence social acceptance, legal implementation, and the effectiveness of protections for women and children involved in this phenomenon.

Based on the literature review, an important research gap warrants further study, namely, how society interprets and responds to the practice of marrying pregnant women in everyday life. This study focuses on public perception, as perceptions not only reflect a society's moral views but also determine its patterns of social action. In the context of Pangeo Village, there is a phenomenon of social inconsistency, where the community perceives the marriage of pregnant women as contrary to religious and social norms, yet simultaneously remains actively involved in the marriage ceremony. This phenomenon indicates a shift in social values and a weakening of social control over deviant behavior. Therefore, this study is original in its attempt to connect an Islamic legal perspective with a sociological approach to legal understanding of the social dynamics surrounding the practice of marrying pregnant women. This research also contributes to expanding the study of the sociology of Islamic law, particularly regarding the relationship between religious norms, social behavior, and cultural change in contemporary Muslim society.

¹⁵ Sheila Fakhria, "Pegawai pencatat nikah dan konservatisme fikih keluarga: Pelaksanaan Perkawinan Wanita Hamil Di Kantor Urusan Agama Kabupaten Kediri," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 13, no. 2 (2020): 139-52, <https://doi.org/10.14421/ahwal.2020.13204>.

¹⁶ Novita Rahmah and Wiwit Kurniawati, "Relationship between Marriage Readiness and Pregnancy Planning among Prospective Brides," *Journal of Public Health Research* 10, no. 1_suppl (2021): jphr.2021.2405, <https://doi.org/10.4081/jphr.2021.2405>.

Theoretically, this study employs a sociological approach to Islamic law, drawing on Soerjono Soekanto's theory of legal effectiveness¹⁷ and Emile Durkheim's structural-functional theory.¹⁸ Soerjono Soekanto explained that legal effectiveness is influenced by the legal factors themselves, law enforcement officials, supporting facilities, and public awareness of the law.¹⁹ In the context of the marriage of pregnant women, the increasing number of premarital pregnancies indicates that religious law and social norms have not been functioning effectively in controlling societal behavior. Meanwhile, Durkheim's structural-functional theory emphasizes that society consists of social structures that function to maintain order and social solidarity.²⁰ When social norms are no longer able to limit relationships between men and women, social dysfunction occurs, causing deviant behavior to be considered normal. The use of these two theories is important to explain how changes in society's social structure influence perceptions and social practices related to the marriage of pregnant women.

The specific context of this research focuses on the community of Pangeo Village, Morotai Island Regency, which has seen an increase in cases of marriages involving pregnant women year after year. According to data from the Morotai Island Regency Ministry of Religious Affairs Office, in 2022, there were 156 cases, or 34.89% of the total 447 marriages involving premarital pregnancy. In 2023, this number increased to 191 cases, or 34.85% of the total 548 marriages.²¹ This data indicates that this phenomenon is no longer sporadic or individual but has become a serious social problem. In addition to adolescents, the phenomenon of premarital pregnancy is also found in adult women, who are socially perceived as having greater maturity and life experience. This situation indicates a more complex issue involving weak moral education, inadequate social oversight, and limited access to reproductive health information in the community.

Based on this description, this study aims to analyze the perceptions of the Pangeo Village community regarding marriages involving pregnant women due to

¹⁷ Legal effectiveness is the ability of law to create or bring about a condition or situation desired or expected by law. A legal product is said to be effective if it has been implemented or implemented in practice. Ria Ayu Novita et al., "Efektivitas Pelaksanaan Undang-Undang Nomor 2 Tahun 1960 Tentang Perjanjian Bagi Hasil Tanah Pertanian (Tanah Kering) Di Desa Bringin, Kecamatan Bayan, Kabupaten Purworejo," *Diponegoro Law Journal* 6, no. 2 (2017): 1–12, <https://doi.org/10.14710/dlj.2017.16975>.

¹⁸ Structural Functional Theory – Every human being inevitably interacts with other humans, whether within the family, at work, in education, or in other environments. To be able to relate well to each other, each individual requires a distinct role or function. This human function within an environment gives rise to tasks that must be completed effectively. Failure to complete these tasks can lead to disharmony and disorder in a society. See pip jones et al., *Pengantar Teori-Teori Sosial (Edisi Revisi)* (Yayasan Pustaka Obor Indonesia, 2016).

¹⁹ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Rajawali Pers, 2021); Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (PT. Raja Grafindo Persada, 2001).

²⁰ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (Open Road Media, 2011); Alfons Bora, *Sociology of Law: Towards a Responsive Theory* (Springer Nature, 2024).

²¹ Hatim, Sumardi, Hairil, Safrin, Siti, *Interview*, 14–20 June 2023; Ministry of Religious Affairs of Morotai Island Regency, "Recapitulation of Marriage Event Reports for 2022 and 2023" (Morotai, 2023).

adultery and to explain the social factors influencing these perceptions. This research also seeks to understand how society positions religious norms, customs, and social realities in responding to the phenomenon of pregnant women marrying. Using a sociological approach to Islamic law, this research is expected to contribute academically to the development of Islamic family law studies that are not only oriented towards normative aspects but also take into account social realities. Furthermore, this research is expected to provide consideration for religious leaders, the government, and the community in formulating strategies for moral education and strengthening social control to minimize the practice of premarital pregnancy in Muslim communities.

Method

This study uses a qualitative method with a phenomenological field research approach.²² The research population is the people of Pangeo Village, Morotai Jaya District, Morotai Island Regency. Purpose sampling was used to obtain 7 research informants, out of 30 informants in the pre-research interview, of whom only 7 provided information about their views on pregnant women's marriage in general. Data collection uses in-depth interviews with informants. The data analysis in this study follows the stages of collection, presentation, and conclusion drawing. The theory's basis is the community's social perception of the marriages of pregnant women in Pangeo. According to Harvey and Smith, this perception is a process of making judgments or forming impressions about various kinds of things encountered through one's senses.

Perception theory is an important foundation for understanding how and why the people of Pangeo Village form a special view of the marriage of pregnant women outside of marriage. Perception theory explains that people's perceptions are not shaped individually or randomly, but through cognitive processes influenced by the social environment. In Pangeo Village, the perception of the need to marry pregnant women out of wedlock is formed by the interaction between local cultural values (fear of "illegitimate children"), the collective experience of the community over the years, and the social stereotypes inherent in the status of children born out of wedlock. This process corresponds to the concept that the individual constructs meanings about phenomena and norms received from his social group.²³

²² Jiří Příbáň, *Research Handbook on the Sociology of Law* (Edward Elgar Publishing, 2020); Reza Banakar, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, 1st ed. 2015 (Springer, 2015), <https://doi.org/10.1007/978-3-319-09650-6>.

²³ John W. Creswell and J. David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (SAGE Publications, 2017); Matthew B. Miles et al., *Qualitative Data Analysis: A Methods Sourcebook* (SAGE Publications, 2013).

Pangeo Village People's Perception of Pregnant Women's Marriage

Research on public perception of pregnant women's marriage in Pangeo Village, Morotai Jaya District, Morotai Island Regency, was conducted through interviews with predetermined informants. The number of key informants then snowballed to 7. There were 30 informants, but only 7 actively provided explanations, while the rest gave only passive answers. The researcher obtained data from 7 informants, consisting of religious leaders, traditional leaders, community leaders, and several members of the general public.

The research was conducted in Pangeo Village, Morotai Jaya District, Morotai Island Regency, on the topic of "Public Perception of Pregnant Women's Marriage". Interviews with several Pangeo Village people about how the community views the marriage of pregnant women outside of marriage.

This research refers to people who conduct systematic research to uncover new knowledge, test hypotheses, or find solutions to problems.

An interview with a religious figure, namely the Imam of the Pangeo Village Mosque, Mr. Hatim Martora, stated that:

Pangeo kalo ma'ena modoka karena yatilibu, bisa. Modoka karena ya tilibu gena perbuatan yang paling datorou, memang nyawa yo modoka karena ya tilibu dari dulu juga ma'enaka cuma nako zaman dulu ma jumlah lebih da'ucu dari pada sekarang. Nako sekarang modoka karena ya tilibu gena ya anggap hal biasa, hal marena masebab ngopa zaman sekarang de zaman dulu gena beda. Nako zaman dulu doigu'uru de jojojaru manga hubungan gena paling yabatasi. karena yoma teke didiao dika bisa yasmodoka, nako yasdamaake yogoge sama-sama na karna zaman dulu gena nyawa toba yosdadatogo dan nako yasdatago karena harus yasmodoka tra banya caritali. Ngaroko yo tunangan walo tetap yasmodoko, makanya ngopa-ngopa zaman marena na paling yomodo yoma teke didiao. Bedali de zaman sekarang, nako sekarang doigu'uru de jojaru yomateke tunangan ngaroko manga dodihimo manga sima kalo yo seganwa. demanga didihimo ya temo gena onalo yo sangoli makanya ya alus silo kayo modoko, yakarena ya tilibu makanya harus yasimodoka.²⁴

The Imam of the Pangeo Village Mosque, Mr. Hatim Martora, explained that marriages of pregnant women are common in Pangeo Village due to its small area and intense social interaction. This reinforces the theory of social perception, which states that the social environment can influence individual perceptions and behavior.

The lack of preparedness among girls who experienced marriage by accident underscores the urgent need for comprehensive sexuality education (CSE) that begins early and is tailored to the cultural context of Indonesian adolescents. This education must go beyond biological content and include psychosocial components,

²⁴ Hatim Martora, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

consent, agency, and negotiation skills, which have been shown to delay early marriage and increase reproductive health literacy.²⁵

The first informant mentioned that marriages of pregnant women were rare in the past due to strict customary practices. However, these customs have now been abandoned, resulting in closer relationships between men and women. This change has influenced community perceptions of marriages of pregnant women.

The first informant stated that marriages of pregnant women are permissible without waiting for the birth of a child. This view aligns with Islamic law, which permits the marriage of pregnant women if they meet the requirements for a valid marriage. This demonstrates that Islamic legal views influence community perceptions.

The first informant stated that the people of Pangeo Village no longer view marriages of pregnant women negatively. This perception has changed due to social and cultural changes. According to the theory of social perception, individuals' perceptions are influenced by their social and cultural environments.

An Interview with Mr. Sumardi Sorobisa, who stated about the marriage of pregnant women outside of marriage, that:

Ya ada, sah selama trada larangan, Orang yang Kawin kong hamil itu tara bagus, karena depe kahamilan itu adalah bukti dosa maksiat yang dorang bikin, jadi akhirnya dorang kawin. Perempuan yang hamil sebelum kawin itu perempuan yang tra bisa jaga diri, dan tara tako Allah kong bikin dosa zina padahal zina itu hukumnya haram. Kalo Dulu torang pe Desa ini hamil sebelum kawin itu jarang, walaupun ada tapi sangat sedikit. Jadi kalo ada yang kawin kong so hamil tu, dorang pasti kasih sembunyi sekali jadi kawin me babadiam. Lah kalo sekarang orang hamil me biasa saja, buktinya dorang kawin secara terbuka bahkan pesta lagi. Ini karena orang tua tra tegas kong ana so hamil baru kase nikah dengan meriah faktornya karena tra dengar nasehat orang tua.²⁶

Mr. Sumardi Sorobisa's explanation indicates that marriages of pregnant women in his community are common and considered valid under Islamic law as long as they meet the requirements for marriage. However, these marriages are still considered morally wrong because pregnancy outside of marriage is a result of sin.

Perception theory explains that the social and cultural environment influences individual perceptions. In this case, the second informant stated that marriages of pregnant women often occur because children do not listen to their parents' advice.

²⁵ Muhammad Rizky et al., "Readiness for early marriage among pregnant adolescents: a phenomenological study in north sumatra," *Journal of Gender and Social Inclusion in Muslim Societies* 6, no. 1 (2025): 29–41, <https://doi.org/10.30829/jgsims.v6i1.20888>; Neng Eri Sofiana and Muhammad Ismail Sunni, "The Application of Article 53 of KHI (Islamic Law Compilation) Regarding Pregnant Marriage in Lottery Marriage," *Jurnal Ilmiah Al-Syir'ah* 19, no. 1 (2021): 122–35, <https://doi.org/10.30984/jis.v19i1.1453>.

²⁶ Sumardi Sorobisa, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

Islamic legal perspectives influence the second informant's perception, stating that marriages of pregnant women are not illegal as long as they do not violate Islamic legal norms. This also strengthens the legitimacy of the marriages.

Other factors influencing the second informant's perception include environmental influences, changes in social values, Islamic legal perspectives, and the role of parents in shaping children's behavior.

Early marriage has become an international concern, particularly in the development policies of low- and middle-income countries, including Indonesia. The country, with more than 255 million people living in 34 provinces, 416 districts, and 98 cities, is home to the largest Muslim population in the world, with great diversity in geographical and socio-cultural conditions, and has 16.2% of women aged 18-22 years in early marriage.²⁷

The second informant's explanation indicates that social, cultural, and religious factors influence the marriages of pregnant women. Public perceptions of marriages of pregnant women change due to changes in social values and Islamic legal perspectives.

Next, the interview with Mr. Madi Adat explained about the marriage of pregnant women outside of marriage, which is:

Kawin karena hamil tu tra bagus lebih bagus kalo menikah dulu baru hamil. cuma zaman sekarang torang so tra bisa heran, me ana-ana mulai besar dorang harus kasih tinggal Desa untuk pigi sekolah di Kota jadi tra jarang ana sekolah yang tinggal di Kota pasti ada yang hamil sebelum kasih selesai sekolah, dan itu fakta yang sering torang temui di masyarakat ini. Hal ini bisa torang lihat dari kasus wanita hamil yang terjadi di saya pe tetangga, dorang pe orang tua paling rajin sambayang dan ajar ana-ana mangaji Cuma dorang pe ana pigi sekolah di Kota pulang so hamil, karena so hamil jadi orang tua tetap harus kasih kawin deng depe laki-laki yang kasih hamil.²⁸

Mr. Madi Adat's explanation suggests that the marriage of a pregnant woman is no longer considered surprising because it has become more common. This demonstrates a shift in the community's social and cultural values .

According to a third informant, it is better to avoid pregnancy outside of marriage by first marrying. However, in reality, children living in cities are highly vulnerable to pregnancy outside of marriage. This factor is exacerbated by a lack of supervision and proper sex education. Even though the parents of these children are religious and teach them the Quran, this is ineffective in preventing pregnancy outside of marriage. This demonstrates a deliberate disconnect between religious values and actual practice.

²⁷ Setiadi Setiadi, "Getting Married Is a Simple Matter: Early Marriage among Indonesian Muslim Girls in Rural Areas of Java," *JSW (Jurnal Sosiologi Walisongo)* 5, no. 2 (2021): 143-54, <https://doi.org/10.21580/jsw.2021.5.2.7970>; Eda Sahin et al., "Consanguineous Marriage and Its Effect on Reproductive Behavior and Uptake of Prenatal Screening," *Journal of Genetic Counseling* 29, no. 5 (2020): 849-56, <https://doi.org/10.1002/jgc4.1214>.

²⁸ Madi Adat, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

Child marriage continues to constitute a serious social problem, particularly in developing countries, despite the enactment of various regulations, policies, and interventions. This condition poses a significant challenge to the realization of children's rights, gender equality, and sustainable human capital development.²⁹

The Normative Framework for Marriage Age in Islamic Family Law: Indonesia has a law that regulates the age of marriage, namely Marriage Law Number 1 of 1974. This law sets a minimum age for marriage: 19 for men and 16 for women. If the prospective couple has not reached the age of 21, they must obtain permission from both parents before entering into marriage. Although this law allows women to marry at 16, that age is still considered a child's age. At this age, both physically and mentally, they are considered vulnerable and not mature enough to deal with the consequences of marriage.³⁰

Islamic law permits the marriage of a pregnant woman if the legal requirements are met,³¹ including providing a dowry, as outlined in Surah An-Nisa, verse 4 of the Quran: *Give the woman (whom you marry) a dowry as a voluntary gift. Then, if they give you some of it willingly, accept it and enjoy it with pleasure. (Surah An-Nisa: 4).*³²

However, Islam also emphasizes the importance of marriage before intimate relations, as explained in the Qur'an, Surah Al-Isra, verse 32, as follows: *Do not come near adultery. Indeed, it is an abomination and an evil path. (QS. Al-Isra: 32).*³³

In this context, public perceptions of the marriage of pregnant women are influenced by their experiences and social environment, as well as changes in social values and Islamic legal perspectives.

According to a third informant, the marriage of pregnant women is a complex phenomenon influenced by social, cultural, and religious factors. Appropriate religious and sexuality education is crucial for preventing out-of-wedlock pregnancies.

The researcher's next interview with Mr. Hairi Haji Hasan explained about the marriage of pregnant women outside of marriage, that:

²⁹ Anie Rohaeni and Mohd Imraan, "The The Law on Marriage for Pregnant Women Due to Adultery in the Socio-Cultural Perspective of Society," *The International Journal of Law Review and State Administration* 1, no. 3 (2023): 93–102, <https://doi.org/10.58818/ijlrsa.v1i3.79>; Muhammad Rizky et al., "Readiness for early marriage among pregnant adolescents: a phenomenological study in north sumatra," *Journal of Gender and Social Inclusion in Muslim Societies* 6, no. 1 (2025): 29–41, <https://doi.org/10.30829/jgsims.v6i1.20888>.

³⁰ Muhammad Gazi Firman Maulana, "The Role of Family in Legitimizing Early Marriage In Central Lombok District: A Perspective Islamic Family Law," *Jurnal penelitian keislaman* 21, no. 2 (2025): 133–128, <https://doi.org/10.20414/jpk.v21i2.14071>; Nunung Susfita et al., "Breaking Through Customary Domination for Child Protection: An Analysis of the Gerakan Anti-Merarik Kodeq (GAMAK) from the Perspective of Maqasid al-Shariah," *Al-Qadha : Jurnal Hukum Islam Dan Perundang-Undangan* 12, no. 2 (2025): 448–68, <https://doi.org/10.32505/qadha.v12i2.12286>.

³¹ Erlina Rizqi Fatmasari and Yudhi Achmad Bashori, "Menelisk Maqashid Syariah Atas Kebijakan KUA Terhadap Wali Nikah Perempuan Yang Lahir Kurang Dari 6 Bulan," *Al-Syakhsyiyah: Journal of Law and Family Studies* 4, no. 2 (2022): 204–204, <https://doi.org/10.21154/syakhsyiyah.v4i2.5181>.

³² Kementerian Agama RI, *Al-Qur'an Dan Terjemahannya* (Pustaka Agung Harapan, 2006). 77.

³³ Kementerian Agama RI, *Al-Qur'an Dan Terjemahannya*. 285.

Kawin karena so hamil itu tra bagus karena bikin malu orang tua, Cuma kalo so hamil harus kasih kawin supaya ana yang dalam kandungan tu bukan lagi ana haram jada. kebanyakan yang kawin karena hamil tu ana-ana sekolah, ada yang masih SMP, SMA sampe yang kuliah. Ada saya pe tetangga pe ana dia hamil tapi depe laki-laki tara tanggungjawab Cuma karena si perempuan yang hamil itu ancam lapor di Polisi jadi laki-laki itu me mau kawin tapi Cuma kawin depe ana saja makanya setelah ijab qabul dorang tara hidup sama-sama. Depe sebab karena pacaran, orang tua me kasih biar.³⁴

Mr. Hairil Haji Hasan's explanation suggests that marrying a pregnant woman is considered undesirable, yet necessary to avoid stigmatizing the child as an "illegitimate child." This reflects societal perceptions influenced by social and religious values.

According to social perception theory, societal perceptions of the marriage of pregnant women are influenced by experience and the sociocultural environment. In this case, the fourth informant stated that out-of-wedlock pregnancies generally occur among children still in education, such as junior high, high school, and college.

Islamic law permits the marriage of pregnant women if they meet the requirements for a valid marriage. Islam also emphasizes the importance of marriage before sexual intercourse. In this context, the marriage of pregnant women is intended to avoid sin and maintain purity.³⁵

In many situations, these actions fail to account for the adolescent's developmental stage, emotional readiness, and future interests. The decision to marry tends to be reactive, a quick fix in response to social pressure. A future-oriented approach should involve psychosocial support, education, and equal dialogue between the parties involved.³⁶

Child marriage remains a pressing issue worldwide. It is estimated that 12 million girls are married each year globally (UNICEF, 2020). The prevalence is higher in developing countries, where 36% of women marry before age 18 (UNFPA, 2022). Children who marry are more likely to experience domestic violence, disruption of education, and poverty within their households. Moreover, children born to parents who marry at an early age are 62 times more likely to face developmental disorders.³⁷

³⁴ Hairil Haji Hasan, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

³⁵ Aliya Karima et al., "Kepentingan Terbaik Anak Pemohon Dispensasi Pernikahan Dalam Penafsiran Hukum Oleh Hakim," *Al-Syakhsyiyah: Journal of Law & Family Studies* 5, no. 2 (2023): 119-32, <https://doi.org/10.21154/syakhsyiyah.v5i2.7082>.

³⁶ Ainul Masrurroh et al., "Beyond Islamic Legal Principle: Social Justification of Adolescent Forced Marriage after Sexual Intercourse," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 25, no. 2 (2025): 444-61, <https://doi.org/10.19109/nurani.v25i2.29991>.

³⁷ Ningsih Fadhilah et al., "A Psychosociospiritual Collaborative Governance Model with Marriage Guidance to Prevent Child Marriage in Indonesia," *Gender equality: International Journal of Child and Gender Studies* 11, no. 2 (2025): 301-15, <https://doi.org/10.22373/equality.v11i2.31693>; Fadhilah et al., "A Psychosociospiritual Collaborative Governance Model with Marriage Guidance to Prevent Child Marriage in Indonesia."

According to the fourth informant, the cause of out-of-wedlock pregnancies is that parents allow their children to date without adequate supervision. This demonstrates a lack of parental involvement in shaping their children's behavior.

In the next interview with Mr. Safrin Kondihi, he explained about the marriage of pregnant women outside of marriage, that:

Orang yang so hamil kong kawin tu sebenarnya tra boleh, harus tunggu depe ana dalam kandungan lahir dulu baru kase kawin, tapi di kampong ini biar hamil juga tetap kasih kawin. padahal kan tra bagitu depe cara, saya pernah dengar ceramah dari ustad sapa tu, so lupa depe nama. tapi yang jelas saya masih inga dia pe ceramah, dia bilang anak perempuan yang hamil di luar nikah harus tunggu dia melahirkan dulu baru kase kawin. Tapi kalo so kawin ya harus kase kawin ulang setelah depe ana lahir cuman di kampong ini orang tua-tua pake hukum adat jadi kase kawin dan tra kawin ulang. torang tara bisa heran deng ana-ana sekarang, biar orang tua so larang jangan batunangan me ana-ana bikin saja, me terkecuali dorang bikin di orang tua pe muka la. ini dorang basambunyi kong, nanti so hamil baru orang tua tahu.³⁸

Mr. Safrin Kondihi's explanation reveals differences in Islamic law and community practices in Pangeo Village regarding the marriage of pregnant women. According to the preacher's sermon, the marriage of pregnant women is not permitted while the child is still in the womb and must be repeated after the child is born. However, in Pangeo Village, the marriage of pregnant women is carried out without these conditions. This demonstrates a deliberate mismatch between religious knowledge and actual community practices.

Social perception theory explains that community perceptions are influenced by experience, social environment, and culture. In this case, the fifth informant stated that despite parents' advice, children still engage in illicit relationships behind their backs.

Islamic law views the marriage of pregnant women as long as the marriage meets the requirements based on Surah An-Nisa': 4 and Surah Al-Isra': 32, which emphasize the importance of marriage before sexual intercourse and chastity.³⁹ However, community practices in Pengeo Village demonstrate flexibility and adapt religious values to the social context.

The fifth informant cited factors contributing to out-of-wedlock pregnancies as a result of lack of parental supervision, lack of appropriate religious knowledge, and lack of communication between parents and children.

According to the Indonesian Child Protection Commission (KPAI), over 60% of girls married under the age of 18 experience significant educational setbacks. These

³⁸ Safrin Kondihi, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

³⁹ Allah SWT established marriage as a means to establish an Islamic household. Through marriage, the relationship between a man and a woman as husband and wife is established with honor, psychological and biological desires are channeled, and psychological and emotional satisfaction and happiness can be achieved in accordance with human nature and nature. Marriage has several purposes, including fulfilling physical (biological) and spiritual needs, as well as establishing a family, which serves as a means to continue and nurture offspring.

early marriages limit girls' socio-economic mobility, contribute to cycles of poverty, and exacerbate gender inequality. As these young girls are often unable to access adequate health care, education, or economic opportunities, child marriage becomes both a symptom and a perpetuator of systemic socio-economic disadvantages.⁴⁰

An interview with Mr. Nahrawi Martora stated regarding the marriage of pregnant women outside of marriage, that:

Ma'ena dan boleh pasmodoka karena ma anjuran agama kah koma gena jadi ngone kapo mote-mote ma juo au perintah. Ngomi dodihimo na mi ingin ngopa-ngopa upa ya tilibu, duma mana naga tilibu gena ai merajalela kah, jadi nanga ngopa hanya panasehat untuk manga diri yojaga nako nanga nasehat ya motewa na pasti kaya tilibu. Apalagi nako nanga ngopa-ngopa yose sekolah de doku ai kakaku ka yogoge gena ngoni pa nako wa o kia ya aka jadi kapo golo ma gikimoi kah supaya nanga ngopa o nasehat ya coho.⁴¹

Mr. Nahrawi Martora's explanation indicates that the marriage of a pregnant woman is considered valid and permissible in his community, in accordance with Islamic teachings. This informant also views marriage as a way to avoid sin, emphasizing the importance of following religious teachings as a servant of Allah SWT.

Social perception theory explains that personal experiences and social environments, religious and cultural values, and communication and social interactions influence societal perceptions. In this context, the sixth informant stated that the marriage of a pregnant woman is valid according to Islam if it meets certain requirements. Therefore, marriage is seen as a way to avoid sin.

According to the sixth informant, the cause of out-of-wedlock pregnancies is children living in cities and a lack of parental supervision. Despite this, parents have tried to advise their children.

The last interview with the female figure, namely Mrs. Siti Mariama Ishak, stated that:

Semua agama mengajarkan torang untuk tara berbuat dosa apalagi zina dan setiap orang tua tara mau ana-ana hamil di luar nikah tetapi mau setegas apapun orang tua ke ana tapi kalo ana itu tra jaga diri tetap hamil saja. Agama melarang berbuat zina tapi kalo so hamil boleh di kasih nikah.⁴²

⁴⁰ Suthida Chaturathorn et al., "The Justice Dilemma in Minor Marriages: Dispensation vs. Prevention," *Unnes Law Journal* 11, no. 2 (2025): 279-306, <https://doi.org/10.15294/ulj.v11i2.3920>.

⁴¹ Nahrawi Martora, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

⁴² Siti Mariama Ishak, "Interview," Pangeo Village, Morotai Jaya District, Morotai Island Regency, 14-20 June 2023.

The explanation from a female figure, Mrs. Siti Mariama Ishak, emphasized the importance of maintaining chastity and avoiding the sin of adultery, in accordance with religious teachings. She believed that out-of-wedlock pregnancies are caused by a lack of awareness and ability in children to protect themselves.

From an Islamic legal perspective, adultery is considered a major sin. However, if pregnancy has occurred, marriage is considered a way out to avoid further sin and maintain chastity.

Social perception theory holds that religious and cultural values, experiences, and social environments shape behavior and influence societal perceptions. Effective communication between generations is crucial to preventing mistakes.

The seventh informant highlighted the importance of religious education and moral awareness, parent-child communication about chastity and responsibility, and avoiding stigma against women who become pregnant out of wedlock.

Public Perception and the Normalization of Premarital Pregnancy

The phenomenon of out-of-wedlock pregnancy is a social issue with multidisciplinary dimensions, as it relates not only to moral and religious aspects but also touches on legal, cultural, reproductive health, and social structural dimensions. In the context of Southeast Asia, particularly Indonesia, this phenomenon is often intertwined with rising rates of adolescent pregnancy and the practice of child marriage.⁴³ Various studies indicate that teenage pregnancy generally stems from a combination of structural factors, including limited access to contraceptives, a lack of comprehensive reproductive health education, and strong socioeconomic pressures that influence gender dynamics. In many cases, unplanned pregnancies then prompt families and communities to view marriage as the most realistic solution to avoid broader social consequences, such as the loss of family honor, the marginalization of women, and the legal uncertainty regarding the status of the child to be born.⁴⁴

From a legal sociology perspective, these conditions demonstrate that the institution of marriage functions not only as a religious and civil bond but also as a social control instrument used by society to restore social balance disrupted by norm violations. Therefore, out-of-wedlock pregnancy is often not viewed merely as an individual issue but as a social event affecting the collective honor of the family and the community. Within this framework, marriage serves as a means to

⁴³ Anto, Mita, Vina, Wati, *Interview*, Youth Leader, Pangeo Village, Morotai Jaya District, Morotai Island Regency, 24-28 Juni 2025; Faith A. Miller et al., "Can't Live Willingly': A Thematic Synthesis of Qualitative Evidence Exploring How Early Marriage and Early Pregnancy Affect Experiences of Pregnancy in South Asia," *PLOS Global Public Health* 3, no. 10 (2023): e0002279, <https://doi.org/10.1371/journal.pgph.0002279>.

⁴⁴ Anto, Mita, Vina, Wati, *Interview*, Youth Leader, Pangeo Village, Morotai Jaya District, Morotai Island Regency, 24-28 Juni 2025; Lia Noviana et al., "Interpreting Legal Rights: Disparities in Judicial Treatment of Children Born Out of Wedlock in East Java, Indonesia," *Lex Scientia Law Review* 8, no. 1 (2024): 1, <https://doi.org/10.15294/lslr.v8i1.4606>.

reintegrate individuals deemed deviant back into the social order accepted by society.⁴⁵

Research findings in Pangeo Village, Morotai Jaya Subdistrict, Morotai Island Regency, reveal an intriguing social construction regarding community attitudes toward the marriage of pregnant women. The community exhibits a response pattern that can be categorized as moral dualism or *moral ambivalence*. On one hand, the community strongly condemns the act of adultery that leads to pregnancy, as it is deemed contrary to religious teachings, moral norms, and local cultural values. Such acts are viewed as a violation of the community's long-upheld value system. However, on the other hand, once the pregnancy has actually occurred, the community's orientation shifts from a punitive approach toward a more restorative approach, namely by encouraging the marriage of the parties involved.

This phenomenon demonstrates society's ability to distinguish between judgments about behavior and those about an individual's legal status. Society does not automatically equate a woman who becomes pregnant as a result of adultery with a permanent stigma that strips her of her rights as a member of society. Instead, society views marriage as a tool for social rehabilitation that enables the woman to regain her social standing. In this context, marriage is not understood as a form of legitimization of the adultery that has occurred, but rather as a means to break the chain of social stigma while protecting the woman and the child to be born. This approach demonstrates a legal character more oriented toward restoring social conditions than merely imposing moral sanctions.

This social acceptance is fundamentally rooted in a strong theological foundation within the community's understanding of Islamic law. Based on the research findings, the community of Pangeo Village tends to use a formalistic approach to determine the validity of a marriage. The validity of a marriage is not determined by the biological condition of the prospective bride, including her pregnancy status, but rather by the fulfillment of the pillars and conditions of marriage as stipulated in Islamic law. These pillars and conditions include the presence of a prospective husband and wife who meet the legal requirements, a valid guardian, two qualified witnesses, and the proper execution of the *ijab* and *kabul*. Thus, as long as these conditions are met, the marriage remains valid in religious terms even if the woman is pregnant at the time the marriage contract is concluded.⁴⁶

⁴⁵ David J. Banks, "Marriage and Divorce In Islamic South-East Asia," *American Ethnologist* 24, no. 2 (1997): 499–500, <https://doi.org/10.1525/ae.1997.24.2.499>; Gavin W. Jones, *Marriage and Divorce in Islamic South-East Asia* (Oxford University Press, 1994).

⁴⁶ Anto, Mita, Vina, Wati, *Interview*, Youth Leader, Pangeo Village, Morotai Jaya District, Morotai Island Regency, 24-28 Juni 2025; Fauziah Zaiden and Mastura Mahfar, "Needs Analysis of Depression and Cognitive Distortion Module Among Out-Of-Wedlock Pregnant Adolescents," *Sains Humanika* 14, no. 2 (2022): 79–86, <https://doi.org/10.11113/sh.v14n2.1847>; Prisilia Caroline Keo et al., "Socio-Emotional Development of Women Who Are Pregnant Out of Wedlock," *Journal of Health and Behavioral Science* 7, no. 4 (2025): 984–1000, <https://doi.org/10.35508/jhbs.v7i4.23632>.

This societal perspective actually reflects the adaptive and responsive nature of Islamic law to social realities. In classical fiqh literature, the issue of marrying a woman who is pregnant as a result of adultery has indeed been a subject of debate among scholars. However, these differing viewpoints actually demonstrate the breadth of room for ijtihad within Islamic law. The Shafi'i and Hanafi schools, for example, in principle permit the marriage of a woman who is pregnant as a result of adultery, whether to the man who impregnated her or to another man. In fact, according to this view, the marriage may be performed without waiting for the woman to give birth, and marital relations may be conducted lawfully after the marriage contract is concluded. Meanwhile, Ibn Hazm of the Zahiri school also permits such a marriage on the condition that the parties have sincerely repented for the adultery committed previously.⁴⁷

These differing views among scholars demonstrate that Islamic law contains not only an idealistic normative dimension but also a pragmatic dimension aimed at proportionately addressing social issues. In other words, Islamic law is not solely directed at punishing perpetrators of moral violations but also provides mechanisms for resolving conflicts that can mitigate the adverse effects arising from such violations. In the context of an unmarried pregnant woman, this approach is crucial because the social consequences are borne not only by the perpetrator but also by the unborn child and the extended family involved.

In addition to theological legitimacy, societal acceptance of marriage for pregnant women also finds a normative basis in Indonesian positive law. Law No. 1 of 1974 on Marriage does not explicitly prohibit the marriage of a pregnant woman. The primary focus of this law is the fulfillment of formal marriage requirements, such as the consent of both prospective spouses, parental permission for those who have not reached a certain age, and the absence of legal impediments to marriage under applicable law. Therefore, pregnancy out of wedlock is not categorized as a legal impediment that can prevent or annul a marriage.⁴⁸

This accommodative legal character subsequently gave rise to two typologies of marriage practices involving pregnant women that have developed in society. First, marriage to the man who impregnated the woman. This model enjoys the highest level of social acceptance because it is seen as reflecting moral responsibility, providing a sense of justice for the woman, and ensuring the certainty of the child's lineage. From a societal perspective, the man who caused the

⁴⁷ Zani Munawir S, "Marrying A Pregnant Woman From The Perspective Of Islamic Legal Philosophy," *ISNU Nine-Star Multidisciplinary Journal* 1, no. 3 (2024): 220–27, <https://doi.org/10.70826/ins9mj.v1i3.511>; Ahmad Mustarsidin and Akhmad Khisni, "Pregnancy Married in The Perspective of Four Madzhab and Compilation of Islamic Law (KHI)," *Jurnal Daulat Hukum* 1, no. 3 (2018): 699–704, <https://doi.org/10.30659/jdh.v1i3.3370>.

⁴⁸ Gunawan et al., "Islamic Law Review of Marriages of Pregnant Women Out of Marriage and the Status of Their Children," *Al-Afkar, Journal For Islamic Studies* 8, no. 1 (2025): 561–78, <https://doi.org/10.31943/afkarjournal.v8i1.1741>; Srirahma Srirahma and Sri Nanang Meiske Kamba, "Effectiveness of Article 53 On Marrying Pregnant Women In Compilation Of Islamic Law," *Estudiante Law Journal* 4, no. 2 (2022): 739–58, <https://doi.org/10.33756/eslaj.v4i2.18362>.

pregnancy has a moral obligation to take responsibility through marriage. Therefore, this model is considered an ideal solution for comprehensively resolving the issue.

Second, marriage to another man who did not impregnate the woman. Normatively, this practice is permitted under certain schools of Islamic jurisprudence and is not explicitly prohibited by Indonesian positive law, provided all marriage requirements are met. However, sociologically, this practice tends to face greater resistance because it is seen as failing to fully satisfy the prevailing sense of justice. Society generally still views the man who impregnated the woman as the party most responsible for the pregnancy; thus, marriage to another man is often seen as an alternative option when the ideal solution cannot be realized.⁴⁹

When analyzed from the perspective of *maqāṣid al-sharī'ah*, society's acceptance of the marriage of a pregnant woman is, in fact, a concrete manifestation of the public interest orientation that serves as the primary objective of Islamic law. First, this practice relates to the principle of *ḥifẓ al-nasl* (protection of lineage), which ensures that the child born receives a clear legal status, adequate custody rights, and civil protection under both religious and state law. Second, this practice reflects the principle of *ḥifẓ al-'irdh* (protection of honor), as it reduces the stigma, discrimination, and social exclusion that can harm both women and children. Third, this practice aligns with the broader goal of social welfare, namely restoring social stability through the formation of legitimate family units recognized by society.⁵⁰

From a broader perspective, the findings in Pangeo Village demonstrate that the application of law in society never stands alone. The interaction between state law, religious law, and local culture largely determines the effectiveness of a legal norm. These three elements form what is known as legal culture, namely the patterns of values and beliefs that influence how society understands and applies the law in daily life. In the case of marriage involving a pregnant woman, the legal culture of Pangeo Village demonstrates a harmonious convergence between religious norms, social norms, and state norms. These three do not conflict with one another but rather reinforce each other in shaping the perception that marriage is the most beneficial solution to the issue of pregnancy outside of marriage.

Based on this discussion, it can be concluded that the community's acceptance of marriage for pregnant women in Pangeo Village results from a socio-legal construction shaped by the intersection of the community's moral values, the flexibility of Islamic jurisprudence, and the accommodation of Indonesian positive law. Although the community still views adultery as a reprehensible act contrary to religious teachings, they do not subject the pregnant woman to prolonged stigmatization. Instead, the community opts for a restorative approach through the

⁴⁹ Bagus Ramadi, *Fikih Munakahat : Teori dan Praktik Serta Isu-isu Kontemporer* (Merdeka Kreasi Group, 2024).

⁵⁰ Ibrahim Ibn Al-Shatibi, *The Reconciliation of the Fundamentals of Islamic Law: Al-Muwafaqat Fi Usul al-Shari'a*, trans. Imran Ahsan Khan Nyazee (Garnet Publishing, 2012); Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (IIIT, 2008).

institution of marriage to restore honor, ensure protection for the unborn child, and create a more just social order. Thus, the marriage of a pregnant woman is not understood as a justification for the moral transgression that has occurred, but rather as an instrument of public welfare that enables the realization of legal protection, social rehabilitation, and the continuation of family life in a more humane manner.

Conclusion

The perception of the people of Pangeo Village towards pregnant women before marriage is a very unjustified act. However, most of the people of Pangeo Village accept the marriage of pregnant women out of wedlock; this is done as a pragmatic solution to avoid social stigma and protect women and their children. At the same time, others refuse to marry pregnant women out of wedlock until they wait for the birth of a child. Social factors and education level influence this difference in perception.

The view of Islamic law on the marriage of pregnant women outside marriage has its own complexity. Although marriage is recommended in principle, marriage in these conditions still triggers fiqh debates regarding its validity and legal consequences. Scholars' differing interpretations of verses and hadiths on marriage and pregnancy outside of marriage have led to diverse legal views. In Pangeo, there are various interpretations of Islamic law regarding the marriage of pregnant women out of wedlock. Most people think that this marriage is allowed, either with a pregnant man or with another man, because if the woman is not married, the child conceived by the pregnant woman will be called a haram child.

Seeing the many cases of marriage of pregnant women that occur in the community of Pangeo village, there is a need for efforts made by the government, the community, and educational institutions that work together to overcome the problem of pregnancy out of wedlock. The government can increase religious awareness and education through community programs. Meanwhile, the community needs to increase parent-child supervision and communication and form support groups for pregnant adolescents. Educational institutions must integrate sexuality and religious education in the curriculum.

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