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Marriage During the Wife's 'Iddah Period: A Socio-Legal Analysis of the Implementation of Circular Letter No. 05 of 2021 in Solok Regency

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ABSTRACT

This study examines marriage during a wife's iddah period from the perspective of Islamic family law by analyzing Circular Letter of the Director General of Islamic Community Guidance No. 05 of 2021 and its implementation in Solok Regency. The research addresses a normative gap in Indonesian positive law, which does not explicitly regulate restrictions on ex-husbands remarrying during the ex-wife's iddah, potentially leading to legal uncertainty, gender inequality, and weak protection for women after divorce. Using a qualitative socio-legal approach, data were collected through in-depth interviews, observation, and documentation involving KUA officials, religious counselors, and community leaders. The findings indicate that the circular letter functions as an administrative policy (beleidsregel) that guides KUA in controlling marriage registration and preventing harmful practices such as serial marriages and disguised polygamy. However, its implementation varies between strict and adaptive approaches, influenced by bureaucratic discretion, local socio-cultural contexts, and uneven legal literacy. While KUA officials generally show consistent understanding, religious counselors and community leaders demonstrate diverse interpretations due to limited policy dissemination and persistent conventional fiqh perspectives. From the maqāṣid al-syarī'ah perspective, the policy supports the protection of lineage, dignity, and psychological well-being, while promoting gender justice. The study concludes that the circular letter represents institutional ijtihad, though its effectiveness depends on consistent implementation and strengthened legal communication.

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1. INTRODUCTION

Marriage during the period of iddah of the wife is an important issue in Islamic family law because it is not only related to compliance with sharia norms, but also touches on the issue of women's protection, clarity of nasab, relational justice, and moral responsibility after divorce. In the construction of Islamic law, iddah cannot be understood solely as an individual obligation of women, but as a social instrument that functions to maintain honor, family stability, and public order. Therefore, the regulation of iddah has a normative as well as a social dimension that cannot be separated from the purpose of protection in Islamic family law (Yasin, 2023).

The provisions of iddah have a strong basis in the Qur'an and gain legitimacy through the majority view of the jury. Iddah is understood as a mechanism for safeguarding nasab (hifz al-nasl) and honor (hifz al-'ird), so that violations against it not only have an impact on the individual, but also on the social structure of the family. However, in classical fiqh practice and contemporary family law, more attention is directed to women's obligation to undergo the iddah period, while the position of the ex-husband is relatively less balanced. This inequality of focus then gives birth to problems when iddah norms are contextualized in Indonesia's positive legal system.

The main problem arises because the laws and regulations in Indonesia have not explicitly prohibited ex-husbands from remarrying as long as the ex-wife is still in the iddah period. The void of these norms opens up space for the practice of continuous marriage and even has the potential to become a form of covert polygamy without adequate supervision mechanisms. Positive law does not seem to be able to fully guarantee substantive protection for women after divorce. In fact, one of the important orientations of Islamic family law is to provide benefits, justice, and protection for vulnerable parties in family relations (Suteki, 2020).

The imbalance in the arrangement shows the existence of gender problems in family law. Women are required to undergo a period of iddah with strict normative, moral, and social consequences, while men can establish new marital relationships without equal formal legal barriers. This condition shows that family law still leaves a patriarchal bias, namely when women are more often placed as objects of social control than as legal subjects entitled to substantive protection (Khuluq, 2025). As a result, post-divorce women are often in a vulnerable position, both psychologically, socially, and economically, while ex-husbands are not always burdened with balanced moral and social responsibilities (Fakih, 2013).

The Ministry of Religious Affairs issued the Circular Letter of the Director General of Islamic Community Guidance Number 05 of 2021 concerning Marriage in the Iddah Period of Wives. Although formally this circular is administrative, its substance shows the existence of efforts to reform Islamic family law through the approach of women's protection and relational justice after divorce. This policy can be read as a form of state institutional ijtihad to close the legal loophole that has allowed the practice of marriage that is not in line with the principle of family welfare (Teresa, 2024).

The prohibition for ex-husbands to marry from the perspective of maqāṣid al-syarī'ah as long as the ex-wife is still in the iddah period can be understood as an effort to maintain human dignity, family honor, and social welfare. This policy does not solely limit men's rights, but seeks to establish a balance of responsibilities between ex-husbands and ex-wives after divorce. Thus, Circular Letter Number 05 of 2021 has relevance to the principles of justice, protection of honor (hifz al-'ird), and prevention of harm in family life (Auda, 2015).

However, the existence of the circular also presents juridical problems. Circulars are not included in the hierarchy of laws and regulations as stipulated in Law Number 12 of 2011. As a result, its binding power depends more on the administrative compliance of the apparatus and the social acceptance of the community than on the coercive force of law. Such a legal position causes the implementation of Circular Letter Number 05 of 2021 to have the potential to experience differences in interpretation, inconsistency in implementation, and even neglect at the local level (Asshiddiqie, 2016).

The effectiveness of this policy is also influenced by cultural and religious factors. Some people and religious leaders still view that the marriage of an ex-husband during the wife's iddah period is a private matter that does not need to be intervened by the state. This view generally relies on a textual

understanding of classical jurisprudence and has not fully considered the modern social context, gender power relations, and the need for legal protection for women after divorce (Taufiq, 2019). This is where the tension arises between fiqh norms, state administrative policies, and social practices of the community.

Solok Regency is a relevant location to study this issue because its people are in a strong cross between Islamic values and the Minangkabau customs which are matrilineal. Traditionally, women have an important position in kinship and social structures. However, in the practice of Islamic family law at the institutional level, legalistic and masculine religious interpretations can still influence the way the apparatus and society understand marriage and divorce policies. This situation gave birth to a dialectic between religion, customs, and the state in the implementation of the Circular Letter of the Director General of Islamic Guidance Number 05 of 2021 (Navis, 2015).

Based on this description, the study of the Circular Letter of the Director General of Islamic Guidance Number 05 of 2021 is not enough to be placed as an administrative issue of marriage registration, but needs to be analyzed as part of the dynamics of Islamic family law reform in Indonesia. This research is important to assess the extent to which KUA officials, religious extension workers, religious leaders, and community leaders in Solok Regency understand, accept, and implement the policy. Furthermore, this study also aims to examine whether the circular really functions as an instrument of protection and substantive justice for women after divorce, or rather stops as an administrative regulation that has not been able to touch the root of structural problems in Islamic family law (Minister of Health, 2024).

Thus, the main focus of this article is to analyze the tension between Islamic family law norms, state administrative policies, and local social practices in the implementation of the Circular Letter of the Director General of Islamic Guidance Number 05 of 2021 in Solok Regency. This study is expected to make an academic contribution to the discourse on Islamic family law reform, especially related to women's protection, post-divorce justice, and the effectiveness of administrative policies in answering the void of marriage law norms in Indonesia.

2. METHODS

This study uses a qualitative approach because the issue of marriage carried out by men during the period of their ex-wife's idah is not only related to formal legal aspects, but also intertwined with the construction of local culture, socio-religious norms, and gender relations that live in society. This approach was chosen to deeply understand the meaning, perceptions, experiences, and considerations of the actors involved, especially KUA officials, religious extension workers, religious leaders, and community leaders, in responding to the implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021. In qualitative research, social reality is understood as the result of the construction of social interactions and practices, so that it cannot be reduced to numbers or statistical variables alone (Moleong, 2019; Creswell & Poth, 2018). This research was carried out in Solok Regency, West Sumatra, which was chosen because it has a strong socio-religious character and is in the context of Minangkabau culture that combines Islamic values and customs, as well as the discovery of the practice of marriage during the period of idah of the wife which raises legal, cultural, and moral debates. The research was carried out for six months, namely June to December 2025, through the stages of initial observation, instrument preparation, data collection, analysis, and systematic article writing.

3. FINDINGS AND DISCUSSION

Understanding of KUA Apparatus and Religious Leaders on the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021

The results of the study show that the understanding of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 does not take place uniformly among the actors involved in the practice of marriage. KUA officials, especially the head and head of the KUA, generally understand the circular as a binding administrative guideline in the marriage registration process. This circular is not positioned as a new substantive legal norm that determines whether or not marriage according to

religion is legal, but as an administrative instrument of the state to standardize the actions of the apparatus, maintain order in marriage registration, and provide protection for women after divorce. This understanding can be seen from the view of the headman who states that the circular letter is a work handle in refusing or postponing the registration of marriage if the groom's former wife is still in the idah period (Penghulu, Solok, BE, 2025). A similar view also emphasizes that this issue is not placed in the realm of whether or not religious marriage is legal, but in the realm of administrative registration which is the authority of the KUA (Penghulu, Solok, BN, 2025).

The KUA apparatus also views that this circular helps clarify the boundary between religious law and state administration. In practice, people often confuse the two, so that KUA is positioned as if it hinders religious marriage. In fact, the task of the KUA is to ensure that the registration of marriages takes place in accordance with applicable administrative provisions (Penghulu, Solok, DS, 2025). With the existence of the circular, the penghulu feels that it has a stronger basis to be firm in dealing with marriage registration applications that have the potential to be contrary to central policy (Penghulu, Solok, Ir, 2025). This shows that the circular serves as an instrument of administrative certainty for the apparatus at the local level.

From the side of the KUA leadership, the circular is understood as an important operational standard to prevent policy differences between KUAs. Without the same guidelines, each KUA has the potential to take a different stance in handling cases of male marriage whose ex-wife is still undergoing the idah period (Penghulu, Solok, YP, 2025). Therefore, the circular is used as a common guideline so that there are no recording practices that are too loose in one KUA and too strict in others (Penghulu, Solok, IR, 2025). In addition, the circular also provides certainty for KUA leaders when facing pressure from the bride's family who want the marriage to be recorded (Penghulu, Solok, BN, 2025). Thus, for KUA officials, the existence of a circular is not only administrative, but also a tool of institutional legitimacy in maintaining the consistency of marriage registration services.

In contrast to the KUA apparatus, the understanding of Islamic religious extension workers shows more diverse variations. Some extension workers have understood that the substance of this circular is related to the administration of marriage registration, not to the assessment of the legality or not of religious marriage worship (Extension Service, Solok, NF, 2025). However, some others only know in general that there is a prohibition on marriage during the wife's idah period, without fully understanding the basis, purpose, and mechanism of implementation. In fact, this understanding only emerged after there were concrete cases in the field (Extension Service, Solok, RO, 2025). This condition shows that the understanding of extension workers is highly dependent on practical experience and informal communication with KUA officials.

The variation in the understanding of extension workers is also influenced by the uneven formal socialization of the circular. Some extension workers admitted that they had never received a special explanation, and only knew about the existence of the policy through the stories of the head or the community (Extension Service, Solok, YT, 2025). As a result, when the public asks, the extension worker is not always able to provide a complete explanation and still has to reconfirm to the KUA (Extension Service, Solok, DS, 2025). The socialization carried out is also considered unstructured because it depends on the initiative of each KUA leader; there are KUA that actively involve extension workers in socialization, but there are also those that do not do it intensively (Extension Service, Solok, RO, 2025). In fact, this issue tends to be discussed only when cases arise in the field, not as part of sustainable family law coaching (Extension Service, Solok, DS, 2025).

Meanwhile, the understanding of community leaders shows the highest level of variation. The majority of community leaders interviewed admitted that they did not know clearly the existence and substance of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021. Some figures only learned about the policy after there were families whose marriage registration applications were rejected by the KUA (Community Leaders, Solok, RK, 2025). There are also community leaders who are surprised because in the religious understanding that has been developing, men do not have a period of idah so they are considered not to be prevented from remarrying (Community Leaders, Solok, GL,

2025). This shows the distance between the state's administrative policy and the religious understanding of the community which is still rooted in conventional fiqh views.

Some community leaders even view the circular as a new rule that is not yet familiar in their social life (Community Leaders, Solok, HM, 2025). This ignorance has the potential to give birth to the assumption that the KUA complicates the marriage process if it is not accompanied by an adequate explanation (Community Leaders, Solok, AS, 2025). However, not all community leaders reject the substance of the policy. Some began to accept after receiving an explanation that this circular was related to administrative registration, not an absolute prohibition on the validity of religious marriage (Community Figures, Solok, JA, 2025). This means that public acceptance is greatly influenced by the quality of legal communication carried out by religious officials.

Lack of socialization is the main factor that causes low understanding of community leaders. Some informants consider that if this policy is socialized from the beginning, the public will not be surprised when the KUA postpones or rejects the registration of marriages (Community Leaders, Solok, SD, 2025). In addition, information about the circular has not reached local social structures, including the mamak of the people who in Minangkabau society have an important role in family affairs and kinship (Community Leaders, Solok, YD, 2025). The information is also considered to have not reached the villages evenly (Community Leaders, Solok, RS, 2025), so that some people only know about the policy from other people's stories, not from official explanations from the authorized apparatus (Community Leaders, Solok, ES, 2025).

These findings show that there is a gap in understanding between institutional actors and non-structural social actors. The KUA apparatus has a relatively uniform understanding because it is directly in the bureaucratic structure of marriage registration and makes the circular as a binding administrative guideline. On the other hand, religious extension workers and community leaders show a more diverse understanding because access to information and socialization is not evenly distributed. Thus, the implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency is not only determined by the existence of administrative regulations, but also by the effectiveness of socialization, community legal literacy, and the ability of religious apparatus to explain the relationship between religious norms, state policies, and the protection of women after divorce.

Practice of Implementing the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency

The implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency shows that state administrative policies do not always run linearly when dealing with local social realities. In general, the KUA apparatus makes the circular as the basis for an administrative examination of the status of the prospective groom, especially related to divorce and the period of idah of the ex-wife. In practice, a divorce certificate or death certificate document is the main instrument to determine whether the marriage registration application can be processed or must be postponed. This pattern shows that the KUA not only carries out the function of recording, but also acts as a guardian of the administrative order of marriage so that new marriages do not occur which socially and legally have the potential to harm women after divorce.

The implementation of the circular is carried out strictly. If the groom's ex-wife is still in the idah period, the marriage registration file is returned and the applicant is asked to wait until the idah period is completed (Head of KUA, Solok, BN, 2025). The same attitude was also shown by other heads of KUA who emphasized that for men who have just divorced and have a divorce certificate, there is no room for compromise because marriage registration must wait for the end of the ex-wife's idah period (Head of KUA, Solok, RF, 2025). This practice shows a formal compliance-based implementation model, which is when the apparatus understands the circular as an administrative guideline that must be applied uniformly in order to maintain legal certainty and prevent the abuse of administrative loopholes.

However, field findings also show that there are more adaptive practices in one of the KUAs. In certain cases, especially when a man has been separated from his wife for five years or more, and his ex-wife has remarried, the KUA considers the use of a stamped affidavit as an additional administrative basis. The letter contains a statement that the man will not return to his ex-wife (Head of KUA, Solok, BE, 2025). However, this adaptive policy is not applied to newly divorced men, because in the case of new divorce, the apparatus still requires full compliance with the circular until the ex-wife's idah period ends (Head of KUA, Solok, BE, 2025). This difference shows that the implementation of the circular is not only determined by the policy text, but also by the assessment of the apparatus on the social context, the history of marital relationships, and the possibility of harm in the community.

The role of the head of KUA is very decisive in shaping the direction of implementation in the field. The headmen basically position themselves as technical implementers who follow the policies of the leadership. If the head of KUA strictly implements the circular, the head also implements it strictly (Penghulu, Solok, Ir, 2025). On the other hand, if there are additional administrative policies such as a statement, the penghulu understands it as a direction from the leadership, not as their personal initiative (Penghulu, Solok, RH, 2025). This position is affirmed by other headmen who state that headmen cannot run alone without the direction of the head of KUA (Penghulu, Solok, DS, 2025). Although the circular comes from the central authority, its practice at the local level is greatly influenced by the discretion of the KUA leadership as a bureaucratic actor who deals directly with the social complexity of the community (Penghulu, Solok, Ir, 2025).

The variation in implementation has given birth to differences of views among Islamic religious extension workers. Some extension workers view adaptive policies as justifiable if social conditions show that the couple has been separated for a long time and is unlikely to be referred back (Extension Service, Solok, DN, 2025). In this view, administrative flexibility is understood as a middle way to prevent social conflicts and reduce tensions in society (Head of KUA, Solok, RF, 2025). However, some other extension workers see such flexibility as risking weakening the substance of the circular. If the policy has been determined, the rules should be applied equally to all parties so that there is no impression that administrative provisions can be negotiated (Extension Service, Solok, VA, 2025). This concern is reinforced by the view that the community can assess the rule as a policy that can be "bargained" if an exception is found in practice (Extension Service, Solok, YT, 2025).

Between these two views, there is also a moderate position that tries to balance the certainty of rules and social reality. Extension workers in this group consider that normatively the apparatus must follow the circular, but the social conditions of the community cannot be ignored (Extension Officer, Solok, NH, 2025). For them, the main measure of implementation is not only administrative compliance, but also the extent to which the policy does not harm women (Extension Service, Solok, NFD, 2025). This view is important because it shifts the focus from mere procedural legality to substantive justice. This means that the success of the implementation of the circular is not enough to measure whether the marriage registration is postponed or accepted, but also from whether the administrative decision really protects the vulnerable parties in the post-divorce relationship.

The responses of community leaders show a wider spectrum of acceptance and at the same time show the tension between legal certainty and social acceptance. Some community leaders can accept the adaptive practice of KUA if the case concerns a couple who have been separated for a long time and cannot be referred back (Community Leaders, Solok, RK, 2025). For this group, administrative policies are still acceptable as long as the rules are clear and not applied carelessly (Community Leaders, Solok, GL, 2025). In fact, a statement letter is seen as an administrative handle that can provide a sense of security for the apparatus and the community (Community Leaders, Solok, HM, 2025). This acceptance shows that some people emphasize the aspects of social benefits and solutions more than textual compliance with the circular.

On the other hand, some community leaders reject the practice of exclusion because it is considered to obscure the certainty of the rules. They consider that if the rules can be excluded, then their application is potentially unfair (Community Leaders, Solok, AS, 2025). Public confusion also arises

when on the one hand the circular is understood as an administrative prohibition, but on the other hand there is a space for consideration that allows marriage to continue to be processed under certain conditions (Community Figures, Solok, JA, 2025). Therefore, some figures emphasized that if a circular has been determined, the rule should apply equally to everyone (Community Leaders, Solok, SD, 2025). This attitude shows that the legitimacy of a policy is not only determined by its protection purpose, but also by the consistency of its application in front of the public.

Meanwhile, other community leaders are in a position of hesitation. They tend to follow the KUA's decision, but emphasize the importance of clearer socialization so that the public understands the basis of the policy and the reasons behind the postponement of marriage registration (Community Leaders, Solok, YD, 2025). For this group, the most important thing is to ensure that policies do not harm women (Community Leaders, Solok, RS, 2025). They also reminded that without adequate explanation, the public can misunderstand KUA's actions as a form of administrative obstacle, not as a legal and social protection effort (Community Leaders, Solok, ES, 2025).

These findings show that the practice of implementing the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency takes place in two main patterns, namely strict compliance patterns and adaptive-contextual patterns. The strict compliance pattern emphasizes administrative certainty and uniformity of services, while the adaptive-contextual pattern seeks to consider specific social realities so that policies do not create new conflicts in society. However, adaptive patterns also carry risks: if they do not have clear standards, they can create the impression of inconsistency, open up space for rule negotiation, and weaken the authority of circulars.

The main problem with the implementation of the circular does not lie in the acceptance or rejection alone, but in the tension between legal certainty, apparatus discretion, and substantive justice. This circular is basically here to close the legal loophole and protect women after divorce. However, in local practice, its success depends heavily on the consistency of the apparatus, the clarity of technical guidelines, the quality of socialization, and the ability of the KUA to explain that the policy is not just an administrative procedure, but part of an effort to build male moral responsibility and fairer protection for women in Islamic family law.

Supporting and Inhibiting Factors for the Implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency

The implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency is influenced by two forces that face each other, namely the administrative readiness of the apparatus on the one hand and the socio-cultural resistance of the community on the other. From the supporting side, the most basic factor is the clarity of the editorial of the circular which explicitly gives directions to the KUA not to record male marriages as long as the ex-wife is still in the idah period. This clarity is important because it provides a relatively firm administrative basis for KUA officials in making decisions, especially when dealing with marriage registration applications that have the potential to cause legal and social problems. With these written norms, the apparatus no longer only relies on personal interpretations or local customs, but has the institutional legitimacy to postpone or reject the registration of marriage until the period of idah of the ex-wife ends.

The next supporting factor is the existence of structural support from the leadership of the Ministry of Religion at the regional level through internal coordination between KUAs, directions to the headmen, and the involvement of religious extension workers in conveying policies to the community. This structural support strengthens the position of the KUA apparatus because the policy has the potential to raise objections from the bride-to-be and her family. In this context, the circular letter not only serves as an administrative guideline, but also as a bureaucratic protection for the apparatus so that the decisions taken are not seen as the personal will of the head of the head of the KUA, but as the implementation of official state policies.

The role of Islamic religious extension workers is also an important supporting factor because extension workers are in a strategic position as a liaison between state administrative policies and

people's religious understanding. Extension workers not only convey legal information formally, but also translate policy language into religious and social explanations that are more easily accepted by the public. One of the extension workers stated that this rule is routinely explained in counseling activities so that the community gradually begins to understand the purpose of the policy (Extension Officer, Solok, TJ, 2025). Another extension worker emphasized that public acceptance is usually easier to build if it is explained that this circular is related to the administration of marriage registration, not to the assessment of whether or not a religious marriage is valid (Extension Officer, Solok, DD, 2025). This statement shows that the effectiveness of implementation is highly dependent on the ability of apparatus and extension workers to distinguish communicatively between the area of fiqh, religious morality, and state administration.

The implementation of this circular also faces quite serious obstacles, especially from the social, cultural, and legal literacy aspects of the community. The main obstacle arises because some people view this policy as a new rule that was not known in the previous religious understanding. In the construction of fiqh that is commonly understood by the community, the idah period is attached to women, while men are not seen as having a waiting period after divorce. Therefore, when the state through the KUA postponed the registration of male marriages on the grounds that his ex-wife was still in the idah period, some people considered the policy as something foreign, even considered as an expansion of state authority into the private-religious realm. A community leader stated that in the old understanding of religion, men do not have a waiting period so that people feel surprised when they learn of this rule (Community Leaders, Solok, AM, 2025). Other community leaders also said that they had never heard of this kind of regulation before, so it is natural for many parties to question the basis and purpose of its application (Community Leaders, Solok, MK, 2025).

The resistance not only shows rejection of state policies, but also shows the distance between the administrative logic of the state and the socio-religious logic of society. The state views the circular as an instrument to maintain orderly recording, prevent the abuse of legal loopholes, and protect women after divorce. On the contrary, some people understand it through the framework of conventional fiqh which places idah as the exclusive obligation of women. This difference in perspective causes tension in implementation because administrative policies that are intended as a form of protection can actually be perceived as restrictions that do not have a religious basis that is familiar to the community.

The limited legal literacy of the community is an obstacle that is no less important. Many societies do not yet understand the difference between substantive religious law and state administrative law. As a result, the refusal or postponement of marriage registration is often misunderstood as a new religious prohibition, rather than an administrative policy in the marriage registration system. A community leader emphasized that people often think that this policy is a new religious rule, not a state rule in the field of marriage administration (Community Leader, Solok, RD, 2025). This view is reinforced by other figures who stated that if the public is given an explanation about the difference between religious law and state administration from the beginning, then the potential for protest may be minimized (Community Figures, Solok, AR, 2025).

These findings show that implementation obstacles do not only stem from the substance of the policy, but especially from weak legal communication between the state and society. When the circular is not systematically disseminated, the public tends to interpret the action of the KUA as a form of imposing new rules or as an obstacle to the right to marry. In fact, substantively, this policy is directed to prevent the practice of marriage that can harm women, obscure post-divorce responsibilities, and open space for covert polygamy. Thus, failure to explain the rationale for the protection behind the circular has the potential to change policies that should be protective to policies that are perceived as repressive.

The implementation of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 in Solok Regency is supported by three main factors, namely clarity of norms, institutional structural support, and the active role of religious extension workers. However, its effectiveness is hampered by cultural resistance, a textual understanding of fiqh, and low public literacy regarding the

differences between religious law and state administration. The disparity between the readiness of the apparatus and the understanding of the community is the main challenge in implementation. Therefore, the success of the circular is not only determined by the existence of written norms, but also by the state's ability to build persuasive, sustainable, and sensitive legal communication to the local socio-religious context. Without adequate socialization, the circular runs the risk of stopping as an internal administrative instrument of the KUA; on the contrary, with strong legal literacy, this policy can serve as a means of reforming Islamic family law that is more oriented towards women's protection and substantive justice after divorce.

Juridical Position, Implementation Practice, and Relevance of *Maqāṣid Al-Syarī'ah Circular* Letter of the Director General of Islamic Guidance No. 05 of 2021

The Circular Letter of the Director General of Islamic Community Guidance No. 05 of 2021 can be juridically understood as an administrative policy (beleidsregel) issued by state administrative officials to direct, standardize, and control the actions of the apparatus in marriage registration services. In the theory of state administrative law, beleidsregel is not included in the hierarchy of laws and regulations, but has an internal binding force for government apparatus as a guideline for action (Asshiddiqie, 2016; Hadjon, 2011). In the context of this study, the KUA apparatus in Solok Regency positioned the circular as the basis for administrative legitimacy in refusing or postponing the registration of a man's marriage if his ex-wife is still in the idah period. This means that although it does not create new legal norms that bind society in general, this circular works effectively as an operational norm within the bureaucracy of the Ministry of Religion.

The position of the circular indicates that the effectiveness of an administrative policy is not always determined by its position in the legal hierarchy, but by its ability to direct the actions of the apparatus consistently. This is in line with Ridwan's (2018) view that policy rules gain practical relevance when they are able to become a standard of action for administrative officials. In this study, the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 serves to fill the void of technical norms that have not been explicitly regulated in Law No. 1 of 1974 concerning Marriage and the Compilation of Islamic Law. The Marriage Law does affirm that marriage registration is an administrative obligation of the state to ensure legal order and certainty as stipulated in Article 2 paragraph (2) of the Marriage Law. Meanwhile, the Compilation of Islamic Law regulates the idah period as an obligation for women after divorce or the death of their husbands through Articles 153-155 of the KHI. However, the two regulations have not yet expressly regulated the administrative consequences for men who want to remarry while their ex-wives are still undergoing the idah period.

The Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 can be understood as a complementary administrative instrument that strengthens the function of marriage registration as a mechanism of state legal control. Marriage registration is not only positioned as a formal measure, but also as an instrument to ensure the certainty of the legal status of the parties, prevent the abuse of administrative loopholes, and avoid family disputes in the future (Nurlaelawati, 2010). The findings of the study show that the KUA apparatus uses this circular as the basis for an administrative examination through a divorce certificate or death certificate to ascertain whether the marriage registration can be processed or must be postponed. The circular expands the function of family law protection without creating a new idah obligation for men.

This policy shows a top-down implementation pattern, namely norms formulated at the central level and carried out by apparatus at the regional level. This pattern is relatively effective because it is supported by the hierarchical organizational structure of the Ministry of Religion, so that the KUA apparatus has structural legitimacy in making administrative decisions. Van Meter and Van Horn (1975) emphasized that clarity of policy standards and organizational support are important factors in successful implementation. In the context of Solok Regency, the clarity of the editorial of the circular made some officials dare to postpone the marriage registration even though they faced social pressure from the bride-to-be or family. This finding is also in line with the concept of internal binding in

administrative law, which is that administrative policy binds into the bureaucratic structure and forms the standard of behavior of the apparatus (Hadjon, 2011).

The implementation of this circular is not completely uniform. Field findings show that two KUAs strictly implement circulars, while one KUA takes a more adaptive approach through the use of stamped statements in certain cases, especially if a man has been separated from his wife for five years or more and his ex-wife has remarried. This practice shows the tension between normative certainty and social reality. In the perspective of law implementation, this kind of condition suggests that written norms are often not fully able to accommodate the complexity of social cases in the field (Hill & Hupe, 2002). KUA apparatus as policy implementers are in a position to interpret rules, weigh the social context, and maintain community stability.

The discretion of the apparatus can be read through the concept of street-level discretion proposed by Lipsky (1980), which is the adjustment space that policy implementers have when dealing with concrete cases. In this study, discretion was not applied to newly divorced men, because they were still required to wait for the end of their ex-wife's idah period. This means that there is administrative differentiation based on the level of potential legal and social conflicts. However, such discretion carries risks if it is not supported by clear technical guidelines. Sabatier (1986) emphasized that variations in implementation can weaken policy consistency if the implementer has too wide a space for interpretation. A similar criticism was also put forward by Nugroho (2017), that public policies that are not adequately communicated can create a gap between administrative legality and social legitimacy.

The main limitation of this circular lies in the social acceptance of the community. As an administrative policy, the circular is mainly addressed to the apparatus, not directly to the wider community. As a result, the KUA apparatus understands and applies it as an official guideline, while some people still see it as a new rule that is not known in classical fiqh. This tension shows that administrative enforceability is not necessarily directly proportional to social acceptance. Therefore, the effectiveness of the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 is not enough to depend only on the internal strength of the bureaucracy, but also on the strategy of legal communication, socialization, and public literacy regarding the differences between substantive religious law and state administrative law.

This circular can be seen as an effort by the state to operationalize Islamic legal values in the modern national legal system. Hallaq (2009) emphasizes that in modern countries, Islamic law is often present through administrative mechanisms to answer social problems that are not fully accommodated by classical substantive law. In this context, the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 is not the establishment of new fiqh norms, but a form of state administrative ijtihad to maintain family law order, close protection loopholes, and prevent practices that can harm women after divorce.

The relevance of this policy is even stronger when read through the principle *of Maqāṣid al-Syarī'ah*. Within the framework *of maqāṣid*, law is not only understood as a textual rule, but as an instrument to realize benefits and prevent social damage (Ibn 'Ashur, 1976; Auda, 2015). The restriction on marriage registration for men as long as their ex-wives are still in the idah period can be understood as an administrative policy that aims to maintain family order, prevent post-divorce conflicts, and protect the socially and psychologically vulnerable. In maqāṣid, this policy is related to the protection of offspring (*hifz al-nasl*), honor (*hifz al-'ird*), and soul or psychological safety (*hifz al-nafs*). (Rainfall 2024)

The normative basis of idah can be found in QS. Al-Baqarah verse 228 which emphasizes that a divorced woman is obliged to refrain from the three qurū', and must not hide the condition of her uterus. The verse also affirms the principle of balancing rights and obligations between women and men in a proper manner. In addition, QS. Al-Ṭ alā qverse 1 commands that divorce be carried out by taking into account the period of idah correctly, and prohibits actions that are detrimental to women during the post-divorce transition period. Although the provisions of idah are explicitly aimed at women, the purpose of the sharia contained in it is broader, namely maintaining nasab, dignity, family stability, and social welfare. Therefore, the Circular Letter of the Director General of Islamic Guidance

No. 05 of 2021 can be understood as an expansion of the purpose of sharia into the realm of state administration to prevent injustice and new vulnerabilities for women (Qarḍawi, 2006; Umami & Aulya, 2022).

This policy is also in line with the principle of dar' *al-mafāsid muqaddam ʾalā jalb al-maṣāliḥ*, which is that preventing harm must take precedence over attracting benefits. The findings of the study show that the registration of a man's marriage when his ex-wife is still in the period of idah has the potential to cause veiled polygamy, psychological pressure, family conflicts, and unclear responsibilities after divorce. Therefore, administrative restrictions through circulars can be read as a preventive measure to close the door to harm, even though in classical jurisprudence men are not subject to idah obligations (Jayusman et al., 2022). At this point, the circular works not as an absolute restriction of the right to marry, but as an instrument of administrative arrangement to prevent greater harm.

In addition, this policy is relevant to the rule *taṣarruf al-imām ʾalā al-raʾiyyah manūṭ bi al-maṣlaḥah,* that is, the policy of the ruler towards the people must be based on benefits. In modern countries, administrative policies such as circulars are a form of institutional ijtihad to respond to social problems that are not fully answered by classical jurisprudence and existing laws and regulations (Auda, 2015; Hallaq, 2009). The state through the Ministry of Religious Affairs seeks to fill the gap in family law protection with an administrative approach oriented to conflict prevention and women's protection. However, discretion in its implementation still needs to be guarded through the rules *of al-ḥ ukm yadūru maʾa ʾillatihi wujūand wa ʾadaman*, namely the law applies according to the existence or absence of legal reasons. Thus, an exception can only be justified when the cause of harm has completely disappeared; Without clear guidelines, discretion has the potential to create new uncertainty and injustice.

The Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 is reviewed from the perspective of gender justice having a corrective function for the inequality of responsibility after divorce. In family law practice, the burden of idah has traditionally been more attached to women, while men are relatively free to remarry immediately after divorce. This condition creates power imbalances that can harm women psychologically, socially, and morally. By postponing the registration of male marriages during the period of idah of his ex-wife, this circular seeks to balance moral responsibility after divorce and prevent the exploitation of gender relations (Wadud, 1999; Mulia, 2005).

The relevance of this policy in Solok Regency must also be read in the matrix cultural landscape of Minangkaba. Although women have a strong symbolic position in the Minangkabau kinship system, they do not necessarily guarantee structural protection in the practice of marriage and divorce. In this policy, of course, there must be collaboration between KUA, niniak mamak, bundo kanduang and other figures so that this policy can be carried out properly (Fauzi et al. 2025).

Yunarti (2018) shows that the symbolic position of women in Minangkabau culture is often not followed by adequate social and legal protection in family relationships. Therefore, gender-responsive state policies are still needed to close the gap between customary values and social realities (Yunarti, 2017). In this framework, the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 can be understood as the state's effort to strengthen the protection of women's dignity and psychological safety in the context of local culture.

Thus, the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 has a dual position. Juridically, it is an administrative policy that is internally binding for the KUA apparatus; functionally, it becomes an instrument of administrative control of marriage registration; socially, he faced the challenge of public acceptance; And maqāṣid, it is oriented towards the protection of women, prevention of harm, and the strengthening of family justice. The integration between administrative law theory, legal implementation theory, Maqāṣid al-Syarī'ah, fiqh principles, gender perspectives, and local cultural contexts show that this circular is not just a technical guideline for marriage registration, but a state normative-ethical instrument in the reform of contemporary Islamic family law. Its effectiveness in Solok Regency is highly dependent on the consistency of the apparatus, clarity of technical guidelines, discretionary control, and legal socialization that is able to explain that this policy

is not a form of excessive state intervention against religion, but an administrative effort to bring benefits, legal certainty, and substantive justice to women after divorce.

4. CONCLUSION

Based on all discussions, it can be concluded that the Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 has a strategic position as a state administrative instrument in closing the void of family law norms related to male marriage when his ex-wife is still in the idah period. Although juridically it is not included in the hierarchy of laws and regulations, this circular effectively works as an internal guideline of the KUA in maintaining orderly marriage registration, preventing the practice of consecutive marriages or covert polygamy, and strengthening the protection of women after divorce. The findings in Solok Regency show that the KUA apparatus relatively understands and implements this policy as the basis for administrative legitimacy, but its implementation is not completely uniform because it is still influenced by the discretion of the leadership, local social conditions, limited socialization, and low legal literacy of the community. The difference between strict and adaptive implementation shows a tension between legal certainty, social benefit, and cultural acceptance. However, in the perspective of Islamic family law and *Maqāṣid al-Syarī'ah*, this policy remains relevant because it is oriented towards the protection of women's nasab, honor, dignity, and psychological safety. The Circular Letter of the Director General of Islamic Guidance No. 05 of 2021 cannot be understood only as a technical rule for marriage registration, but as a form of state administrative ijtihad that seeks to bring substantive justice, balance gender responsibilities after divorce, and strengthen the renewal of Islamic family law in the context of complex local communities.

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