

PARENTAL AUTHORITY IN SPOUSE SELECTION: PERSPECTIVES ON ISLAMIC LAW AND CHILD PROTECTION REGULATIONS

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ABSTRACT

Marriage is an important part of a person's life, and in some cultures, parents have a lot of power over who their children marry. Islamic law in Indonesia lets parents have a voice in who their children marry, but child protection laws stress that minors have the freedom to pick their own partners. This study seeks to evaluate the legal authority of parents in selecting their children's spouses, through an analysis of Islamic law and child protection rules in Indonesia. This research employs a qualitative methodology, incorporating a literature review from many legal sources, including Islamic law texts, Indonesian legislation, and perspectives from legal and child protection professionals. The results show that Islamic law gives parents the right to advise their children on who to marry, while Indonesian child protection laws put more emphasis on the kid's freedom to pick their spouse freely and without pressure. In conclusion, even though Islamic law and child protection laws don't agree on everything, they both stress the need of balancing the rights of parents and children when choosing a life partner.

Keywords: Parental legal authority, Spouse selection, Islamic law, Child protection,

INTRODUCTION

Marriage is a major event in a person's life that affects not just the two people getting married, but also their families and the whole community. In many cultures, choosing a life mate for a child is not only seen as a personal right, but it also requires the parents to be involved. (T.D. Pamudi, 2024). In Indonesia, which is mostly Muslim, parents often have a say in who their child should marry based on family values and conventions. Islamic law says that parents can help choose their child's partner, either by giving counsel or having more say in the decision. But in Indonesia, where individual rights are protected, including the right of a child to pick their partner, child protection laws must be followed. (T. Rahmawati, 2025).

Indonesia has a number of laws that safeguard children's rights. One of these is Law No. 23 of 2002 on Child Protection, which was later changed by Law No. 35 of 2014. This law makes it clear that children have the right to be free from all sorts of violence and coercion, even when it comes to marriage. On the other hand, Islamic law in Indonesia still sees parents as one of the people who can give their children advise on who to marry. (Novita, N, 2023). In some circumstances, parents even have more power to choose their child's marriage. The role of parents in selecting a life mate for their children is significant in daily life and influences the legal system in Indonesia. This research examines parental control in the selection of a child's spouse and the interplay between Islamic law and child protection rules in Indonesia over this problem. (S. Nurjanah& L.M. Azmi, 2025).

This research seeks to elucidate the equilibrium between the parent's prerogative to offer guidance and the child's entitlement to autonomously select their life partner. It will also talk about how these legal views affect the creation of policies that protect children's rights while yet giving parents the freedom to guide their children. (Y. Nashrullah, 2024). The study will examine topics including the perception

of parental legal authority in selecting a child's spouse according to Islamic law, the efficacy of child protection regulations in Indonesia in safeguarding the child's right to choose their spouse, and the correlation between these two legal frameworks and parental authority in arranging a spouse for their children. The research also seeks to identify solutions that reconcile the interests of both parents and the child in selecting an appropriate life partner that adheres to religious beliefs and individual rights. (A. Rasyid, & R.S. Putra, 2025).

This study is confined to Islamic law as implemented in Indonesia and child protection rules in Indonesia, emphasizing parental responsibility in the selection of a child's spouse. This study will not examine similarities with the laws or regulations of other nations, nor will it address more general marital issues. (A.K. Munir, 2025). The study will exclusively concentrate on the present legal views and will not consider prospective alterations or advancements in the law. The entire conversation will focus on Indonesia's social and cultural background, which has its own unique traits when it comes to parents' roles in their children's lives, such as picking their life mates. (A. Sonhaji & M. A. Al-Pani, 2024).

This study aims to provide novel insights by conducting a thorough analysis of the interplay between Islamic law and child protection rules in Indonesia regarding parental authority in the selection of a child's spouse. (A. Kadarisman, A.F. Thursina, & Z. Arifin, 2025). While certain studies have examined marital law or children's rights, there is a paucity of research that integratively merges these two domains. This study aims to enhance the understanding of the equilibrium between parental rights and children's rights, offering solutions to foster improved policies that safeguard children's rights in selecting a life partner, while concurrently honoring the parental role in offering counsel and direction. (T.D. Pamudi, & S. Hasanudin, 2025).

This study seeks to elucidate the equilibrium between parental rights in selecting a child's marriage and the child's right to autonomously pick their mate. One of the goals is to find out how much legal power parents have in Indonesia when it comes to picking a mate for their child based on Islamic law. (D.P. Jaya, 2023). This study also aims to investigate how child protection laws in Indonesia can protect a kid's freedom to select a life partner free from coercion or pressure from others, including parents. (Y. Nashrullah, 2025).

This study seeks to delineate the interaction between the Islamic law perspective, which permits parents to provide counsel and exert greater influence in the selection of a kid's mate, and child protection standards, which underscore the child's autonomy in choosing their own partner. (H.A. Hanif, 2023). In this context, the study aims to provide a common framework that facilitates the harmonious operation of both legal dimensions, safeguarding the parent's right to provide counsel and the child's right to select a spouse. (D.P. Jaya, & M.A. Hermana, 2025).

METHODS

This study utilizes a qualitative research methodology to examine the legal authority of parents in selecting their children's spouse, focusing on Islamic law and child protection rules in Indonesia. The principal methodology employed is a literature study, entailing the collection, examination, and synthesis of pertinent texts, legal documents, and scholarly articles concerning Islamic family law, Indonesian child protection legislation, and matrimonial customs. The research commences with an extensive examination of Islamic legal literature, including the Quran and Hadith,

alongside modern interpretations of Islamic family law, concentrating on parental roles in matrimonial decisions. (Moussavi Ahmad Kazemi & Hamid Mavani, 2023)

Next, we look at Indonesian legislation about protecting children, such as Law No. 23 of 2002 and its changes, which talk about children's rights to make their own decisions and not be forced into marriage. This study's data is obtained from secondary sources, such as academic publications, books, government rules, and reports from child protection organizations. The examination centers on the comparison and contrast between the principles of Islamic law and child protection rules, pinpointing areas of convergence and possible discord. The results are examined about their practical consequences for policy formulation, accompanied by suggestions for integrating both viewpoints to enhance the protection of children's rights while honoring the role of parents in the marital process.

RESULT

This study identified a conflict between parental authority in choosing their child's spouse and the child's autonomy in selecting their own mate. In many cultures, including Indonesia, where parents are highly regarded, it is the parents' job to choose a life partner for their child. In reality, parents typically help their children pick a spouse they think is right based on family, social, and religious beliefs. Parents think that the counsel they give their kids about who to marry is a way to keep them from making a choice that could be bad for them in the future. (S. Nurjanah, 2025).

On the other side, Indonesia's child protection laws stress that children have the right to pick their partner freely, without any pressure or compulsion from anyone, even their parents. In this case, child protection laws understand how important it is for people to have the right to make their own choices, especially when it comes to big decisions like choose a life partner. The child protection law establishes a legal framework that underscores children's entitlement to exist free from violence, exploitation, and compulsion in all facets of their existence, including marriage. (A. Sonhaji, 2024).

This independence for kids to choose their life partner shows that marriage should be based on both people agreeing to it and not being forced by anybody else. People value the role of parents, but it should be more about giving counsel and direction than forcing their choice on the child. In some communities, parents often have more say in who their daughters marry than their daughters do. This is because parents think their girls require greater protection when picking a mate. (T. Stiawan, 2025).

The conflict between these two points of view comes from the fact that they disagree over how much parents should be involved in choosing a child's partner and how much children's rights to pick their own marriage should be protected. (M.R. Firdaus, 2025). Parents are expected to give good advise, but they could misuse their position if they make decisions for their child without thinking about what the youngster wants or how free they are. This sometimes causes fights, especially in more conventional households. Parents think they have a moral duty to decide what is best for their child, while the youngster thinks their rights are being violated. (R. Syafi'i, 2022).

From a legal standpoint, parents possess the right to provide counsel; nonetheless, it is crucial to underscore that the ultimate decision resides with the kid, particularly upon the attainment of adulthood. (A.F.M. Farohi, 2024). In this sense, child protection laws are very important to make sure that parents don't pressure or force their children to get married. In some situations, forcing a child to marry someone could

violate their right to choose their partner freely, which could have negative effects on their mental health and well-being in the future. (A. Sonhaji, 2024).

One of the problems that came up in this study is how to find a balance between the parent's right to give advise and the child's right to make their own choices. (L.M. Azmi, 2022). In Indonesian society, where family values and social standards are quite strong, parents often feel like they have to choose their child's life spouse for their own good. However, parents should understand that allowing children to select their own life partner is an essential aspect of honoring individual rights and freedoms to make choices that will influence their future. (P. Rizki, 2024).

This research suggests implementing a mediation strategy inside families to alleviate conflicts between parents and children concerning the choice of a spouse. A family counselor or lawyer might be a neutral third party in this mediation, and they could help both parents and children come to a fair and balanced arrangement. In this approach, both parents and children could talk about the options they have and what might happen if they make a choice, so that everyone can come to an agreement that works for everyone. (A. Rasyid, 2024).

Education is also very important for easing these tensions. (Anindya, S. E, 2025). Educational programs that include parents, children, and the wider community can help raise knowledge of the child's right to pick their own life partner and the necessity of parents not forcing their will. This way, parents will better understand why it's important to let their kids choose their spouse, and kids will learn to understand and value their parents' opinions and recommendations. (S. Rauf, 2025).

Overall, this study reveals that while Islamic law allows parents to give counsel and help their child choose a partner, Indonesia's child protection laws stress how important it is for the child to be able to choose their own relationship. So, the best way to handle this is to find a medium ground that protects both the parent's right to give advice and the child's right to pick their own mate. It is hoped that a more inclusive approach that respects children's rights will lead to more equal policies and social norms when it comes to choosing their life mates. (R.S. Putra, 2025).

DISCUSSION

1. Limits of Parental Authority in Spouse Selection under Islamic Law

Under Islamic law, parental authority in choosing a husband is strongly related to the idea of *wali* (guardianship), which is very important in marriage, especially for women. Classical Islamic jurisprudence designates parents, particularly fathers, as guardians tasked with safeguarding their children's wellbeing, morals, and social status. But this power isn't absolute. Islamic law makes it obvious that parents can't do whatever they want to make sure that marriage stays a fair and consenting institution.

One essential constraint is the necessity of consent. There is a lot of agreement among schools of Islamic law that compulsion goes against the moral principles of Islamic marriage, even though they disagree on how much power a guardian has. The notion of *ridha* (free consent) embodies the overarching Islamic value of human dignity. Numerous jurists contend that a marriage executed without the authentic consent of the child, especially an adult child, may be contested or even nullified. This shows that parental power is more about giving advice and keeping children safe than making decisions on their own.

Another significant constraint emerges from the aim of *maslahah* (public and personal welfare). Parents should do what's best for their kids, not what's best for them

personally, because of peer pressure, or for money. When parents make choices that hurt, are unfair, or cause mental pain, they go against the goals of Islamic law (*maqasid al-shariah*), which put the protection of faith, life, intellect, lineage, and dignity first. Forced or intentionally arranged marriages that disregard a child's welfare subvert these goals.

Modern situations make it even more important to rethink parental control. Changes in society, more people going to college, and more people knowing about their rights have all changed marriage from a family-centered arrangement to a partnership based on mutual decision. A lot of modern Islamic scholars say that parents should just give advice, moral support, and help. Parents still have a vital role in giving advice, judging character, and protecting religious values, but they need to recognize the child's right to make the final choice.

Islamic law acknowledges parental control in the selection of a spouse as a fiduciary duty with specified limitations. Consent, welfare, and justice are the main rules that limit things. When understood correctly, parental authority is about protection and guiding, not control. This interpretation enables Islamic law to adhere to its ethical principles while efficiently addressing modern difficulties related to marriage and individual rights.

2.Principles of Child Protection in Positive Law Regulations

Positive law protects children because it sees them as people with rights that must be respected and safeguarded. This approach signifies a transition from conventional family-centered authority to a rights-based paradigm, wherein the child's wellbeing is prioritized as the principal legal consideration. In this concept, parental authority is not seen as absolute power but as a duty carried out under legal oversight.

The best interests of the child is one of the most important rules in child protection laws. This idea serves as a guiding guideline for all legal issues that impact children, particularly those pertaining to marriage and spouse selection. Legal systems use this idea to stop things that could hurt people physically, mentally, or socially. Parents who make marriage decisions without thinking about their child's readiness, permission, or well-being are seen as going against this idea. Consequently, positive law limits parental intervention when it contradicts the child's developmental requirements and individual autonomy.

Another important idea is that children have the right to give their permission and take part. Positive legislation is becoming more aware that kids, especially teens, can say what they think about things that affect their lives directly. Laws typically say that a youngster must provide their assent freely, without being pushed, scared, or tricked. This principle seeks to avert coerced weddings and to guarantee that matrimony is undertaken as a voluntary and informed choice. If there is no real consent, the marriage may not be legally legitimate or may be annulled.

The notion of safeguarding against force, violence, and exploitation is also fundamental to child protection law. Laws against forced marriage, child marriage, and human trafficking are meant to protect children from being used as tools for social, cultural, or economic goals. These rules show a bigger commitment to protecting people's dignity and stopping abuse in families.

Positive legislation accentuates the state's function as a protector of children's rights. The state can step in through the courts and social protection agencies when parents use their authority in a way that puts a child's safety or rights at risk. This

intervention emphasizes the legal principle that parental power is contingent and must conform to the paramount duty of child protection.

3. Child Protection Regulations in Spouse Selection under Islamic Law

Islamic law protects children when choosing a spouse. This is part of a larger set of moral and legal rules that stress justice, welfare, and human dignity. Classical Islamic jurisprudence does not employ the contemporary word "child protection"; rather, its normative framework encompasses procedures designed to shield minors from damage, coercion, and exploitation, especially concerning marriage. These systems function through an amalgamation of guardianship regulations, consent stipulations, and ethical responsibility.

The notion of permission (*ridha*) is one of the most important protecting principles in Islamic law. Marriage is seen as a contract that both people must agree to in writing. Guardians, particularly parents, are tasked with a protective duty; nevertheless, their authority is limited by the necessity to honor the child's consent. Juristic traditions acknowledge that coercing a child into marriage compromises the moral legitimacy of the contract. Several legal systems permit a minor, especially upon attaining maturity, to challenge or repudiate a marriage arranged without authentic consent. This shows that there is an implicit regulatory function that aims to keep kids safe from coercive activities.

Another protective aspect is the idea of *maslahah* or welfare. Islamic law says that while making decisions that affect children, their physical, mental, and social health should come first. When choosing a mate, this includes looking at their character, how well they fit, and how they might hurt you. Islamic law (*maqasid al-shariah*) says that marriages that put children at risk of abuse, neglect, or instability are against its goals, especially the protection of life, intellect, lineage, and dignity. Islamic legal ethics do not allow parents to make judgments that are not in the best interest of their child for the sake of money, social position, or tradition.

Age and maturity also serve as protective factors. Classical jurisprudence allows early marriage under specific situations, while concurrently underscoring preparedness and capability. Modern Islamic legal theory increasingly emphasizes that marriage should be deferred until the child is both physically and intellectually prepared. This new way of looking at things brings child protection issues in line with Islamic legal principles without changing the basic ideas behind them.

Accountability measures also serve as a form of regulation. Parents and guardians are ethically and legally responsible to God for what they do. People see abusing power as breaking trust (*amanah*). Judges and legal institutions in Islamic governance structures historically have the capacity to intervene when guardians acted unjustly, exemplifying an early manifestation of institutional protection.

In general, Islamic law protects children when choosing a marriage by using consent, welfare concerns, maturity assessment, and moral accountability. These parts work together to limit parental control and make sure that marriage is in the best interests of the child according to Islamic law and morals.

CONCLUSION

This study answers the research questions by exploring the balance between parental authority and children's rights in selecting a life partner, viewed through the lenses of Islamic law and child protection regulations in Indonesia. The findings indicate

that while Islamic law grants parents the authority to advise and guide their children in choosing a spouse, it also recognizes the child's right to make their own decision, especially once they reach maturity. Islamic law emphasizes parental involvement in advising, but it does not endorse coercion, affirming that children, particularly women, have the right to choose their spouse freely.

On the other hand, child protection regulations in Indonesia, especially the Law on Child Protection (No. 35/2014), strongly emphasize the child's right to choose their life partner without coercion, highlighting the importance of individual autonomy in making personal decisions. The study found that while both Islamic law and child protection regulations recognize parental roles, there is a conflict when parental authority infringes upon the child's freedom to choose a spouse.

The key findings suggest that a balanced approach, where parental guidance is respected while ensuring the child's autonomy, is necessary. The implications of this study point to the need for mediation mechanisms in cases of disagreement between parents and children regarding marriage choices, as well as the importance of educating families on the value of respecting both parental guidance and children's rights. This research contributes to policy discussions, advocating for a more harmonious integration of Islamic law and child protection principles to safeguard the interests of both parents and children in marriage decisions.

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