

Research Article

# Female Penghulu: Opportunities and Problems Within Indonesia's Civil Law System

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**Abstract:** This research is motivated by the shortage of functional penghulu officers, which has become a serious concern for the Government of Indonesia, particularly the Ministry of Religious Affairs. This condition has the potential to affect the quality of public services in marriage registration, family guidance, and the provision of legal certainty for the community. To address the emergency shortage of penghulu personnel, it is necessary to consider providing equal access for women to occupy the position of penghulu, which has traditionally been dominated by men. Accordingly, this research aims to conduct a comprehensive normative legal study on the opportunities and challenges faced by female penghulu within Indonesia's civil law system, which serves as the positive legal framework governing penghulu affairs. This study employs a normative legal research method using statutory and conceptual approaches. The primary legal materials consist of laws and regulations directly related to the appointment, duties, and authority of penghulu. The findings indicate that opportunities for female penghulu within Indonesia's civil law system are constitutionally valid, legally open, and not subject to explicit normative prohibitions. However, several challenges remain. These arise when female penghulu are required to act as court-appointed marriage guardians (wali hakim) or are entrusted with delegated guardianship (taukil wali), as civil law requires such roles to be performed by males. Another significant obstacle is the existence of gender-specific requirements in the recruitment process, as stipulated in the Announcement Letter on the Recruitment of Civil Servant Candidates issued by the Ministry of Religious Affairs.

**Keywords:** Civil Law; Female Penghulu; Gender Equality; Marriage Guardianship; Women's Access.

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## 1. Introduction

Marriage in Islam is a contract or agreement binding a man and a woman to legalize biological relations between both parties voluntarily based on Islamic sharia, because marriage is not only connected by a physical bond, but also by a spiritual bond, as well as a means to fulfill the purpose of marriage to obtain legitimate offspring (Makmun & Pribadi, 2016). As regulated in Article 1 of Law Number 1 of 1974 concerning Marriage, marriage is a physical and spiritual bond between a man and a woman as husband and wife with the objective of forming a happy and everlasting family or household based on the One and Only God. Every person or couple who has entered into marriage bears mutual rights and obligations between them as well as towards the children born from the marriage (Mahera & Rahim, 2022).

The provision requiring marriage registration for all Indonesian citizens intending to enter into marriage is quite appropriate, although from the perspective of Islamic law, registration is neither a requirement nor a pillar of marriage. However, Article 5 paragraph (1) of the Compilation of Islamic Law (KHI) requires marriage registration using the phrase

“every marriage must be registered.” In fact, the valid requirements of marriage adopted in the Marriage Law are determined by each religion and belief (Ghafur et al., 2020).

Marriage registration does not determine whether a marriage is valid or not. Marriage registration is merely administrative in nature, stating that the marital event indeed exists and occurs. Through such registration, a marriage becomes clear, both for the parties concerned and for other parties. A marriage that is not registered in the marriage certificate is considered non-existent by the state and does not obtain legal certainty. Likewise, all legal consequences arising from an unregistered marriage do not obtain recognition (Sirait, 2021). The registration constitutes a formal form of recognition by the state of the institution of marriage. Without registration by state officials, the marriage is not formally recognized by the state. Therefore, the state can provide legal protection for a person’s marriage if it is proven by marriage registration by the appointed official, namely the Marriage Registrar Officer (PPN), also referred to as a penghulu (Muda’i, 2020).

The current problem arises when penghulu, as the spearhead of the state in providing legal certainty for every citizen who enters into marriage, as well as providing legal protection for the guarantee of their rights, are insufficient in number. The Ministry of Religious Affairs (Kemenag) itself acknowledges the severe shortage of functional penghulu officers. The Ministry has even issued a statement that Indonesia is experiencing a crisis and emergency of penghulu (Permana, 2023). The Director of the Office of Religious Affairs (KUA) Development and Sakinah Family, Zainal Mustamin, explained that the national need for functional penghulu positions reaches 16,263 persons, while the currently available penghulu number only 9,054 persons. Meanwhile, the penghulu who will retire by 2027 is very high, reaching 2,383 persons, and in 2024 alone there will be 180 penghulu retiring, not including those who passed away during the Covid-19 pandemic (Kontributor, n.d.-d). This condition is very concerning, especially since as of November 2025, the total number of penghulu at all position levels is only 9,388 penghulu (Satu Data Kementerian Agama Republik Indonesia, 2025), still far from the ideal number that Indonesia should have, namely 17,000 penghulu (Handayani, 2022).

This penghulu crisis clearly can have an effect on the service system; for instance, when there is a marriage scheduled on the same day but held in distant locations, it may cause delays in the marriage ceremony or require one of the couples to reschedule the wedding, thus potentially decreasing the Public Satisfaction Index with KUA services. From these facts, it can be understood that the need for penghulu personnel in Indonesia is already very urgent, especially because marital events in Indonesia are very high, averaging 1.7 million per year, and the number of divorces exceeds 500 thousand annually, in addition to other cases such as child marriage, domestic violence, family-based intolerance, and so forth (Makki, 2023). All these problems become the responsibility of penghulu as the spearhead of the state, particularly of the Ministry of Religious Affairs, which directly interacts with the community.

In its development, penghulu in Indonesia have become a profession within the structure of government as part of the State Civil Apparatus (ASN). The profession of penghulu functions as practitioners who represent the government in recording and supervising marriages (Saputra, 2020), with the status of Functional Penghulu Officials. The Functional Position of Penghulu itself is a position as a marriage registrar officer. From this explanation, it can be understood that penghulu are Marriage Registrar Officers (PPN), and the functional position of Penghulu is a position having duties in the field of marriage administration. Therefore, when observing the main duties borne by penghulu in recording marital events, all Indonesian citizens, both men and women, have equal rights to become penghulu. Moreover, given the current penghulu emergency experienced by the state, the presence of female penghulu may become a primary solution to overcome the shortage of penghulu.

On the other hand, throughout the history of Islamic law in Indonesia, the position of penghulu has always been associated with men and respected by society, with one of its main duties being to handle religious affairs. Society tends to consider it taboo for women to serve as penghulu, since in public perception a penghulu is someone who officiates the marriage of prospective couples (Nafisah, 2016). Thus, the existence of female penghulu remains problematic and full of controversy.

Considering the present context, female penghulu have become a prolonged debate, especially when associated with global issues such as the current vigorous movement for the struggle of women's rights in various spheres of life through gender mainstreaming. This has become part of the academic concern for the researcher, giving rise to the question of whether in Indonesia it is possible for penghulu to come from women, given the facts in the field and public perceptions that penghulu can only be performed by men, seemingly closing the door to women.

In fact, in several countries, particularly in Muslim-majority countries, such as Palestine, the profession of penghulu has first been recognized as being held by women, namely Tahrir Hammad (Zuhri, 2015). She is a graduate of a Master's in Contemporary Islamic Studies. Previously, she worked for ten years in the Sharia Court. Tahrir Hammad made history by becoming the first woman recognized by the Palestinian government as a marriage penghulu, which had previously only been held by men. Even though Palestine is an Islamic country whose population is predominantly adherents of the Shafi'i school, which is a Sunni school in Islam (Kontributor, n.d.-a). Besides Palestine, Turkey, which adheres to a secular family law system with a Muslim majority of around 98 percent, and Pakistan, which has a conservative Islamic family law system, have openly accepted and provided space for women to become penghulu (Khairul Akmal, 2025).

Speaking of the role of women in the modern era, many women are now active in the public sphere and even occupy important and strategic positions. Several women who have occupied or are occupying such strategic positions include Megawati Soekarnoputri (5th President of the Republic of Indonesia and party leader), Sri Mulyani (Minister of Finance), Enny Nurbaningsih (Justice of the Constitutional Court), Ulfa Fitriani, Mardha Tillah, Nurhasanah (Judges of the Religious Court of Sungai Raya, West Kalimantan) (Kontributor, n.d.-b), Khofifah Indar Parawansa (Governor of East Java), Ade Uu Sukaesih (Mayor of Banjar), Mundjidah Wahab (Regent of Jombang), Ova Emilia (Rector of UGM), Puan Maharani (Speaker of the House of Representatives of the Republic of Indonesia), and many other positions filled by women. In Indonesian democracy, the involvement and representation of women is required to be at least 30 percent, as stated in Article 245 of Law Number 7 of 2017 on General Elections. Thus, the active role of women in the public sphere is now recognized and highly regarded. Even globally, there are 13 countries out of 193 member states of the United Nations (UN) that currently have female heads of government, including Prime Minister Sheikh Hasina of Bangladesh, President Samia Suluhu Hassan of Tanzania, Prime Minister Giorgia Meloni of Italy, President Dina Boluarte of Peru (Septiani, 2023), and Indonesia's neighboring country Singapore was once led by its first female President, Halimah Yacob, from 2017 to 2023 (Su, 2023).

Based on the explanation above, positions such as President, Prime Minister, Minister, Justice of the Constitutional Court, Judge of the Religious Court, Rector, and others can be held by women, whose responsibilities are hierarchically far greater and more crucial in decision-making compared to penghulu. Then how about the profession of penghulu if it is also performed by women? Moreover, considering that the role of penghulu at present is so limited, as explained by Athoillah Islamy, the role of penghulu in the post-independence period has become increasingly restricted only to matters of marriage and divorce (Islamy, 2020). Therefore, the researcher seeks to conduct an in-depth study entitled "Female Penghulu: Opportunities and Problems Within Indonesia's Civil Law System." The reason for choosing the civil law system is based on academic concern and the researcher's deeper and more comprehensive curiosity to explore all laws and regulations in force in Indonesia related to penghulu affairs. This is very important because civil law constitutes the official legal umbrella regulating penghulu in Indonesia. Thus, the researcher hopes to obtain answers regarding the opportunities and problems of female penghulu within the civil law system.

The following are several previous studies presented by the researcher within the last ten years. The first is a study by Nurul Mutmainnah in 2019 entitled "Female Penghulu in Ministerial Regulation of Religious Affairs (PMA) Number 20 of 2019 concerning Marriage Registration from a Gender Perspective." Nurul emphasized that in PMA Number 20 of 2019 concerning Marriage Registration, Article 1 paragraph (5) explains that Penghulu is a functional civil servant official associated with the process of marriage administration and marriage registration. Based on gender analysis of the PMA, the conclusion shows that

everyone is given equal opportunity, because there is no marginalization, no element of superiority and inferiority (subordination), no assumption that male penghulu are more entitled and capable (stereotype), no violence, thus not preventing women from becoming Penghulu, and the duties and authorities of Penghulu do not contain double workload (double burden) (Mutmainnah, 2022).

Another research is by Imam Fauzan entitled “Female Penghulu in the Perspective of Fiqh and Law.” In this study, Imam Fauzan did not explicitly explain from fiqh regarding female penghulu. This is because in Islamic literature female penghulu is not known. Thus, the underlying discussion only revolves around the issue of women becoming judges or leaders, which is then connected by the argument that if becoming a judge and a leader is permissible, then it is also possible for women to become penghulu, even though debates among scholars cannot be avoided. In his conclusion, Imam Fauzan stated that women as penghulu are not implemented due to two reasons, namely juridical-normative and sociological-psychological. First, juridically normative, Article 3 of PMA Number 30 of 2005 concerning Wali Hakim states that wali hakim are the Head of Subdistrict KUA, Penghulu, and assistant Penghulu. In other words, if female civil servants are appointed as Penghulu, their position will be questioned when they perform duties as wali hakim, even though, according to the views of Imam Abu Hanifah and Muhammad Jarir al-Tabari, women are allowed to become guardians. Second, in a patriarchal society, in order to enter the public sphere, female civil servants face many obstacles such as attending marriage contracts held outside the office or outside working hours (Fauzan, 2022).

Furthermore, a study by Fatimatuhurin and Aspandi entitled “Women’s Right to Become Penghulu in Indonesia from a Gender Perspective” in 2023 explains through a gender perspective that the role of Penghulu from a juridical-normative standpoint should also be able to be performed by women. From a gender perspective, based on social construction, women have the right to become Penghulu and perform the role of Penghulu in Indonesia, which has so far been carried out only by men (Aspandi, 2023).

What distinguishes the above previous studies from this research lies in the perspective presented. In this study, the researcher conducts an analysis of the opportunities and problems of female penghulu through the perspective of civil law, which encompasses several regulations related to penghulu affairs. In addition, this research also presents both the opportunities and the problems related to female penghulu. This is what becomes the distinguishing gap from several previous studies.

## 2. Materials and Method

This type of research is normative legal research. According to Soerjono Soekanto, normative legal research can be defined as legal research conducted by examining library materials or secondary data only, and it may also be referred to as library legal research (Mamuji, 2022). The approaches used in this research are the statute approach and the conceptual approach (Marzuki, 2022). Meanwhile, the primary legal materials consist of several pieces of legislation that are directly related to the office of penghulu. This also includes several regulations that are indirectly related and can support this research.

## 3. Results and Discussion

### General Description of Penghulu

Linguistically, the term Penghulu originates from Malay, derived from the root word hulu with the prefix pe-. The word hulu itself has several meanings, including the part of the body from the neck upward, the upper part (of a river and so forth), village, rural area, handle (of a knife or keris), beginning, base, and starting point. The addition of pe- to the word hulu denotes an actor or subject, thus forming the word Penghulu. Accordingly, in a linguistic sense, Penghulu refers to someone who is above or who leads a village. Meanwhile, in terminology, Penghulu is a person who is given trust and authority to lead and handle certain affairs in a village (Afandi, 2022).

In the Great Dictionary of the Indonesian Language (KBBI), Penghulu is defined as the head or leader of a village, customary leader, head of Islamic religious affairs at the regency or municipality level. It may also refer to an advisor on Islamic religious matters at the District Court, Qadi (Kebudayaan, 1989). Penghulu is a term for a leader in several regions. In Old

Malay it is Pa'hulu, in Minangkabau Panghulu, and in Madurese Pangoloh, where in meaning the person referred to as Penghulu occupies a position equivalent to a king or Datuk. After the arrival of Islamic influence, the term Penghulu was also used for someone who was tasked with and authorized to administer the legality of marriage in Islam, often called Penghulu Nikah or also Tuan Kadhi (Kontributor, n.d.-c).

The term Penghulu later experienced a narrowing of meaning and came to be defined as a person assigned by the state to attend wedding ceremonies and to conduct administrative examination and registration of marriages for the Muslim community. At present, Penghulu is also referred to as a Marriage Registrar Officer (PPN) as stipulated in the Regulation of the Minister of Religious Affairs (PMA) Number 30 of 2024 concerning Marriage Registration, Article 1 paragraph 4, which states that the Marriage Registrar Officer (PPN) is a Penghulu appointed by the minister administering governmental affairs in the field of religion or an appointed officer to carry out marriage registration for Muslims. The definition of Penghulu in this Ministerial Regulation is the one intended by the researchers in this study.

Historically, the existence of Penghulu has been known since the era of Islamic kingdoms in Java. At that time, the term Penghulu referred more to an Islamic scholar who had an important role as an executor in religious affairs and as a judge in matters relating to Islamic law. Thus, Penghulu at that time became a central figure in religious affairs (Halili, 2019). In the context of legal rules governing social interaction, particularly civil matters such as marriage, the role of Penghulu had been recognized during the era of Islamic kingdoms in Java. Among the Wali Songo as Islamic preachers in the archipelago, there were figures who served as Penghulu of the Demak kingdom, namely Sunan Kudus and Sunan Kalijaga. During the reign of Sultan Agung Hanyakrakusuma (1613–1645), Penghulu was positioned as the head of palace officials and held an honorable position as a member of the parampara council (the king's high advisory council). This situation continued after Mataram was divided into the Sultanate, Sunanate, Mangkunegaran, and Pakualaman. In each of these successor kingdoms, there remained religious institutions called Kepengulon, occupied by palace officials (abdi dalem pamerthakan or abdi dalem yogaswara), headed by Penghulu Ageng. In various regencies under the authority of the successor kingdoms of Mataram, the position of Penghulu still existed (Islamy, 2020). The position of Penghulu during the kingdom era carried many duties. They formulated legislation, adjudicated disputes, and provided religious opinions on behalf of the kingdom to the majority Muslim population, so they were also often referred to as Kimuddin or Harosatuddin (Akwal, 2021).

Entering the 19th century, when the Mataram kingdom held power, the highest religious administrative position in the kingdom was held by the Penghulu. At that time, the structure of kepenghuluan already had a systematic hierarchy. Accommodation of the Penghulu's role was a practice implemented by the Islamic Mataram kingdom in Java. This kingdom served as a prototype that later left many features in the modern Indonesian government. The highest Penghulu officials in the Yogyakarta Sultanate and Surakarta Sunanate were then called Penghulu Ageng. At the regency level, religious officials were called Penghulu. At the district level, religious officials were called na'ib Penghulu. At the village level, religious officials were called modin or kaum (Afandi, 2022). The term modin is still known to the community today. Although not formally included in the village administrative structure, culturally the modin is still regarded as a figure who assists the village government.

In the early period of Dutch colonial rule, Penghulu still held a strategic position as Qadi (judge) in the Sharia Court established by the colonial government of the Dutch East Indies with the aim of preventing indigenous people from rebelling, although in fact the symbol and system of the Sharia Court had long existed during the kingdom era. To avoid massive rejection by indigenous people, the Dutch government allowed the Sharia Court to remain until the end of the 19th century, precisely during the tenure of Governor-General Herman Willem Daendels (Salim, 2021).

However, the central role of Penghulu began to be marginalized by turning them into government employees. Penghulu were drawn into the circle of government elites so that their role was adjusted to the will of the Dutch colonial administration. The supervision of Muslims by making Penghulu government employees was intended to separate Islam from politics (Halili, 2019). Through the Royal Decree of the Dutch King, later enacted as Staatsblad Number 152 of 1882 concerning the incorporation of ulama (PENGHULU) and their

institutions into the administrative apparatus of the Dutch colonial government—later known as *kapengulon* (*kepenghuluan*) or *raad agama* (religious court). From that time until around 1942, *Penghulu* became part of the Dutch colonial administration. Within the *raad agama*, they were assigned to handle cases and resolve disputes among Javanese Muslims in the fields of marriage, divorce, reconciliation, almsgiving, endowments, and inheritance (Akwal, 2021). With the incorporation of *Penghulu* into the colonial administration, their function changed from a traditional indigenous administrative institution into a semi-colonial bureaucracy. This involved a shift from personal responsibility to collective responsibility, from traditional structures to modern administrative bureaucracy, and from indigenous institutions to partially colonial bureaucracy. As a result of these changes, the recruitment system for prospective *Penghulu* and procedures for promotion were determined by the Dutch government (Fauzia, 2003).

After Indonesia gained independence, the position of *Penghulu* was then based on the normative foundation of Law Number 22 of 1946 concerning the Registration of Marriage, Divorce, and Reconciliation, enacted on 21 November 1946. In this Law it is stipulated that *Penghulu* are marriage registrar officers appointed by the Minister of Religious Affairs for the regions of Java and Madura, while outside Java and Madura *Staatsblad* 1932 Number 482 still applied (Islamy, 2020). Subsequently, in 1954, Law Number 32 of 1954 was enacted concerning the Designation of Marriage Registrar Officers (PPN) as Civil Servants (PNS) assigned at the Office of Religious Affairs (KUA). PPNs were tasked with supervising and registering marriages, divorces, and reconciliations. Law Number 32 applied throughout Indonesia. In the next phase, Law Number 1 of 1974 concerning Marriage was enacted, stipulating that divorce proceedings could only be decided by the court. Since then, divorce processes were no longer handled by *Penghulu* at KUA.

After several decades, the newest regulation concerning *Penghulu* was issued, namely the Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 30 of 2024 concerning Marriage Registration. This regulation emphasizes that PPN is a *Penghulu* who is a functional civil servant assigned to conduct marriage registration, may act as a guardian judge, and that marriage contracts may be performed outside the KUA or outside working days and hours.

From the above explanation, it can be understood that the history of *Penghulu* can at least be classified into three periods, namely: the period of Islamic kingdoms in the archipelago, the colonial period, and the independence period.

The legal bases related to *Penghulu* as marriage registrars are as follows:

- 1) Law Number 22 of 1946 concerning Registration of Marriages, Divorce and Reconciliation
- 2) Law Number 22 of 1946 concerning Marriage, Divorce, and Reconciliation Registration
- 3) Law Number 32 of 1954 concerning the Enactment of the Law of the Republic of Indonesia dated 21 November 1946 Number 22 of 1946 concerning Marriage, Divorce, and Reconciliation Registration in all regions outside Java and Madura
- 4) Law Number 1 of 1974 concerning Marriage
- 5) Law Number 7 of 1989 concerning Religious Courts as amended several times, most recently by Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts
- 6) Regulation of the Minister of Religious Affairs Number 2 of 1989 concerning Assistant Marriage Registrar Officers (PPP)
- 7) Joint Regulation of the Minister of Religious Affairs and the Head of the National Civil Service Agency Number 20 of 2005 and Number 14A of 2005 concerning Implementation Guidelines for the Functional Position of *Penghulu* and Credit Scores
- 8) Regulation of the Minister of Administrative Reform Number Per/62/M.PAN/6/2005 concerning the Functional Position of *Penghulu* and Credit Scores
- 9) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 11 of 2007 concerning Marriage Registration

- 10) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 13 of 2012 concerning the Organization and Working Procedures of Vertical Agencies of the Ministry of Religious Affairs
- 11) Presidential Regulation of the Republic of Indonesia Number 7 of 2015 concerning the Organization of State Ministries
- 12) Presidential Regulation of the Republic of Indonesia Number 83 of 2015 concerning the Ministry of Religious Affairs
- 13) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 34 of 2016 concerning the Organization and Working Procedures of the District Office of Religious Affairs
- 14) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 42 of 2016 concerning the Organization and Working Procedures of the Ministry of Religious Affairs
- 15) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 19 of 2018 concerning Marriage Registration
- 16) Regulation of the Minister of Administrative and Bureaucratic Reform of the Republic of Indonesia Number 9 of 2019 concerning the Functional Position of Penghulu
- 17) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 22 of 2024 concerning Marriage Registration
- 18) Regulation of the Minister of Religious Affairs of the Republic of Indonesia Number 30 of 2024 concerning Marriage Registration.

### **Opportunities for Female Penghulu within Indonesia's Civil Law System**

To understand how the opportunities for women to become penghulu are shaped, it is necessary to carry out an in-depth analysis related to the mechanism of appointment of penghulu and the competencies that must be possessed by penghulu. This analysis is sourced from the civil law system as it should be, and cannot be separated from reading and observing the laws and regulations that govern penghulu itself.

Based on the Regulation of the Minister for Administrative and Bureaucratic Reform (Menpan-RB) Number 9 of 2019 concerning Functional Positions of Penghulu, precisely in Chapter VI concerning Appointment to Position in Article 12, it is explained that the mechanism for the appointment of Penghulu is carried out through three typologies. The three typologies are first-time appointment, transfer from another position, and promotion. Menpan-RB Regulation Number 9 of 2019 is the main reference regulation related to the technical matters of the Functional Position of Penghulu consisting of XIX Chapters and 50 articles. Among them are provisions regulating the appointment of penghulu, dismissal of penghulu, credit points of penghulu, and other matters related to kepenghuluan.

The first appointment of a penghulu must meet several requirements elaborated in detail in Article 13 paragraph 1 as follows:

- 1) Have civil servant status;
- 2) Having civil servant (PNS) status;
- 3) Having good integrity and morality;
- 4) Being physically and mentally healthy proven by a medical certificate issued by a government doctor;
- 5) Holding at least a bachelor's degree (S-1) or diploma four (D-4) in the field of Islamic studies;
- 6) Attending and passing tests of technical competence, managerial competence, and socio-cultural competence in accordance with the competency standards formulated by the fostering agency;
- 7) Having work performance appraisal with at least "good" predicate in the last one year.

The first-appointment requirements are intended for filling vacancies in Functional Positions of Penghulu that have been determined from Candidates for Civil Servants (PNS), as regulated in Article 13 paragraph 2. Furthermore, Article 13 paragraph 3 states that candidates for PNS who have been appointed as PNS and have attended and passed competence tests must be appointed to the Functional Position of Penghulu no later than 1 (one) year afterward. The next requirements in Article 13 paragraphs 4 and 5 that must be

fulfilled are attending and passing education and training in the field of kepenghuluan proven by a Certificate of Graduation from Education and Training (STTP) or Penghulu certificate. However, if within 3 (three) years the concerned Penghulu does not attend and/or does not pass education and training in the kepenghuluan field, then he or she may be dismissed from his/her position as Penghulu (Afandi, 2022).

If we analyze the requirements contained in Article 13 paragraphs 1, 2, 3, 4, and 5, it can be understood that the first appointment of Penghulu must go through procedural steps and mechanisms of recruitment of Candidates for Civil Servants with Penghulu formation. From the existing requirements, for the first appointment of Penghulu there is also no specific requirement which states that a certain gender is required. Therefore, anyone who meets the requirements and competencies as stated in Article 13 paragraphs 1, 2, 3, 4, and in Menpan-RB Regulation Number 9 of 2019 concerning Functional Position of Penghulu has the right to apply, and if they pass the selection they are also entitled to become penghulu, both male and female. Thus, the opportunities for female penghulu are very widely open provided that the requirements and provisions stipulated as explained above are fulfilled.

Furthermore, the second way of appointing penghulu is through transfer from another position. The requirements that must be fulfilled are as regulated in Article 14 paragraph 1 of Menpan-RB Regulation Number 9 of 2019 concerning Functional Position of Penghulu, as follows:

- 1) Have civil servant status;
- 2) Having civil servant (PNS) status;
- 3) Having good integrity and morality;
- 4) Being physically and mentally healthy;
- 5) Holding at least a bachelor's degree (S-1) or diploma four (D-4) in the field of Islamic studies;
- 6) Attending and passing tests of technical competence, managerial competence, and socio-cultural competence in accordance with competency standards formulated by the fostering agency;
- 7) Holding certification of training for prospective Penghulu;
- 8) Having experience in carrying out duties in the field of kepenghuluan for at least 2 (two) years;
- 9) Work performance appraisal with at least "good" predicate in the last 2 (two) years;
- 10) Being at most:
  - a. 53 (fifty-three) years old for those who will occupy the Functional Position of Penghulu First Expert and Penghulu Young Expert;
  - b. 55 (fifty-five) years old for those who will occupy the Functional Position of Penghulu Middle Expert;
  - c. 60 (sixty) years old for those who will occupy the Functional Position of Penghulu Main Expert for civil servants who have occupied Senior Executive Positions.

The next requirement to be fulfilled is as stated in Article 14 paragraph 2, namely that the needs of positions at the level to be occupied must be taken into consideration. Regarding rank, Article 14 paragraph 3 explains that for civil servants occupying the Functional Position of Penghulu through transfer from another position, the established rank is the same as the rank previously held. As for the position level itself, it is determined based on the number of credit points set by the authorized official. Determination of the number of credit points is regulated in the next article and paragraph, namely Article 14 paragraph 4 consisting of main elements and supporting elements (Afandi, 2022).

In this second method, the appointment of penghulu through transfer from another position also does not mention any requirement of being male or female. Therefore, the existing requirements provide equal and equivalent opportunities for both men and women to occupy the Functional Position of Penghulu.

The last way of appointing penghulu is through promotion. As stated in Article 15 paragraph 1 of Menpan-RB Regulation Number 9 of 2019 concerning Functional Position of Penghulu, the method of promotion must meet the following requirements:

- 1) Attending and passing tests of technical competence, managerial competence, and socio-cultural competence in accordance with competency standards formulated by the fostering agency;
- 2) Having work performance appraisal with at least “good” predicate in the last 2 (two) years..

In the next paragraph, namely paragraph 2, it is explained that appointment to the Functional Position of Penghulu through promotion must consider the needs for the level of functional position to be occupied. The next paragraph, paragraph 3, as an affirmation of paragraph 2, states that appointment to the Functional Position of Penghulu must be carried out in accordance with the provisions of laws and regulations (Afandi, 2022).

From the explanation above, it can be understood that this promotion method is not only for civil servants who have not yet occupied the Functional Position of Penghulu, but also for civil servants who have already occupied the Functional Position of Penghulu. This is done for career development and organizational needs of strategic nature that may be promoted to occupy a higher position. From all the articles described above, whether for first appointment, transfer from another position, or promotion, it can be clearly understood that basically anyone who meets the requirements and competencies is entitled and has the opportunity to become penghulu. Thus, as a further affirmation, women also have the opportunity to participate in the mechanism of appointment of Penghulu as described in the requirements above. Considering that in the articles above, no single article or sentence materially or normatively prevents or closes the opportunity for women to pursue a career as penghulu.

As part of the State Civil Apparatus (ASN), every position requires competencies that must be possessed, including the position of penghulu. A penghulu must at least have three elements of competence, namely managerial competence, technical competence, and socio-cultural competence. The determination of competency standards for the position of penghulu is stipulated in the Decree of the Director General of Islamic Community Guidance of the Ministry of Religious Affairs Number DJ.II/102 of 2016 as follows:

- 1) Managerial competence, namely competence measured from educational level, structural or managerial training, and leadership experience consisting of ability to make planning including operational plans, annual plans and five-year plans, ability to organize tasks and coordinate, ability to mobilize all available potentials, and competence in supervision;
- 2) Technical competence, namely competence measured from level and specialization of education, technical functional training, and experience in working technically, such as ability to read the Qur'an and its meanings, ability to read classical Islamic texts (kitab kuning), particularly those related to fiqh of marriage and contemporary issues of marriage, as well as ability to communicate in Arabic and/or English. Especially for this technical competence, it is also regulated and in accordance with the description of technical competency standards in Article 4 paragraphs 1 and 3 of PMA Number 16 of 2021 concerning Technical Guidelines for Functional Position of Penghulu.
- 3) Socio-cultural competence, namely competence measured from working experience related to pluralistic societies in terms of religion, ethnicity, and culture so that the individual possesses national insight, reflecting the work culture of ASN of the Ministry of Religious Affairs and is able to provide a good and positive public image of the Ministry of Religious Affairs.

After observing and analyzing the competencies that must be possessed and mastered by a penghulu, the aim is of course to instill professionalism so that penghulu can perform the strategic roles entrusted to them in accordance with the provisions of prevailing laws and regulations. The relevance of the competencies of penghulu above to this research is that anyone who is able to possess, understand, master, and perform the roles and functions of penghulu in accordance with the indicators stipulated by the said Director General's decree in a good and professional manner has the right and ability to become penghulu without regard to any particular gender. Thus, women also have the opportunity to become penghulu and play an active role in society in accordance with competency criteria such as those mentioned above.

Next, the duties and functions of penghulu are regulated in the Regulation of the Minister of Religious Affairs (PMA) Number 30 of 2024 concerning Marriage Registration in Article 1 paragraph 4, which states:

" Marriage Registration Officers hereinafter abbreviated as PPN are Penghulu assigned by the minister administering governmental affairs in the field of religion or officers designated to carry out marriage registration for Muslims.."

Likewise, in Presidential Regulation Number 73 of 2007 concerning Functional Allowances for Penghulu in Article 1 it is affirmed that:

"Penghulu are Marriage Registration Officers as referred to in Law Number 1 of 1974 concerning Marriage."

From the above regulations, it can be understood that Marriage Registration Officers (PPN) are Penghulu themselves, who have the duty to carry out marriage registration. Likewise, the Functional Position of Penghulu is the position of marriage registration officer, as stipulated in the Regulation of the Minister for Administrative and Bureaucratic Reform (Menpan-RB) Number 9 of 2019 concerning Functional Position of Penghulu in Article 1 paragraphs 6 and 7 as follows:

"(6) Functional Position of Penghulu is a position as marriage registration officer who has scope, duties, responsibilities, and authority to carry out services and guidance for marriage or reconciliation, development of kepenghuluan, and guidance of Islamic community. (7) Functional Officials of Penghulu hereinafter referred to as Penghulu are civil servants who are given duties, responsibilities, and authority to carry out services and guidance for marriage or reconciliation, development of kepenghuluan, and guidance of Islamic community."

If these regulations are examined, Penghulu in their functional position are Civil Servants who occupy the position as marriage registration officers. PMA Number 30 of 2024 and Menpan-RB Regulation Number 9 of 2019 are derivative regulations of the mandate stipulated in Law Number 1 of 1974 concerning Marriage Article 2 paragraph 2 which reads:

" Every marriage shall be registered in accordance with the prevailing laws and regulations."

This is further reinforced by Government Regulation of the Republic of Indonesia Number 9 of 1975 concerning Implementation of Law Number 1 of 1974 concerning Marriage Article 2 paragraph 1 as follows:

" The registration of marriage of those who perform marriage according to Islam shall be carried out by Registration Officers as referred to in Law Number 32 of 1954 concerning Registration of Marriage, Divorce, and Reconciliation."

Law Number 32 of 1954 itself is a law that stipulates the enforcement of Law Number 22 of 1946 concerning Registration of Marriage, Divorce, and Reconciliation throughout the regions outside Java and Madura, which previously only applied in Java and Madura and was then enforced throughout Indonesia. In Law Number 22 of 1946 it is explained that marriages conducted according to Islam are supervised by marriage registration officers appointed by the Minister of Religious Affairs or officers designated by him. Meanwhile, divorce and reconciliation carried out according to Islam must also be notified to the marriage registration officer.

In its explanation, this law is intended that every marriage, divorce, and reconciliation according to Islam should be registered in order to obtain legal certainty. In a well-organized state, everything related to the population must be recorded—birth, marriage, death, and others. Moreover, marriage is closely related to inheritance, so marriage needs to be registered to prevent disorder.

This is also affirmed in Article 5 paragraphs 1 and 2 of the Compilation of Islamic Law (KHI) as follows:

"(1) In order to ensure the order of marriage for the Muslim community, every marriage must be registered. (2) The marriage registration referred to in paragraph 1 is carried out by the Marriage Registration Officer as regulated in Law Number 22 of 1946 in conjunction with Law Number 32 of 1954."

All provisions contained in KHI are then reinforced by Presidential Instruction of the Republic of Indonesia Number 1 of 1991 so that KHI is disseminated, implemented, and used by government agencies and by the community who need it.

From the various sequences of normative rules explained above, it can be understood that the regulations stating that every marriage event must be registered are very strong, starting from laws down to technical regulations beneath them in the form of ministerial regulations. The officer who carries out marriage registration is the Marriage Registration Officer (PPN), also referred to as Penghulu. Therefore, it can be concluded that the main duty of a Penghulu is to carry out marriage registration. Thus, in the matter of recording every marriage event, the door for women to become penghulu is very widely open. It may even be the case that in matters of recording, women are more meticulous and observant than men, although this cannot be generalized.

Penghulu as a Functional Position included in the religious cluster and positioned as technical functional implementers in the field of kepenghuluan within the Ministry of Religious Affairs also have duties as regulated in Menpan-RB Regulation Number 9 of 2019 concerning Functional Position of Penghulu in Articles 6 and 7 previously described, with the duties, responsibilities, and authority of Penghulu as follows:

- 1) Carrying out services and guidance for marriage or reconciliation
- 2) Development of kepenghuluan
- 3) Guidance of Islamic community

Regarding the duties and the Functional Position of Penghulu, which evidently takes part in developing prosperous families, even in its latest structure penghulu are emphasized to establish cross-sectoral coordination with officials and communities in various fields related to the main duties and functions of kepenghuluan, such as determining qibla direction, pilgrimage guidance, moon sighting, waqf development, assisting in handling potential religious social conflicts, and so on. This shows that penghulu nowadays are important front-line representatives of the Ministry of Religious Affairs who directly interact with the community. Therefore, the researcher sees that the duties of penghulu described above can also be carried out by women who meet qualifications in accordance with existing regulations.

After knowing the main duties and functions of penghulu as explained above, within the Advisory Board for Marriage Guidance and Preservation (BP4) kepenghuluan also has authority (Fauzan, 2022), as follows:

- 1) Providing guidance, advice, and information about marriage, divorce, and reconciliation to the community either individually or in groups;
- 2) Providing guidance on laws and regulations related to family;
- 3) Providing mediation assistance to parties in dispute outside the Religious Court;
- 4) Providing advocacy assistance in dealing with problems of marriage, family, and household disputes outside the Religious Court;
- 5) Reducing the occurrence of disputes and divorce, irresponsible polygamy, underage marriage, and unregistered marriage;
- 6) Cooperating with agencies, institutions, and organizations having similar aims both inside and outside the country;
- 7) Publishing and disseminating magazines on marriage and family, books, brochures, and electronic media deemed necessary;
- 8) Organizing premarital courses, workshops or training, discussions, seminars, and similar activities related to marriage and family;
- 9) Organizing family education to increase appreciation and practice of the values of faith, devotion, and noble character (akhlaqul karimah) in order to build sakinah families;
- 10) Actively taking part in cross-sectoral activities aimed at developing sakinah families;
- 11) Increasing efforts for family economic empowerment;
- 12) Other efforts and activities considered beneficial for the interest of the organization and for the happiness and welfare of families.

In the Decree of the Director General of Islamic Community Guidance Number 637 of 2024 concerning the Scope of Activities of Functional Position of Penghulu and Functional Position of Islamic Religious Counselors, the scope of functional activities of penghulu is also explained in detail in Appendix I. However, in general the scope includes:

- 1) Marriage or reconciliation services
- 2) Marriage or reconciliation services;

- 3) Marriage guidance;
- 4) Monitoring, evaluation, and structuring of marriage;
- 5) Family development and mediation;
- 6) Handling of marriage cases;
- 7) Consultation on kepenghuluan;
- 8) Consultation on Islamic law and sharia guidance.

Thus, the main duties, functions, and authorities of Penghulu are highly strategic in determining the success of implementation and services at the Office of Religious Affairs (KUA) in the field of marriage and family guidance in realizing welfare and providing convenience for Muslim communities in registering marriages.

Seeing the duties, functions, and authorities of penghulu as described above, it is undeniable that these duties, functions, and authorities may also be carried out and played by women. Moreover, penghulu are technical program officers of the ministry who directly interact with local communities, which can indeed be performed by women today. This may be realized if all policymakers and the community are willing to open and provide opportunities for contemporary women who meet qualifications and competencies to become penghulu. Considering that the tasks of penghulu today are so complex, the assumption that penghulu can only be performed by men is no longer relevant to the prevailing laws and regulations.

#### **Problematic Issues of Female Penghulu within Indonesia's Civil Law System**

On the other hand, specific problematic issues arise when women intend to become Penghulu through the recruitment mechanism of Prospective Civil Servant (CPNS). This reality is increasingly strengthened by the announcement letter signed by the Secretary General of the Ministry of Religious Affairs regarding the Recruitment of CPNS of the Ministry of Religious Affairs of the Republic of Indonesia in 2024. In the announcement letter, specifically for the Penghulu position formation, there are particular requirements that must be fulfilled, namely that every applicant must be a Muslim and male (Agama, 2024). This requirement is possible due to the existence of other duties of a Penghulu, where at certain times the Penghulu may act as a guardian judge or deputy guardian, and such roles in Indonesia can only be performed by men. Thus, the recruitment mechanism for Penghulu itself raises two different sides: on one side, there is an opportunity for women to become Penghulu because the requirements stipulated in several higher regulations do not mention certain genders. However, on the other side, it raises problematic issues because in the recruitment of Penghulu through CPNS selection there is a specific requirement obliging the applicant to be male.

Certainly, this can be considered unconstitutional because it conflicts with higher constitutional provisions in which there is no single explicit norm requiring a specific male gender. Several higher regulations such as Regulation of the Minister of Religious Affairs Number 30 of 2024 and Regulation of the Minister of Administrative and Bureaucratic Reform Number 9 of 2019 actually stipulate the requirements of Penghulu in terms of qualifications and competencies. Thus, the Announcement Letter concerning the Recruitment of Prospective Civil Servants of the Ministry of Religious Affairs of the Republic of Indonesia above has become a particular problematic issue for the opportunities of female Penghulu in Indonesia.

Another problematic issue is that Penghulu often acts as a deputy guardian or guardian judge in the implementation of the marriage contract. It is often found that Penghulu frequently marries the bride and groom because usually the community gives the right of authorization of guardianship (taukil wali) or guardianship to the Penghulu. Therefore, in this sub-theme, the researcher will present and analyze through the perspective of civil law concerning Penghulu who acts as guardian judge or receives authorization of guardianship in a marriage. Considering that this will become a specific problematic issue if a female Penghulu performs the duty as guardian judge or receives authorization of guardianship in the implementation of the marriage contract. Therefore, a study and analysis are needed on how civil law in marriage actually regulates guardian judge and the process of granting authorization of guardianship.

In marriage, the right of guardianship often shifts from the lineage guardian to another guardian due to several specific reasons and factors. Likewise, in society, it is often

found that a guardian transfers or authorizes his guardianship right to the Penghulu to become guardian judge. The transfer process of guardianship from lineage guardian to guardian judge may occur in various conditions, including when the lineage guardian does not exist, does not fulfill sharia requirements, is unable to be present, or experiences adhal. The guardian judge then becomes the substitute for the lineage guardian in a marriage (Suarjana, Muzawir, and Hartawan, 2023).

The study regarding the position of guardian or guardian judge as marriage guardian materially cannot be found in Law Number 1 of 1974 concerning Marriage. The Marriage Law does not provide clear provisions on this matter. Even Article 6 paragraph (2) of the Marriage Law indicates that the provision of guardian permission is merely required for marriages in which the parties have not reached 21 years of age, as follows:

"To enter into a marriage, a person who has not reached the age of 21 (twenty-one) years must obtain permission from both parents."

Therefore, based on Article 2 paragraph (1) of the Marriage Law, the study of the position of guardian or guardian judge is referred to Islamic law, which has been formulated into civil law in Indonesia, namely in the Compilation of Islamic Law (KHI), as well as other prevailing regulations. This is because the Marriage Law itself does not clearly regulate the provisions concerning guardian judge.

In the Compilation of Islamic Law (KHI), guardian judge is defined as the marriage guardian appointed by the Minister of Religious Affairs or an official appointed by him, who is given the right and authority to act as marriage guardian. The matter of transfer of marriage guardianship from lineage guardian to guardian judge may be seen in Article 23, which reads:

"(1) The guardian judge may only act as marriage guardian if the lineage guardian does not exist or cannot possibly be presented or his residence is unknown or is absent or adhal or refuses. (2) In the case of adhal or refusal, the guardian judge may only act as marriage guardian after there is a decision of the Religious Court concerning such guardian."

The explanation concerning the determination of guardian judge is in line with Regulation of the Minister of Religious Affairs Number 30 of 2024 concerning Marriage Registration in Article 13 paragraphs 1 to 4, which states:

"(1) In the case of absence of lineage guardian as referred to in Article 12 paragraph 3, the marriage contract is carried out with guardian judge. (2) The guardian judge as referred to in paragraph 1 is the Penghulu who is given an additional duty as Head of the Office of Religious Affairs (KUA). (3) In the event that the Head of the KUA is held by someone other than Penghulu, the guardian judge as referred to in paragraph 1 is the Penghulu appointed. (4) The letter of appointment of Penghulu as guardian judge as referred to in paragraph 3 is issued by the Head of the Office of the Ministry of Religious Affairs."

From this article, it is understood that Penghulu may act as guardian judge after the absence of lineage guardian for the bride, with the condition that the Penghulu is the Head of the Office of Religious Affairs (KUA). If it turns out that the Head of the KUA is unable to perform the duty or is not a Penghulu, then the guardian judge is another Penghulu appointed through an official appointment letter from the Head of the local Office of the Ministry of Religious Affairs. Thus, through paragraph 3, Penghulu does not automatically directly receive and act as guardian judge but must go through the processes outlined in the provisions above.

Furthermore, paragraph 5 explains in more detail that a marriage contract may be carried out through a guardian judge when: First, the lineage guardian does not exist. Second, the guardian is adhal. Adhal guardian is a guardian who refuses or is unwilling to marry off a woman who has reached maturity to a man who is kufu'. The acceptable reasons for such refusal according to sharia include: the prospective husband has bad morals, the woman under guardianship has been engaged to another man, the prospective husband is of different religion, and the prospective husband is not kufu' (Khotim, 2023). Third, the guardian's whereabouts are unknown. Fourth, the guardian cannot be presented or met due to imprisonment. Sixth, no lineage guardian is Muslim. Seventh, the guardian is in the state of ihram, and eighth, the guardian who will perform the marriage is the bridegroom himself.

Regarding the issue of marriage guardian performing authorization of guardianship (taukil wali), it is regulated in the Compilation of Islamic Law in Chapter Five concerning Marriage Contract, precisely in Article 28, which states:

"The marriage contract is carried out personally by the marriage guardian concerned. The marriage guardian may delegate to another person."

By observing Article 28 of the KHI, it can be understood that the marriage guardian may grant authorization of guardianship to another person. However, this article does not provide a further explanation regarding to whom the authorization may be given. Nevertheless, it can be understood that in accordance with the provisions contained in the KHI, the person receiving authorization of guardianship must fulfill the same requirements as the guardian. This is adjusted to other articles regulating marriage guardians, to avoid contradiction between articles.

The explanation regarding who is entitled to receive authorization from the marriage guardian can be found in Regulation of the Minister of Religious Affairs Number 30 of 2024 concerning Marriage Registration, namely in Article 12 paragraphs 4, 5, and 6, which state:

"(4) To perform *ijab qabul* at the time of marriage contract, lineage guardian may delegate to PPN or another person who fulfills the requirements as referred to in paragraph 2."

"(5) In the event that the guardian is not present at the time of the marriage contract, the guardian makes a letter of authorization of guardianship or *taukil wali* before PPN in accordance with the domicile or presence of the guardian and witnessed by two witnesses."

"(6) The format of the authorization of guardianship letter as referred to in paragraph (5) is determined by the Decree of the Director General."

Through Article 12 paragraphs 4, 5, and 6, it can be understood that *Penghulu* is an officer who may also receive authorization of guardianship in the implementation of the marriage contract with the condition that the requirements are fulfilled. If the guardian cannot be present at the time of the marriage contract, then the process of granting authorization of guardianship must be accompanied by a power of attorney according to the format determined by the Director General and witnessed by at least two witnesses.

The intended requirements that must be fulfilled by PPN or other persons receiving authorization of guardianship are those applicable to lineage guardian, regulated in Article 12 paragraph 2 as follows:

"(2) The requirements of lineage guardian as referred to in paragraph (1): a. Male; b. Muslim; c. Mature; d. Sane; and e. Just."

Meanwhile, paragraph (1) states:

"(1) Marriage guardian consists of lineage guardian and guardian judge."

The same provisions concerning marriage guardian requirements are also stated in the Compilation of Islamic Law in Article 20 paragraph (1), which states:

"The person acting as marriage guardian is a male who fulfills the Islamic legal requirements, namely Muslim, sane, and mature."

Thus, if several provisions concerning the process of appointment of guardian judge and the process of granting authorization of guardianship as described above are related to female *Penghulu*, then female *Penghulu* cannot fulfill these requirements and provisions. This is because there is a requirement that guardian judge or recipient of authorization of guardianship must be male as a representation of lineage guardian in the implementation of the marriage contract. This is what then becomes the main problematic issue when the position of *Penghulu* is filled and performed by women.

#### 4. Conclusion

Based on the explanation of the legal materials above, it can be concluded that the opportunity for women to become *Penghulu* within civil law is very open. Viewed from the mechanism of appointment of *Penghulu*, whether through the selection of Civil Servants, transfer of position, or promotion, there is absolutely no specific requirement regarding a certain gender. Therefore, both men and women have equal opportunities and rights to pursue a career as *Penghulu* in accordance with the qualifications and competencies of *Penghulu* stipulated in the legislation. Moreover, considering that the main duty of a *Penghulu* is to supervise and register every marriage event, *Penghulu* is often referred to as Marriage Registrar (PPN). Therefore, in administrative duties of this kind, women may even be more meticulous and careful than men.

Meanwhile, the problematic issues that will arise when women become Penghulu appear when women are requested to act as guardian judge or are entrusted with authorization of guardianship (taukil wali) for the implementation of the marriage contract. This is because civil law in Indonesia related to marriage states that Penghulu who becomes guardian judge or receives authorization of guardianship must fulfill the requirements of marriage guardian, namely being male. Consequently, women who become Penghulu according to civil law cannot perform duties as guardian judge nor receive authorization of guardianship. In addition, another problematic issue is the existence of specific requirements of being male that must be fulfilled in the recruitment of Penghulu through the selection mechanism of Prospective Civil Servant as stated in Announcement Letter Number P-3103/SJ/B.II.1/KP.00.1/08/2024 concerning Recruitment of Prospective Civil Servants of the Ministry of Religious Affairs of the Republic of Indonesia Fiscal Year 2024 signed by the Secretary General of the Ministry of Religious Affairs.

However, these problematic issues are still relative and not absolute. This means that they may be minimized by the Ministry of Religious Affairs eliminating the mandatory male requirement in the Announcement Letter of Recruitment of Prospective Civil Servants for Penghulu formation. Another way is that when female Penghulu perform duties in the field, they should take the initiative to encourage the guardian to marry off directly or to delegate authorization of guardianship (taukil wali) to local religious leaders. Thus, female Penghulu can still carry out their duties in accordance with prevailing legislation without encountering obstacles and problematic issues.

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