

Inclusive Premarital Education for Persons with Disabilities: Legal Reform and Lifelong Learning Perspectives in Indonesia

Fahrur Rozi¹, Fadil², Burhanuddin Susamto³, Niela Agustin Hermawatie⁴, Anna Sakreti Nawangsari⁵, Samsul Arifin⁶

¹ Universitas Islam Negeri Maulana Malik Ibrahim Malang; fahrurrozi123321@gmail.com

² Universitas Islam Negeri Maulana Malik Ibrahim Malang; fadiljsj@syariah.uin-malang.ac.id

³ Universitas Islam Negeri Maulana Malik Ibrahim Malang; burhanuddin@syariah-uin.malang.ac.id

⁴ Universitas Islam Negeri Syarif Hidayatullah; nielsaugust96@gmail.com

⁵ Universitas Indonesia, Jakarta, Indonesia; asakreti@gmail.com

⁶ STAI Ahmad Sibawayhie Situbondo, Indonesia; arifmardhutillah@gmail.com

ARTICLE INFO

Keywords:

premarital guidance;
disability rights;
lifelong education

Article history:

Received 2025-11-09

Revised 2025-12-16

Accepted 2025-12-31

ABSTRACT

Premarital education serves as a strategic tool to foster sustainable and equitable family life. However, in Indonesia, people with disabilities often face exclusion from such programs due to legal and pedagogical frameworks that lack inclusivity. This research addresses the gap between the normative commitment to non-discrimination and the practical implementation of premarital education. This study employs a qualitative, normative-juridical and socio-legal approach, using legal documents, policy analyses, and literature reviews. It integrates the principles of inclusive education, adult learning, and lifelong education to evaluate the current state of premarital education in Indonesia and its accessibility for persons with disabilities. Findings show that existing legal frameworks, such as Law No. 8/2016 on Persons with Disabilities and Law No. 1/1974 on Marriage, guarantee equal rights, yet premarital education guidelines remain largely non-adaptive. Key issues include the absence of inclusive curriculum design, a lack of trained facilitators, and minimal use of accessible media such as Braille, sign language, or audio materials. This study highlights the need for legal reconstruction to incorporate inclusive practices into premarital education policy. By aligning legal provisions with the principles of Universal Design for Learning and *maqāṣid al-sharī'ah*, premarital education can evolve into a non-formal, lifelong learning platform that promotes equality and dignity for all citizens, including persons with disabilities.

This is an open access article under the [CC BY-NC-SA](https://creativecommons.org/licenses/by-nc-sa/4.0/) license.



Corresponding Author:

Fahrur Rozi

Universitas Islam Negeri Maulana Malik Ibrahim Malang; fahrurrozi123321@gmail.com

1. INTRODUCTION

The family, as the smallest unit in society, plays a central role in creating a harmonious, peaceful, and prosperous life, based on love and affection among its members. Family ties are generally formed through marriage, which in many cultures and religions, especially Islam, is considered a sacred bond

between husband and wife. Marriage is not merely the union of two individuals, but also a commitment to fulfill mutual rights and obligations in order to create a harmonious family. Ideally, the family is the foundation for the progress of a nation. Conversely, family disharmony can reflect broader social problems. Bonds within the family are usually formed through marriage, the physical and spiritual well-being of a nation, or conversely, ignorance and backwardness, reflecting the state of families in that nation's society (Mufidah Ch., 2008: 37). The concept of family in Islam is quite clear; in fact, Islam places great emphasis on the development of individuals and families. This is only natural because the family is a prerequisite for a good nation and country. If all families follow the guidelines set forth by religion, then Allah will grant them guidance. Therefore, in Islam, it is natural to say *baiti jannati* (my home is my paradise).

Like most people, persons with disabilities have the desire to live a normal life, get married and work, raise a family, and have children. The possibility that persons with disabilities have a desire to marry still exists. Persons with disabilities are individuals who have long-term physical, mental, intellectual, or sensory limitations, which can create barriers that make it difficult for them to fully participate in interacting with their environment and society. (Dio Ashar, dkk., 2019: 15)

Legislation has been drafted to protect and fulfill the rights of persons with disabilities, as stipulated in Law No. 8 of 2016 concerning Persons with Disabilities and Government Regulation of the Republic of Indonesia No. 27 of 2019 concerning Facilitation of Access to Creations for Persons with Disabilities, including the use of Braille, audio books, and other means. However, the implementation of the protection and fulfillment of these rights has not been optimal in various aspects of life, such as in the fields of education, employment, and public services. The same thing also occurs in the case of marriage registration and recording at the KUA, including the facilities provided during the recording process, such as premarital guidance for prospective brides and grooms organized by Bimas Islam through the KUA.

However, not all individuals have the same opportunities to build an ideal family, including persons with disabilities. According to Law No. 8 of 2016, persons with disabilities are those who experience long-term physical, intellectual, mental, or sensory limitations, thereby facing barriers to full participation in society. Despite having the same rights to marry and start a family, persons with disabilities often face structural challenges, including in accessing premarital services such as marriage counselling organised by the Office of Religious Affairs (KUA).

The Special Marriage Guidance Program at the Winongan Religious Affairs Office is one of the pioneering programs in the Pasuruan region. What is interesting about this program is that its participants are people with disabilities, a group that is rarely discussed or heard of in society. The results of the study show that there are two programs that have positive and negative impacts on participants with disabilities, such as providing knowledge about the procedures for mandatory bathing and special parenting patterns for people with disabilities, as well as the long-term impact on how to create a harmonious family after marriage. Conversely, the negative impact is that people with disabilities do not know about the procedures for mandatory bathing and special parenting patterns for people with disabilities, as well as how to create a harmonious family. However, the lack of facilities and funds are hindering factors that, according to Mills, need to be addressed in order to provide long-term happiness. Through this study, it can be concluded that the programs provided are able to provide guidance for people with disabilities not only in the family sphere, but also in the personal development of people with disabilities. (Muhammad Baihaqi, 2024)

Regulations regarding premarital counselling have been in place since 2009 and have been continuously updated until 2021, namely in the form of the Director General of Islamic Community Guidance Decree Number 189 of 2021 concerning Guidelines for the Implementation of Premarital Counselling for Prospective Brides and Grooms. Unfortunately, in the last ten years, there have been no specific regulations that discuss and regulate premarital counseling for prospective brides and grooms or teenagers of marriageable age with disabilities. In fact, a number of regulations have been established to protect and fulfill the rights of persons with disabilities, such as Law No. 8 of 2016 concerning Persons with Disabilities and Government Regulation No. 27 of 2019 concerning Facilitation

of Access to Creations for Persons with Disabilities, including the use of Braille, audio books, and other means. The absence of specific regulations certainly has an impact on the implementation of counseling, especially in the provision of adequate facilities. However, since regulations concerning persons with disabilities have been established earlier, premarital counseling should adopt the principles and provisions contained in these regulations.

Premarital counseling can be understood as part of adult education, as it is aimed at individuals who have achieved biological and social maturity and diverse life experiences. From an andragogical perspective, adult education emphasizes practical needs, readiness for social role-based learning, and an orientation toward solving real-life problems, including readiness to build a marriage and family life. Therefore, premarital counseling is not merely normative or administrative, but rather an educational process aimed at equipping prospective couples with the knowledge, attitudes, and relational skills necessary to build a healthy, equal, and sustainable family (O'Toole & Essex, 2012).

Furthermore, premarital counseling is also relevant within the framework of lifelong learning, a concept of education that extends from adulthood throughout the human lifespan. Marriage is a crucial phase in life's journey that demands continuous learning related to communication, conflict management, reproductive health, and social and legal responsibility. In this context, premarital counseling falls within the realm of informal or non-formal education because it is conducted outside the formal education system, is flexible, contextual, and oriented to the needs of adult learners. This type of non-formal education plays a strategic role in expanding access to learning that is relevant to the social realities of society (Elfert, 2019). However, the implementation of premarital counseling in Indonesia still faces serious challenges related to accessibility for people with disabilities. The lack of adaptation of curricula, communication methods, and learning media demonstrates the suboptimal implementation of the principles of inclusive education, which affirm that every individual—without discrimination—has the right to receive quality and dignified educational services. The principles of inclusive education demand appropriate accommodations, full participation, and respect for the diversity of student abilities, including in adult education and lifelong learning. Therefore, the integration of disability issues into premarital counseling is not merely a technical issue, but a manifestation of the state and society's commitment to social justice and the fulfillment of human rights (Hendriks, 2007).

Efforts to fulfill the rights of persons with disabilities are still not fully optimal in various fields, including education. However, these shortcomings should not be used as an excuse to discriminate against or ignore their rights in other areas. As quoted from the *Solider* website, persons with disabilities, especially women, still face limited access to information about reproductive health and sexuality. This is due to a lack of effective communication skills. Therefore, collaboration with various parties is essential to realize more inclusive information and services (<https://www.solider.id/baca/619-hak-reproduksi-penyandang-difabel-belum-ada>, 2024). Although the Law on Persons with Disabilities guarantees equal rights, premarital counseling regulations have not yet adopted the principle of inclusivity in concrete terms. For example, there is a lack of disability facilitators and no technical guidelines for KUA (Office of Religious Affairs) in providing counseling materials that are accessible to persons with disabilities, especially those with sensory impairments (blind/deaf).

While previous studies have examined premarital counseling from legal or religious perspectives, limited research has explored premarital education as an inclusive lifelong learning process for persons with disabilities. The uniqueness of this study lies in its interdisciplinary approach, which critically integrates perspectives on legal reform, adult education, and lifelong learning in examining premarital education for people with disabilities in Indonesia. Unlike previous studies that tended to place premarital education solely as a normative-religious program or administrative policy, this study highlights a research gap in the form of a lack of analysis of the dimensions of accessibility, reasonable accommodation, and the right to learn for persons with disabilities in the framework of non-formal and inclusive education. Furthermore, this study reveals a gap between the normative guarantee of non-discrimination in legislation and the practice of premarital education, which is still uniform and not yet

responsive to the diversity of participants' abilities. Thus, this study offers a conceptual innovation in the form of reconstructing premarital education as a space for lifelong learning that is equitable, while also encouraging human rights-based policy reforms that have so far been overlooked by family law and education studies in Indonesia.

People with disabilities are often hindered by inadequate facilities, a lack of trainers trained in inclusive communication, and social stigma that considers their needs to be of secondary importance. Therefore, unpreparedness for marriage due to limited access has the potential to exacerbate the vulnerability of people with disabilities within the household. Premarital can be an appropriate forum for providing important information, especially since the material covered includes various aspects, including reproductive health. Through this guidance, couples who are about to get married can gain a comprehensive understanding of the responsibilities of marriage, including maintaining reproductive health to support a harmonious and prosperous household. Based on this a question arises: 1) How is premarital counseling regulated as a form of lifelong education in Indonesia?; 2) To what extent do current regulations ensure inclusive educational access for persons with disabilities?, and 3) What legal and educational reforms are required to support inclusive premarital education?.

2. METHOD

This research is a normative study within the framework of educational studies, focusing on analyzing the concept and regulations of premarital education for people with disabilities in Indonesia. A normative approach is used to examine the principles, norms, and legal principles governing premarital education, while also linking them to the paradigms of inclusive education, adult education, and lifelong learning. From this perspective, premarital education is positioned as a form of non-formal education that has an andragogical dimension, is oriented towards the needs of adult learners, and is based on the principles of equality and non-discrimination as emphasized in the discourse of modern inclusive education (Tahir, 2023; O'Toole & Essex, 2012). The data sources in this study consist of primary and secondary legal materials. Primary legal materials include relevant laws and regulations, such as Law Number 8 of 2016 concerning Persons with Disabilities, Law Number 20 of 2003 concerning the National Education System, and regulations related to premarital and marriage education. Secondary legal materials include academic literature, previous research results, policy documents, and international publications on inclusive education and lifelong learning. The analytical framework of this study uses the *maqāṣid al-syarī'ah* approach to assess the objectives of protecting the rights, dignity, and welfare of persons with disabilities, combined with the principles of inclusive education as a normative basis in formulating equitable premarital education (Kenny, McCoy, & Norman, 2023; Auda, 2017).

The research phase begins with an inventory and classification of existing legal norms and premarital education concepts, followed by a critical analysis of regulatory gaps and implementation practices that are not yet disability-friendly. The data is then analyzed prescriptively and argumentatively to formulate an inclusive premarital education framework that aligns with the principles of legal reform and lifelong learning. The overall research framework is directed toward answering the research objective, namely to formulate a premarital education model that is responsive to diverse abilities, grounded in values of justice, and relevant to the social, legal, and religious contexts in Indonesia (Ardiaman, 2024; Rohman, 2024).

3. FINDINGS AND DISCUSSION

3.1. Theory of Legal Reconstruction

In the Big Indonesian Dictionary, the word "rekonstruksi" comes from the root word "konstruksi," which means construction. With the addition of the prefix 're' at the beginning of the word, the meaning of "rekonstruksi" changes to an effort to restore something to its original condition. (Departemen

Pendidikan Nasional, 2005: 942). In *Black Law Dictionary* (Bryan A. Garner, 1999:1278), *reconstruction is the act or process of rebuilding, recreating, or reorganizing something*. Law as a tool of social engineering is not only understood as a means to “impose” the will of the government on society. Today, the concept has a broader meaning, namely as an instrument for reforming society and bureaucracy. Thus, the legislation of a country reflects the state’s efforts to regulate, control, and supervise society in general. (Satjipto Rahardjo, 1981: 153).

If reconstruction is linked to concepts, notions, or ideas about law, then legal reconstruction can be interpreted as the process of reorganizing or rebuilding legal thinking or concepts. Every legal formulation needs to be understood based on its respective context, while remaining within the framework of the national legal system, namely the Indonesian legal system. Legal reconstruction can be understood as a process of improving or reorganizing the structure, substance, and culture of existing laws, with the aim of making them more effective and functional. This process aims to explore and uphold the will of the law, the will of the people, and moral values within the legal system.

Legal reconstruction plays a strategic role in supporting the realization of inclusive education services and expanding access to lifelong learning programs, particularly for people with disabilities. Through reforming norms, principles, and policies, the law functions not only as an instrument of social control but also as a tool of social engineering capable of driving the transformation of education services to be more equitable and non-discriminatory (Kusumaatmadja, 2006). In this context, a legal construction that is responsive to the principles of human rights and inclusive education can shift premarital counseling from a mere administrative obligation to an adaptive, participatory, and disability-friendly non-formal education service. By ensuring adequate accommodation, accessibility of information, and learning methods that are appropriate to diverse abilities, premarital counseling can function as a learning space for adults within the framework of lifelong learning. Educational equality for people with disabilities is thus no longer understood as an additional policy, but rather as a logical consequence of legal reconstruction that places human dignity, substantive justice, and inclusivity as the primary goals of education and family life (Peters, 2024).

3.2. Theory of Legal Hierarchy

Hans Kelsen's theory of the hierarchy of norms, known as *stufen theorie*, states that legal norms are arranged hierarchically and in tiers. Lower-level norms originate from and are based on higher-level norms in the hierarchy, up to the basic norm (*grundnorm*). From this concept, it can be concluded that lower-level (inferior) norms or rules can be formed by higher-level (superior) norms. The implication of this theory is that from 1966 to the present, the Indonesian legal system has also followed and applied this theory of hierarchy and layers. (Maria Farida Indrati S, 2021: 13)

Indonesia, as a country governed by law that has adopted the principles of constitutionalism like other modern countries, has a written constitution called the 1945 Constitution. The 1945 Constitution is considered a fundamental law, which is the basic law or source of other laws, and as a higher law, the 1945 Constitution is the highest law in the hierarchy of laws of the Republic of Indonesia.

There have been several fundamental amendments, starting from TAP MPRS XX/MPRS/1966, TAP MPR NOMOR III/MPR./2.000, Law Number 10 of 2004, to Law Number 12 of 2011. Although the latter law has been amended to Law No. 15 of 2019, the amendment does not change the hierarchical clause. Therefore, the hierarchy of laws and regulations in the national legal system still refers to Law No. 12 of 2011.

The hierarchy of laws and regulations is specified in Article 7 paragraph (1):

- 1) The 1945 Constitution of the Republic of Indonesia;
- 2) Decrees of the People's Consultative Assembly;
- 3) Laws/Government Regulations in Lieu of Laws;
- 4) Laws;
- 5) Government Regulations;
- 6) Presidential Regulations;

- 7) Provincial Regulations; and
- 8) Regency/City Regulations.

This law serves as the basis for planning, drafting, drafting techniques, discussion, and ratification or enactment of draft laws and regulations. Important matters regulated in this law include basic principles; types, hierarchy, and content of laws and regulations. To ensure that laws and regulations support the principle of the rule of law, at least two orders are required, namely the basic order of laws and regulations and the order of formulation of laws and regulations. (Bayu Dwi Anggono, 2018: 1)

The hierarchy of inclusive education policy in the Indonesian legal system is based on a tiered structure of legislation, ranging from the constitution to technical policies at the implementation level. At the highest level, the 1945 Constitution of the Republic of Indonesia guarantees every citizen the right to education without discrimination, which is then translated into sectoral laws such as Law No. 20 of 2003 on the National Education System and Law No. 8 of 2016 on Persons with Disabilities. The normative provisions at this level serve as a Grundnorm and a binding value framework for all policymakers below it. Therefore, inclusive education policy does not stop at normative recognition at the law level, but requires vertical synchronization so that the principles of equality, accessibility, and non-discrimination are truly realized in the practice of education, including in non-formal education and lifelong learning (Abas, 2023).

Lower-level legislation, such as government regulations, ministerial regulations, and technical guidelines, has a legal and functional obligation to operationalize the principle of disability inclusion because it is in the realm of direct policy implementation. Without explicit technical regulations, the norm of inclusivity at the legislative level risks becoming *lex imperfecta*, which is ineffective in guaranteeing the rights of persons with disabilities. Furthermore, the principle of *lex superior derogat legi inferiori* requires that all lower-level regulations be consistent with and not contradict higher-level norms, including the principle of inclusive education. Thus, the integration of disability aspects into lower-level regulations is not merely an administrative option, but a constitutional requirement and an important instrument for realizing substantive educational equality for all citizens (Indrati S, 2007).

3.3. *Maqāṣid Al-Syarī'ah Persons with Disabilities*

In Islam, the concept of rights is divided into two categories: the rights of Allah SWT (Haqq Allah) over humans, and the rights of humans (Haqq al-'Ibād) over Allah SWT and over other humans. The substance of Allah SWT's rights over humans and humans' rights over Allah SWT is explained in a hadith of the Prophet Muhammad SAW as follows:

عَنْ مُعَاذٍ رَضِيَ اللَّهُ عَنْهُ قَالَ كُنْتُ رِدْفَ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَى حِمَارٍ يُقَالُ لَهُ عُقَيْرٌ فَقَالَ يَا مُعَاذُ هَلْ تَدْرِي حَقَّ اللَّهِ عَلَى عِبَادِهِ وَمَا حَقُّ الْعِبَادِ عَلَى اللَّهِ فُلْتُ اللَّهُ وَرَسُولُهُ أَعْلَمُ قَالَ فَإِنَّ حَقَّ اللَّهِ عَلَى الْعِبَادِ أَنْ يَعْبُدُوهُ وَلَا يُشْرِكُوا بِهِ شَيْئًا وَحَقُّ الْعِبَادِ عَلَى اللَّهِ أَنْ لَا يُعَذِّبَ مَنْ لَا يُشْرِكُ بِهِ شَيْئًا فَقُلْتُ يَا رَسُولَ اللَّهِ أَفَلَا أُبَشِّرُ بِهِ النَّاسَ قَالَ لَا تُبَشِّرْهُمْ فَيَتَكَبَرُوا

Meaning: From Mu'adz, may Allah be pleased with him, he said, "Once I was riding behind the Messenger of Allah on a donkey named 'Ufair. The Messenger asked, 'Mu'adz, do you know what Allah's rights are over His servants and what the servants' rights are over Allah? Allah and His Messenger know best,' replied Mu'adz. The Messenger then said: The rights of Allah over His servants (humans) are to worship Him and not to associate partners with Him; while the rights of His servants (humans) over Allah are that He does not punish them as long as they do not associate partners with Him. Mu'adz asked: May I inform the people of this? No, lest they become stubborn, replied the Messenger." (HR. Bukhari-Muslim)

Human rights regarding mutual responsibility can be divided into five categories: a) the right of individuals to be responsible for themselves; b) the right of individuals to be responsible for others; c) the right of individuals to be responsible for society; d) the right of society to be responsible for individuals; e) the right of society to be responsible for other societies. The scholars agree that human rights are not automatically included in the rights of Allah; however, the rights of Allah SWT are always

present in humans. Therefore, fulfilling human rights also means fulfilling the rights of Allah SWT, while denying human rights means degrading the rights of Allah SWT. This is reflected in ritual-symbolic and personal piety, such as worship and prayer. Meanwhile, fulfilling the rights of others, whether through attitude, speech, or action, is known as actual-substantive and social piety. Islam does not separate these two types of piety absolutely. Fulfilling the rights of fellow human beings is a command from Allah SWT, and ritual piety (in worship to fulfill the rights of Allah) is only considered valid if it is consistently supported by social piety (by fulfilling the rights of others). (Masdar F. Mas'udi, 2010: 19)

The elaboration of the above mission uses the Maqāṣid Al-Syarī'ah approach to assess the extent to which regulations fulfill the objectives of Sharia, namely Usūl Al-Khams (five basic principles) which encompass:

- a. *Hifz al-dīn*: providing guarantees for Muslims to practice their religion and beliefs (al-dīn). Meanwhile, Islam also fully guarantees the identity of religious (groups) that transcend ethnicity. Therefore, Islam guarantees freedom of religion and prohibits the imposition of one religion over another.
- b. *Hifz al-nafs*: providing guarantees of the rights of every human soul to grow and develop properly. In this case, Islam demands justice, the fulfillment of basic needs (the right to livelihood), employment, the right to independence and safety, and freedom from persecution and tyranny.
- c. *Hifz al-'aql*: is the guarantee of freedom of expression, freedom of speech, freedom to express opinions, conduct research, and engage in various scientific activities. In this regard, Islam prohibits the destruction of the mind in the form of torture (repression), the use of ecstasy, alcoholic beverages, and so on.
- d. *Hifz al-nasl*: a guarantee of privacy for every individual, protection of one's profession (work), and a guarantee of a better and higher quality future for one's descendants and future generations. Free sex, adultery according to Sharia law, is a prohibited act because it contradicts *hifz al-nasl*.
- e. *Hifz al-māl*: intended as a guarantee of ownership of assets, property, and others. And the prohibition of actions that take away the rights of others, such as theft, corruption, monopoly, and others. (Ahkamul Fuqaha, 2011:778)

In Islamic legal theory, these five groups of rights can be hierarchically divided into three levels: First, *darūry* (primary/basic) rights, which are rights that, if not fulfilled or denied, can result in destruction. This category is appropriately called Fundamental Rights; for example, the rights to food, shelter, and clothing at the primary, subsistence level, which if not fulfilled can result in death. Fulfilling these primary rights is obligatory and absolute; denying these primary rights is haram, with optimal legal sanctions. Second, "secondary" (*hajiy*) rights; these are rights which, if not fulfilled, do not result in fatal consequences, destruction/extinction/death, but can cause hardship (*masyaqqat/haraj*). For example, the absence of nutritious food and the availability of only enough food to survive. Third, "tertiary" rights (*tahsīny/takmīly*). These are rights which, if not fulfilled, do not cause hardship but rather a lack of perfection. (Hamka Haq, 2007: 17).

The principle of maqāṣid al-sharī'ah is closely related to the fulfillment of the right to education, including for adults with disabilities, because the main objective of Islamic law is to realize benefit (*maṣlahah*) and reject harm (*mafsadah*). Within the framework of *al-darūriyyāt al-khams* - namely the protection of religion (*hifz al-dīn*), life (*hifz al-nafs*), intellect (*hifz al-'aql*), lineage (*hifz al-nasl*), and wealth (*hifz al-māl*) - education occupies a central position, particularly in the dimension of protecting the intellect. Equal and inclusive access to education for persons with disabilities is a prerequisite for the development of intellectual capacity, moral awareness, and dignified social participation, thus being in line with the objectives of Sharia to preserve human dignity without discrimination (al-Ghazali, t.t.). Furthermore, providing an accessible learning environment reflects the implementation of maqāṣid at the *hājīyyāt* and *tahsīniyyāt* levels, namely the fulfillment of needs that facilitate and improve the quality of human life. In the context of adult education and lifelong learning, accessibility is not only interpreted as physical availability, but also includes access to information, adaptive learning methods,

and appropriate accommodations for people with disabilities. Educational justice for adults with disabilities is therefore not a form of special treatment, but rather the realization of substantive justice in line with the principle of *maqāṣid al-sharī'ah*, which is to provide proportional treatment so that every individual has equal opportunities to develop and contribute to social, religious, and family life (al-Raysuni, 1995).

This legal reconstruction is in line with Maqāṣid Al-Syarī'Ah, which is to create justice, equal rights, and protection for vulnerable groups. With this concept, the law is not only administrative in nature, but also becomes an instrument of social justice and protection of rights for persons with disabilities.

3.4. Legal Certainty of Premarital Counseling for Persons with Disabilities

3.4.1 Law Number 8 of 2016 concerning Persons with Disabilities

Their rights as citizens are protected by the state, as stated in letter a of the considerations of Law Number 8 of 2016 concerning Disability, which reads: *The Unitary State of the Republic of Indonesia guarantees the right to life of every citizen, including persons with disabilities, who have equal legal status and human rights as Indonesian citizens. They are an integral part of the Indonesian citizenry and society, and this is a mandate and gift from God Almighty, to live in progress, development, justice, and dignity. Thus, in letter c of the considerations of Law Number 8 of 2016 concerning Disabilities, it is stated that: To realize equal rights and opportunities for persons with disabilities towards a prosperous, independent life free from discrimination, legislation is needed to ensure its implementation.*

This step was taken so that the implementation and fulfillment of the rights of persons with disabilities can be achieved, with the aim of improving their quality of life, as well as ensuring a fair, prosperous, independent, and dignified life. To protect the rights of persons with disabilities, this law regulates several matters related to the government's involvement in efforts to fulfill the rights of persons with disabilities. One of them, in Article 27 paragraph (1), states that the government and local governments have an obligation to plan, organize, and evaluate the implementation of respect, protection, and fulfillment of the rights of persons with disabilities.

In another article discussing religious rights, namely Article 82, it is stated that the central government and regional governments shall endeavor to provide sign language interpreters for religious activities. This article was included by the researcher because marriage guidance is part of the authority of the Ministry of Religious Affairs, with the KUA (Office of Religious Affairs) as the party responsible for implementing it. With these laws and regulations in place, persons with disabilities should have access to facilities that support the fulfillment of their rights. Moreover, under these regulations, both the central and regional governments have an obligation to ensure the fulfillment of these rights.

3.4.2 Law No. 1 of 1974 on Marriage

If we refer to the definition of marriage according to Marriage Law Number 1 of 1974, which states "a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the One Almighty God," there are five elements contained therein, namely:

- a) A spiritual bond.
- b) Between a man and a woman.
- c) As husband and wife.
- d) To form a happy and lasting family (household).
- e) Based on belief in One God.

Marriage provisions stipulate that marriage is only permitted if both the man and woman have reached the age of 19 (nineteen). Changes related to the age of marriage indicate that marrying at a young age can have a negative impact on a child's physical and mental development, as well as result

in the violation of a child's basic rights, such as the right to protection from violence and discrimination, civil rights, health rights, education rights, and social rights.

3.4.3 Ministry of Religious Affairs Regulation Number 876 of 2023 Concerning Sakinah Families

Ministry of Religious Affairs Decree Number 876 of 2023 concerning the Sakinah Family Movement is a national initiative that aims to improve the quality of families in a planned, systematic, comprehensive, and sustainable manner. The main objective of this movement is to create families that are happy and prosperous both physically and spiritually, providing peace, justice, and benefits for their members. Building a harmonious family is certainly the dream of every human being. This is because it greatly affects the level of peace and comfort in married life.

3.4.4 Decision of the Director General of Islamic Guidance Number 189 of 2021 concerning Guidelines for Marriage Guidance for Prospective Brides and Grooms

Decision of the Director General of Islamic Guidance Number 172 of 2022 concerning amendments to Decision of the Director General of Islamic Guidance Number 189 of 2021 concerning Guidelines for the Implementation of Marriage Guidance for Prospective Brides and Grooms, states that in relation to the addition of points in Appendix 1 Chapter IV point C Number 2c, concerning:

2c. Facilitators from the health office/community health center and the National Family Planning Agency (BKKBN) according to their areas of expertise, preferably certified facilitators.

Meanwhile, Chapter II of the General Provisions of the Director General of Islamic Guidance Number 189 of 2021 reads as follows:

1. In the aforementioned decision of the director general:
 - a. Prospective brides and grooms, hereinafter referred to as catin, are men or women who have registered their intention to marry at the subdistrict KUA and have fulfilled the marriage requirements in accordance with the laws and regulations.
 - b. Marriage guidance for prospective brides and grooms, hereinafter referred to as Bimwin catin, is a guidance service provided by the Ministry of Religious Affairs and aims to equip prospective brides and grooms with the knowledge and life skills necessary to manage the dynamics of marriage and family life.
2. Every catin has the right to participate and receive Bimwin Catin services.
3. Bimwin Catin is attended by participants in pairs.
4. Bimwin Catin services are provided by the government.
5. Bimwin Catin is a flagship service of the District KUA.

The following researcher includes a summary table that links regulations, educational implications and accessibility gaps:

Table 1. Regulatory Framework Governing Premarital Education in Indonesia: Educational Implications and Accessibility Gaps for Persons with Disabilities

No	Regulations	Implications for Education	Accessibility Gaps
1	Law Number 8 of 2016 concerning Disability	Ensure the right to inclusive education and appropriate accommodation in all educational pathways	Implementation in the premarital education and religious services sectors is still weak and uneven.
2	Law No. 1 of 1974 on Marriage	Emphasizing the purpose of marriage to form a happy and eternal family; becoming the normative basis for the need for premarital education as preventative education.	Does not explicitly regulate the right to inclusive premarital education or accessibility for people with disabilities
3	Minister of Religion Regulation Number 876 of	Strengthening the role of family guidance and education as an effort to create a harmonious family;	It does not explicitly include inclusive education standards

	2023 concerning Sakinah Families Decree of the Director General of Islamic Religious Guidance Number 189 of 2021 concerning Guidelines for Marriage Guidance for Prospective Brides and Grooms	opening up normative space for strengthening premarital education. Establishing standards for materials, methods, and implementation of premarital guidance as adult and preventive education.	and disability accommodation in premarital guidance. The guidelines do not include requirements for reasonable accommodations, adaptive methods, or special services for persons with disabilities.
4			

3.5. The Legal Position of Premarital Counseling in Marriage Registration in Indonesia

The implementation of premarital counseling in Indonesia refers to the Minister of Religious Affairs Regulation No. 30 of 2024 concerning Marriage Registration. Article 5 paragraph 1 explains that couples who have registered their intention to marry are required to attend marriage counseling. Marriage counseling in Indonesia is currently one of the administrative requirements for marriage registration, especially among Muslims. PMA No. 30 of 2024 concerning Marriage Registration Article 5 paragraph 2 explains that the aim is to provide prospective brides and grooms with knowledge and skills in planning and managing family life, healthy reproduction, and the dynamics of marriage and family, building collective awareness to create healthy and quality families, and instilling the determination to overcome various conflicts in family life for couples who are about to get married. Article 3 continues by stating that prospective brides and grooms who have participated in marriage counseling will be given a certificate. This is expected to create families that are *sakinah, mawaddah, warahmah*. The issuance of regulations by the Directorate General of Islamic Community Guidance through Circular Letter Number 02 of 2024 concerning Marriage Guidance for Prospective Brides and Grooms states that:

This circular letter from the Director General of Islamic Guidance contains the obligation for prospective brides and grooms to attend marriage counseling.

In its provisions:

1. Prospective grooms and brides are required to attend marriage counseling sessions organized by the District Religious Affairs Office (KUA).
2. Marriage counseling sessions can be conducted using traditional, independent, or virtual methods.
3. The marriage counseling method refers to the Decree of the Director General of Islamic Community Guidance Number 189 of 2021 concerning Guidelines for the Implementation of Marriage Counseling for Prospective Brides and Grooms.

Despite its significant benefits, premarital counseling faces several criticisms and challenges, such as:

1. Availability of Facilities: Not all regions have the facilities and professionals to provide premarital counseling.
2. Effectiveness of Implementation: In some cases, premarital counseling is only considered a formality to obtain a certificate.
3. Public Awareness: There are still couples who consider premarital counseling unimportant.

Premarital counseling as compulsory education for adults can be understood as a form of preventive educational intervention that aims to minimize the risk of family conflict, domestic violence, and marital instability in the future. From an adult education perspective, the policy of mandatory premarital counseling has strategic value because it is directed at a crucial phase of life that requires psychosocial, legal, and spiritual readiness. However, an overly administrative and uniform approach has the potential to reduce premarital counseling to a mere formality, thereby neglecting the principles of andragogy, which emphasize active participation, the relevance of participants' experiences, and a

focus on solving real problems (Knowles, 1990). This condition shows that the effectiveness of premarital counseling as preventive education is highly dependent on the quality of learning design, facilitation methods, and sensitivity to the diversity of adult learners' backgrounds.

The implications of mandatory premarital counseling policies on the quality of education and learner engagement are ambivalent. On the one hand, legal obligations can increase public awareness and reach regarding the importance of family readiness; however, on the other hand, without pedagogical innovation and an inclusive approach, this policy risks reducing learner engagement because participants attend solely to fulfill administrative requirements. The involvement of adult learners can only be increased if premarital counseling is designed as a dialogical, contextual, and adaptive learning space for specific needs, including those of persons with disabilities. Therefore, a critical evaluation of premarital counseling emphasizes the need for a reorientation from a one-way instructional model to a participatory, reflective, and equitable preventive education approach, so as to improve the quality of learning as well as the long-term impact on family resilience and social quality of life (Freire, 2000).

3.6. Legal Reconstruction of Premarital Guidance for Persons with Disabilities in Indonesian Regulations

In the Decree of the Director General of Islamic Guidance Number 189 of 2021, there are no explicit provisions governing premarital counseling (Bimwin) for persons with disabilities. Several relevant articles, such as the definitions of "prospective bride and groom (catin)" and "Bimwin participants," do not specifically include persons with disabilities.

- 1) Bimwin Participant Regulations: Only mentions "prospective brides and grooms who register at the KUA" without any exceptions or adjustments for disabilities.
- 2) Regulations on Facilitators: There are no specific requirements for facilitators to understand disability needs.
- 3) Regulations on Implementation Methods: Although there are face-to-face, virtual, and self-directed methods, there is no explanation of special accommodations (such as sign language interpreters, braille modules, or special assistance).

To ensure legal certainty, researchers criticize that

- 1) Bimwin facilitators who work with persons with disabilities must have disability inclusion competency certification for facilitators of persons with disabilities.
- 2) The Office of Religious Affairs is required to provide accessible facilities according to the needs of participants with disabilities.
- 3) Marriage counseling for persons with disabilities can be carried out using special methods, including individual assistance or the use of sign language, Braille, audio, visual, or communication aids, based on the principle of equality with others.

Table 2. Key Challenges and Strategic Solutions for Promoting Inclusive Premarital Guidance (Bimwin)

Challenges	Solution
Lack of facilities for persons with disabilities at the Office of Religious Affairs	Collaboration with special schools and disability organizations for training
Lack of trained facilitators	Campaign to raise awareness of the importance of inclusive Bimwin through religious leaders

Premarital education for persons with disabilities needs to be analyzed and redesigned to align with the Universal Design for Learning (UDL) framework and the principles of inclusive education, ensuring meaningful learning outcomes and the full participation of adult learners. UDL emphasizes three key principles: providing diverse ways of presenting material, diverse ways of engaging, and diverse ways of expressing it. In the context of premarital education, this principle requires providers

not to rely on a single delivery method (e.g., solely oral lectures), but to provide materials in a variety of formats accessible to persons with sensory, intellectual, and physical disabilities, such as sign language, easy-to-read text, audio, and adaptive visual media. This approach aligns with the principles of inclusive education, which view diversity as a normal part of the learning process, rather than a deviation requiring separate, special treatment (Rose and Meyer, 2002).

Furthermore, premarital education aligned with UDL demands a paradigm shift from a uniform approach to a flexible, adult-centred learning design. The principle of inclusivity requires the active participation of persons with disabilities in all stages of learning, from planning and implementation to evaluation. In practice, this includes the use of dialogic methods, life-experience-based simulations, and formative assessments that allow for diverse forms of expression of understanding, not just written tests or administrative attendance. Without such pedagogical reformulation, premarital education risks failing to function as an effective preventive educational intervention and instead reinforcing structural exclusion of vulnerable groups (Freire, 2000; Knowles, 1990).

The proposed reformulation of premarital education includes the integration of UDL into policies and technical guidelines, training facilitators on inclusive education and andragogy, and establishing standards for appropriate accommodations as part of the quality of non-formal education services. This reformulation is oriented not only to fulfill legal obligations, but also to improve learning outcomes and learner engagement, which are key indicators of successful adult education. By systematically adopting UDL and the principles of inclusive education, premarital education can be transformed into a lifelong learning space that is equitable, participatory, and responsive to the diverse abilities of persons with disabilities (Knowles, 1990).

4. CONCLUSION

This study finds that although persons with disabilities are normatively guaranteed equal rights to participate in premarital counseling under multiple regulatory frameworks, including Law No. 8 of 2016, Law No. 16 of 2019, Minister of Religious Affairs Regulation No. 876 of 2023, and related technical guidelines, the practical realization of these rights remains limited due to the absence of specific, enforceable, and disability-inclusive technical standards. The current regulatory framework, including the mandatory premarital counseling provision under Ministerial Regulation No. 30 of 2024, has not yet ensured adequate accommodations or accessibility mechanisms, resulting in weak legal certainty and unequal service provision. Consequently, legal and pedagogical reconstruction is required to explicitly mandate accessibility standards, provide trained disability-sensitive facilitators, and implement adaptive communication methods tailored to diverse disability contexts. However, this research is limited by its normative legal approach, which does not incorporate empirical data on the lived experiences, participation levels, or learning outcomes of persons with disabilities in premarital education. Future research should therefore undertake empirical, qualitative, and comparative studies across regions and service models to evaluate the effectiveness of inclusive premarital education practices, identify best practices, and develop sustainable models grounded in inclusive education principles and social justice.

REFERENCES

- Abas, Muhammad, et al. "Ilmu hukum konseptualisasi epistemologi prinsip hukum dalam konstitusi negara." (2023).
- Adriaman, M. (2024). *Pengantar Metode Penelitian Ilmu Hukum*. Yayasan Tri Edukasi Ilmiah.
- Ahkamul, Fuqaha. (2011). *Solusi Problematika Sosial Hukum Islam*, Lajnah Ta'lif wan Nasyr PBNU
- Ahmad al-Raysuni,(1995). *Nazariyyat al-Maqāṣid 'inda al-Imām al-Shāṭibī*. Rabat: Dār al-Amān.
- Al-Ghazālī, (t.t.). *Al-Mustaṣfā min 'Ilm al-Uṣūl*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Amiruddin dan Zainal Asikin. (2010). *Pengantar Metode Penelitian Hukum*. Jakarta: Rajawali Pers,

- Auda, J. (2017). *Maqasid Al-Shariah as Philosophy of Islamic Law (Bosnian Language): A Systems Approach*. International Institute of Islamic Thought (IIIT).
- B.N. Marbun, *Kamus Politik*. Jakarta: Pustaka Sinar Harapan, 1996. Accessed on November 10, 2024.
- Bayu Dwi Anggono. (2018). "Tertib Jenis, Hierarki, dan Materi Muatan Peraturan Perundang-undangan: Permasalahan dan Solusinya", *Masalah-masalah Hukum*, Vol. 47, No 1.
- Bryan A.Garner, *Black' Law Dictionary*. ST. Paul Minn: West Group, 1999. Accessed on November 10, 2024.
- Departemen Pendidikan Nasional. (2005). *Kamus Besar Bahasa Indonesia*. Jakarta: Balai Pustaka
- Dio Ashar, dkk. (2019). *Panduan Penanganan Perkara Penyandang Disabilitas Berhadapan Dengan Hukum*. Jakarta: MaPPI FHUI.
- Director General of Islamic Guidance Circular Letter No. 02 of 2024 concerning Marriage Guidance for Prospective Brides and Grooms.
- Director General of Islamic Guidance Decree No. 379 of 2018 concerning Guidelines for the Implementation of Pre-marital Guidance for Prospective Brides and Grooms.
- Director General of Islamic Guidance No. 189 of 2021.
- Elfert, M. (2019). Lifelong learning in Sustainable Development Goal 4: What does it mean for UNESCO's rights-based approach to adult learning and education?. *International Review of Education*, 65(4), 537-556.
- Erik S. Rahmawati, dkk. (2015). *Pedoman Penulisan Karya Ilmiah*. Uin Maulana Malik Ibrahim Malang: Fakultas Syariah.
- Freire, P. (2000). *Pedagogy of the Oppressed*. New York: Continuum.
- Freire, P. (2000). *Pedagogy of the Oppressed*. New York: Continuum.
- Hamka, Haq. (2007). *Al-Syatibi Aspek Teologi Konsep masalah dalam kitab Al-Muwafaqat*. Jakarta: Erlangga.
- Hendriks, A. (2007). UN Convention on the Rights of Persons with Disabilities. *European journal of health law*, 14(3), 273-298.
- <https://pa-rangkasbitung.go.id/publikasi-artikel/arsip-artikel/627-akibat-perkawinan-tidak-tercatat-nikah-sirri-nikah-urf>. Accessed on August 4, 2025.
- <https://www.solider.id/baca/619-hak-reproduksi-penyandang-difabel-belum-ada>, accessed on June 5, 2024.
- Indrati S, M F. (2007). *Undang-undang: Jenis, Fungsi, dan Materi Muatan*. Yogyakarta, Penerbit Kanisius.
- Kenny, N., McCoy, S., & O'Higgins Norman, J. (2023). A whole education approach to inclusive education: An integrated model to guide planning, policy, and provision. *Education Sciences*, 13(9), 959.
- Knowles, M S. (1990). *The Adult Learner: A Neglected Species*, 4th ed. Houston: Gulf Publishing Company.
- Law No. 8 of 2016 concerning Persons with Disabilities
- Law No. 16 of 2019 concerning Marriage
- Maria Farida, Indrati S. (2021). *Ilmu Perundang-undangan 1: Jenis, Fungsi dan Materi Muatan*. Yogyakarta: Penerbit Kanisius.
- Masdar F. Mas'udi, (2010). *Syarah Konstitusi*. Jakarta: P3M
- Mufidah Ch. (2008). *Psikologi Keluarga Islam Berwawasan Gender*. Malang: Uin-Malang Press.
- Muhammad Baihaqi, "Penerapan Program Bimwainsus Bagi Penyandang Disabilitas Di Kua Kecamatan Winongan Kabupaten Pasuruan", Vol.18, No.2 (Jurnal Penelitian, 2024). <https://journal.iainkudus.ac.id/index.php/jurnalPenelitian>
- Muhammad Rohmadi dan Yakub Nasucha. (2015). *Dasar-dasar Penelitian*. Surakarta: Pustaka Brilliant
- O'Toole, S., & Essex, B. (2012). The adult learner may really be a neglected species. *Australian Journal of Adult Learning*, 52(1), 183-191.
- Peters, S. (2007). Inclusion as a strategy for achieving education for all. *The SAGE handbook of special education*, 117-130.
- Regulation of the Minister of Religious Affairs No. 30 of 2024 concerning Marriage Registration

- Rohman, Moh Mujibur, et al. "Methodological reasoning finds law using normative studies (theory, approach and analysis of legal materials)." *MAQASIDI: Jurnal Syariah dan Hukum* (2024): 204-221.
- Rose, D H & Meyer, A. (2002). *Teaching Every Student in the Digital Age: Universal Design for Learning*. Alexandria, VA: ASCD.
- Satjipto, Rahardjo. (1981). *Hukum Dalam Perspektif Sosial*. Bandung: Penerbit Alumni.
- Tahir, Rusdin, et al. *Metodologi penelitian bidang hukum: Suatu pendekatan teori dan praktik*. PT. Sonpedia Publishing Indonesia, 2023.