

## **Degradation of BP4 Function in Strengthening the Family Resilience Program in Indonesia**

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### **Abstract**

*The discourse about family resilience is actually inseparable from an institution that has been performed in years ago and are concerned on quality of marriage. Especially for Indonesia, this institution is played by BP4 (Advisory Agency for the Development and Preservation of Marriage) which was officially established on January 3 1961 upon Keputusan Menteri Agama RI Number 85 year 1961 with the hope of being able to success the family resilience programs. However, along the way, the BP4 function has not been able to show its results, it has been proven that the divorce rate is still high. This research is very important to analyze the factors causing the weak functioning of BP4 through a literature study of regulations related to the existence of BP4 and regulations regarding family resilience. Through normative juridical research methods with a qualitative-descriptive-analytical-historical approach from literature study data collection, this research explains that the factors that cause a weak function of BP4 in strengthening family resilience are first, the absence of regulations and policies that strengthen the existence of BP4 in implementing its functions, secondly, the incoherence of policies regarding family resilience which intersect with the function of BP4.*

**Keywords:** BP4 Function, Family Resilience, Divorce

### **A. Introduction**

Studies on family resilience are closely related to one of the indicators, namely the divorce rate. The low divorce rate shows that the marital life experienced by married couples shows good family resilience. Every country in the world is trying its best to reduce the divorce rate to create family resilience. Therefore, what we continue to strive for is to take concrete steps to reduce the divorce rate.

Long before the birth of the 1974 Marriage Law, BP4 had been in operation since 1954 and was one of the institutions that submitted for the first time to the state to provide pre-marital preparation services for prospective husbands and wives in order to prepare prospective partners who have the ability to strengthen household structures and also provides mediation services for family problems. This

organization was then officially established and declared a partner of the Ministry of Religion on January 3 1961 in accordance with the Decree of the Minister of Religion of the Republic of Indonesia No. 85 of 1961 which is tasked with advocating for the quality of marriage in society. (BP 4 Provinsi Daerah Khusus Ibukota Jakarta, 2006).

The hope is that the Ministry of Religion's partnership with BP4 will actively play a role in overseeing the Indonesian Government's programs in the field of family resilience. This form of partnership certainly requires good synergy between the Ministry of Religion and private institutions, not only in strengthening the content and concept of material and programs regarding family preservation, but also synergy in the sustainability of the program. Based on this, both need to maintain the continuity and connection of programs regarding family resilience.

As time goes by, phenomena in the field show that the function of BP4 is not very visible and the fact that the divorce rate is still high shows that the hope of strengthening family resilience has not been successful. In the last decade, Indonesia has shown that the divorce rate is still high, even showing a trend of increasing numbers from year to year. Thus, this phenomenon is a concern in itself that needs to be looked for and concrete steps taken to reduce the divorce rate.

In other words, the cause of BP4's weak function in strengthening family resilience programs in Indonesia needs to be sought. This research seeks to discuss the factors causing the weak functioning of BP4 from the perspective of the relevance of regulations regarding family resilience in Indonesia.

## **B. Method**

Historical descriptive research analysis is used by researchers to highlight the fact that this research is a development and continuation of previous studies with similar research subjects. Using an analytical approach, we will analyze in more detail why and how this happens. A historical approach allows researchers to conduct more objective studies by tracing regulations and laws. Because the subject of this research is related to regulations, it will be more comprehensive if presented qualitatively. Researchers collect data to find important research concepts from reviewing relevant literature (Kachuyevski & Lisa M. Samuel, n.d.).

## **C. Result**

KBBI explains that the word resilience means strength (physical and mental) and perseverance. In the context of the family concept, the meaning of family resilience includes the understanding that families can live independently by developing the family's potential to achieve a happy and fulfilling life as well as inner wealth and also includes situations that show potential physical and psychological abilities in life itself, both in the mortal world. here and in the afterlife (Departemen Pendidikan dan Kebudayaan, 1990).

The content of Article 2 of Law Number Ten of 1992, shows that the meaning of family resilience is defined as physical, material, mental and spiritual resources that

have the tenacity and perseverance to live independently, support themselves and raise their family, family members with physical abilities so that they can live in harmony and improve their physical health and internal well-being. The main indicator of family resilience is the divorce rate.

The definition above illustrates the broad scope of the concept of family resilience. The scope begins with the division of roles based on physical fulfillment, values and behavioral patterns, rules, morals, motivation, reproduction, and maintenance of resources for all individuals in the family which plays an important role in strengthening the family.

Taking the form of a lowest level institution that interacts directly with the community, BP4 was formed to safeguard the continuity of the family. Its position is very vital and strategic in efforts to reduce the divorce rate with its most important mission, namely mediation. However, in reality its implementation only shows formality, ineffectiveness in its function and weaknesses in terms of structural or legal binding, especially for parties who have problems in their family life journey to request services from mediators at BP4.

The author has explored several relevant research results that have previously been discussed by several researchers in the same study theme. This is so that the position of this research can be seen compared to previous studies. The author will present several results of previous research regarding the function of BP4.

From several studies that have discussed the existence of BP4, it can be mapped into two things, namely:

1. Studies on the effectiveness of BP4's role found in several journals were carried out at a micro level in certain areas. The practices shown in the research results only capture BP4 institutions in certain areas. According to the author, this cannot yet describe the existence of BP4 in terms of its function through a broader portrait of the entire territory of the Unitary State of the Republic of Indonesia.
2. Studies by previous researchers do not appear to have effectively integrated government efforts in macro family resilience programs. In the sense that the research that has been carried out has not been linked to the course of existing regulations regarding family resilience, so the factors that actually cause the weak function of BP4 from the roots are not yet known.

### **Historicity and Dynamics of BP4**

BP 4 is the only organization in Indonesia that seeks to contribute to the field of divorce counseling and preventive efforts to prevent divorce from occurring. This information can be seen in KMA RI Number 85 / 1961 (Zubaidah Muchtar, n.d., p. 36). This is the beginning of the establishment of BP4, and it is hoped that it can provide guidance in overcoming divorce problems. Therefore, BP4 must be able to socialize its existence and quality to the community, because it is hoped that it can play an important role and be able to minimize the divorce rate (Badan Penasihatannya Pembinaan dan Pelestarian Perkawinan, 2009, p. 5).

Sociologically, BP4 is a social organization because it emerged from community pressure and became a social organization due to pressure from community interests and problems. This attention should be channeled to formal institutions, not through

social institutional channels (Abdulsyani, 2002). Judging from history, when cooperation between the Religious Courts and BP 4 was realized, couples who wanted to divorce had to first contact BP4 to carry out reconciliation before turning to the Inquisition (PA). In addition, if failure occurs, the affected person will be sent to the PA with BP4 recommendations, so that the PA and BP4 can work together to minimize and control the divorce rate. However, after the enactment of the UUP, the mediation process became the authority of the court as well as in accordance with paragraph 1 of article 39 of the UUP, which essentially states that divorce can only be filed with a court of competent jurisdiction if the court has attempted to reconcile the parties but failed.

The influence of marriage law is crucial in the relationship between PA and BP 4, especially regarding the divorce process. Because divorce cases are in the PA area, and peace efforts (mediation) are the responsibility of religious courts, the BP 4 nomenclature has been updated to "Marriage, Dispute and Divorce Advisory Body."

Revision of Law Number 14 / 1970 to become Law No. 7/1989 concerning Religious Courts with the principles of simple, fast and cheap justice. As a result, couples who have disagreements and are on the verge of divorce can come directly to PA without having to go through coordination, consultation and mediation, especially by BP 4. Apart from that, Law No. 20/1997 concerning Non-Tax State Revenue has been promulgated but has not yet been officially implemented. The next reform regulation was issued PP no. 73 of 1999 concerning the use of the latest PNBP funds. One crucial aspect of this PP is the restriction on the use of PNBP funds only by the party who collected them.

Therefore, the presence of these regulations has an impact on BP4 and has empirical consequences. Since the reform era government, BP4 has had no extra budget funds from NR (Marriage and Reconciliation) so that direct operational funding from the Ministry of Religion has become non-existent, which has had an impact on the entire BP4 structurally. Ministry of Religion and Religious Practices It is very fatal if an area or sub-district no longer exists. Finally, BP4 could no longer carry out priority activities and programs such as Suscatin. BP4 stagnation is like a crab on a rock, reluctant to live and reluctant to die, and lasted a very long time, 10 years from 1998 to 2008.

Then, at the XIV BP4 National Conference held in Jakarta in 2009, a new idea was born to find alternative solutions to the uncertainty of BP4's position. Previously, BP4 experienced difficulties in implementing the program because of its semi-official position at the Ministry of Religion, not at a state institution or community organization.

UU no. 20 of 1997 concerning Non-Tax State Revenue failed to seek funding from the government. When BP4 applied for funding to the community, it also experienced difficulties because BP4 was understood by the community as part of the Ministry of Religion. Due to the complexity of the problem, an important

decision was taken at the XIV National Conference that BP4 needed to be modified and made independent of AD and ART.

Furthermore, the normative legal basis for media processes in Indonesia is contained in the following regulations: Chapter 1 of the Compilation of Islamic Law (KHI): "Religious courts seek to reconcile the parties.

” Article 131 Part 2 Paragraph (2) ): “If the Inquisition does not advise the parties and there are sufficient reasons to impose divorce, after it is known that it is no longer possible for the person concerned to live in harmony within the family, then the Inquisition makes the following decision: the husband's permission to issue divorce.

” Article 143, Paragraph 2: “In considering a divorce lawsuit, the judge tries to reconcile the parties. "As long as the case has not been decided, efforts can be made to reach a settlement before the review board.

” Third, Article 144: “If a settlement is reached, there shall be no new divorce lawsuit. This existed before the settlement and was known to the plaintiff at the time of the agreement." (Mahkamah Agung RI, 2011, pp. 92–98).

### **History of Regulations and Family Resilience Priority Programs**

According to Koiruddin Nasution, since independence, regulations on strengthening family resilience have been divided into four phases. In other words, BP4 was born in 1954, Law Number 1 concerning Marriage was born in 1974, and the Sakinah tribe was born in 1999. The Family Movement Development Regulations were born, and in 2004, 2009 and 2013 the Marriage Course Regulations (Khoiruddin Nasution & Nasution, 2017, p. 1).

Furthermore, with the establishment of the Directorate of Islamic Counseling Number 373 of 2017, the provisions for premarital courses were changed to marriage counseling starting in 2017. The decision of the Directorate General of Marriage Guidance (BIMWIN) has been revised several times, becoming the Directorate General of Islamic Community Guidance Directive Number 379 of 2018 and subsequently became the Director General's Instruction Islamic Community Guidance Number 189 of 2021, Furthermore, with the establishment of the Directorate General of Islamic Counseling Number 373 of 2017, the provisions for pre-marital courses were changed to marriage counseling starting in 2017. The decision of the Directorate General of Marriage Guidance (BIMWIN) has been revised several times, becoming Directive of the Director General of Islamic Community Guidance Number 379 of 2018 and in the following period it will become Directive for the Director General of Islamic Community Guidance Number 189 of 2021.

Until this decree was issued, basically the Bimwin regulations for 2017 to 2022 were the same in terms of content, the only difference being the technical implementation. Until 2019, there were even new regulations regarding Sakinah Heritage which improved the existing program.

In this sub-chapter, we start with the Suscatin program and discuss control pathways that still overlap with BP4 in 2004. KMA RI Number 477 of 2004 concerning Suscatin contains a mandate to BP4 in the context of organizing catin courses. Applicants/certifiers no later than 10 (ten) days before the KUA attends and witnesses the marriage contract (article 18) are expected to have participated in this program. However, if you look closely at the regulations, you will not find any information or clarity regarding the implementation mechanism, so it is only focused on the administration aspect of recording. This form of implementation phenomenon is due to the program's focus at the KUA and at the same time BP4 in implementing its regulations which focus on administration. KUA and BP4 are actually the same people as implementers and officers, so in the end the implementation of suscatin is different from one KUA to another.

Only in 2009, the implementation instructions as well as the mechanisms and materials for suscatin were clarified by the Regulation of the Director General of Islamic Community Guidance Number DJ.II/491 of 2009 concerning catin courses. What is outlined in the regulation contains the duties of BP 4 as a resource person for a duration of 24 class hours (JP) whose structure contains (a) procedures and steps for wedding administration in 2 JP, (b) provision of religious spirituality for a duration of 5 JP, regulations related to family and marriage duration 4 hours, (c) rights and obligations of husband and wife duration 5 hours, (d) family health knowledge duration 3 hours, (e) family planning duration 3 hours and (f) family life from a psychological perspective duration 2 hours (article 3 ).

After the implementation of the technical guidelines for suscatin within a period of four years, the Director General of Islamic Community Guidance issued a new regulation concerning Guidelines for the Implementation of Pre-Marriage Courses through the Regulation of the Director General of Islamic Community Guidance Number DJ.II/542 of 2013. The difference that this regulation has compared to the previous regulation is that this latest program emphasizes learning programs that are targeted at the group of young people of marriageable age with the aim of realizing the readiness of young people in their next life which focuses on efforts to build family resilience that is *sakinah mawaddah warahmah*. From this it can be understood that the previous program in the form of Suscatin was held when catin approached 10 days before the wedding ceremony, the pre-wedding course could be carried out flexibly at any time by anyone in the community who was not yet married. Furthermore, the authority to implement the practice is not limited to being carried out by BP 4 alone. Other religious institutions can take part in the implementation as long as they have proof of accreditation for administering premarital courses from the Ministry of Religion. With proof of this accreditation, the institution can implement the program and is given the authority to issue provision certificates.

This regulation is unique in terms of financial resources in the form of a budget. Budget support can come from the APBN or APBD. Thus, it is hoped that this pre-marriage course activity can get basic attention from the central government, as

well as from the Regional Government. The central government, in this case the Ministry of Religion, positions itself as a provider of syllabus, materials and modules, apart from that it also provides accommodation services for prospective bride and groom participants. (Articles 4-5).

The implementation of the pre-marriage course is provided for a duration of 1 jpl, the substance of which is 3 materials, namely (1) initial and basic material about mukahat fiqh, UUP and sakinah family nina, SOP for marriage registration, religious knowledge, national character values, (2) main material containing implementation of family functions, rights and obligations of husband and wife, caring for love in the family, conflict management in the family, psychology of marriage and family, reproductive health of couples, (3) supporting materials include pocket books on building a happy family, marriage and family magazines, and identification of family cases.

Furthermore, in 2017, as a form of organizing the sakinah family movement, the Directorate General of Islamic Community Guidance, Ministry of Religion of the Republic of Indonesia issued Decree Number 373 of 2017 concerning Technical Instructions for Marriage Guidance for Prospective Brides. One year later, the Director General of Islamic Community Guidance issued Decree number 379 of 2018 concerning Guidelines for the Implementation of Pre-Wedding Marriage Guidance for Prospective Brides. Starting from this regulation, a new term emerged in the family resilience program, namely "Marriage Guidance" which is commonly called "Bimwin".

Bimwin is held for a duration of 16 hours or the equivalent of 2 days which can be done face-to-face or independently. Face-to-face tutoring is carried out at the District KUA, District/City Ministry of Religion offices, or other places appointed and determined by the organizer. The independent bimwin method can be chosen by the prospective bride and groom because they cannot participate in the face-to-face bimwin method (Chapter II).

The next step is the issuance of regulations that are perfect in nature, namely the Decree of the Director General of Islamic Community Guidance Number 189 of 2021 until the publication of the Decree of the Director General of Islamic Community Guidance Number 172 of 2022. In principle, the regulations regarding bimwin from 2017 to 2022 have the same content, the difference is only in the technical implementation. just. Even in 2019 there are regulations regarding sakinah heritage.

The above regulations, if presented historically, can be described in the following table:

Responsible for Regulation	Program Type	Regulatory Mandate	Year
BP4	Penasihatatan	KMA RI No 85 Tahun 1961 tentang Penegasan	1961

	Perkawinan	Pengakuan Badan Penasihat Perkawinan, Perselisihan dan perceraian	
Kelompok Kerja Pembina Gerakan Keluarga Sakinah, Kementerian Agama, Kemen kokesra, BKKBN	Pendidikan dan Pelatihan Program Gerakan Keluarga Sakinah	KMA RI Nomor 3 Tahun 1999 tentang Gerakan Keluarga Sakinah	1999
BP4	Kursus Calon Pengantin	KMA RI Nomor 477 tahun 2004 tentang Program Kursus Calon Pengantin	2004
BP4	Mekanisme Kursus Calon Pengantin (24 jp)	Perdirjen Bimas Islam Nomor DJ.II/491 Tahun 2009 tentang Kursus Calon Pengantin	2009
Lembaga Kursus Terakreditasi Kementerian Agama	Krsus Pra Nikah	Perdirjen Bimas Islam Nomor DJ.II/542 Tahun 2013 tentang Pedoman Penyelenggaraan Kurss Pra Nikah	2013
Bimbingan Masyarakat Islam Kementerian	Bimbingan Perkawinan	Kep. Dirjen Bimbingan Masyarakat Islam Nomor 373 Tahun 2017 tentang Petunjuk Teknis Bimbingan	2017



Agama Kab/Kota		Perkawinan bagi Calon Pengantin	
Bimbingan Masyarakat Islam Kementerian Agama Kab/Kota	Bimbingan Perkawinan	Kep. Dirjen Bimbingan Masyarakat Islam Nomor 379 Tahun 2018 tentang Petunjuk Teknis Bimbingan Perkawinan bagi Calon Pengantin	2018
Bimbingan Masyarakat Islam Kementerian Agama Kab/Kota	Bimbingan Perkawinan Calon Pengantin	Kepdirjen Bimbingan Masyarakat Islam Nomor 189 Tahun 2021 tentang Petunjuk Pelaksanaan Bimbingan Perkawinan Calon Pengantin	2021
Bimbingan Masyarakat Islam Kementerian Agama Kab/Kota	Bimbingan Perkawinan Calon Pengantin	Kepdirjen Bimbingan Masyarakat Islam Nomor 172 Tahun 2022 tentang Perubahan Atas Kepdirjen Bimbingan Masyarakat Islam Nomor 189 Tahun 2021 tentang Petunjuk Pelaksanaan Bimbingan Perkawinan Calon Pengantin	2022

#### **D. Discussion**

Based on the explanation about the historicity and dynamics of BP4, it shows that the existence of BP4 has experienced ups and downs. The facts show that, over a long period of time, the forerunner of BP4 has played an active role before it was

inaugurated by the Minister of Religion, namely since 1954. The role of this institution has been demonstrated until 1966 and its contribution to the resilience of Indonesian families. As a comparison, when BP4 was first established, the divorce data reached 55%. Furthermore, in 1966, divorce data showed a decline of 45%. This data shows that in the span of BP 4, it served the state for a period of 10 years, its movement provided marriage counseling and family consultation services, thereby succeeding in reducing the divorce rate by ten percent, from 55 percent in 1955 to 45% in 1966 and so on (Nasar, 2022).

The leadership of the old order in the hands of Suharto shows that the government has not changed in its support for BP 4. It is proven that the government, in this case the Ministry of Religion (now the Ministry of Religion) is willing to position BP4 as a Semi-Official Organization. "The government's support and response to BP 4 through the Ministry of Religion was not wasted by BP 4. BP4 used this good and valuable opportunity to approach and urge the government to immediately submit the Marriage Bill to the DPRGR."

The struggle carried out by BP 4 to realize the law on marriage was as strong as possible and never gave up. BP4 did not move alone by collaborating with Kowani and BMOIWI. Hj. Zubaidah Muchtar, mother of Valina Singka Subekti, who at that time was the BMOIWI presidium, was involved in hearings and input to the PPP faction. The re-emergence of this pressure to the Government was made at the II BP4 conference in 1970.

In fulfilling the constitutional mandate in the 1945 Constitution, the Indonesian state held a democratic party in the form of general elections in 1971. After electing the people's representatives to the DPR, they then held a general session of the MPR which resulted in an important decision, namely the election and confirmation of Soeharto as President of the Republic of Indonesia. With the MPR general session in 1972, BP 4 observed the political situation and valuable opportunities by immediately holding a third conference which contained recommendations to immediately urge the Government to realize the UUP (Marriage Law).

The people as election participants have the right to submit their wishes to the presidential candidate. One of the demands of the people represented by BP 4 is the realization of the UUP. Furthermore, the President elected as a result of the election tries to realize the will of the people who elected him, especially regarding the Marriage Bill. Therefore, not long after, the bill in question was successfully formulated and submitted to the DPR on July 31 1973 by the Minister of Justice. The people's representatives elected to the DPR also want to show the people that they were elected to realize their campaign promises.

So, not too long ago, the Marriage Bill (Draft Marriage Law) was discussed in a marathon and the result was that the Bill was passed into a Marriage Law by consensus by four factions, namely: PPP, PDI, Golkar and ABRI to coincide with the commemoration of Mother's Day on the 22nd December 1973, . This law is

recorded in the State Law Gazette as Law No. 1 of 1974 (abbreviated as UUP) concerning marriage.

From these historical facts, it can be seen that the chronology of the realization of this law is closely related to the efforts of BP4's participation. BP4 has contributed and participated in the realization of this law which is really needed by Indonesian citizens. The existence of BP4's role was acknowledged by the Minister of Justice at that time, Prof. Oemar Seno Adji, SH which was delivered before the DPR Plenary Session in September 1973.

The efforts in the birth process of the UUP actually did not escape the tug-of-war and shocks from various parties. Therefore, it is actually possible that there will be a dead end and failure if it is not accompanied by lobbying between these factions. With the awareness and ability to understand common interests through lobbying, a joint consensus was finally achieved with the PPP faction on five main things, including:

1. There are no additions or subtractions to Islamic Religious Laws in marriage.
2. Ensure the continuity of Law Number 22 of 1946 concerning Religious Courts.
3. Delete or remove things that are not in accordance with Islam in the Marriage Bill.
4. The redaction of Article 2 paragraph (1) regarding the validity of marriage is: "Marriage is valid if it is carried out according to the laws of each religion and belief."
5. To prevent arbitrary actions, it is necessary to regulate polygamy and divorce

The community through BP 4 should feel relieved and proud with the ratification of the Draft Bill. However, the facts show that things are not impartial. Since the enactment of Marriage Law No. 1 of 1974, the function of BP4 has been ignored and felt marginalized. The mediation process in divorce is no longer functional. This can be seen in article 39 of the UUP. In other words, in the future, BP4 has no ties and is not strengthened by law. As for the rules, the system that operates and is practiced in society has no legal force and consultation on marriage matters is only a recommendation for those who are aware and truly intend to maintain the continuity of their family.

Soerjono Sukanto imposed conditions that limited the validity of the law. The effectiveness of a regulation depends on several factors (Soekanto, 2007, p. 8). Good influence, bad influence, or positive and negative influence lies in the content of these legal factors. In other words, this element has a neutral meaning. These factors include legal outcomes where there must be certainty regarding the advice and mediation function of BP4, law enforcement agencies that operate professionally and with appropriate moral standards, as well as legal choices and effective law enforcement. Legal awareness in this case supports their ability to demand.

When related to the course of regulations regarding family resilience from 1974 to 2022, it can be analyzed that the government does not appear to be fully collaborating with BP4 in the course of its program. It can be seen in the table that BP4 was fully involved in overseeing the family resilience program in the period 2004 - 2009. This fact shows the existence of regulatory incoherence which ultimately resulted in BP4's function being weakened.

### **E. Conclusion**

Children are the parties who suffer the most if their parents divorce. If parents divorce, children do not receive their rights as children, especially providing support, because the level of father's compliance in paying child support after divorce is very low in Batang Regency. Even though there was a court decision that decided the amount of hadhanah (child support) costs, the father did not comply with the court decision. Even if it is obeyed, it is usually only done during the hearing to pronounce the divorce vow. Meanwhile, the economic impact of divorce results in children's basic needs not being met, including the child's right to education.

The low awareness of fathers providing support for their children after divorce has negative consequences for children's growth and development. For this reason, there needs to be an effort from law enforcement agencies, especially the Religious Courts, not to easily make a decision to grant a divorce before receiving a guarantee that the father will pay child support after the divorce.

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