

## Governing Islamic Marriage Registration in Indonesia: State Legibility, Administrative Burden, and Legal Recognition

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### Abstract

The institutionalization of Islamic marriage registration in Indonesia reflects the expanding role of the state in governing family life through legal and administrative mechanisms. Although state law requires marriages to be both religiously valid and officially registered, its implementation continues to reveal tensions among religious norms, bureaucratic procedures, and institutional practices, particularly in cases of unregistered marriages. This article examines how Islamic marriage registration is governed and how legal recognition is produced through the interaction of regulatory frameworks, administrative procedures, and judicial mechanisms. Employing a qualitative socio-legal approach, the study draws on document analysis of statutes, implementing regulations, administrative circulars, administrative instruments, and relevant decisions of the Islamic courts. The findings demonstrate that marriage registration operates as a layered governance regime in which legal recognition depends not only on religious validity but also on documentary compliance, inter-institutional coordination, administrative capacity, and access to judicial remedies. The study further shows that regulatory complexity generates multiple forms of administrative burden, including learning, compliance, and psychological costs, all of which shape citizens' ability to obtain legally recognized marital status. Within this framework, the Islamic courts—particularly through the mechanism of *isbāt nikāh* (marriage validation)—serve as an institutional bridge between religious legitimacy and administrative recognition. The article argues that Islamic marriage registration functions as a technology of state legibility, rendering religiously based family relationships administratively visible, legally recognizable, and governable by the state. It offers a socio-legal framework for understanding how legal recognition is produced through the interaction of religious norms, administrative procedures, and institutional practices in the governance of Islamic family law in Indonesia.

*[Institusionalisasi pencatatan perkawinan Islam di Indonesia mencerminkan semakin luasnya peran negara dalam mengatur kehidupan keluarga melalui mekanisme hukum dan administrasi. Meskipun hukum negara mengharuskan perkawinan sah menurut agama dan dicatat oleh negara, implementasinya masih memperlihatkan berbagai ketegangan antara norma keagamaan, prosedur birokrasi, dan praktik kelembagaan, terutama dalam kasus perkawinan yang tidak tercatat. Artikel ini menganalisis bagaimana pencatatan perkawinan Islam dikelola serta bagaimana pengakuan hukum dibentuk melalui interaksi antara kerangka regulasi, prosedur administrasi, dan mekanisme peradilan. Penelitian ini menggunakan pendekatan sosio-legal kualitatif dengan analisis dokumen terhadap peraturan perundang-undangan, regulasi pelaksana, surat edaran, instrumen administrasi, dan putusan pengadilan agama yang relevan. Temuan penelitian menunjukkan bahwa pencatatan perkawinan beroperasi sebagai rezim tata kelola berlapis, di mana pengakuan hukum tidak hanya ditentukan oleh keabsahan agama, tetapi juga oleh kepatuhan dokumenter, koordinasi antar lembaga, kapasitas administratif, dan akses terhadap mekanisme yudisial. Selain itu, kompleksitas regulasi menghasilkan beban administratif yang beragam, meliputi biaya pembelajaran, biaya kepatuhan, dan beban psikologis yang memengaruhi kemampuan warga negara untuk memperoleh status perkawinan yang diakui secara hukum. Dalam konteks tersebut, Pengadilan Agama, terutama melalui mekanisme isbat nikah, berperan sebagai instrumen kelembagaan yang menjembatani kesenjangan antara legitimasi agama dan pengakuan administratif. Artikel ini berargumen bahwa pencatatan perkawinan Islam berfungsi sebagai teknologi keterbacaan negara yang menjadikan relasi keluarga berbasis agama dapat terlihat secara administratif, diakui secara hukum, dan dikelola oleh negara. Artikel ini menawarkan kerangka sosio-legal untuk menjelaskan bagaimana pengakuan hukum atas perkawinan diproduksi melalui interaksi antara norma agama, prosedur administratif, dan praktik kelembagaan dalam tata kelola hukum keluarga Islam di Indonesia.]*

**Keywords:** Administrative Burden, Islamic Family Law, Islamic Marriage Registration, Legal Recognition, State Legibility.

## Introduction

The institutionalization of Islamic marriage registration in Indonesia reflects a broader transformation in Islamic family law governance, whereby marriage has evolved from a religiously validated personal status act into a legally recognized and administratively verifiable status within the modern state.<sup>1</sup> This transformation is more than a mere technical adjustment in legal administration; it signifies an expansion of state authority into the domain of family life, where intimate religious relationships are reorganized through systems of classification, documentation, and

<sup>1</sup> Lulu Ul Jannah, Inna Fauziatal Ngazizah, and Abdurrohman Kasdi, "Social Legitimacy versus State Legal Certainty: The Dialectics of Kiai Marriages as Living Law in Dusun Pondok Asem, Kertasemaya, Indramayu," *Al-Mazaahib: Jurnal Perbandingan Hukum* 13, no. 2 (December 2025): 173–98; Dewi Fransiska Mamonto et al., "The Evolution of Islamic Civil Law in Indonesia: Developments, Contemporary Challenges, and Future Directions," *Nusantara: Journal of Law Studies* 3, no. 2 (December 2024): 147–58.

verification. Through state regulatory provisions, marriage has become embedded within a framework of legal identity, evidentiary certainty, and enforceable rights.<sup>2</sup> Registration thus serves not merely as a documentary record but as a mechanism through which religious unions acquire legal visibility and administrative recognition. Existing scholarship consistently characterizes this development as an ongoing negotiation between classical *fiqh* (Islamic jurisprudence) and modern state regulation.<sup>3</sup> Consequently, marriage registration has emerged as a central site for translating Islamic family law into contemporary systems of legal governance.

At the doctrinal level, this arrangement is based on a distinction between religious validity and administrative recognition. Marriage Law No. 1 of 1974 establishes the normative foundation of this framework by affirming that marriage derives its validity from religious law while simultaneously requiring registration by the state.<sup>4</sup> This dual structure has generated longstanding debates over whether registration should be understood merely as an administrative obligation or as a constitutive element of legal recognition within the national legal system.<sup>5</sup> The issue reflects a deeper reconfiguration of authority, in which the state does not supplant religious norms but incorporates them into administrative procedures that determine their legal consequences.<sup>6</sup> Government Regulation No. 9 of 1975 on the Implementation of Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (*Kompilasi Hukum Islam*, KHI) further institutionalize this arrangement by operationalizing Islamic family law within the broader legal order. As a result, the legal status of marriage in Indonesia depends not only on compliance with religious requirements but also on the administrative mechanisms through which that compliance is formally documented and recognized.<sup>7</sup>

The practical implementation of this regulatory framework continues to generate significant legal and social tensions, particularly concerning unregistered marriages. Normative, doctrinal, and empirical studies consistently identify

<sup>2</sup> Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *BESTUUR* 11, no. 1 (August 2023): 61–74; Imron Rosyad, Helmy Ziaul Fuad, and Ashlaha Baladina Zaimuddin, "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory," *Al-'Adalah* 22, no. 1 (2025): 147–80.

<sup>3</sup> Widya Sari and Muhammad Arif, "Registration of Marriage in Positive Law: Analysis of Justice for Women and Islamic Jurisprudence (Fiqh)," *Madania: Jurnal Kajian Keislaman* 29, no. 2 (2025): 259–72; Mustamam et al., "Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 1258–80.

<sup>4</sup> "Marriage Law No. 1 of 1974," January 2, 1974, Article 2.

<sup>5</sup> Zezen Zainul Ali, "Marriage Administration Brokers: The Rational Action in the Practice of Delegating Marriage Administration in Central Lampung," *Al-Ahwal* 17, no. 1 (2024): 1–20; Mustafid Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau," *Journal of Islamic Law* 5, no. 1 (January 2024): 1–18.

<sup>6</sup> Mustamam et al., "Reinterpreting Hifz Al-Nasl in Contemporary Marriage Contracts"; Qadriani Arifuddin, "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 2 (October 2024): 317–28.

<sup>7</sup> Zhorif Agung Imaduddin, Deslaely Putranti, and Muhammad Habibi Miftakhul Marwa, "Interreligious Marriage in Indonesia and Malaysia: Strict and Loose Legal Policy," *Al-Ahwal* 17, no. 2 (2024): 185–204; Bayu Dwi Widdy Jatmiko, Nur Putri Hidayah, and Samira Echaib, "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration," *Journal of Human Rights, Culture and Legal System* 2, no. 3 (November 2022): 167–77.

unregistered marriages (*nikah sirri*) as the clearest manifestation of the gap between religious validity and state legality.<sup>8</sup> Although such marriages may fulfill all substantive requirements under Islamic law, they remain legally precarious because they do not automatically produce enforceable civil status within the state system. The consequences are especially pronounced for women and children in matters related to inheritance, maintenance, civil registration, and access to social protection.<sup>9</sup> These tensions are not merely doctrinal; they are directly experienced by individuals and families who must navigate, negotiate, or occasionally circumvent regulatory requirements when registration is inaccessible, costly, or procedurally burdensome.<sup>10</sup> These findings suggest that marriage registration functions not simply as a procedural formality but as a critical gateway through which religious marriages acquire legally enforceable status in contemporary Indonesia.

In response to these challenges, a substantial body of scholarship has examined the normative foundations of marriage registration within Islamic legal thought. Many studies argue that registration can be justified through concepts such as *maqāṣid al-sharī'ah* (objectives of Islamic law), *maṣlahah mursalah* (public interest), and related interpretive frameworks that emphasize the protection of lineage, legal certainty, and family welfare.<sup>11</sup> Others draw connections between contemporary registration practices and classical concepts such as *i'lān al-nikāh* (marriage publicity) and documentary witnessing, portraying registration as an institutional extension of publicity and evidentiary principles embedded within the Islamic legal tradition.<sup>12</sup> Collectively, this literature demonstrates that marriage registration need not be viewed as an external bureaucratic imposition but may instead be understood as part of a broader process through which Islamic legal norms are adapted to the regulatory demands of the modern state.<sup>13</sup> In addition,

<sup>8</sup> Muhammad Latif Fauzi, "Administrative Transgression and Judicial Discretion for the Sake of Citizens' Rights: The Legalisation of Unregistered Marriages in Indonesia," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 16, no. 2 (December 2023): 211–31; Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahah* 15, no. 1 (June 2025): 125–48; Yusuf Agung Purnama et al., "Unregistered and Online Marriage in Indonesia: An Islamic Law and Legal Perspective Based on the Principle of Al-Masyaqah Tajlibu al-Taysir," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 43–67.

<sup>9</sup> Jumni Nelli, "The Problems of Siri Marriage for Women in Tambang District, Kampar Regency: A Gender SWOT Analysis Study," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 553–78; Jenal Wahidin et al., "The Inheritance Rights of Children from Marriage Are Not Recorded According to the Marriage Law and the Compilation of Islamic Law," *Mawaddah: Jurnal Hukum Keluarga Islam* 2, no. 1 (April 2024): 65–85; Doli Bastian Ali Saputra Nasution, Zainul Fuad, and Sukiati Sukiati, "Mansour Fakih's Gender Analysis of the Fulfillment of Husband And Wife's Rights and Obligations In Sirri Marriage: Case Study in Padangsidempuan City, West Sumatra Province, Indonesia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 8, no. 1 (March 2024): 170–80.

<sup>10</sup> Eva F. Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," *Journal of Law and Religion* 33, no. 2 (2018): 291–309.

<sup>11</sup> Nadya Pratiwi Daniela et al., "The Granting of Family Card for Siri Marriage in Banda City: Perspective of Islamic Family Law," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 2024): 150–64; Imaduddin, Putranti, and Marwa, "Interreligious Marriage in Indonesia and Malaysia," 185–204.

<sup>12</sup> Barzah Latupono, "Wallimahtul Ursy as the Embryo of the Birth of Marriage Registration According to Islamic Law," *Yuridika* 39, no. 3 (September 2024): 353–74.

<sup>13</sup> Fatawi et al., "The Intersection Between Normative and Empirical: Madhhab Orientation in Marriage and Divorce Law in Indonesia," *International Journal of Nusantara Islam* 12, no. 2 (2024):

recent studies demonstrate that marriage registration is increasingly governed through layered regulations, procedural standardization, and digital infrastructures, while the Office of Religious Affairs (*Kantor Urusan Agama*, KUA) operates within a broader governance network involving civil registration agencies and population administration systems.<sup>14</sup> Although these studies provide important insights into the administrative dynamics of registration, they offer only a partial understanding of how normative and bureaucratic dimensions interact within a single field of socio-legal governance.

Despite these advances, existing scholarship remains fragmented and has yet to develop a comprehensive socio-legal account of marriage registration as a regulatory field shaped simultaneously by legal doctrine, administrative governance, and institutional practice. More importantly, limited attention has been given to how the state governs family life through bureaucratic mechanisms and how citizens respond to, negotiate, or resist these regulatory arrangements. Consequently, insufficient analytical focus has been placed on the role of regulations, administrative procedures, and judicial interventions in structuring access to legal recognition and generating administrative burdens. Addressing this gap is essential for understanding patterns of compliance, avoidance, and reliance on mechanisms such as *isbāt nikāh* (marriage validation). This article, therefore, examines Islamic marriage registration as an integrated socio-legal regime through which the state renders intimate religious relationships administratively visible, legally recognizable, and institutionally governable. It argues that legal recognition is shaped not only by religious validity but also by administrative procedures, institutional capacity, and judicial intervention, all of which jointly determine how citizens gain access to legally recognized marital status.

### Research Methodology

This article employs a qualitative socio-legal research design<sup>15</sup> based on document analysis to examine how Islamic marriage registration is governed in contemporary Indonesia through legal regulations, administrative mechanisms, and judicial interpretation. Rather than assessing registration outcomes using quantitative indicators, the analysis focuses on the legal and administrative processes through which marriages become formally recognized by the state. The study is informed by James C. Scott's concept of state legibility, which explains how modern states render social relations visible, classifiable, and administratively manageable through

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140–49; A. Sultan Sulfian, "The Urgency of Marriage Registration in the Perspective of Indonesian Marriage Law and Islamic Law," *Jurnal Al-Dustur* 6, no. 1 (June 2023): 72–90.

<sup>14</sup> Nurul Asiya Nadhifah et al., "Registering Marriage in Pasuruan, East Java: The Interdependence of Role Between Penghulus and Modins in the Marriage Validation Process," *Journal of Islamic Law* 7, no. 1 (February 2026): 31–56; Muhyidin Muhyidin and Budi Setyawan, "Legal Unification and Pluralism in Customary Marriage Registration: Lessons from the Baduy Indigenous Community," *Masalah-Masalah Hukum* 54, no. 3 (November 2025): 462–85; Riza Zulfikar et al., "Digital Land Registration Transformation: Does Indonesia's PTSL Program Guarantee Legal Certainty, Equity, and Justice?," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 11, no. 1 (April 2026): 327–48.

<sup>15</sup> See: Norman K. Denzin, *The Research Act: A Theoretical Introduction to Sociological Methods*, 1st ed. (New York: Routledge, 2017).

documentation and institutional standardization.<sup>16</sup> From this perspective, marriage registration is understood as a socio-legal technology that transforms religious marriages into legally recognizable and governable entities within the state apparatus. Legal documents are, therefore, approached as institutional artifacts that simultaneously reflect and organize governance practices.

The analysis relies on secondary materials, including statutes, government regulations, ministerial circulars, procedural guidelines, and selected decisions from the Islamic courts, supplemented by scholarly literature on Islamic family law, socio-legal governance, and administrative burden. These materials are treated not merely as normative texts but as empirical expressions of governance in action, revealing how legal norms are translated into administrative procedures and interpreted by institutional actors. Documents were systematically collected from legal databases, official repositories, and academic sources, with selection guided by legal relevance, institutional significance, and analytical value. The analytical process proceeded in two stages. The first stage involved regulatory content analysis to identify how marriage registration is formally structured, including procedural requirements, institutional authority, and areas of regulatory overlap. Particular attention was paid to the assumptions embedded in regulatory frameworks regarding compliance, eligibility, and legal recognition, and to how these assumptions shape patterns of access and exclusion.<sup>17</sup> The second stage employed socio-legal interpretive analysis to examine how legal rules are applied, adapted, and negotiated in practice, particularly through judicial decisions and administrative mechanisms such as *isbāt nikāḥ*. This stage focuses on the operation of law in practice by tracing how institutional actors interpret and implement legal norms under varying constraints, and how such processes generate administrative burdens that influence citizens' legal behavior.<sup>18</sup> To enhance analytical credibility, findings were triangulated across legal documents, Islamic court decisions, and academic sources through a transparent and consistent coding process.

### Regulatory Framework for Islamic Marriage Registration

In Indonesia, the regulatory framework governing marriage registration institutionalizes Islamic family law by linking religious validity to state-recognized administrative documentation. Marriage Law No. 1 of 1974 establishes a dual system whereby marriage derives its normative legitimacy from religious law while obtaining legal protection and administrative functionality through registration.<sup>19</sup> For Muslims, this framework is primarily implemented through the KUA, which serves not only as a registrar but also as the institutional gateway through which

<sup>16</sup> See: James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998).

<sup>17</sup> Virginia Braun and Victoria Clarke, *Thematic Analysis: A Practical Guide* (London: SAGE, 2022).

<sup>18</sup> Virginia Braun and Victoria Clarke, "Using Thematic Analysis in Psychology," *Qualitative Research in Psychology* 3, no. 2 (January 2006): 77–101.

<sup>19</sup> "Marriage Law No. 1 of 1974," January 2, 1974, Article 2.

marital status becomes visible to the state.<sup>20</sup> From a socio-legal perspective, this arrangement positions the state as the authority that determines which marriages receive legal recognition. Registration, therefore, functions not merely as an administrative requirement but as a mechanism through which legal visibility, rights, and citizenship are conferred. While registered couples gain access to documentation and legal protection, those whose marriages remain outside the registration system often experience varying degrees of legal and administrative marginalization despite the religious validity of their unions.<sup>21</sup>

The implications of this distinction become particularly evident in the relationship between *nikah siri* and the state's documentary regime. A marriage may fulfill all Islamic legal requirements yet remain administratively invisible if it is not formally registered, thereby affecting access to birth certificates, family records, and other civil documents.<sup>22</sup> Existing scholarship identifies registration as a prerequisite for legal certainty and the enjoyment of civil rights. In this sense, registration performs a constitutive rather than merely documentary function, determining which family relationships are incorporated into the legal order and which remain outside its protective scope.<sup>23</sup> The institutional nature of this governance framework is further reflected in the state's response to unregistered marriages through *isbāt nikāh*. Research on courtrooms illustrates how Islamic courts operate as corrective mechanisms that transform socially recognized but legally undocumented unions into formally recognized legal relationships.<sup>24</sup> While these remedial pathways enable citizens to re-enter the legal system, access remains uneven due to disparities in financial resources, legal knowledge, and administrative capacity. Consequently, the marriage registration regime not only structures legal recognition but also reproduces differential access to legal protection among citizens.<sup>25</sup>

Table 1 illustrates that Indonesia's marriage registration system is governed not by a single legal instrument but by a complex assemblage of statutory provisions, administrative regulations, interpretive directives, digital infrastructures, and

<sup>20</sup> "Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law," Article 5; Allya Almuqrhoina Fajri and Agus Widiyarta, "The Effectiveness of Employee Performance in Marriage Registration Services at the Religious Affairs Office of Pare District, Kediri Regency," *Jurnal Impresi Indonesia* 3, no. 4 (2024): 290–301.

<sup>21</sup> Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, "The Government's Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 265–87.

<sup>22</sup> Lathifah Munawaroh, Ahmad Munif, and Ahmad Rofiq, "Disharmony in Sirri Marriage Registration Regulations on Family Cards: A Study of Ministry of Home Affairs Regulation No. 9/2016," *Fiat Justitia: Jurnal Ilmu Hukum* 17, no. 1 (2023): 93–108.

<sup>23</sup> Joshua Rust, "Max Weber and Social Ontology," *Philosophy of the Social Sciences* 51, no. 3 (June 2021): 312–42.

<sup>24</sup> Muhammad Sabir, Aris Aris, and Iin Mutmainnah, "The Problems of the KHI on Article 7 About the Marriage Isbat in a Religious Court," *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 1 (June 2021): 68–87; Ahmad Sanusi, "Pelaksanaan Isbat Nikah di Pengadilan Agama Pandeglang," *AHKAM: Jurnal Ilmu Syariah* 16, no. 1 (January 2016): 113–22.

<sup>25</sup> Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," 61–74.

**Table 1**  
**Governance Structure of Islamic Marriage Registration in Indonesia**

Governance Layer	Principal Instrument/ Institution	Governance Function	Implications
National Legal Framework	Law No. 1 of 1974, Government Regulation No. 9 of 1975, and the KHI	Establishes the legal requirement that marriages valid under religious law must also be registered to obtain state recognition	Creates a dual system in which religious validity and state recognition operate as distinct but interconnected sources of legal status
Marriage Registration System	KUA	Registers marriages, verifies legal documents, and issues marriage certificates	Transforms religious marriages into administratively legible and legally recognized family relationships
Population Administration Mechanisms	Population and Civil Registration Offices	Provides access to selected civil documents despite the absence of a marriage certificate	Expands administrative inclusion while maintaining ambiguity regarding formal marital status
Interpretive and Coordinative Instruments	Supreme Court Circular Letters and related administrative directives	Clarifies regulatory ambiguities and guides implementation across institutions	Improves administrative coordination but cannot fully resolve tensions among overlapping regulatory regimes
Digital Registration Governance	SIMKAH	Standardizes registration procedures, verification processes, and data integration	Enhances administrative efficiency, transparency, and monitoring capacity while generating uneven outcomes across regions with differing digital infrastructure
Judicial Legalization Mechanisms	Islamic Courts through <i>isbāt nikāh</i>	Provides legal recognition for previously unregistered marriages through judicial adjudication	Functions as a corrective pathway that bridges the gap between religious legitimacy and administrative recognition, while revealing unequal access to legal remedies

Source: Authors' elaboration, 2025.

judicial mechanisms. Its significance lies in demonstrating that legal recognition is produced through institutional interaction rather than being conferred by a single authority. Consequently, legal certainty depends not only on doctrinal compliance but also on the coherence of regulatory frameworks and the effectiveness of institutional coordination. When gaps arise between regulatory layers, citizens often face practical barriers to accessing legal status. Therefore, the regulatory

architecture is inseparable from questions of governance capacity and institutional performance. This architecture operates across multiple state institutions. While Marriage Law No. 1 of 1974 establishes the foundational legal framework, implementing regulations allocate authority among KUA offices, civil registration agencies, and related administrative bodies.<sup>26</sup> The result is a multi-layered governance structure that distributes responsibilities across various institutions while creating differentiated pathways to legal recognition. Consequently, access to marriage registration varies depending on institutional capacity, procedural complexity, and the level of coordination among administrative actors.

The interaction between marriage law and population administration further underscores the complexity of this governance framework. Minister of Home Affairs Regulation No. 109 of 2019 on the Forms and Registers Used in Population Administration permits access to certain population documents through the Statement of Absolute Responsibility (*Surat Pernyataan Tanggung Jawab Mutlak*, SPTJM), even in the absence of a marriage certificate.<sup>27</sup> Although this mechanism was introduced to safeguard administrative access and maintain population registration, it creates a normative tension by accommodating some practical consequences of unregistered marriages without resolving their legal status under marriage law.<sup>28</sup> The result is a fragmented governance structure in which one regulatory pathway facilitates access to civil documentation, while another continues to require formal marriage registration as the basis for legal recognition.

At the implementation level, circulars and similar administrative instruments play a crucial role in translating broad legal norms into practical decision-making frameworks. Supreme Court Circular Letter No. 2 of 2023 exemplifies how interpretive tools are employed when statutory provisions and administrative identity categories do not align, particularly in cases involving adherents of different religions, belief systems, or indigenous faith traditions.<sup>29</sup> These instruments do more than merely restate existing law; they actively shape how ambiguity is managed in everyday administrative practice. However, their integrative capacity remains limited. While they may reduce uncertainty in specific cases, they cannot resolve the underlying tensions between registration requirements and administrative accommodations for unregistered marital relationships.<sup>30</sup>

<sup>26</sup> Ali, "Marriage Administration Brokers," 1–20; Nadhifah et al., "Registering Marriage in Pasuruan, East Java," 31–56.

<sup>27</sup> "Minister of Home Affairs Regulation No. 109 of 2019 on the Forms and Registers Used in Population Administration," December 27, 2019.

<sup>28</sup> Nofialdi Nofialdi et al., "The Ambiguity of Using the Statement of Absolute Responsibility Based on Minister of Home Affairs Regulation Number 109 of 2019: Study in Dharmasraya Regency, West Sumatra Province, Indonesia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 23, no. 1 (June 2023): 108–20.

<sup>29</sup> "Supreme Court Circular Letter No. 2 of 2023 on Guidelines for Judges in Adjudicating Petitions for the Registration of Marriages Between Individuals of Different Religions and Beliefs," July 17, 2023.

<sup>30</sup> Sri Maryati et al., "The Dynamic Landscape of Interfaith Marriage in Indonesia: Navigating the Supreme Court Circular Letter (SEMA) No. 02 of 2023 and Population Administration Law," *Daengku: Journal of Humanities and Social Sciences Innovation* 4, no. 3 (May 2024): 489–502; Nurul Miqat et al., "Legal Reform in Interfaith Marriage Under Supreme Court Circular No. 2 of 2023," *Journal of Law and Legal Reform* 6, no. 4 (2025): 2059–88.

Digitalization through the Marriage Management Information System (*Sistem Informasi Manajemen Nikah*, SIMKAH), adds an additional layer to this governance framework. Evidence from several KUAs indicates that the SIMKAH has improved standardization, digitization, and procedural consistency. However, its effectiveness remains uneven due to disparities in infrastructure and institutional capacity.<sup>31</sup> Digital systems also transform verification into a more traceable process by facilitating the identification of inconsistencies in personal data and potential document falsification, thereby enhancing the monitoring capabilities of KUAs and related agencies.<sup>32</sup> Nevertheless, the benefits of digitalization are distributed unevenly. Citizens in regions with adequate infrastructure often experience greater efficiency, while those in less-equipped areas may face new challenges related to technological limitations.<sup>33</sup> Rather than eliminating administrative inequality, digital governance often reorganizes and redistributes it.

These findings suggest that Indonesia's marriage registration system functions as a hybrid governance model, in which legal recognition emerges from the interplay of religious authority, bureaucratic administration, and institutional coordination.<sup>34</sup> Evidence from several KUAs indicates that access to legal status is influenced by legal ambiguities, infrastructural disparities, fragmented data systems, and increasingly stringent verification requirements.<sup>35</sup> The broader implication is that accessibility is structurally produced through regulatory design rather than determined solely by individual compliance. Consequently, marriage registration operates as a socio-legal mechanism that organizes inclusion, exclusion, and legal behavior by defining the conditions under which citizens can obtain legal recognition. In this context, legal status is not merely the result of adherence to legal norms but an outcome of governance arrangements that unevenly distribute opportunities, constraints, and administrative burdens across society.<sup>36</sup>

### Administrative Burden in the Governance of Marriage Registration

Marriage registration provides a particularly insightful perspective for examining the relationship between legal recognition, documentary compliance, procedural sequencing, and institutional coordination. Regulatory complexity extends beyond governance design; it manifests as differentiated administrative burdens that affect citizens' ability to obtain legally recognized marital status. The first burden arises at

<sup>31</sup> Iin Ratna Sumirat et al., "The Problem of Regulation on Using Absolute Legitimacy in Issuing Population Document," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 2 (2024): 674–86.

<sup>32</sup> Miftakur Rohman, "Implikasi Hukum Pernikahan Online (Virtual Marriage) terhadap Keabsahan dan Akibat Hukumnya dalam Perspektif Fiqh dan Regulasi di Indonesia," *MASADIR: Jurnal Hukum Islam* 5, no. 1 (April 2025): 1050–73.

<sup>33</sup> Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," 61–74.

<sup>34</sup> Nadhifah et al., "Registering Marriage in Pasuruan, East Java," 31–56.

<sup>35</sup> Nurul Miqat et al., "The Development of Indonesian Marriage Law in Contemporary Era," *De Jure: Jurnal Hukum dan Syariah* 15, no. 1 (2023): 54–66.

<sup>36</sup> Ali, "Marriage Administration Brokers," 1–20; Putri Umairah et al., "Brokered Marriage Administration: Rational Strategies of Muslim Communities in Navigating the Bureaucratization of Marriage in Indonesia," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (November 2020): 193–212.

the level of acquiring knowledge. Citizens must understand where to register, which documents are required, how procedures are sequenced, and the legal consequences of non-registration. Although registration is formally presented as a straightforward administrative process, the persistence of unregistered marriages indicates that institutional pathways remain challenging to navigate in practice.<sup>37</sup>

**Table 2**  
**Administrative Stages and Potential Administrative Burdens in Islamic Marriage Registration at the KUA**

Administrative Stage	Main Requirements	Potential Administrative Burden
Preparation and Submission of Marriage Documents	National Identity Card ( <i>KTP</i> ), Family Card ( <i>KK</i> ), birth certificate, recommendation letter, and other supporting documents	Learning costs and financial costs arising from complex information requirements and administrative procedures
Document Verification and Validation	Verification of identity, marital status, age, and data consistency	Compliance costs and financial costs associated with time, effort, and the acquisition of additional documents
Marriage Registration and Certificate Issuance	Administrative approval and official registration at the KUA	Procedural delays and uncertainty resulting from bureaucratic processes
Data Integration and Digital Verification	Data entry and synchronization through SIMKAH and population administration systems	Technological barriers and disparities in digital infrastructure capacity
Legalization of Unregistered Marriages	Application for <i>isbāt nikāh</i> through the Religious Court	Financial, psychological, and procedural costs associated with obtaining legal recognition

Source: Authors' elaboration, 2025.

Compliance burdens stem from the documentary and procedural requirements necessary to establish marriage as a legally recognized status. Administrative burden identifies paperwork, evidentiary obligations, and procedural demands as core compliance costs, all of which are central to Indonesia's marriage registration system.<sup>38</sup> The KUA services emphasize orderly documentation and procedural accuracy for legal certainty and access to subsequent civil documentation. In practice, couples must navigate multiple stages—including document preparation, verification, premarital counseling, identity validation, and

<sup>37</sup> Baihaqi Baihaqi et al., "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya," *Journal of Islamic Law* 5, no. 2 (August 2024): 242–68; Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," August 2023, 61–74.

<sup>38</sup> Nawir Rahman et al., "Strategy to Improve Administrative Services at the Office of Religious Affairs, North Galesong District, Takalar Indonesia," *International Journal of Social Science* 1, no. 5 (2022): 681–86.

administrative approval—before a marriage can be formally recorded. Each stage requires investments of time, coordination, and procedural precision, transforming legal recognition into a process that demands considerable administrative capacity from citizens. These burdens intensify when registration requirements intersect with incomplete civil records, inconsistent population data, or limited institutional support at the local level.<sup>39</sup> Thus, documentation serves a dual function: it provides legal protection and administrative order, but also acts as a gatekeeping mechanism that may exclude individuals unable to meet evidentiary requirements.

The significance of these burdens becomes particularly evident in situations characterized by documentary deficiencies. The SPTJM was introduced to facilitate access to population documents for couples in unregistered marriages; however, it does not confer legal recognition on the marriage itself and thus provides only partial documentary inclusion.<sup>40</sup> The central challenge of *nikah siri* remains the absence of legally recognized evidence capable of securing legal protection and civil rights for spouses and children.<sup>41</sup> Additional burdens arise from incomplete documentation, inconsistencies between identity records, discrepancies in national identity numbers, delays in obtaining recommendation letters, failure to attend premarital counseling, and instances of document falsification. These circumstances frequently require repeated verification and coordination between KUA offices and population administration agencies, effectively transferring procedural costs to citizens.<sup>42</sup> Fragmented institutional coordination and documentary uncertainty, therefore, increase compliance costs and may discourage citizens from pursuing formal registration altogether.

These administrative burdens are further intensified by digitalization. Scholarship on digital governance suggests that technology-based systems can streamline administrative processes and reduce paperwork; however, they may also create new forms of exclusion when decision-making pathways become opaque or difficult to challenge.<sup>43</sup> Within Indonesia's marriage registration system, digital governance increasingly operates through the SIMKAH platform, which requires KUA officials to input, verify, and synchronize marital data with broader population administration databases. Consequently, couples are affected by digital verification processes, particularly when identity records, family data, or civil registration

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<sup>39</sup> Ali, "Marriage Administration Brokers," 1–20; Umairoh et al., "Brokered Marriage Administration," 193–212.

<sup>40</sup> Nofialdi et al., "The Ambiguity of Using the Statement of Absolute Responsibility Based on Minister of Home Affairs Regulation Number 109 of 2019," 108–20; Nadhilah Filzah, "Perlindungan dan Kemanfaatan Hukum terhadap Putusan Itsbat Nikah di Mahkamah Syar'iyah Bireun (Analisis Putusan Perkara No. 82/Pdt.P/2019/Ms-Br)," *El-Ussrah: Jurnal Hukum Keluarga* 4, no. 1 (May 2021): 122–37.

<sup>41</sup> Mu'tashim Billah, "The Maslahah of State Policy in Responding to Unregistered Marriage: Inclusion of Unregistered Marriage on the Family Card," *Ulul Albab: Jurnal Studi dan Penelitian Hukum Islam* 6, no. 2 (2024): 136–51.

<sup>42</sup> Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority," 1–18.

<sup>43</sup> Rik Peeters and Arjan C. Widlak, "Administrative Exclusion in the Infrastructure-Level Bureaucracy: The Case of the Dutch Daycare Benefit Scandal," *Public Administration Review* 83, no. 4 (July 2023): 863–77.

documents cannot be synchronized within the system. Research further indicates that uneven internet infrastructure, limited technical capacity, and inconsistent implementation across regional KUA offices frequently delay processing and necessitate repeated manual corrections.<sup>44</sup> These findings suggest that digitized workflows cannot automatically be equated with improved accessibility. Rather than eliminating administrative burdens, digitalization often redistributes them by embedding new forms of exclusion within technological infrastructures.

Where conventional pathways are difficult to access, couples wishing to marry often rely on marriage brokers to navigate various administrative challenges. Studies of administrative burden across policy sectors demonstrate that procedural complexity frequently leads to reliance on brokers and mediating actors who assist citizens in navigating bureaucratic requirements.<sup>45</sup> Similar dynamics can be observed in Indonesian marriage governance, where local religious leaders and other non-state actors often facilitate or perpetuate unregistered marriages in contexts characterized by limited institutional capacity, resource constraints, or competing sources of normative authority.<sup>46</sup> It highlights that administrative burden is not merely an individual experience but also a governance outcome. Faced with procedural obstacles, citizens often redirect their efforts toward alternative institutions that provide social or religious legitimacy, even when such arrangements lack equivalent legal protection.

The consequences of administrative burden are both procedural and distributive. Research on civil registration systems consistently demonstrates that registration is closely linked to access to rights, legal protection, and social inclusion, whereas non-registration often results in vulnerability and exclusion.<sup>47</sup> Evidence from Indonesia similarly indicates that unregistered marriages disproportionately affect women and children by creating uncertainty regarding legal status and limiting access to family-related rights.<sup>48</sup> From a socio-legal perspective, these findings suggest that administrative burden arises from the interaction of documentary requirements, procedural standardization, institutional inequalities, and partial policy accommodations. In this way, administrative burden redistributes not only procedural costs but also legal risks. More fundamentally, it functions as a governance mechanism through which the state regulates access to

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<sup>44</sup> Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," 61–74.

<sup>45</sup> Ali, "Marriage Administration Brokers," 1–20; Umairah et al., "Brokered Marriage Administration," 193–212.

<sup>46</sup> Ida Rosyidah and Kustini, "Reproduction of Unregistered Marriages: Religious Power and Resources Limitations," *Al-Qalam* 28, no. 2 (2022): 185–96; Baihaqi et al., "Legal Non-Compliance and Kiai Hegemony," 242–68.

<sup>47</sup> Rebeca Revenga Becedas et al., "Addressing the Evidence Gap in the Economic and Social Benefits of Civil Registration and Vital Statistics Systems: A Systematic Review," *Public Health Reviews* 43 (July 2022): 1604560.

<sup>48</sup> Nelli, "The Problems of Siri Marriage for Women in Tambang District, Kampar Regency," 553–78; Wahidin et al., "The Inheritance Rights of Children from Marriage Are Not Recorded According to the Marriage Law and the Compilation of Islamic Law," 65–85; Nasution, Fuad, and Sukiati, "Mansour Fakhri's Gender Analysis of the Fulfillment of Husband and Wife's Rights and Obligations in Siri Marriage," 170–80.

legal recognition by allocating responsibilities, evidentiary obligations, and compliance costs to citizens. Therefore, marriage registration is governed not only by legal norms and administrative institutions but also by the burdens embedded within these arrangements.

### Judicial Negotiation of Administrative Constraints: *Isbāt Nikāh* in Islamic Courts

The judicial role in marriage registration governance stems from a persistent gap between religious validity and administrative recognition. A marriage may fulfill Islamic legal requirements yet remain administratively unrecognized if it is not recorded by the authorized registrar, leaving spouses and children without access to documentation and the legal rights associated with state records.<sup>49</sup> This duality is significant not only as a doctrinal issue but also because it generates disputes and remedial claims that ultimately reach the Islamic courts. Studies on Islamic courts decisions show that applications for *isbāt nikāh* are often driven by practical needs such as obtaining birth certificates, enrolling children in school, securing inheritance rights, accessing social benefits, or initiating divorce proceedings.<sup>50</sup> These findings suggest that courts are mobilized not only to resolve legal disputes but also to address the everyday consequences of administrative exclusion. Judicial intervention thus becomes an integral part of the governance process when formal recognition is both necessary and difficult to obtain.

Within this framework, *isbāt nikāh* serves as the principal judicial mechanism through which religiously valid but unregistered marriages are transformed into legally recognized unions. Both doctrinal and empirical studies describe it as a judicial determination that validates an undocumented marriage and enables its subsequent registration.<sup>51</sup> However, its significance extends beyond formal adjudication. The Islamic courts function as socio-legal intermediaries, translating socially recognized marital relationships into administratively recognized legal status, thereby bridging the divide between lived religious practice and the documentary requirements of the state. Their role, therefore, is not limited to applying legal rules but also includes facilitating the incorporation of family relationships into the state's legal order.<sup>52</sup>

The literature further suggests that this judicial function is fundamentally restitutive. Through *isbāt nikāh*, Islamic courts restore individuals from documentary invisibility to legal recognition, thereby enabling access to rights and administrative protections. This role is particularly important for women and

<sup>49</sup> Nining Herlina, Zainal Asikin, and Lalu Husni, "Legal Protection of Civils Rights on Childrens' Birth from the Unrecorded Marriage," *International Journal of Multicultural and Multireligious Understanding* 6, no. 3 (2019): 908–14.

<sup>50</sup> Abdul Salam, Moh. Saleh Ridwan, and M. Tahir Maloko, "Factors of Application FPR Marriage Isbat at the Religious Court of Sungguminasa Gowa," *Jurnal Diskursus Islam* 9, no. 2 (August 2021): 180–93; Sabir, Aris, and Mutmainnah, "The Problems of the KHI on Article 7 About the Marriage Isbat in a Religious Court," 68–87.

<sup>51</sup> Sabir, Aris, and Mutmainnah, "The Problems of the KHI on Article 7 About the Marriage Isbat in a Religious Court," 68–87.

<sup>52</sup> Ramdani Wahyu Sururie and Dio Ashar Wicaksana, "Legal Protection of Women in Unregistered Inter-Citizen Marriage," *Al-Adalah* 16, no. 2 (2020): 355–74.

children, who often suffer the most severe consequences of non-registration,<sup>53</sup> including uncertainty regarding legal status and difficulties in claiming maintenance, inheritance, and other family rights.<sup>54</sup> In this context, Islamic courts operate as institutions of social redress, addressing inequalities generated by administrative systems rather than merely enforcing abstract legal norms. Judicial intervention reshapes not only a marriage's past legal status but also the parties' future access to legal protections. Judicial negotiation can, therefore, be understood as a form of institutional repair aimed at mitigating the social consequences of administrative exclusion.<sup>55</sup>

Such repair, however, is neither automatic nor purely procedural. Judges operate at the intersection of statutory norms, evidentiary requirements, institutional guidelines, and socio-religious considerations such as justice and public interest.<sup>56</sup> Judicial decision-making is therefore both interpretive and socially embedded, requiring judges to reconstruct legal recognition amid documentary absence, family vulnerability, and normative plurality. This dynamic becomes particularly evident when Islamic courts adopt flexible interpretations to protect vulnerable parties. Studies from Aceh and Kubu Raya show that judges occasionally prioritize the protection of women and children over strict statutory limitations, including in certain polygamy-related cases where *isbat nikāh* has been granted to secure pensions or other legal benefits.<sup>57</sup> Such decisions illustrate that judicial reasoning is informed not only by doctrinal considerations but also by broader socio-legal assessments of fairness, harm, and practical access to rights.

At the same time, judicial negotiation has a restrictive dimension. Islamic courts may reject applications that conflict with substantive legal norms or fail to meet procedural requirements. Empirical studies from Gorontalo and Malang indicate that judges actively enforce legal limits to prevent the misuse of *isbat nikāh*.<sup>58</sup> Consequently, Islamic courts perform a dual function: expanding access to recognition where exclusion lacks justification, while simultaneously reinforcing legal boundaries to preserve institutional integrity. Litigation concerning the cancellation of *isbat nikāh* in Malang further illustrates this balancing act. Judicial

<sup>53</sup> Andi Muhammad Akmal et al., "Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāsid al-Sharī'ah," *El-USrah: Jurnal Hukum Keluarga* 7, no. 2 (2024): 768–88.

<sup>54</sup> Achmad Walif Rizqy, Ishaq Ishaq, and Muhammad Faisol, "Legal Protection of Women and Children in Isbat Marriage Accompanied by Divorce," *Journal of Law, Politic and Humanities* 4, no. 4 (May 2024): 446–52.

<sup>55</sup> Peeters and Widlak, "Administrative Exclusion in the Infrastructure-Level Bureaucracy," 863–77.

<sup>56</sup> Nazar Fuadi Nur, Azhari Yahya, and Efendi Idris, "Maqashid Shariah Study on the Recording of Unregistered Marriage in the Family Card," *Jurnal Penelitian Hukum De Jure* 22, no. 3 (September 2022): 411–22.

<sup>57</sup> Ya Rakha Muyassar et al., "Itsbat Marriage: Urgency, Problems, and Practices, to Reach Law-Aware Villages in Kubu Raya, West Kalimantan," *Jurnal Analisis Hukum* 5, no. 2 (September 2022): 253–63; Muhammad Muhajir and Qurratul Uyun, "SEMA Waiver Number 3 of 2018 in the Case of Isbat for Polygamous Marriage: Study of Legal Considerations of Judges in Decision Number 634/Pdt.G/2018/PA.Mtr.," *Asy-Syir'ah: Jurnal Ilmu Syari'ah dan Hukum* 55, no. 2 (2021): 263–90.

<sup>58</sup> Rivandi Ohihiya, Nur Mohamad Kasim, and Sri Nanang Meiske Kamba, "The Basis of the Judge's Consideration in Deciding the Rejection of the Marriage Isbat Application Against the Position of the Child in the Gorontalo Religious Court," *Estudiante Law Journal* 1, no. 3 (2019): 713–25.

determinations may be revoked when procedural defects are identified, such as the absence of necessary parties, effectively returning the marriage to an unregistered status.<sup>59</sup> Judicial actors thus navigate a delicate balance between responsiveness to social realities and adherence to procedural coherence.

The negotiation of administrative constraints extends beyond unregistered Muslim marriages within the KUA system. Similar governance dynamics are evident in disputes involving overseas marriages, interfaith marriages, and other family relationships that do not fit neatly within established administrative categories. In these contexts, legal recognition depends not only on the substantive validity of the marriage but also on the capacity of institutions to translate family relationships into administratively legible forms.<sup>60</sup> Drawing on Scott's theory of state legibility, these disputes illustrate how contemporary governance relies on documentary classification to regulate intimate social relations. Marriages that fall outside dominant administrative categories often face heightened barriers to recognition, despite possessing social or religious legitimacy.

These tensions are particularly evident in the recognition of marriages conducted abroad, including interfaith marriages.<sup>61</sup> Indonesian citizens who marry under foreign legal systems often encounter difficulties when attempting to register their marriages domestically because documentary formats, evidentiary standards, and procedural requirements vary across jurisdictions. Consequently, Islamic courts and civil registration agencies act as interpretive gatekeepers, determining whether foreign marital status can be incorporated into Indonesia's legal identity system. Comparative socio-legal scholarship similarly demonstrates that cross-border family recognition often depends on institutional compatibility between legal systems rather than solely on the substantive validity of the marriage itself. Administrative recognition, therefore, functions as a selective mechanism through which states regulate the portability of legal identity across national boundaries.<sup>62</sup>

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<sup>59</sup> Desi Rahmawati, Hazar Kusmayanti, and Fatmi Utarie Nasution, "Juridical Analysis of Malang Regency Religious Court Judgment Concerning Cancellation of Marriage Isbat According to Marriage Law and Islamic Law," *Jurnal Poros Hukum Padjadjaran* 4, no. 2 (May 2023): 338–60.

<sup>60</sup> Bayu Dwi Widdy Jatmiko, Putri Nur Hidayah, and Samira Echaib, "Legal Status of Interfaith Marriage in Indonesia and Its Implications for Registration," *Journal of Human Rights, Culture and Legal System* 2, no. 3 (2022): 167–77.

<sup>61</sup> Danu Aris Setiyanto, Sekar Ayu Aryani, and Sri Wahyuni, "ICRP Jakarta and Interfaith Marriage Assistance in Indonesia: Civil Rights, Legal Interpretation, and Advocacy for Interfaith Couples," *Journal of Islamic Law* 5, no. 2 (July 2024): 170–96; Lenore Lyons and Michele Ford, "Love, Sex and the Spaces In-Between: Kepri Wives and Their Cross-Border Husbands," *Citizenship Studies* 12, no. 1 (February 2008): 55–72; Sri Wahyuni, Ahmad Abdulkareem Sarairah, and Mohamed W. Abouyounes, "Cross-Border *Nikah Sirri* between Malaysia and Indonesia: Contemporary Legal and Social Dynamics in Borneo," *MILRev: Metro Islamic Law Review* 5, no. 1 (April 2026): 611–34.

<sup>62</sup> Alina Tryfonidou, "The Cross-Border Legal Recognition of Parenthood under European Law: Current Law and Future Prospects," *Journal of Social Welfare and Family Law* 46, no. 2 (April 2024): 267–85; Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, "The Government's Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (June 2023): 265–87; Muhammad Ihsan Firdaus, "State Intervention on Interfaith Marriage through the Supreme Court's Circular in Indonesia: Human Rights Overview," *Human Rights in the Global South* 4, no. 1 (2025): 29–58.

## Conclusion

Islamic marriage registration in Indonesia should be understood not merely as an administrative requirement but as a socio-legal regime through which the state organizes, classifies, and recognizes intimate religious relationships. The findings demonstrate that legal recognition results from the interaction of regulatory frameworks, bureaucratic procedures, judicial interventions, and institutional coordination, rather than from religious validity alone. Marriage registration functions as a governance technology that makes family relations administratively legible and legally actionable within the state system. Access to legal status is shaped not only by compliance with legal norms but also by documentary capacity, institutional accessibility, and the ability to navigate complex administrative processes. From this perspective, administrative burden is not an incidental by-product of governance but a constitutive feature of the registration regime itself. Learning costs, evidentiary requirements, procedural standardization, and uneven digital infrastructures collectively influence patterns of compliance, exclusion, avoidance, and legal negotiation. Drawing on Scott's concept of state legibility, the study highlights how documentary visibility functions as a central mechanism through which the state allocates legal recognition and regulates family life.

The analysis further demonstrates that Islamic courts occupy a pivotal position within this governance framework. Through *isbāt nikāh* (marriage validation) and related judicial mechanisms, these courts bridge the gap between religious legitimacy and administrative recognition by reconstructing legal status amid documentary absence, regulatory ambiguity, and institutional fragmentation. Their role extends beyond dispute resolution to encompass mediation, coordination, and stabilization across overlapping legal and administrative regimes. This function is particularly evident in cases involving unregistered, interfaith, and overseas marriages, where legal recognition depends on institutions' capacity to translate socially valid family relationships into administratively recognizable forms. By integrating insights from administrative burden theory, state legibility, legal pluralism, and socio-legal approaches to law in action, this study offers a comprehensive framework for understanding the governance of Islamic family law in contemporary Indonesia. Future research would benefit from examining how citizens experience, negotiate, and respond to these governance arrangements across different regions and institutional settings, thereby providing a more grounded understanding of the everyday dynamics of legal recognition.

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