

Ambivalence toward Legal Compliance in Unregistered Marriage Practices in Agam Regency, Indonesia

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Abstract: This study aims to analyze the ambivalence toward legal compliance in the practice of unregistered marriage in Agam Regency, Indonesia. Although marriage registration is mandated by national law as a means of ensuring legal certainty and protecting the rights of spouses and children, unregistered marriages continue to occur and are socially accepted in certain communities. This research employs an empirical legal approach with a socio-legal perspective. Data were collected through interviews with religious leaders, marriage actors, community leaders, and relevant government officials, as well as through the examination of legal documents and related regulations. The findings reveal that legal ambivalence emerges from the coexistence of two competing normative systems: religious legitimacy and state legal requirements. Many individuals perceive marriage as valid once religious requirements are fulfilled, while marriage registration is regarded as an administrative rather than substantive obligation. Economic constraints, bureaucratic obstacles, cultural traditions, and limited legal awareness further contribute to the persistence of unregistered marriage practices. The study concludes that legal compliance regarding marriage registration is shaped not only by legal norms but also by social, religious, and cultural considerations that influence individual decision-making. This research contributes to the development of Islamic family law and socio-legal studies by demonstrating how legal pluralism creates ambivalent attitudes toward state law in matters of marriage and family regulation. The findings provide insights for policymakers in designing more effective strategies to promote marriage registration and strengthen legal protection for families.

Keywords: Family Law, Legal Ambivalence, Legal Compliance, Legal Pluralism, Unregistered Marriage

1. Introduction

Marriage registration constitutes a fundamental aspect of Indonesia's family law system because it provides legal certainty,¹ administrative recognition, and protection for spouses and children. Nevertheless, the practice of *unregistered marriage* continues to be found in many regions, including Agam Regency, West Sumatra. This phenomenon is particularly significant because a marriage that is considered valid according to religious norms may not necessarily obtain formal legal recognition from the state.² As a consequence, women and children involved in unregistered marriages often encounter difficulties in accessing civil rights, inheritance claims, birth certificates, social services, and legal remedies when family disputes arise. The persistence of this practice also raises questions about the effectiveness of legal regulations governing marriage registration in Indonesia. Agam Regency presents an interesting case because the community is strongly influenced by Islamic values and Minangkabau customary traditions, both of which play important roles in shaping family practices and social relations. In many instances, individuals and families must navigate the coexistence of religious obligations,

¹ Anthin Lathifah, Briliyan Ernawati, and Anwar Masduki, "Problems with the Islamic Legal System Regarding Child Marriages in Indonesia during the COVID-19 Pandemic Period," *Ijtihad : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 22, no. 2 (December 2, 2022): 155–76, <https://doi.org/10.18326/ijtihad.v22i2.155-176>.

² Christine G. Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies into Law," *Environment and Planning A: Economy and Space* 51, no. 5 (August 12, 2019): 1128–44, <https://doi.org/10.1177/0308518X19836119>.

customary expectations, and state legal requirements.³ This interaction creates complex attitudes toward legal compliance and contributes to the continuing prevalence of unregistered marriage. Therefore, examining the phenomenon in Agam Regency is important not only for understanding local family practices but also for enriching broader discussions concerning legal pluralism, Islamic family law, and the relationship between law and society in contemporary Indonesia.

The issue of unregistered marriage has attracted considerable scholarly attention in Indonesia and other Muslim-majority societies. Previous studies have explored various dimensions of the phenomenon, including its legal implications, social consequences, economic determinants, and impact on women and children.⁴ Several scholars argue that the absence of official registration weakens legal protection and increases vulnerability among family members, particularly wives and children. Other studies focus on administrative obstacles, limited access to public services, financial constraints, and inadequate legal awareness as factors encouraging individuals to avoid formal registration. Research within the field of Islamic family law has also examined the relationship between religious validity and state legality, highlighting tensions between normative religious understandings and statutory regulations. Although these studies have provided valuable insights, they generally conceptualize the issue through the framework of compliance and non-compliance with legal rules.⁵ Consequently, relatively little attention has been paid to the ambivalent attitudes of individuals who simultaneously acknowledge the importance of marriage registration while choosing to engage in unregistered marriage practices. Existing scholarship tends to assume a clear distinction between those who obey the law and those who violate it. Such an approach overlooks the possibility that legal behavior may be shaped by competing normative commitments and complex social considerations.⁶ This gap indicates the need for a more nuanced examination of how individuals perceive, negotiate, and respond to legal obligations in the context of marriage registration.

A critical assessment of previous studies reveals that many explanations of unregistered marriage remain insufficient to capture the complexity of legal behavior in plural legal settings. Approaches emphasizing low legal awareness often assume that individuals fail to comply because they lack knowledge of legal requirements. Similarly, studies focusing on administrative and economic barriers tend to portray non-registration as a practical response to institutional limitations. While these factors undoubtedly contribute to the phenomenon, they do not fully explain why some individuals who possess adequate legal knowledge and sufficient resources still choose unregistered marriage. Such cases suggest that legal compliance is not merely determined by awareness or accessibility but is also influenced by social values, cultural expectations,⁷ religious convictions, and perceptions of legitimacy. Within communities where multiple normative systems coexist,⁸ individuals frequently evaluate state law alongside religious and customary norms before making decisions regarding family matters. This situation is particularly relevant in Agam Regency, where Islamic teachings and Minangkabau customs continue to shape social life and family relationships. Building upon the limitations of previous scholarship, this study positions itself within a socio-legal perspective that views legal compliance as a dynamic process of negotiation rather than a simple binary choice between obedience and disobedience. By adopting the concept of ambivalence, the

³ Maria Platt, *Marriage, Gender and Islam in Indonesia: Women Negotiating Informal Marriage, Divorce and Desire* (1 Edition. | New York : Routledge, 2017. | Series: Women in Asia series ; 51: Routledge, 2017), <https://doi.org/10.4324/9781315178943>.

⁴ Iman Jauhari et al., "Legal Analysis of Unregistered Marriage Viewed from Ulama's Perspective in Aceh Province," *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 8, no. 2 (October 15, 2023), <https://doi.org/10.22373/petita.v8i2.196>.

⁵ Umi Supraptiningsih, "Pro and Cons Contestation on The Increase of Marriage Age in Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 232, <https://doi.org/10.22373/sjhk.v5i1.9136>.

⁶ Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *BESTUUR* 11, no. 1 (August) (April 13, 2023): 61, <https://doi.org/10.20961/bestuur.v11i1.66320>.

⁷ 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 22, 2023): 211–31, <https://doi.org/10.14421/ahwal.2023.16202>.

⁸ Basar Dikuraishin et al., "Reconstruction of Marriage Law: Judges' Progressive Reasoning Based on Maqāṣid in Addressing Divergent Interpretations in Indonesian Courts," *Al-Manahij: Jurnal Kajian Hukum Islam*, August 16, 2024, 219–36, <https://doi.org/10.24090/mnh.v18i2.9436>.

study seeks to provide a deeper understanding of how individuals reconcile competing normative expectations when deciding whether to register their marriages.

This study examines how ambivalence toward legal compliance is manifested in unregistered marriage practices in Agam Regency and identifies the factors that contribute to the persistence of such attitudes. The study departs from the assumption that unregistered marriage should not automatically be interpreted as evidence of resistance to state authority or a lack of legal consciousness. Instead, it argues that the practice often reflects a complex process through which individuals negotiate the demands of religious legitimacy, customary obligations, family expectations, and state legal requirements. In this context, legal compliance emerges as a contested and multidimensional phenomenon shaped by the interaction of various normative influences. The central questions addressed in this study are how community members understand the obligation to register marriages, how they justify decisions to engage in unregistered marriage despite recognizing legal requirements, and how these attitudes influence patterns of legal behavior. Through an in-depth socio-legal analysis, the study seeks to demonstrate that ambivalence constitutes an important analytical lens for understanding legal practices in plural societies. The findings are expected to contribute to the development of Islamic family law scholarship, enrich debates concerning legal pluralism and compliance, and provide insights for policymakers seeking to improve marriage registration policies while remaining responsive to the social and cultural realities of local communities.

2. Method

This study employs an empirical legal approach with a socio-legal perspective to examine ambivalence toward legal compliance in the practice of unregistered marriage in Agam Regency, Indonesia. This approach was selected because it enables an in-depth understanding of the interaction between state law, religious norms, and social practices within society. The research was conducted from January to April 2026 in several districts of Agam Regency where unregistered marriage practices are relatively prevalent. Informants were selected through purposive sampling based on their involvement in and knowledge of the phenomenon under investigation. A total of 25 informants participated in the study, consisting of individuals involved in unregistered marriages, religious leaders, traditional community leaders (*ninik mamak*), officials from the Office of Religious Affairs (KUA), and local government officers responsible for marriage administration. Primary data were collected through in-depth interviews using semi-structured interview guidelines, while secondary data were obtained through documentary analysis of legislation, court decisions, government reports, and relevant academic literature. All data collection activities were conducted directly by the researcher to ensure consistency and accuracy of information while also facilitating observation of the social and cultural contexts influencing the practice of unregistered marriage within the research setting.

Data were analyzed qualitatively using an interactive model consisting of data reduction, data display, and conclusion drawing. Interview recordings were transcribed, coded, and categorized into major themes related to legal compliance, religious legitimacy, state recognition, and the social factors influencing individuals' decisions to engage in unregistered marriage. The analysis was guided by the theoretical frameworks of legal pluralism and legal compliance to explain how individuals negotiate the demands of state law with religious beliefs and prevailing social norms. To ensure data validity, source triangulation was employed by comparing information obtained from different categories of informants and supporting documents. Research reliability was strengthened through systematic documentation of the entire research process, the use of standardized interview guidelines, and periodic reviews of data interpretation. This methodological approach provided a comprehensive understanding of ambivalence toward legal compliance in unregistered marriage practices and illuminated the complex relationship between state law, religious law, and social realities within the context of contemporary Islamic family law in Agam Regency, Indonesia.

3. Result and Discussion

3.1. Manifestations and Determinants of Ambivalence toward Legal Compliance in Unregistered Marriage Practices

The findings indicate that most participants in Agam Regency possess a relatively high level of awareness regarding the legal obligation to register marriages. Informants generally understood that Indonesian law requires every marriage to be officially recorded by authorized state institutions to ensure legal certainty and administrative recognition. This awareness was obtained through various channels, including religious counseling, community outreach programs, educational institutions, social interactions, and experiences of relatives who had previously encountered legal difficulties due to unregistered marriages. Participants were also familiar with the practical benefits of marriage registration, such as obtaining family cards, birth certificates for children, inheritance documentation, and access to government services.⁹ Despite this understanding, awareness alone did not automatically translate into compliance. Several informants acknowledged that they consciously chose not to register their marriages even though they recognized the legal consequences that could arise in the future. This finding demonstrates that knowledge of legal requirements and actual legal behavior do not always correspond. Awareness functioned more as a cognitive understanding than as a determinant of action. Consequently, the persistence of unregistered marriage practices cannot be explained solely by a lack of legal knowledge. Instead, the findings suggest that individuals often evaluate legal obligations alongside other normative considerations that they perceive as equally important or even more compelling than state regulations.

Religious legitimacy emerged as one of the most influential considerations shaping attitudes toward unregistered marriage. Many participants emphasized that the validity of a marriage is primarily determined by compliance with Islamic requirements rather than by state administrative procedures. Informants frequently stated that a marriage conducted according to religious principles, including the presence of a guardian,¹⁰ witnesses, consent, and a marriage contract, was considered fully valid regardless of whether it was formally registered. For these individuals, state registration was viewed as an administrative matter rather than an essential component of marital validity. Such perceptions contributed to the belief that legal recognition by the state was secondary to religious recognition. Several participants expressed confidence that fulfilling religious obligations provided sufficient moral and social legitimacy for their marital relationships. This understanding was reinforced by local religious discourses that prioritize substantive religious compliance over procedural legal requirements. Nevertheless, participants did not necessarily reject the role of the state. Instead, they often acknowledged the practical advantages of registration while maintaining that religious validity remained the principal source of legitimacy. This finding illustrates the coexistence of multiple normative frameworks within the community, where religious authority continues to exert a significant influence on decisions concerning marriage and family life.

The study revealed a pattern of selective compliance in which individuals complied with certain aspects of state regulations while disregarding others that they considered less relevant to their immediate circumstances. Participants did not generally perceive themselves as opposing the law. Rather, they adopted a pragmatic approach that allowed them to recognize the authority of state institutions while simultaneously prioritizing personal, religious, or social considerations. Some informants complied with administrative requirements related to identity cards, family registration, and other civil matters but postponed or avoided marriage registration. Others indicated that they intended to register their marriages in the future if legal needs arose, such as inheritance disputes, educational requirements for children,¹¹ or applications for social assistance. This selective approach reflects a form of legal

⁹ Ladan Rahbari, "Marriage, Parentage and Child Registration in Iran: Legal Status of Children of Unmarried Parents," *Social Sciences* 11, no. 3 (March 10, 2022): 120, <https://doi.org/10.3390/socsci11030120>.

¹⁰ Asrul Hamid et al., "Legal Ramifications of Unregistered Divorce in the Religious Court within the Mandailing Natal Community," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 1 (June 30, 2024): 427, <https://doi.org/10.22373/ujhk.v7i1.12598>.

¹¹ Dian Mustika and Siti Marlina, "Integrated Marriage Itsbat: Analyzing The Polemics Behind Its Implementation," *Mazahib*, July 2, 2019, 44–75, <https://doi.org/10.21093/mj.v18i1.1344>.

ambivalence in which individuals neither fully reject nor fully embrace state legal norms. Instead, compliance is determined by contextual considerations and perceived necessity. The findings suggest that legal behavior is influenced not only by formal rules but also by subjective evaluations of costs, benefits, and social expectations. As a result, legal compliance should be understood as a dynamic process involving negotiation between official regulations and alternative normative commitments that shape everyday decision-making within local communities.

Customary values and family expectations played a significant role in shaping decisions regarding marriage registration. In Agam Regency, social relations are strongly influenced by Minangkabau cultural traditions that emphasize family reputation, communal harmony, and respect for collective values. Participants frequently described situations in which family members encouraged marriage arrangements that prioritized social considerations over legal formalities.¹² In some cases, families perceived religious ceremonies as sufficient to establish social recognition within the community. Consequently, the absence of official registration was not necessarily regarded as problematic if the marriage had already received acceptance from relatives and local community leaders. Informants also reported that family pressure could influence decisions to conduct marriages quickly, particularly in situations involving economic uncertainty, migration, or concerns about social stigma. These circumstances often reduced the perceived importance of completing administrative procedures. The findings demonstrate that legal decisions are rarely made by individuals in isolation. Instead, they are embedded within broader social networks that shape perceptions of legitimacy and obligation. The influence of customary and family norms therefore contributes to the persistence of unregistered marriage practices by providing alternative sources of recognition that coexist alongside formal legal requirements imposed by the state.

Administrative and economic factors also contributed to the continuation of unregistered marriage practices among some participants. Although awareness of legal requirements was relatively high, several informants perceived the registration process as burdensome due to procedural complexities, documentation requirements, travel costs, and time constraints. Individuals residing in remote areas occasionally faced additional challenges related to transportation and access to relevant administrative offices. Economic considerations were particularly important for participants with limited financial resources, as marriage registration was sometimes viewed as involving indirect costs associated with document preparation, transportation, and ceremonial arrangements. Furthermore, some participants considered registration a non-urgent matter because they did not immediately require official documentation.¹³ As a result, registration was often postponed indefinitely despite acknowledgment of its potential benefits. The findings indicate that administrative accessibility can significantly influence legal behavior even when individuals generally support the objectives of the law. These practical barriers do not necessarily reflect opposition to legal norms but rather illustrate how institutional conditions shape compliance patterns. Therefore, improving accessibility, simplifying procedures, and enhancing public services may contribute to increasing marriage registration rates while reducing the prevalence of unregistered marriage practices within local communities.

The findings reveal a complex relationship between legal consciousness and social acceptance in the context of unregistered marriage. Participants demonstrated varying levels of understanding regarding legal rights, obligations, and consequences, yet their behavior was strongly influenced by the degree of acceptance granted by their social environment.¹⁴ In many cases, community recognition served as an alternative source of legitimacy that reduced the perceived necessity of formal registration. Informants

¹² Rusdi Rizki Lubis et al., "Reconstruction of Obligatory Bequest in the Perspective of the Objectives of Islamic Law: Contextualizing Islamic Law in a Case Study of The Secret Wife in Polygamous Marriage," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 16, 2025): 64, <https://doi.org/10.29300/mzn.v12i1.3809>.

¹³ Tuba Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective," *Religions* 14, no. 4 (March 30, 2023): 463, <https://doi.org/10.3390/rel14040463>.

¹⁴ Muhammad Khalilurrahman, Eficandra Eficandra, and Dodon Alfiander, "Sharia-Based Customs in Unregistered Marriage Rules (Case Study in Rambatan Village, West Sumatra)," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (December 1, 2022): 595, <https://doi.org/10.29240/jhi.v7i2.5543>.

explained that marriages accepted by family members, neighbors, religious leaders, and customary authorities were often considered socially valid regardless of their legal status. This social acceptance contributed to a sense of security that diminished concerns about potential legal consequences. At the same time,¹⁵ participants remained aware that legal complications could arise in the future, particularly concerning inheritance, child registration, and family disputes. This coexistence of legal awareness and social acceptance reflects a form of ambivalent legal consciousness characterized by simultaneous recognition and selective application of state law. The findings suggest that legal consciousness should not be understood solely as knowledge of legal rules but also as a socially constructed process influenced by cultural values, collective expectations, and everyday experiences. Consequently, efforts to strengthen compliance must address both legal understanding and the social contexts that shape perceptions of legitimacy and acceptance.

3.2. Transformative Implications of Ambivalence for Family Law Governance

The findings demonstrate that unregistered marriage practices have significant implications for the legal protection of women. Although women involved in such marriages may receive religious and social recognition within their communities, they often lack formal legal safeguards provided by state law. The absence of official marriage documentation can create difficulties when disputes arise concerning maintenance,¹⁶ inheritance, marital property, divorce, or domestic violence. In many cases, women face challenges in proving the existence of their marital relationship before legal institutions because there is no official record confirming the marriage. This condition increases vulnerability and limits access to judicial remedies that are available to legally registered spouses. Furthermore, women may become economically disadvantaged if marital conflicts result in separation without legal mechanisms to enforce their rights.¹⁷ The findings indicate that social and religious legitimacy cannot always substitute for legal protection when formal disputes emerge. While community recognition may provide temporary security, it often lacks the institutional authority necessary to resolve complex legal issues. Consequently, unregistered marriage creates a gap between social acceptance and legal protection. This situation highlights the importance of strengthening mechanisms that encourage marriage registration while ensuring that women are adequately informed about the legal consequences associated with unregistered marital arrangements and the potential risks affecting their long-term welfare.

The practice of unregistered marriage also has important implications for the protection of children's civil rights.¹⁸ Children born from marriages that are not officially recorded may encounter administrative difficulties related to birth registration, identity documentation, inheritance claims, educational enrollment, and access to public services. Although legal reforms in Indonesia have improved protections for children regardless of their parents' marital status, administrative challenges remain a concern in practice.¹⁹ Participants acknowledged that the absence of marriage certificates could complicate efforts to obtain official documents required for various social and legal purposes. In some cases, parents were required to undergo additional administrative procedures to establish family relationships that would otherwise be recognized automatically through registered marriages. These challenges may generate uncertainty regarding legal identity and family status.²⁰ The findings further reveal that parents often

¹⁵ Rajnaara C Akhtar, "Modern Traditions in Muslim Marriage Practices, Exploring English Narratives," *Oxford Journal of Law and Religion* 7, no. 3 (October 1, 2018): 427–54, <https://doi.org/10.1093/ojlr/rwy030>.

¹⁶ Ahmad Bunyan Wahib, Muhammad Jihadul Hayat, and Nurulbahiah Awang, "Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood," *Journal of Human Rights, Culture and Legal System* 5, no. 2 (September 8, 2025): 608–29, <https://doi.org/10.53955/jhcls.v5i2.702>.

¹⁷ Susan Leahy and Kathryn O'Sullivan, "Unrecognised Muslim Marriage in Ireland: Incidence and Implications," *Journal of Muslim Minority Affairs* 39, no. 4 (October 2, 2019): 534–50, <https://doi.org/10.1080/13602004.2019.1684032>.

¹⁸ 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 28, 2026): 611–34, <https://doi.org/10.32332/milrev.v5i1.11047>.

¹⁹ 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 30, 2021): 122, <https://doi.org/10.22373/ujhk.v4i1.9368>.

²⁰ Doli Bastian Ali Saputra Nasution, Zainul Fuad, and Sukiati Sukiati, "Mansour Faki'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,

prioritize immediate social acceptance over long-term legal considerations affecting their children. While community recognition may affirm the child's position within the local social structure, it does not always guarantee protection within broader legal and administrative systems. Therefore, the persistence of unregistered marriage practices has consequences that extend beyond the marital relationship itself, influencing the realization of children's rights and their ability to access opportunities and protections guaranteed by state institutions.

One of the most significant implications of the findings is the transformation of legal consciousness within the community. The study indicates that legal awareness is not simply a matter of understanding statutory requirements but involves continuous interaction between legal norms, religious beliefs, cultural values, and everyday social experiences.²¹ Participants generally recognized the importance of marriage registration and understood its practical benefits. However, they simultaneously viewed religious legitimacy and community acceptance as equally important sources of authority. This coexistence of multiple normative frameworks has contributed to the emergence of a more complex form of legal consciousness characterized by negotiation rather than unconditional compliance. Individuals do not necessarily reject state law; instead, they interpret and apply legal obligations according to their social circumstances and normative priorities. As a result, legal consciousness becomes dynamic and context dependent. The findings suggest that increasing compliance cannot rely solely on disseminating legal information because awareness already exists among many community members. More effective approaches must address the social meanings attached to legal rules and recognize the influence of local values in shaping legal behavior. This transformation highlights the need for legal strategies that engage with community perceptions rather than treating compliance exclusively as a matter of legal enforcement.

The persistence of unregistered marriage practices presents substantial challenges to existing marriage registration policies. Although legal regulations clearly require registration, the findings reveal that formal requirements alone are insufficient to ensure compliance. Many participants understood the law and acknowledged its benefits, yet they continued to engage in unregistered marriages due to religious, social, cultural, and practical considerations.²² This situation suggests that policy effectiveness cannot be measured solely by the existence of legal rules or administrative procedures. Instead, policymakers must consider the broader social context within which legal norms operate. The findings indicate that some community members perceive registration primarily as an administrative obligation rather than an integral component of marital legitimacy. Consequently, efforts focused exclusively on legal enforcement may fail to address underlying attitudes and motivations. Administrative barriers, limited accessibility, and inadequate engagement with local religious and customary institutions may further reduce policy effectiveness.²³ The study therefore highlights the need for more responsive policy frameworks that combine legal regulation with public education, institutional accessibility, and community participation. Such approaches may help bridge the gap between formal legal expectations and actual social practices while fostering greater acceptance of marriage registration as both a legal and social necessity.

The findings reveal that unregistered marriage practices are closely linked to ongoing negotiations between religious authority and state legal authority. Participants frequently described marriage as a religious institution whose validity is primarily determined by compliance with Islamic principles. At the same time, they acknowledged that the state possesses the authority to regulate administrative aspects

Indonesia," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 1 (March 29, 2024): 170, <https://doi.org/10.29300/mzn.v8i1.2760>.

²¹ 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 1, 2025): 173–98, <https://doi.org/10.14421/al-mazaahib.v13i2.4392>.

²² Abdul Rozak and Hasan Akbar, "The Formalist vs Realist Constructs on Marriage Registration in Indonesia: A Study of the Perspectives of Kyai from Nahdlatul Ulama in Rembang," *Al-Mazaahib: Jurnal Perbandingan Hukum* 11, no. 2 (November 26, 2023): 161, <https://doi.org/10.14421/al-mazaahib.v11i2.3187>.

²³ M. Harir Muzakki, Euis Nurlaelawati, and Ahmad Bunyan Wahib, "Transformation of Kyai Authority in Marriage: A Law-Abiding Society in Pekoren, Rembang, Pasuruan," *Justicia Islamica* 21, no. 2 (November 6, 2024): 267–90, <https://doi.org/10.21154/justicia.v21i2.9492>.

of marriage for purposes of legal protection and public order. Rather than viewing these authorities as mutually exclusive, many individuals attempted to reconcile them through selective forms of compliance. This negotiation reflects the reality of legal pluralism in which multiple normative systems coexist and influence social behavior.²⁴ Religious norms often provide moral legitimacy and social acceptance, while state law offers legal certainty and institutional protection. Tensions arise when individuals perceive differences between these sources of authority or prioritize one over the other. The findings demonstrate that legal compliance is shaped not only by formal regulations but also by perceptions regarding the legitimacy and relevance of competing normative frameworks. Understanding these negotiations is essential for developing more effective legal policies because it highlights the importance of integrating religious perspectives into efforts to promote marriage registration and strengthen legal protection within culturally diverse communities.

The study underscores the importance of strengthening inclusive family law governance capable of accommodating social realities while maintaining legal certainty. The findings suggest that improving marriage registration rates requires approaches that move beyond legal coercion and recognize the diversity of normative influences affecting family decisions. Inclusive governance should involve collaboration among state institutions, religious leaders, customary authorities, community organizations, and civil society actors.²⁵ Such cooperation can help build trust, increase public understanding of legal protections, and reduce perceptions that marriage registration conflicts with religious or cultural values.²⁶ The findings further indicate that accessible administrative services and culturally sensitive public education programs can encourage voluntary compliance more effectively than enforcement-oriented approaches alone. Family law governance should therefore be designed to address both legal and social dimensions of marital regulation. By acknowledging the legitimacy concerns of local communities while emphasizing the protective functions of registration, policymakers can create a more balanced and responsive legal framework. Ultimately, strengthening inclusive governance contributes not only to higher registration rates but also to broader goals of legal protection, social justice, and institutional legitimacy. Such efforts are essential for ensuring that family law remains effective, accessible, and relevant within the context of Indonesia's plural and dynamic social environment.

3.3. Understanding Ambivalence toward Legal Compliance in Unregistered Marriage Practices

The findings demonstrate that ambivalence toward legal compliance constitutes a defining characteristic of unregistered marriage practices in Agam Regency. Most participants were aware of the legal obligation to register marriages and understood the practical benefits associated with official documentation. Nevertheless,²⁷ this awareness did not necessarily lead to compliance with state regulations. Instead, individuals frequently balanced legal considerations against religious beliefs, customary expectations, family interests, and social acceptance. The study identified several manifestations of ambivalence, including the recognition of marriage registration as legally beneficial while simultaneously viewing religious solemnization as sufficient for marital validity. Participants also displayed selective compliance with state law by fulfilling certain administrative obligations while postponing or avoiding marriage registration. The findings further reveal that legal behavior was shaped not only by individual preferences but also by broader social and cultural influences. Religious legitimacy remained a central source of authority,²⁸ while family and community recognition often provided alternative forms of validation

²⁴ Elimartati et al., "From Custodians to Bystanders: Tigo Tungku Sajarangan's Responses to Unregistered Marriages Practices in Minangkabau," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 18, no. 1 (June 30, 2025): 47–64, <https://doi.org/10.14421/ahwal.2025.18103>.

²⁵ Lauren Kaminsky, "No Rituals and Formalities!" Free Love, Unregistered Marriage and Alimony in Early Soviet Law and Family Life," *Gender & History* 29, no. 3 (November 14, 2017): 716–31, <https://doi.org/10.1111/1468-0424.12320>.

²⁶ Julian Rivers, "Could Marriage Be Disestablished?," *Tyndale Bulletin* 68, no. 1 (May 1, 2017), <https://doi.org/10.53751/001c.29431>.

²⁷ A Farrukh and JF Mayberry, "The Impact of the Marriage and Civil Partnership (Minimum Age) Act 2022 on Birth Rates amongst South Asian Women in England," *Medico-Legal Journal* 94, no. 1 (March 25, 2026): 32–34, <https://doi.org/10.1177/00258172251392350>.

²⁸ Rusdi Rizki Lubis et al., "Towards Legal Justice: Expanding Criteria for Obligatory Bequests in Unregistered Wives in Polygamous Marriages," *Al-Ahkam* 35, no. 1 (April 29, 2025): 117–46, <https://doi.org/10.21580/ahkam.2025.35.1.25358>.

independent of state institutions. Administrative and economic considerations reinforced these tendencies by reducing the perceived urgency of registration. As a result, legal compliance emerged as a negotiated process rather than a simple choice between obedience and disobedience. These findings indicate that unregistered marriage persists not because of a complete rejection of state law but because individuals navigate multiple normative systems that simultaneously influence their understanding of legitimate marital relationships.

The emergence of legal ambivalence can be understood through the interaction of religious, cultural, social, and institutional factors that shape individual decision-making. Religious legitimacy was consistently identified as the most influential factor because many participants regarded compliance with Islamic requirements as the primary determinant of marital validity. Within this framework, marriage registration was often perceived as an administrative procedure rather than an essential element of the marriage itself. In addition, Minangkabau customary values contributed to the persistence of unregistered marriage by emphasizing communal recognition,²⁹ family reputation, and social harmony. Family expectations also played a significant role,³⁰ particularly when relatives encouraged marriage arrangements that prioritized immediate social considerations over legal formalities. Furthermore, perceptions of state law influenced legal behavior. While participants generally acknowledged the authority of legal institutions, they often viewed state regulations as secondary to religious and customary norms.³¹ Administrative barriers and economic constraints further reinforced ambivalent attitudes by making registration appear burdensome or unnecessary in the absence of immediate legal needs. These factors collectively illustrate that legal compliance cannot be explained solely through legal awareness or ignorance. Rather, compliance is shaped by a complex process of negotiation among competing normative authorities. The findings therefore support the argument that legal ambivalence emerges from the coexistence of multiple sources of legitimacy that influence how individuals interpret and respond to legal obligations.

The effects of ambivalent legal behavior extend beyond individual marital decisions and influence broader issues of legal protection and social development. One significant consequence concerns the vulnerability of women who may face difficulties asserting their rights in matters involving divorce, inheritance, maintenance,³² and marital property. Without official marriage documentation, legal remedies become more difficult to access, thereby increasing the risk of unequal treatment. Similarly, children born from unregistered marriages may encounter administrative obstacles related to birth registration, identity documentation,³³ and access to certain public services. Beyond these legal implications, ambivalence also affects the development of legal consciousness within the community.³⁴ The findings reveal that awareness of legal obligations does not necessarily translate into compliance when alternative normative systems provide sufficient social legitimacy.³⁵ Consequently, legal consciousness becomes characterized by selective engagement with state law rather than complete adherence to formal regulations. This situation may weaken the effectiveness of family law policies designed to ensure legal certainty and social protection.³⁶ At the same time, the findings demonstrate that community members

²⁹ Sanna Mustasaari and Mulki Al-Sharmani, "Between 'Official' and 'Unofficial': Discourses and Practices of Muslim Marriage Conclusion in Finland," *Oxford Journal of Law and Religion* 7, no. 3 (October 1, 2018): 455–78, <https://doi.org/10.1093/ojlr/rwy029>.

³⁰ Claire E. Brolan and Hebe Gouda, "Civil Registration and Vital Statistics, Emergencies, and International Law: Understanding the Intersection," *Medical Law Review* 25, no. 2 (2017): 314–39, <https://doi.org/10.1093/medlaw/fwx021>.

³¹ Teron Rikhotso, "A Critical Legal Analysis of the Effect of the Proposed 'Two-Pot System' on Spouses in Unregistered Customary Marriages in South Africa," *Statute Law Review* 44, no. 3 (December 1, 2023), <https://doi.org/10.1093/slr/hmad007>.

³² Bayturrochmah Siti, Fitriani A. Sjarif, and Heriyono Tardjono, "Practice in Making Notarial Agreements in Unregistered Marriage in Indonesia," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 1 (July 4, 2022): 145–58, <https://doi.org/10.19109/nurani.v22i1.10226>.

³³ Peter Jeremiah Setiawan et al., "Juridical Implications of Unregistered Marriage Against Legal Protection in the Domestic Violence Law," *Media Iuris* 6, no. 3 (October 26, 2023): 457–78, <https://doi.org/10.20473/mi.v6i3.43219>.

³⁴ Andi Muhammad Akmal et al., "Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāsid Al-Shari'ah," *El-Ushrah: Jurnal Hukum Keluarga* 7, no. 2 (December 31, 2024): 768, <https://doi.org/10.22373/ujhk.v7i2.25971>.

³⁵ Dian Aries Mujiburohman et al., "The Issues of Land Tenure in Mixed Marriage," *Jurnal Ilmiah Peuradeun* 11, no. 1 (January 30, 2023): 19–38, <https://doi.org/10.26811/peuradeun.v11i1.818>.

³⁶ Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah: Journal of Islamic Studies* 54, no. 2 (December 14, 2016): 427, <https://doi.org/10.14421/ajis.2016.542.427-446>.

do not entirely reject legal norms but instead adapt them according to local circumstances and values. Therefore, the effects of legal ambivalence should be understood as both practical and symbolic, influencing legal outcomes while simultaneously shaping how individuals perceive the role and legitimacy of state law in regulating family relationships.

The findings of this study both support and extend previous research on unregistered marriage and legal compliance.³⁷ Similar to earlier studies, the results confirm that religious considerations, social acceptance, and administrative factors play important roles in influencing decisions regarding marriage registration. Previous scholars have emphasized the legal consequences of unregistered marriage, particularly for women and children, and the present study reinforces these observations.³⁸ However, this research differs from many earlier studies by focusing specifically on the concept of ambivalence toward legal compliance.³⁹ Rather than categorizing individuals simply as compliant or non-compliant,⁴⁰ the findings reveal a more nuanced reality in which individuals simultaneously recognize and question the relevance of legal obligations.⁴¹ This perspective contributes to the growing literature on legal pluralism by demonstrating how multiple normative systems coexist and interact within everyday family practices. Unlike studies that attribute non-registration primarily to limited legal awareness or administrative obstacles, this research highlights the importance of competing sources of legitimacy in shaping legal behavior.⁴² The findings suggest that individuals are often engaged in ongoing negotiations between religious authority, customary expectations,⁴³ and state regulations. This emphasis on ambivalence provides a novel analytical framework for understanding legal compliance and contributes to broader debates within Islamic family law concerning the relationship between law, culture, and social legitimacy. The findings indicate that efforts to strengthen marriage registration compliance should adopt both conceptual and policy-oriented approaches. Conceptually, legal compliance should be understood as a socially embedded process shaped by multiple normative influences rather than as a purely legal phenomenon. Policymakers and scholars should therefore recognize the importance of religious legitimacy, customary values, and community perceptions when designing interventions aimed at increasing registration rates. From a policy perspective, legal literacy programs should be expanded to emphasize not only the legal requirement of registration but also its protective functions for women and children.⁴⁴ Collaboration between government institutions, religious leaders, and customary authorities is also essential because these actors possess significant influence within local communities. Integrating religious and legal narratives may reduce perceptions that marriage registration is merely a bureaucratic obligation disconnected from religious values. In addition, administrative procedures should be simplified and made more accessible,⁴⁵ particularly for individuals living in rural areas or facing economic constraints. Digital services, mobile registration initiatives, and community-based outreach programs

³⁷ Anwar Hafidzi et al., "Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan," *Al-Ahkam* 32, no. 2 (October 30, 2022): 153–68, <https://doi.org/10.21580/ahkam.2022.32.2.12789>.

³⁸ Zainal Azwar et al., "Child Filiation and Its Implications on Maintenance and Inheritance Rights: A Comparative Study of Regulations and Judicial Practices in Indonesia, Malaysia, and Turkey," *Journal of Islamic Law* 5, no. 1 (February 29, 2024): 62–85, <https://doi.org/10.24260/jil.v5i1.2326>.

³⁹ Sheila Fakhria et al., "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards The Issuance of Family Cards for Unregistered Marriage Couples," *El-Mashlahah* 14, no. 2 (December 26, 2024): 303–22, <https://doi.org/10.23971/el-mashlahah.v14i2.8008>.

⁴⁰ 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 25, 2025): 125–48, <https://doi.org/10.23971/el-mashlahah.v15i1.9068>.

⁴¹ Baihaqi Baihaqi et al., "Legal Non-Compliance and Kai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya," *Journal of Islamic Law* 5, no. 2 (August 29, 2024): 242–68, <https://doi.org/10.24260/jil.v5i2.2819>.

⁴² Maaïke Voorhoeve, "Law and Social Change in Tunisia: The Case of Unregistered Marriage," *Oxford Journal of Law and Religion* 7, no. 3 (October 1, 2018): 479–97, <https://doi.org/10.1093/ojlr/rwy027>.

⁴³ Federica Sona, "Mosque Marriages' and Nuptial Forms among Muslims in Italy," *Oxford Journal of Law and Religion* 7, no. 3 (October 1, 2018): 519–42, <https://doi.org/10.1093/ojlr/rwy038>.

⁴⁴ 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 29, 2024): 1–18, <https://doi.org/10.24260/jil.v5i1.1972>.

⁴⁵ Theresia Dyah Wirastris and Stijn Cornelis van Huis, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (May 4, 2021): 246–68, <https://doi.org/10.1080/07329113.2021.1912579>.

could help reduce practical barriers to compliance. Ultimately, strengthening marriage registration requires an inclusive governance approach that bridges the gap between state law and local normative systems. Such an approach would not only improve compliance but also enhance legal protection, social justice, and public confidence in family law institutions.

4. Conclusion

The findings of this study demonstrate that ambivalence toward legal compliance remains a defining characteristic of unregistered marriage practices in Agam Regency, Indonesia. Although most participants acknowledged the importance of marriage registration as required by national law, many simultaneously regarded religious fulfillment as the primary determinant of marital validity. This dual orientation reflects the coexistence of state law and religious norms within a plural legal environment. The study found that individuals who entered unregistered marriages generally did not reject state law outright; rather, they interpreted legal obligations through religious, cultural, and practical considerations. Economic limitations, administrative challenges, social pressures, and the influence of religious authorities contributed to the continuation of unregistered marriage practices despite existing legal regulations. Furthermore, community acceptance of marriages that satisfy religious requirements often reduced the perceived urgency of formal registration. As a result, legal compliance became conditional and selective rather than absolute. The research also revealed that the persistence of unregistered marriage is not merely a legal issue but a socio-cultural phenomenon shaped by interactions among religious beliefs, customary values, and state institutions. Consequently, the relationship between law and society in the context of marriage regulation is characterized by negotiation, adaptation, and compromise rather than straightforward compliance with statutory requirements.

This study contributes to the development of Islamic family law and socio-legal scholarship by providing empirical evidence of how legal ambivalence operates within a legally plural society. Conceptually, the findings enrich discussions on legal compliance by demonstrating that compliance cannot be understood solely through formal legal obligations but must also account for competing normative systems that influence individual behavior. The research highlights the significance of religious legitimacy and community recognition in shaping legal attitudes toward marriage registration. Methodologically, the study illustrates the value of a socio-legal approach in examining the interaction between legal norms and social realities, allowing for a more nuanced understanding of legal behavior within local communities. Theoretically, the findings support and extend perspectives on legal pluralism by showing how individuals actively negotiate between state law and religious norms when making family-related decisions. The study further offers practical implications for policymakers and religious institutions by emphasizing the need for culturally sensitive strategies that strengthen legal awareness while respecting religious values. Through this contribution, the research advances scholarly understanding of unregistered marriage and provides a foundation for future studies on law, religion, and family governance in contemporary Muslim societies.

Declarations

Author Contribution Statement

Nabila Inita Zahra contributed to the conceptualization of the study, data collection, formal analysis, and drafting of the original manuscript, while also assisting in the interpretation of findings and preparation of references. Nofiardi contributed to the development of the research methodology, supervision of the research process, validation of data analysis, critical review and editing of the manuscript, as well as providing academic guidance throughout the writing process. Both authors jointly participated in refining the final manuscript, read, and approved the published version.

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The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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