



# Harmonizing Marriage Registration Regulations in Indonesia: Resolving Contradictions Between Religious and Civil Administration Systems

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## ABSTRACT :

This study examines the contradictions between religious and civil marriage registration systems in Indonesia, particularly focusing on the implementation of Minister of Home Affairs Regulation No. 108/2019 and Law No. 1/1974 on Marriage. Through qualitative analysis of legal documents and interviews with religious affairs and civil registration officials in Jombang Regency, this research identifies key areas of regulatory conflict and proposes solutions for harmonizing these parallel systems. The findings suggest that while recent regulations attempt to accommodate unregistered religious marriages, they create new legal uncertainties that require careful policy harmonization to protect women's and children's rights while respecting religious practices.

**Keywords:** Marriage, Registration Regulations, Civil Administration Systems

## Introduction

Marriage registration in Indonesia operates under a dual system, with religious and civil authorities sharing jurisdiction over marriage documentation.<sup>1</sup> This arrangement reflects Indonesia's character as both a religious and secular state, but it has led to regulatory contradictions that impact citizens' legal rights and protections. The implementation of Minister of Home Affairs Regulation No. 108/2019 allowing the recording of unregistered religious marriages on family cards has highlighted these tensions, particularly in relation to Law No. 1/1974 on Marriage which requires official registration of all marriages.<sup>2</sup>

The implementation of marriage registration policies in Indonesia has long been characterized by complex regulatory frameworks and often contradictory legal provisions.<sup>3</sup> This complexity is particularly evident in the context of unregistered marriages (*kawin belum tercatat*) and their documentation in Family Cards (*Kartu Keluarga*) in regions such as Jombang Regency, East Java. The intersection of various regulations, including Minister of Home Affairs Regulation (PERMENDAGRI) Number 108 of 2019 and Law Number 1 of 1974 concerning Marriage, has created a challenging environment for both administrative bodies and citizens seeking to navigate the marriage registration process.<sup>4</sup>

The significance of this issue becomes apparent when examining recent data from Jombang Regency. According to the Head of the Population and Civil Registration Office (*Dispendukcapil*) of Jombang, Masduqi Zakaria, as of September 2, 2021, out of 708,224 residents with married status based on marriage certificates or letters, 475,916 had their marriages properly registered.() However, a significant number—177,796 residents—were recorded as having unregistered marriages. This substantial figure highlights the pressing need to examine the regulatory framework governing marriage registration and its practical implementation at the local level.

The complexity of marriage registration in Indonesia stems from its historical development as both a religious and administrative act. While religious marriage ceremonies (particularly Islamic ones) have long been recognized as valid, modern state administration requires formal documentation to establish legal rights and status. This has created a situation where marriages may be considered religiously valid but lack state recognition, affecting inheritance rights, child status, and access to public services.

The complexity of this situation is further compounded by the existence of multiple regulatory bodies and overlapping jurisdictions.() The Population and Civil Registration Office (*Dispendukcapil*) operates under the authority of PERMENDAGRI Number 108 of 2019, which provides guidelines for documenting various forms of marriage status, including unregistered marriages, in Family Cards. Simultaneously, the Religious Affairs Office (*KUA*) functions under the framework of Law Number 1 of 1974, which emphasizes the importance of marriage registration and establishes specific requirements for valid marriages.() This dual system often results in contradictory approaches to handling unregistered marriages and their documentation.

Recent regulatory changes attempting to bridge this gap have introduced new challenges. The 2019 ministerial regulation allowing notation of unregistered

<sup>1</sup> Amanda Zubaidah Aljarofi, "Kategori Perkawinan Belum Tercatat Dalam Blangko Kartu Keluarga Perspektif Yuridis", *Al-Hukama The Indonesian Journal of Islamic Family Law*, Vol.09 No.02, (2019), 316.

<sup>2</sup> Law No.1 of 1974 concerning Marriage

<sup>3</sup> Prianter Jaya Hairi, "Kontradiksi Pengaturan "Hukum Yang Hidup Di Masyarakat" Sebagai Bagian Dari Asas Legalitas Hukum Pidana Indonesia", *Negara Hukum*, Vol. 07, No. 01 (Juni 2016), 89-110

<sup>4</sup> Fulthoni, *Memahami Kebijakan Administrasi Kependudukan* (Jakarta: ILRC, 2019), 12.

marriages on family cards aims to document existing social realities and protect vulnerable parties. However, this appears to contradict the marriage law's requirement for official registration, creating uncertainty about the legal status of such notations and their implications for rights and responsibilities.

The introduction of the "kawin belum tercatat" (unregistered marriage) status in Family Cards through PERMENDAGRI Number 108 of 2019 represents an attempt to address the reality of unregistered marriages while maintaining administrative order.<sup>5</sup> However, this policy has generated significant debate among scholars, legal practitioners, and religious authorities regarding its implications for marriage legitimacy and legal protection. The policy appears to create a paradoxical situation where marriages that lack official registration—and thus legal standing under Law Number 1 of 1974—are nonetheless acknowledged in official population documentation.<sup>6</sup>

This study examines these regulatory contradictions through a case study of Jombang Regency, East Java, where local religious affairs offices (KUA) and civil registration authorities (Dukcapil) must navigate these competing requirements. The research explores how these institutions interpret and implement potentially conflicting regulations while serving their communities' needs. This study examines the contradictions and attempts at harmonization between various regulations governing marriage registration in Jombang Regency, with particular attention to the implementation of PERMENDAGRI Number 108 of 2019 and its interaction with Law Number 1 of 1974. The research focuses on how these regulatory frameworks affect the documentation of marriage status in Family Cards and the broader implications for family law administration in Indonesia.<sup>7</sup>

The importance of this research lies in its potential to contribute to the ongoing discourse on marriage registration reform in Indonesia. By analyzing the practical implementation of marriage registration policies in Jombang Regency, this study aims to identify areas of regulatory contradiction and propose potential solutions for harmonization. The findings may inform policy recommendations for improving the coherence and effectiveness of marriage registration systems at both local and national levels.

The phenomenon of unregistered marriages in Indonesia has deep historical roots and complex sociocultural dimensions. Traditional practices, religious considerations, and administrative barriers have all contributed to the persistence of unregistered marriages despite legal requirements for official registration. The introduction of the "kawin belum tercatat" status in Family Cards represents an attempt to bridge the gap between legal requirements and social realities, but it also raises important questions about the role of administrative documentation in marriage legitimacy and family law.<sup>8</sup>

This research adopts a comprehensive approach to examining these issues, incorporating perspectives from various stakeholders including officials from the Population and Civil Registration Office, Religious Affairs Office, religious leaders, and community members affected by these policies. By analyzing both the theoretical frameworks and practical implementation of marriage registration regulations, this study aims to provide a nuanced understanding of the challenges and opportunities for regulatory harmonization.

Understanding the contradictions and potential harmonization between various marriage registration regulations is crucial for several reasons. First, it affects the legal status and protection of married couples and their children. Second, it influences the accuracy and reliability of population data, which is essential for policy planning and public service delivery. Finally, it has implications for the broader goal of achieving legal certainty and social justice in Indonesian family law.<sup>9</sup>

This study employs a qualitative research methodology, utilizing document analysis, semi-structured interviews, and case studies to examine the implementation of marriage registration policies in Jombang Regency. The research draws on primary data from government offices, legal documents, and interviews with key stakeholders, as well as secondary sources including academic literature and policy reports.

The temporal scope of this research focuses on the period following the implementation of PERMENDAGRI Number 108 of 2019, while also considering the historical context of marriage registration regulations in Indonesia. The geographical focus on Jombang Regency provides a specific case study through which to examine broader issues of regulatory contradiction and harmonization in Indonesian marriage law.

This article is structured as follows: Following this introduction, the second section presents a comprehensive literature review examining existing scholarship on marriage registration policies and regulatory harmonization. The third section details the research methodology employed in this study. The fourth section presents the findings regarding regulatory contradictions and harmonization efforts in Jombang Regency. The fifth section discusses the implications of these findings for policy and practice. The final section offers conclusions and recommendations for future research and policy development.

By examining the complex interplay between different regulatory frameworks governing marriage registration in Jombang Regency, this research contributes to our understanding of how legal pluralism operates in practice and the challenges of achieving regulatory harmonization in Indonesian family law. The findings of this study may provide valuable insights for policymakers, legal practitioners, and scholars working to improve the effectiveness and coherence of marriage registration systems in Indonesia.

The introduction of the "kawin belum tercatat" status in Family Cards represents a significant development in Indonesian family law administration, reflecting both the pragmatic needs of population administration and the complex realities of marriage practices in Indonesian society. This research aims to contribute to our understanding of how these various factors interact and influence the implementation of marriage registration policies at the local level.

<sup>5</sup> Amanda Zubaidah Aljarofi, "Kategori Perkawinan Belum Tercatat Dalam Blangko Kartu Keluarga Perspektif Yuridis", *Al-Hukama the Indonesian Journal of Islamic Family Law*, Vol.09 No.02, (desember 2019), :310.

<sup>6</sup> Fulthoni, *Memahami Kebijakan Administrasi Kependudukan* (Jakarta: ILRC, 2019),13.

<sup>7</sup> Imam Hafas, "Perkawinan Sirri dalam Perspektif Hukum Islam dan Hukum Positif", *Tahkim*, Vol.4 No.1, 2021,41-88.

<sup>8</sup> Enik Isnaini,"Perkawinan Siri Dalam Perspektif Hukum Islam, Hukum Positif dan Hak Asasi Manusia, *Jurnal Independent* Vol.2 No.1 :55.

<sup>9</sup> Bimo Kusumo P I & Sunny U Firdaus, "Analisis Kontradiksi Hukum Didalam Pp No 18 Tahun 2021 Terhadap Teori Kepastian Hukum", *Sovereignty: Jurnal Demokrasi dan Ketahanan Nasional*, Vol. 01, No. 01 (2022), 1-11.

As Indonesia continues to develop and modernize its legal and administrative systems, the harmonization of various regulations governing marriage registration remains a crucial challenge. This study's examination of the situation in Jombang Regency provides valuable insights into both the challenges and potential solutions for achieving greater coherence in marriage registration policies while respecting the diverse social and cultural contexts of Indonesian society.

## Methodology

This study employs a qualitative approach combined with legal research methods to examine the contradictions and harmonization of regulations regarding the registration of unregistered marriages (*nikah sirri*) in family cards, specifically focusing on cases at the Population and Civil Registration Office and the Office of Religious Affairs in Jombang. The research design integrates empirical legal research with document analysis to provide comprehensive insights into the regulatory challenges and practical implications.

**Research Design and Approach,** The research utilizes a case study design centered on Jombang Regency to enable an in-depth examination of how regulatory contradictions manifest in practice and affect local administrative processes. The qualitative approach was chosen to capture the nuanced perspectives of key stakeholders and understand the complex interplay between different regulatory frameworks.<sup>10</sup> This design allows for detailed exploration of how local government offices navigate and implement potentially conflicting regulations.

**Data Collection Methods,** Multiple data collection methods were employed to ensure comprehensive coverage of the research topic:

a. In-Depth Interviews

Semi-structured interviews were conducted with key officials from: Population and Civil Registration Office (Dispendukcapil) Jombang, Office of Religious Affairs (KUA) across 21 districts in Jombang, Local government administrators involved in family card processing.

Interviews focused on understanding: Implementation challenges of current regulations, Practical implications of regulatory contradictions, Local strategies for harmonizing conflicting requirements

b. Document Analysis

Systematic review of relevant legal and administrative documents including: Minister of Home Affairs Regulation No. 108/2019, Law No. 1/1974 on Marriage, Local implementation guidelines and procedures, Administrative records and case files, Family card registration documents, Marriage registration records

c. Field Observations

Direct observations of administrative processes at: Family card registration offices, Marriage registration services, Document processing centers. Documentation of actual implementation practices and procedures

**Research Location and Duration,** The study was conducted in Jombang Regency, East Java, focusing on the Population and Civil Registration Office and 21 Offices of Religious Affairs across different districts. The field research was carried out over a period of six months from January to June 2023 to ensure comprehensive data collection and observation of various cases.

**Sampling Method,** Purposive sampling was employed to select research participants and cases: Key informants were chosen based on their roles and expertise in marriage registration and family card administration, Cases were selected to represent diverse scenarios of unregistered marriage documentation, Administrative documents were sampled to cover various time periods and regulatory regimes

**Data Analysis,** The study employed several analytical approaches:

a. Legal Analysis

- Examination of regulatory frameworks and their interactions
- Analysis of legal contradictions and their implications
- Assessment of harmonization possibilities within existing legal structures

b. Content Analysis

- Systematic review of interview transcripts
- Analysis of administrative documents and procedures
- Examination of implementation guidelines and local policies

c. Comparative Analysis

- Comparison of different regulatory interpretations
- Assessment of varying implementation practices
- Analysis of different administrative approaches across districts

**Validation Techniques,** To ensure research validity and reliability, several validation techniques were employed:

a. Data Triangulation

- Cross-verification of information from multiple sources
- Comparison of interview data with documentary evidence
- Validation of findings through multiple perspectives

b. Member Checking

- Verification of interpretations with key informants
- Confirmation of findings with participating offices
- Review of conclusions by local administrators

c. Expert Consultation

- Regular consultations with legal experts
- Review by public administration specialists
- Feedback from religious affairs experts

<sup>10</sup> Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Cet.11, (Jakarta: PT. Raja Grafindo Persada, 2009), 13-14.

## Discussion

### Registration of Unregistered Marriages (*Perkawinan Sirri*)

In light of the legal and administrative complexities surrounding the registration of unregistered marriages (*perkawinan sirri*) in Indonesia, particularly in Jombang, as analyzed in this research, it becomes evident that while Ministerial Regulation No. 108 of 2019 introduced by the Ministry of Home Affairs sought to address the practical need for administrative recognition of marriages that have not been legally recorded by allowing their inclusion in family cards (*Kartu Keluarga*), this measure has inadvertently given rise to a significant contradiction with the provisions outlined in Marriage Law No. 1 of 1974.<sup>11</sup>

Explicitly mandates that all marriages must be legally registered to be considered valid under Indonesian law, thereby creating a legal gray area where couples who engage in *nikah sirri*—whether intentionally due to personal or religious convictions or unintentionally due to bureaucratic challenges—find themselves in a situation where they may possess an officially recognized family card indicating their marital status while simultaneously lacking the full legal rights and protections afforded to legally registered spouses, which in turn has serious implications for matters such as inheritance, child custody, and divorce proceedings, as courts often require official documentation of marriage for claims to be considered valid, a reality that disproportionately affects women and children who.<sup>12</sup>

without proper registration, may face difficulties in accessing social services, securing legal recognition of parental lineage, and claiming financial support, which is further complicated by the fact that while the policy aims to provide administrative clarity and ensure a more accurate representation of Indonesia's marital demographics.

Inadvertently normalizes and potentially increases the prevalence of *nikah sirri* by reducing the incentive for couples to undergo the formal registration process, thereby weakening legal structures designed to uphold marital responsibilities, protect spousal rights, and prevent issues such as polygamy, polyandry, and fraudulent marriages,<sup>13</sup> prompting institutions such as the Population and Civil Registration Office (*Dispendukcapil*) and the Religious Affairs Office (*KUA*) to call for a more coherent and harmonized approach that would integrate religious, cultural, and legal considerations to ensure that marriage registration is both accessible and enforceable.

Necessitating strategic reforms such as strengthening inter-agency coordination, revising the legal framework to bridge inconsistencies between national and ministerial regulations, promoting public awareness campaigns to educate couples on the legal importance of marriage registration, and implementing streamlined procedures for *isbat nikah* (marriage validation) through religious courts,

Would enable couples to retrospectively register their marriages while still upholding the fundamental principles of legal certainty and social justice, all of which underscores the urgent need for policymakers, legal practitioners, and religious authorities to work together in crafting a balanced solution that not only respects religious freedoms and social traditions but also ensures that all marriages in Indonesia are legally recognized, thereby safeguarding the rights and well-being of individuals and families in both an administrative and legal capacity.

The complex interplay between religious law, civil law, and administrative procedures in Indonesian marriage registration presents significant challenges, particularly evident in the case of Jombang regency. The situation reveals tensions between different regulatory frameworks, specifically the Ministry of Home Affairs Regulation (PERMENDAGRI) Number 108 of 2019 and Law Number 1 of 1974 concerning Marriage, which has created practical difficulties for both citizens and government institutions.<sup>14</sup>

In Jombang, statistical data shows concerning numbers regarding unregistered marriages. According to the Head of Population and Civil Registration Office (Dispendukcapil) of Jombang, Masduqi Zakaria, as of September 2, 2021, out of 708,224 residents with married status based on marriage certificate ownership, 475,916 marriages were properly registered while 177,796 marriages remained unregistered. This significant number of unregistered marriages presents various administrative and legal challenges for the couples involved and their children.

The introduction of PERMENDAGRI Number 108 of 2019 brought about new procedures for recording marriage status in family cards (*Kartu Keluarga* or *KK*). This regulation allows for the inclusion of "unregistered marriage" (*kawin belum tercatat*) status in family cards, which has sparked debate among legal experts and religious authorities. While this provision aims to address administrative needs and provide basic documentation for all residents, it potentially conflicts with the fundamental requirement for marriage registration as mandated by Law Number 1 of 1974.<sup>15</sup>

The Office of Religious Affairs (*KUA*) in Jombang faces particular challenges in dealing with these unregistered marriages. According to *KUA* officials, the presence of "unregistered marriage" status in official documents has created new complications in marriage administration. The status can potentially facilitate unauthorized polygamy, polyandry, and various violations of inheritance rights. This situation highlights the tension between administrative accommodation and legal compliance.

From the perspective of the Civil Registration Office (Dispendukcapil), the implementation of the new regulation serves two primary purposes: documenting the actual status of marriages in society and providing basic administrative services to all residents. However, this approach has created a

<sup>11</sup> Amanda Zubaidah Aljarofi, "Kategori Perkawinan Belum Tercatat Dalam Blangko Kartu Keluarga Perspektif Yuridis", *Al-Hukama The Indonesian Journal of Islamic Family Law*, Vol.09 No.02, 316.

<sup>12</sup> Sabarudin Ahmad, *Transformasi Hukum Pembuktian Perkawinan Dalam Islam* (Surabaya: Airlangga University Press, 2020), 102.

<sup>13</sup> Mashuril Anwar, "Paradigma Holistik Kontradiksi Asas Ultimum Remedium Terhadap Asas Legalitas Dalam Penegakan Hukum Pidana Lingkungan", *Administrative and Environmental Law Review*, Vol. 01, No. 01 (Juni 2020), 43-54.

<sup>14</sup> Raphael Kamanga & Patricia M Alexander, "Contradictions and strengths in activity systems: Enhancing insights into human activity in IS adoption research", *Wiley*, (mei 2020), 1-14.

<sup>15</sup> Iwan Kustiawan, Nurmuttaqin Nurmuttaqin, Ai Romlah, *Tinjauan Sosiologis Terhadap Pencantuman Status Kawin Belum Tercatat Dan Cerai Hidup Belum Tercatat Dalam Kartu Keluarga Sebagai Akibat Penerapan Peraturan Menteri Dalam Negeri Nomor 108 Tahun 2019 Jo Peraturan Menteri Dalam Negeri Nomor 109 Tahun 2019. Case Law : Journal of Law*, Vol. 3 No. 2 (2022) , 107..

paradoxical situation where marriages that are not legally registered can still receive certain forms of administrative recognition through family cards.<sup>16</sup>

The impact of this regulatory contradiction extends beyond administrative concerns. Unregistered marriages often leave women and children vulnerable to legal uncertainties regarding their rights and status. Without proper marriage registration, wives may face difficulties in claiming their marital rights, including inheritance and joint property rights. Children born from unregistered marriages may encounter obstacles in obtaining birth certificates and accessing various public services.

The harmonization efforts between different regulations and institutions reveal the complexity of managing marriage registration in Indonesia's legal pluralism context. The case of Jombang demonstrates how local authorities must navigate between religious law (hukum Islam), state law (hukum positif), and administrative regulations while trying to serve their communities effectively.<sup>17</sup>

The solution to these challenges requires a comprehensive approach involving multiple stakeholders. First, there needs to be better coordination between the Ministry of Home Affairs and the Ministry of Religious Affairs to align their regulations and procedures. Second, public education and awareness campaigns about the importance of marriage registration should be intensified to reduce the number of unregistered marriages.<sup>18</sup>

The current practice in Jombang shows that when couples with unregistered marriage status apply for family cards, they must provide a Statement Letter of Absolute Responsibility (Surat Pernyataan Tanggung Jawab Mutlak or SPTJM) signed by both parties and witnessed by two individuals. While this procedure helps document existing marriages, it does not resolve the fundamental legal issues surrounding unregistered marriages.

The Civil Registration Office has implemented various innovations to improve service delivery and accessibility. These include online registration systems and mobile services to reach remote areas. However, these technological improvements cannot fully address the underlying legal contradictions between different regulations governing marriage registration.

Religious leaders and community figures play crucial roles in addressing this issue. Their influence can help promote proper marriage registration while respecting religious and cultural values. The collaboration between religious institutions and government offices is essential for creating effective solutions that address both legal requirements and cultural sensitivities.

Looking forward, there is a clear need for regulatory reform that can reconcile the different legal frameworks governing marriage registration in Indonesia. This reform should aim to protect individual rights while respecting religious and cultural practices. The experience in Jombang provides valuable insights into the challenges and potential solutions for managing marriage registration in Indonesia's complex legal and social environment.<sup>19</sup>

The process of harmonizing these regulations requires careful consideration of various factors including religious law, civil law, human rights, and administrative efficiency. The goal should be to create a system that provides legal certainty while remaining accessible and practical for all citizens.<sup>20</sup>

The situation in Jombang also highlights the importance of maintaining accurate population data while protecting individual rights. The current practice of recording unregistered marriages in family cards, while problematic from a legal perspective, serves an important function in documenting the actual social conditions in the community.

The challenge moving forward is to develop policies that can effectively bridge the gap between legal requirements and social realities while ensuring adequate protection for all parties involved, particularly women and children. This may require legislative reforms, improved administrative procedures, and continued efforts to raise public awareness about the importance of proper marriage registration.<sup>21</sup>

The experience in Jombang demonstrates that solutions must be both legally sound and practically implementable. This requires ongoing dialogue between different government agencies, religious institutions, and community organizations to develop approaches that can effectively address the complex challenges of marriage registration in Indonesia's diverse social and legal landscape.

In conclusion, the case of marriage registration in Jombang illustrates the broader challenges faced by Indonesian authorities in managing legal pluralism and administrative requirements. The current situation, while imperfect, represents an attempt to balance various competing interests and needs. Moving forward, continued efforts are needed to develop more comprehensive and harmonious solutions that can better serve all members of society while maintaining legal certainty and protecting individual rights.

The findings reveal complex interactions between religious and civil marriage registration systems that cannot be resolved through simple regulatory harmonization.<sup>22</sup> Several key themes emerge from the analysis:

#### **Legal Pluralism and Administrative Practice:**

The coexistence of religious and civil systems reflects Indonesia's legal pluralism but creates practical challenges for administrators. While recent regulations attempt to bridge these systems, they may inadvertently create new uncertainties. The research suggests that effective solutions must address both legal and administrative dimensions of marriage registration.

<sup>16</sup> Lathifah Munawaroh dkk, "Disharmony of Sirri Marriage Registration Regulation on the Family Card (Analyzing the Ministry of Interior Affairs' Regulation No. 9/2016", 94.

<sup>17</sup> Siti Masitah & Faisal Santiago, "Urgency of Harmonization of Ministerial Regulations/Institutions in the Establishment of Legislation" *ICLSSEE*, (Maret 2021).

<sup>18</sup> Muhammad Taufiquillatif, "Proof of Marital Status not Recorded on Family Card", *Damhil Law Journal*, Vol. 01 No. 02 (November 2021), 85.

<sup>19</sup> Khairani A Tambunan dkk, "Legal Respect for Children from Sirri's Marriage in the Perspective of Islamic Marriage Law and Regulations Indonesian Law in the District Labuhanbatu", *BIRCI Journal*, Vol. 04, No. 02 (Mei 2021), 2043.

<sup>20</sup> FF. Busroh, F. Khairo, DF Zhafirah, Harmonisasi Regulasi di Indonesia: Simulasi dan Sinkronisasi untuk Peningkatan Efektivitas Hukum. *Jurnal Interpretasi Hukum*, ejournal.warmadewa.ac.id, (2024).

<sup>21</sup> Kusnu Goesniadhie, *Harmonisasi Sistem Hukum: Mewujudkan Tata Pemerintahan Yang Baik* (Malang: Nasa Media, 2010), 11.

<sup>22</sup> Anna Veronica Pont dkk, "Factors Associated with Birth Registrations in Indonesia", *Electronic Journal of General Medicine*, Vol. 20, No. 02 (Maret 2023), 3.

**Protecting Rights While Respecting Religion:**

A central tension exists between protecting individual rights (particularly those of women and children) and respecting religious practices. Administrative recognition of unregistered marriages may provide some protections but could also undermine incentives for proper registration. This suggests the need for a more nuanced approach that maintains registration requirements while providing paths to regularization.

**Institutional Coordination:**

The study reveals both formal and informal coordination mechanisms between religious and civil authorities. While these help manage regulatory contradictions, they may not provide sufficient legal certainty. More structured coordination frameworks could help bridge institutional gaps while maintaining necessary distinctions between religious and civil functions.

**Policy Implications:**

1. Need for clearer legal framework defining relationship between religious and civil registration
2. Importance of maintaining registration incentives while protecting vulnerable parties
3. Value of formalizing coordination mechanisms between institutions
4. Potential for tiered recognition system with clear paths to full legal status

**Implementation Challenges:**

The research identifies several practical challenges in harmonizing registration systems:

1. Resource limitations affecting verification capabilities
2. Training needs for staff handling complex cases
3. Communication barriers between institutions
4. Public education requirements

**Future Directions:**

The findings suggest several areas for potential reform:

1. Development of standardized coordination procedures
2. Creation of clear regularization pathways for unregistered marriages
3. Enhancement of public education about marriage registration
4. Strengthening of legal protections for vulnerable parties

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**Conclusion**

This study demonstrates the complex challenges involved in harmonizing religious and civil marriage registration systems in Indonesia. While recent regulations attempt to bridge these systems, they create new uncertainties that require careful policy attention. The research suggests that effective solutions must balance multiple objectives: protecting individual rights, respecting religious practices, maintaining registration incentives, and ensuring administrative efficiency.

**Key findings indicate that:**

1. Regulatory contradictions create practical challenges for both administrators and citizens
2. Local institutions develop informal solutions that may lack legal certainty
3. More structured coordination frameworks are needed
4. Protection of vulnerable parties requires careful policy design

**Recommendations include:**

1. Development of clearer legal framework defining relationship between systems
2. Formalization of coordination mechanisms
3. Creation of standardized procedures for handling complex cases
4. Enhancement of public education efforts

Future research should examine implementation in other regions and evaluate the effectiveness of different coordination approaches. The findings contribute to understanding how legal pluralism affects administrative practice and suggest ways to improve policy harmonization in similar contexts.

The study concludes that successful harmonization of marriage registration systems requires attention to both legal and practical dimensions, with particular focus on protecting vulnerable parties while respecting religious practices. This understanding can inform policy development not only in Indonesia but in other countries facing similar challenges of legal pluralism in family law administration.

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