

## **Marriage Administration Brokers: The Rational Action in the Practice of Delegating Marriage Administration in Central Lampung**

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### **ABSTRACT**

The Indonesian law rules marriages to be registered, and the registration should be proposed by the couples to the state officials, in which cases for Muslims are recorded at the Office of Religious Affairs and for non-Muslims at the Civil Registration Office. However, some couples wittingly employ third parties—called: marriage administration brokers—to carry out all the processes. This article investigates the practice of delegating marriage administration to brokers and the underlying reasons for those delegations. This research is a field study employing a socio-legal approach, guided by rational action theory. Data were obtained through interviews and documentation. The study reveals that the practice of delegating marriage administration was carried out by the former assistant marriage registrar (P3N) and the former village head. The practice of delegating marriage administration is caused by several factors, such as the low understanding of marriage registration procedures, the assumption of complicated marriage administration, and the economic option. In this practice, the most dominant factor is the economic reason. This practice happens on ground of rational awareness in the community regarding the simplest process available, considering the benefits that are intended by both parties. The brokers (delegates) benefit from service fees, while the couples (delegators) feel helped because they do not leave/lose their jobs should they register their marriage directly by themselves.

[Hukum Indonesia mengatur bahwa pernikahan harus didaftarkan, dan pendaftaran tersebut harus diajukan oleh pasangan kepada pejabat negara, di mana bagi umat Muslim dicatatkan di Kantor Urusan Agama dan bagi non-Muslim di Kantor Catatan Sipil. Namun, beberapa pasangan dengan sengaja menggunakan pihak ketiga—disebut: calo administrasi pernikahan—untuk menjalankan seluruh prosesnya. Artikel ini menyelidiki bagaimana praktik pelimpahan administrasi pernikahan kepada calo serta alasan-alasan yang mendasari pelimpahan tersebut. Penelitian ini merupakan studi lapangan yang menggunakan pendekatan socio-legal, dengan teori tindakan rasional sebagai panduan. Data diperoleh melalui wawancara dan dokumentasi. Studi ini mengungkapkan bahwa praktik pelimpahan pendaftaran pernikahan dilakukan oleh mantan pegawai pembantu pencatat nikah (P3N) dan mantan kepala desa setempat. Praktik pelimpahan administrasi pernikahan disebabkan oleh beberapa faktor, seperti rendahnya pemahaman tentang prosedur pendaftaran pernikahan, anggapan bahwa administrasi pernikahan itu rumit, dan pilihan ekonomi. Dalam praktik ini, faktor ekonomi menjadi faktor yang paling kuat. Praktik ini berlangsung atas dasar kesadaran rasional masyarakat terhadap proses yang paling sederhana, dengan mempertimbangkan manfaat yang diharapkan oleh kedua belah pihak. Para calo (penerima pelimpahan) mendapatkan keuntungan dari biaya jasa, sementara pasangan (pemberi pelimpahan) merasa terbantu karena tidak harus meninggalkan/kehilangan pekerjaan jika mereka sendiri mendaftarkan pernikahan mereka secara langsung.]

## KEYWORDS

Marriage administration, broker, delegation, authority, rational choice

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## Introduction

The discourse on the practice of delegating marriage administration has long been recognized by Indonesian society. The existence of this practice is part of the relationship between religion and the state.<sup>1</sup> This relationship is reflected in the state's regulation of marriage (Marriage Law), which stipulates that every marriage must be registered.<sup>2</sup> Marriage registration is carried out by the authority of the state registration agency, namely the Religious Affairs Office (KUA) for Muslims and the Civil Registration Office for non-Muslims.<sup>3</sup> Indeed, marriage registration can be proposed independently by couples who will marry to the Office of Religious Affairs as applicable regulations.<sup>4</sup> Also, following the reform of bureaucracy sector, marriage registration ideally could be done easily and reduced the cost of marriage.<sup>5</sup> However, there is still the practice of marriage administration brokering which incur more costs even though the marriage is conducted at the Religious Affairs Office.

<sup>1</sup> Adam White, *The Every Day of The State: A State-in-Society Agenda* (US: University of Washington Press, 2013), <http://www.jstor.org/stable/j.ctvcwnf12>.

<sup>2</sup> Muhammad Latif Fauzi, *Aligning Religious Law and State Law: Negotiating Legal Muslim Marriage in Pasuruan, East Java* (BRILL, 2023), <https://doi.org/10.1163/9789004516113>.

<sup>3</sup> Eva F. Nisa, "THE BUREAUCRATIZATION OF MUSLIM MARRIAGE IN INDONESIA," *Journal of Law and Religion* 33, no. 2 (August 2018): 291–309, <https://doi.org/10.1017/jlr.2018.28>.

<sup>4</sup> Nadirsyah Hosen, "Book Review: Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practice in the Indonesian Religious Courts," *South East Asia Research* 19, no. 1 (March 2011): 157–59, <https://doi.org/10.5367/sear.2011.0038>.

<sup>5</sup> Aditya Aditya and Wahyu Satya Adi Wardana, "Online Implementation of Marriage Management Information System (SIMKAH) to Improve Service Quality," *MILRev: Metro Islamic Law Review* 1, no. 2 (December 27, 2022): 257, <https://doi.org/10.32332/milrev.v1i2.6213>.

There are many times when people get help from other parties, namely marriage administration broker (*makelar nikah*), which is not actually their authority. The broker plays a role in proposing the marriage administration of the prospective bride and groom at the Religious Affairs Office by spending a certain amount of money. This practice is carried out in the working area of the Religious Affairs Office of Bandar Surabaya Sub-district, Central Lampung. The practice of this brokering in Bandar Surabaya Religious Affairs Office focuses only on the practice of delegating the administration of marriage, not the practice of *sirri* marriage. This practice is still ongoing despite the reform of marriage administration.

Research on marriage administration brokers and their practice in delegating marriage administration has been conducted by several researchers. The researchers use different terms. Research on the term 'marriage broker', namely conducted by Maufur. He uses the term 'brokered marriage' in the practice of *sirri* marriages mediated by local community networks (*kiai*) in East Java.<sup>6</sup> Another study that describes the practice of brokering of *sirri* marriages and contract marriages (*nikah muth'ah*) conducted by Sukaryanto,<sup>7</sup> Avisena et al,<sup>8</sup> Fitriany and Fajriyah.<sup>9</sup> Closer to my inquiry, there are other studies that discuss the practice of delegating marriage administration in the context of legalizing *sirri* marriage<sup>10</sup> and refugee marriages.<sup>11</sup> However, none of those researches discusses the practice of delegating marriage administration to the state offices since before the marriage.

Addressing to the lacuna mentioned, this research aims to fill the gap of literature. Besides showing the reasons why the practice of delegating marriage administration still takes place by marriage administration brokers, this research also answers the questions: 'how is the practice of delegating marriage administration to marriage brokers conducted in the community?' To answer the question, this research employs a sociological approach. Data were obtained through interviews and documentation. Interviews were conducted with two marriage administration broker actors, seven couples who delegated their marriage administration, and two Religious Affairs Offices employees. Direct data were enriched by works of previous scholars in the form of books, research articles, and legal documents relevant to this research.

<sup>6</sup> Maufur, *Brokered Marriage: A Case Study on Informal Marriage (Nikah Sirri) in East Java, Indonesia* (London: LAP LAMBERT Academic Publishing, 2011); Maufur, "The Logic of Nikah Siri: A Case Study of The Brokered Nikah Sirri in Rembang, Pasuruan, East Java" (Thesis, Yogyakarta, Gajah Mada University, 2014).

<sup>7</sup> Sukaryanto, "Budaya Nikah Siri Di Rembang Dalam Perspektif Gender," *Jurnal Masyarakat, Kebudayaan Dan Politik* 23, no. 1 (2010), <http://repository.unair.ac.id/id/eprint/89899>.

<sup>8</sup> Avisena Aulia Anita, Felisa Haryanti, and Diah Astri Ellisa, "PERKAWINAN SIRRI DI DESA KALISAT KECAMATAN REMBANG KABUPATEN PASURUAN," *Notaire* 1, no. 2 (April 9, 2019): 213, <https://doi.org/10.20473/ntr.v1i2.9759>.

<sup>9</sup> Anita, Haryanti, and Ellisa.

<sup>10</sup> Achmad Jarchosi, "Praktik Penyelenggaraan Perkawinan Oleh Penghulu Swasta (Studi Di Kabupaten Bungo, Jambi)" (Thesis, Yogyakarta, UIN Sunan Kalijaga, 2021).

<sup>11</sup> Mulidia Mulyani, "Pernikahan Pengungsi Syiah: Resiliensi Dan Akomodasi Hak Administrasi Keluarga Di Indonesia" (Disertation, Yogyakarta, UIN Sunan Kalijaga, 2023).

## Delegation of Marriage Administration: from State to Private Authority

The Indonesian government requires that every marriage event be recorded. This recording is carried out by the state recording agency. For Muslim citizens, it is carried out at the Religious Affairs Office (KUA), and for non-Muslims, it is carried out at the Civil Registration Office. This has been regulated in Law Number 1 of 1974 concerning Marriage where marriage is considered valid if: (1) it is carried out in accordance with the laws of religion and belief of each; and (2) it is registered to state authority.

Recording is an integral part of state administration that aims to create order and welfare for citizens. This recording process includes the recording of marriages through a marriage certificate book.<sup>12</sup> Furthermore, in Article 34 of Law No. 23/2006 on Population Administration, marriage registration is an obligation. The article stipulates that legal marriages that fulfill the provisions of laws and regulations must be reported by citizens to the implementing agency in the place where the marriage took place.<sup>13</sup>

Further provisions related to marriage registration can be seen in regulation issued by Minister of Religious Affairs (PMA) Number 20 of 2019 concerning Marriage Registration. Marriage registration includes several stages, namely registration of marriage intention, file examination, announcement of marriage intention, implementation of marriage registration, and submission of marriage book.<sup>14</sup> These stages illustrate the flow of marriage registration that must be passed in stages as stipulated in the regulation.<sup>15</sup>

Marriage registration is done by state officials, namely the marriage registration officer (hereinafter abbreviated as PPN) in charge of the Religious Affairs Office.<sup>16</sup> The PPN possess the exclusive authority to record marriages organized in accordance with the principles of Islam in the area under its jurisdiction.<sup>17</sup> In this context, the Religious Affairs Office (hereinafter abbreviated

<sup>12</sup> Neng Djubaidah, *Pencatatan Perkawinan Dan Perkawinan Tidak Dicatat* (Jakarta: Sinar Grafika, 2010), 159.

<sup>13</sup> Halim Mustofa, "IMPLIKASI PUTUSAN MK TERHADAP STATUS HUKUM ANAK DI LUAR NIKAH," *Jurnal Pemikiran Keislaman* 23, no. 1 (February 28, 2013), <https://doi.org/10.33367/tribakti.v23i1.9>.

<sup>14</sup> Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 1, <https://doi.org/10.32332/milrev.v3i1.8907>.

<sup>15</sup> Kementerian Agama, "Peraturan Menteri Agama Nomor 20 Tahun 2019 Tentang Pencatatan Pernikahan," Pub. L. No. 20 (2019).

<sup>16</sup> Abdullah Taufik and Muhammad Fajar Sidiq Widodo, "Implementation of Regulation of the Minister of Religious Affairs Number 20 of 2019 in the Practice of Changing the Biodata of the Marriage Certificate in Krian District," *Legitima: Jurnal Hukum Keluarga Islam* 6, no. 1 (n.d.): 51–67, <https://doi.org/10.33367/legitima.v6i1.4256>.

<sup>17</sup> Departemen Agama RI, *Pedoman Pembantu Pegawai Pencatat Nikah* (Jakarta: Departemen Agama RI, 1990).

as KUA) plays a central role in carrying out this administrative task to ensure the smoothness and orderliness of these events in accordance with the applicable provisions of Islamic law as well as applicable state regulations.<sup>18</sup>

Nevertheless, the KUA is often faced with complex problems. The problem is related to the size of the KUA's work area and coupled with the problem of inadequate infrastructure. In this case, the KUA appoints a partner, namely the assistant marriage registrar (hereinafter abbreviated as P3N).<sup>19</sup> This appointment aims to accommodate areas that are difficult to reach by the KUA and become an extension of the government in supporting excellent services.<sup>20</sup> However, on the other hand, the important role of P3N often raises problems, namely related to the cost of marriage administration. Often there are allegations of gratuities and unlawful practices (gratification).

In response, the Ministry of Religious Affairs in 2009 reformed the P3N position by ordering District/City Office of the Ministry of Religious Affairs not to extend the P3N contract. Meanwhile, if necessary, they can still make a new contract. Thus, people who want to get married can come directly to the KUA without going through P3N (*modin/kaum*). Finally, through the Instruction of the Director General of Islamic Guidance number DJ.II/1 of 2015, the existence of P3N is limited to certain areas.<sup>21</sup> KUAs that include criteria D1 and D2 continue to use P3N services, while KUAs with criteria A-C no longer use P3N.<sup>22</sup> In addition, the Ministry of Religious Affairs has also made efforts to make it easier for people to register their marriages online through the online Marriage Management Information System (SIMKAH), an application to improve service quality.<sup>23</sup>

Nevertheless, the efforts in their implementation still have gaps, obstacles in the field, especially in the practice of marriage registration at the KUA. These constraints revolve around the size of the KUA's working area and the customs of the community where the regulation applies.

<sup>18</sup> Muhammad Fauzinudin Faiz, Zezen Zainul Ali, and Muhammad Taufiq, "Underage Widows and Widowers before the Law: Problem, Contestation and Legal Certainty in Marriage Dispensation," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 223, <https://doi.org/10.31958/juris.v22i2.9097>.

<sup>19</sup> Peraturan Menteri Agama (PMA) Nomor 11 Tahun 2007 Tentang Pencatatan Nikah (n.d.).

<sup>20</sup> Hikmah Hijriani, "Implementasi Pelayanan Pencatatan Pernikahan Di Kantor Urusan Agama (KUA) Kecamatan Sangasanga Kabupaten Kutai Kartanegara," *Ilmu Administrasi Negara* 3, no. 2 (2015).

<sup>21</sup> Instruksi Dirjen Bimas Islam DJ. II/1/2015 Tentang Promosi P3N [Instruction of Director General of Islamic Guidance DJ. II/1/2015 on P3N Promotion]" (n.d.).

<sup>22</sup> The criteria for KUAs as mentioned above are KUAs with Criterion A, namely the number of marriage registrations of more than 100 couples per month, Criterion B is vulnerable to 50-100 per month and Criterion C is below 50 per month. Criterion D1 is the KUA in the 3T mainland area and Criterion D1 is the KUA in the 3T islands area. See "PMA No 46 Tahun 2014 Tentang Pengelolaan Penerimaan Negara Bukan Pajak Atas Biaya Nikah Atau Rujuk Di Luar Kantor Urusan Agama Kecamatan [PMA No. 46 of 2014 Concerning the Management of Non-Tax State Revenue for the Cost of Marriage or Reconciliation Outside the District Religious Affairs Office]" (n.d.).

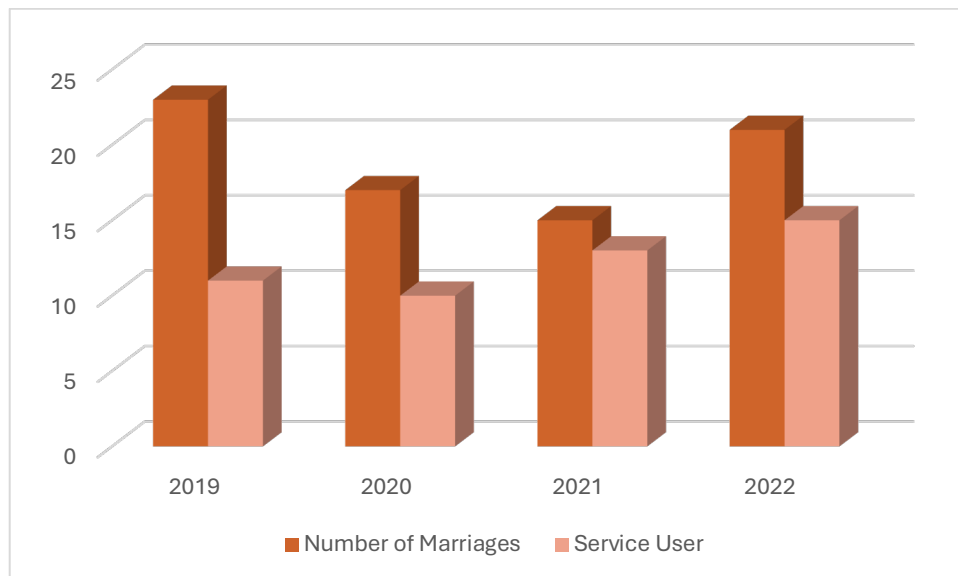
<sup>23</sup> Aditya and Adi Wardana, "Online Implementation of Marriage Management Information System (SIMKAH) to Improve Service Quality."

First, constraint is related to the size of the KUA's working area, although the existence of P3N in KUAs with typologies D1 and D2 still exists. But it does not rule out the possibility that the KUA with typology A-C still needs a P3N because the distance to the KUA is mostly far. So that this has not been effective. The community still finds difficulty to come directly to the KUA so that people prefer to delegate their marriage administration to someone by paying a certain amount of money.

Second, the habits of the local community are the challenge to register their marriages independently to the KUA without going through intermediaries. The habits of local people who have sociological ties to the figure of the former P3N and other parties, namely community leaders, make dependence. The dependence in question is in terms of managing marriage registration at the KUA.

The custom of delegating marriage administration occurs in Subang Jaya, Bandar Surabaya, Central Lampung, which is carried out by marriage administration brokers. This practice is carried out by former P3Ns or former Village Heads to register marriages to the KUA officially by providing services in return. The existence of this phenomenon indicates a shift in role from state authority to private authority. This condition is caused by the accessibility of the KUA, which is difficult for the community to reach. As is known, marriage administration brokers were previously part of the state authority, but because their position has been abolished (by retirement), the existence of their role does not necessarily disappear. They are functional privately.

**Figure 1.** Marriage broker users



Based on data that has been collected in the 2019–2022, the number of users of marriage broker services in that time frame was found to be 49 couples (64.47%

of the total marriage events) out of a total of 76 couples who got married in that period.<sup>24</sup> The marriage broker actor also indirectly plays a role in the level of marriage registration in the Bandar Surabaya KUA area, where in the 4-year period there were no efforts to legalize (*isbat*) marriage. So that the role of community leaders becomes central within the society.<sup>25</sup> This phenomenon occurs in the working area of the Bandar Surabaya KUA. Of course, this phenomenon is different from several other places where similar practices are carried out on the grounds of legitimizing marriages after marriages that were not previously registered. The practice is characterized by administrative violations and judicial discretion played by street-level bureaucrats. They apply a lenient approach to the marriage rules that are key to granting state recognition to unregistered marriages.<sup>26</sup>

### **Actors and Mechanisms in Delegation Practices**

This research defines the practice of delegating the administration (registration) of marriage to the KUA. This delegation is given by the marriage couple to the marriage broker. This practice is carried out by the two main actors who are most often and have been involved for a long time. Although there are also other actors who carry out this practice such as the Islamic religious counselor and the village secretary (*carik*). However, in terms of intensity and experience, the former P3N and the former village head are more involved and are the main actors in this practice.

The former P3N and the former village head structurally do not currently serve as anything. The former P3N has retired since 2015, and the former village head has retired since 2008. Currently, both are considered only as community leaders. The actors work as farmers. Nevertheless, the community still asks for help from them to complete their marriage administration at the KUA. The details of the two actors is discussed below.

#### ***Former Assistant Marriage Registrar (P3N)***

It is necessary to build an argument and provide original data that can be discussed and compared to the research and works of other scholars. The former helper of the marriage registrar is represented by Hasanudin or more familiarly called Abah Sanu. He is a community leader in Subang Jaya village. Administratively he was born in Kuningan of West Java on May 6, 1953. His role as a community leader is evident from his track record and activities since Subang Jaya village was established.<sup>27</sup> In addition to being active in community activities,

<sup>24</sup> Data Peristiwa Perkawinan KUA Kecamatan Bandar Surabaya 2019-2021 [Marriage Event Data of KUA Kecamatan Bandar Surabaya 2019-2021], n.d.

<sup>25</sup> Mohammad Syahrul Wardana, "Penanggulangan Nikah Sirri Di Kota Samarinda: Peranan Tokoh Agama Dengan Konsep Sadd Adz-Dzari'ah," *Legitima : Jurnal Hukum Keluarga Islam* 4, no. 1 (January 4, 2022): 51–67, <https://doi.org/10.33367/legitima.v4i1.2145>.

<sup>26</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 22, 2023): 211, <https://doi.org/10.14421/ahwal.2023.16202>.

<sup>27</sup> Hasanudin, Interview with Marriage Broker Actor (former P3N), September 8, 2023.

he has also been a wedding *modin*. Subsequently, Sanu was appointed as a P3N in 2004. This coincided with the establishment of the KUA of Bandar Surabaya sub-district, which was previously part of the KUA of Seputih Surabaya sub-district. His significant influence as a community leader can be seen from his role in both social affairs and marriage affairs. He often finds pragmatic solutions in solving marriage problems of the community member.

After ceasing to serve as P3N, it did not have a major impact on his role in the community. Abah Sanu then did not make his role end just like that. Because of his habit of helping to register marriages, the community saw Abah Sanu as a trustworthy figure. From 2015 to 2023, many people came to him asking for help to register their marriages for various reasons.

The choice to hire Sanu as a representative in managing the marriage administration is not without reason. Although his formal education did not reach the university, he plays a very important role in the community. This is due to his experience and closeness to the community. So, he is always asked by the community to register their marriages. Usually, he would be given some money by the delegator to handle the marriage administration.

#### *Former Village Head*

The former village head is represented by Abdul Rohman, who served as the head of Subang Jaya Village from 2002 to 2008.<sup>28</sup> During his tenure as village head, Rohman established a harmonious relationship with the community. Although he has ceased from the village head position, there is no significant impact on his role. He is still respected and considered a community figure who is able to resolve marital problems. This is because former village heads usually have a place of honor in the community. It even makes him a figure and it is not uncommon for the community to ask the former village head for help in solving their problems.<sup>29</sup> This role can be seen since he served as the head of the village, often helping the community in registering marriages. Since P3N was abolished in the scope of the KUA Bandar Surabaya, he began to receive people who asked for assistance in registering their marriages.<sup>30</sup>

During this time, Rohman did this with the excuse of wanting to help. Rohman has given detailed instructions, but the majority of residents still choose to ask for his help directly on the grounds that it is complicated. In fact, some of the other reasons were because the community did not have the courage and also did not know the procedures for marriage registration.<sup>31</sup> This condition does occur

<sup>28</sup> Abdul Rohman, Interview with Marriage Broker Actor (former village head), September 5, 2023.

<sup>29</sup> Kushandajanti, Teguh Yuwono, and Fitriyah, "A Study of Leadership in the Management of Village Development Program: The Role of Local Leadership in Village Governance," *Talent Development & Excellence* 12, no. 3 (2020).

<sup>30</sup> Rohman, Interview with Marriage Broker Actor (former village head).

<sup>31</sup> *Kushandajanti, Yuwono, and Fitriyah.*



because most people are still reluctant to take care of the marriage requirements directly to the KUA.<sup>32</sup>

Rohman's role in society is significant, especially in marriage due to his strong social experience and habits supported by several factors such as his closeness to the community. In fact, he often finds pragmatic solutions in solving marriage problems. This is similar to Wijayati, in rural areas. The role of village leaders is often involved in marriage practices. The community considers that the former village head is a figure who has more roles and insights.<sup>33</sup> Furthermore, marriage administration broker actors in carrying out their role are carried out with two mechanisms, namely: first, waiting for the community to ask for help. Meanwhile, the second mechanism is the ball pick-up mechanism, namely by going directly to the house of the prospective bride who wants to get married. The second mechanism is much time carried out by Sanu, while Rohman more often waits for people to come to his house. However, the first mechanism is common for both Sanu and Rohman.

The first stage of delegation is done by conveying the will to delegate the marriage registration by the bride to the broker. Then, secondly, the broker requests individual administrative files such as identity card (KTP), family card (KK), birth certificate, and diploma or education certificate as requirements. Thirdly, the broker goes to the village office to make a marriage notification letter (N1-N4). Fourth, after the documents are complete, the broker goes to the KUA to register the marriage represented. Fifth, when the documents are complete and accepted, the prospective bride and groom will be called to the KUA to conduct a file checking and at the same time carry out the premarital course (*Suscatin*). Sixth, after all stages have been carried out, the broker's job is done.<sup>34</sup>

Regarding the costs incurred, there is a wide range of costs, and there is no set rate for service providers. The average range of normal costs incurred is 1 million to 1.2 million. This amount will vary depending on the situation and conditions. With details of marriage registration fees IDR 600.000, cost of making a marriage certificate (N1, N2/N4) IDR 300000. By looking at these details, the service fee received by the broker is IDR 100,000. This amount is used for transportation to the post office (with 12 km distance) and as a service. Of course, this nominal is different from Mujahidah's findings in her research, where some P3N set a tariff ranging from IDR 1,200,000 to 1,800,000 and can be paid in installments.<sup>35</sup>

<sup>32</sup> Nala Agiesti Murbarani, "Kedudukan P3N Setelah Instruksi Dirjen Bimas Islam Nomor DJ.II/1 Tahun 2015 Tentang Pengangkatan Pembantu Pegawai Pencatat Nikah (P3N) Diterbitkan (Studi Kasus Di KUA Kec. Telagasari Kab. Karawang)" (Bachelor thesis, Bandung, UIN Sunan Gunung Djati, 2022).

<sup>33</sup> Mufliha Wijayati et al., "Justice Brokers: Women's Experiences with Injustice and Dependence in the Divorce Process," ed. Kevin Cheng, *Cogent Social Sciences* 7, no. 1 (January 1, 2021): 1966208, <https://doi.org/10.1080/23311886.2021.1966208>.

<sup>34</sup> Rohman, Interview with Marriage Broker Actor (former village head).

<sup>35</sup> Mujahidah, "Respon Pembantu Pegawai Pencatat Nikah Di Luar Kua Kecamatan Pinang Tangerang (Suatu Tinjauan Implementasi PMA No 24 Tahun 2014)" (Bachelor thesis, Jakarta, UIN Syarif Hidayatullah, 2015).

## Delegator and Motivation for Delegation

There are several reasons underlying the practice of delegating marriage administration by the community to marriage administration brokers. However, the most basic reason is the low understanding of marriage law and social factors that make them decide to delegate their marriage registration. Some of these reasons can be categorized based on the main problems that occur, so they will be described in figure 2 below.

**Figure 2.** Reason for Delegation

No	Couple	Education Level	Reason for Delegation	View of Marriage Broker
1	Sugandi and Yuliana. <sup>36</sup>	Senior High School	Not knowing the marriage procedure	His long-standing experience in assisting with registrations
2	Wahyu and Mareta. <sup>37</sup>	Senior High School	Not knowing the marriage procedure	His long-standing experience in assisting with registrations
3	Andri and Gus Linda. <sup>38</sup>	Elementary & High School	Not knowing the marriage procedure	Get used to it
4	A.B and I.D. <sup>39</sup>	Junior High School	Not knowing the marriage procedure	Has been helping for a long time
5	E.K.M and A.R.S. <sup>40</sup>	Senior High School	Complicated because not at home	Has family ties with the broker
6	Aan and Amiyah. <sup>41</sup>	Senior High School	Complicated and working out of town	Experienced
7	Latif and Elis. <sup>42</sup>	Senior High School & Bachelor's Degree	Complicated and working out of town	Has family ties with the broker

### *Education: Low Understanding of Marriage Law*

Low understanding of marriage law is the first reason to delegate their marriage registration. This low understanding is partly affiliated to educational background. Low education will lead to ignorance of marriage law, which in this case is the marriage registration procedure. This condition resulted in the couple asking for

<sup>36</sup> Sugandi, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 4, 2023.

<sup>37</sup> Wahyu, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 4, 2023.

<sup>38</sup> Andri, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 5, 2023.

<sup>39</sup> A.B, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 4, 2023.

<sup>40</sup> E.K.M, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 5, 2023.

<sup>41</sup> Aan, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 6, 2023.

<sup>42</sup> Abdul Latif, Interview with marriage broker service users in Subang Jaya, Bandar Surabaya, Central Lampung, September 4, 2023.

help from the marriage administration broker to register their marriage. This is illustrated by four couples, namely Sugandi and Yuliana, Wahyu and Mareta, Andri and Linda, and AB and ID. However, this awareness is only an understanding, not a complex understanding. The practice of delegation shows a low understanding of marriage law. The four couples only know that marriage must be registered. This is as Ali argues, that if people only know a legal provision, then the level of knowledge is still low from an understanding of the law.<sup>43</sup>

#### *Social: Presumption of Complex Administration*

In addition to the factor of low public understanding of marriage law, there is another factor, namely the perception that marriage administration is complicated. Based on the figure 2 above, the three couples, EKM and ARS, Aan and Amiyah, and Latif and Elis, who used the services of the broker, understood the essence of marriage registration. However, they decided to delegate their marriage registration process on the grounds that it was complicated. This reason is in line with Nala's finding that people have understood the importance of marriage registration; however, because they are reluctant to prepare the requirements and are reluctant to come directly to the KUA, they ask a broker to register their marriage.<sup>44</sup> In addition, work factors somehow be the reason. Some couples delegate their marriage administration process because they do not have time to register their marriage independently. However, not all out-of-town couples engage in this practice, but couples who live in villages also delegate their marriages to marriage brokers.

#### *Economic Reason: Do not Want to Leave/Lose Their Job*

Apart from the two factors above, economic factors are the most visible factor in this practice. This can be seen in the couples of EKM and ARS, and Kurniawan and Amiyah. These two couples used the services of marriage brokers due to work reasons. For example, when getting married, Kurniawan and Amiyah were working outside the city. So, it is not possible to return home and register the marriage independently.<sup>45</sup> This is because marriage registration must be carried out no later than 10 (ten) working days before the date of marriage.

The couple then chose to delegate their marriage to the marriage broker. It was not possible for the couple to return home early due to work permits. Consequently, they chose to maintain their employment status and left everything to the broker. Delegation costs money, in this case, is no longer an issue compared to the cost if they have to go back and forth by themselves. This condition is also influenced by the habit of Subang Jaya people aged (19-25 years) choosing to work outside the city. Therefore, brides who work outside the area are constrained by

<sup>43</sup> Zainudin Ali, *Hukum Pidana Islam* (Jakarta: Penerbit Sinar Grafika, 2007).

<sup>44</sup> Murbarani, "Kedudukan P3N Setelah Instruksi Dirjen Bimas Islam Nomor DJ.II/1 Tahun 2015 Tentang Pengangkatan Pembantu Pegawai Pencatat Nikah (P3N) Diterbitkan (Studi Kasus Di KUA Kec. Telagasari Kab. Karawang)."

<sup>45</sup> Kementerian Agama, Peraturan Menteri Agama Nomor 20 tahun 2019 Tentang Pencatatan Pernikahan.

short leave. When approaching the day of the marriage contract, they will use an intermediary to register their marriage with the KUA.<sup>46</sup>

### **Rational Action in Marriage Broking Practice: Between Economic Motives and Administrative Assistance**

The community in general aware of registering their marriages as an obligation. This registration is done as a form of obedience to the regulations that have been applied.<sup>47</sup> However, this awareness does not necessarily lead people to register their marriages independently at the Office of Religious Affairs. In some cases, people prefer to delegate their marriage administration through brokers. This is not without reason, because people are ignorant of marriage registration procedures and are reluctant to take care of them independently and come directly to the KUA.<sup>48</sup>

This practice of delegating marriage administration is a practice carried out by registering a marriage with the KUA. In contrast to other studies, which explain the delegation process in order to legalize marital status by only obtaining a marriage book without the contract process in front of the Marriage Registration Officer (PPN).<sup>49</sup> Likewise, in this practice, the broker actors along with the determining factors are more varied than in other studies, which are only carried out by private clerics, namely the figure of the *kiyai*.<sup>50</sup> Marriage brokers in this study are more varied because they are carried out by several actors with diverse backgrounds by a former P3N and also a former Village Head.

The marriage administration broker phenomenon in Subang Jaya is influenced by the authority of actors that has been going on for a long time. This authority is formed through a continuous process of interaction so that it has become institutionalized in society. This authority is given by the community to the former P3N and the former village head. Where the authority of the former P3N has played an active role in marriage affairs since 1990 by becoming a *modin* and as a P3N. Meanwhile, the authority of the former village head has been exercised since 2002 and is active in religious and community activities. In addition, he also often helps the community in solving the problems they face (including marriage problems), so they get the title as a community leader.

Although today, both authorities no longer have a formal position in society. However, the role of these two authorities does not apply retroactively. This is

<sup>46</sup> Edi Purnomo, Interview with KUA Bandar Surabaya Marriage Registration Officer, November 9, 2023.

<sup>47</sup> Soerjono Soekanto, "Kesadaran Hukum Dan Kepatuhan Hukum," *Jurnal Hukum Dan Pembangunan* 7, no. 6 (1977), <https://doi.org/10.21143/jhp.vol7.no6.742>.

<sup>48</sup> Murbarani, "Kedudukan P3N Setelah Instruksi Dirjen Bimas Islam Nomor DJ.II/1 Tahun 2015 Tentang Pengangkatan Pembantu Pegawai Pencatat Nikah (P3N) Diterbitkan (Studi Kasus Di KUA Kec. Telagasari Kab. Karawang)."

<sup>49</sup> Mulyani, "Pernikahan Pengungsi Syiah: Resiliensi Dan Akomodasi Hak Administrasi Keluarga Di Indonesia."

<sup>50</sup> Jarchosi, "Praktik Penyelenggaraan Perkawinan Oleh Penghulu Swasta (Studi Di Kabupaten Bungo, Jambi)."

because the role of the former P3N and the former village head is still ongoing, and the benefits are felt by the community.<sup>51</sup> This indicates that although the P3N has been abolished and his term as village head has ended. This role does not affect his activities as a community leader. Because this role can still be felt by the community, and it is very much needed.<sup>52</sup>

The transformation process of marriage broker actors from their status as institutional authorities to individual authorities does not necessarily create a space for rational action in society to change. This is because the community considers that marriage broker actors have an important role in society, especially in marriage matters. This indicates that rational and instrumental community action exist where there is cooperation between marriage broker actors and the community.

This action reflects the community's trust in marriage brokers, a trust that is sustained through a continuous dialectical process within community life. The transition of the marriage broker from an institutional (legal) actor to an individual actor, marked by the loss of official status or structural position within the community, paradoxically strengthens their role. This transformation enhances the marriage broker's influence, allowing their relationship with the community to evolve beyond mere social interactions to encompass economic transactions as well. The expansion of this relationship suggests that the delegation of marriage administration is driven not only by concerns of legality but also by economic considerations. This practice is rational, as it yields mutual benefits for both parties involved. Such rational actions are outcome-oriented, emerging from relationships founded on shared beliefs and common goals.<sup>53</sup>

The practice of delegating marriage administration is an action taken on the basis of the rational choice of the bride and groom in delegating their marriage administration. Where this action is instrumental because people consciously carry out their actions and accept the risks imposed in the form of costs incurred.<sup>54</sup> For example, a bride spends 1 million to 1.5 million to complete her marriage administration through a broker. The marriage couple consciously spends the money for the reason and purpose that the marriage administration can be completed. This is evidence that the bride has consciously calculated the actions taken with full awareness and calculated the profit and loss in taking these actions.<sup>55</sup> The selection of marriage brokers, particularly former P3N members and

<sup>51</sup> Moh. Khadziq Dimiyati, "Urgensi Peran Pembantu Pegawai Pencatat Nikah (P3N) Dalam Menangani Pencatatan Nikah Sebelum Dan Pasca Keluarnya Instruksi Dirjen Bimas Islam Kementerian Agama Nomor DJ.II/113 Tahun 2009 Di KUA Kecamatan Tanjunganom Kelurahan Warujayeng Kabupaten Nganjuk" (Bachelor thesis, Surabaya, UIN Sunan Ampel Surabaya, 2017).

<sup>52</sup> *Dimiyati*.

<sup>53</sup> John H. Goldthorpe, "Rational Action Theory for Sociology," *The British Journal of Sociology* 49, no. 2 (June 1998): 167, <https://doi.org/10.2307/591308>.

<sup>54</sup> Judith Glaesser and Barry Cooper, "Using Rational Action Theory and Bourdieu's Habitus Theory Together to Account for Educational Decision-Making in England and Germany," *Sociology* 48, no. 3 (June 2014): 463–81, <https://doi.org/10.1177/0038038513490352>.

<sup>55</sup> George Ritzer, *Sociological Theory*, 6th ed. (United States: McGraw-Hill, 2011).

former village heads who are recognized as trusted community leaders, reflects a deliberate choice by the community. This trust is granted based on established social values. These actions are guided by considerations of an individual's adherence to ethical, social, and religious principles.<sup>56</sup>

In general, early rationality is understood as the assessment of potential costs and benefits associated with various possible outcomes, with the aim of maximizing utility.<sup>57</sup> In this case, Weber once pointed out that the action of someone who buys a shirt at a cheaper price than buying at an expensive price is part of a rational choice.<sup>58</sup> Thus, in terms of the practice of delegating marriage administration, people are willing to spend considerable money as long as their preferences are achieved by considering various reasons.

Moreover, an individual's actions are shaped by rational choices, with these actions directed toward goals that are determined by underlying values or preferences.<sup>59</sup> The orientation is that rational choice has the basic idea "a person will act intentionally to achieve goals. These goals are shaped by existing values or choices".<sup>60</sup> Rationality also has other forms related to action. According to Diesing, rationality consists of technical rationality, economic rationality, legal rationality, and social rationality.<sup>61</sup> In connection with these forms of rationality, the practice of delegating marriage administration by the actors involved is carried out with various considerations.

1. Technical rationality involves action based on reasoned analysis, where various alternatives are compared according to their effectiveness in solving a problem. Prospective brides who lack understanding of marriage procedures address this issue by delegating the responsibility to a marriage administration broker.
2. Economic rationality is a characteristic of decision-making oriented towards solving problems efficiently within an economic context. In this case, the delegation of marriage arrangements serves as a means for brokers to secure economic gains. Simultaneously, the prospective bride does not object to this practice, as economic considerations—such as the preference to pay for delegation rather than risk losing employment—justify the cost.

<sup>56</sup> Jon Doyle, "REASONED ASSUMPTIONS AND RATIONAL PSYCHOLOGY," *Fundamenta Informaticae* 20, no. 1,2,3 (1994): 35–73, <https://doi.org/10.3233/FI-1994-201232>.

<sup>57</sup> Ron Thompson, *Explaining Inequality? Rational Action Theories of Educational Decision Making. In: Access to Higher Education: Theoretical Perspectives and Contemporary Challenges. Research into Higher Education* (London: Routledge, 2016).

<sup>58</sup> Doyle, "REASONED ASSUMPTIONS AND RATIONAL PSYCHOLOGY."

<sup>59</sup> Ritzer George and Goodman Douglas J, *Teori Sosiologi Modern / George Ritzer, Douglas J. Goodman; Diterjemahkan Oleh Alimandan; Editor, Triwibowo Budi Santoso* (Jakarta: Prenada Media, 2005).

<sup>60</sup> James Coleman, *Foundations of Social Theory* (United States: Belknap Press of Harvard University Press, 1998), <https://www.hup.harvard.edu/books/9780674312265>.

<sup>61</sup> Paul Diesing, *Reason In Society: Five Types Of Decisions And Their Social Conditions* (Urbana: University of Illinois Press, 1962).

3. Legal rationality refers to actions oriented toward compliance with existing laws, ensuring that by delegating marriage administration, the marriage will be officially registered in accordance with applicable regulations.
4. Social rationality involves decision-making based on the social values of the community, particularly the maintenance of harmonious relationships between the community and its leaders.

Referring to the forms of rationality above, the most dominant form that occurs in the practice of delegating marriage administration is the economic form. This is because each party benefits in this practice. The marriage broker actor benefits from his services, while the community feels helped by this practice because they do not lose their jobs. This is in line with Weber's opinion that the paradigmatic of rational action is economic action.<sup>62</sup> Furthermore, in the social relations of this delegation practice, there is an organizing effort that continues to be maintained through its authority. Weber explains that social relations are formed on formal rationales which are then organized through authority/legitimacy. These authorities include traditional authority (trust and heredity), charismatic authority (extraordinary advantages), and legal authority (derived from regulations).<sup>63</sup>

In this delegation practice, the charismatic authority is formed. This authority is formed through two actors, namely the former P3N and the former village head. Although the two actors do not have positions in the government, they have the power to influence the community. Charismatic authority is seen as a type of authority whose legitimacy is based on recognition of a person's special qualities and knowledge.<sup>64</sup> This authority is obeyed and accepted sincerely by the community. Charismatic authority is strengthened by followers' trust in the individual's exceptional demeanor, example, or ability.<sup>65</sup> This authority is granted by the community because of their knowledge and experience in marriage matters. This is because former village heads usually have a place of honor in the community. In fact, this makes him a figurehead and it is not uncommon for people to ask the former village head for help in solving their problems.<sup>66</sup> This authority comes from legitimacy that arises based on extraordinary personal abilities so that the dependence on that person arises.<sup>67</sup>

<sup>62</sup> John Scott, *Sociological Theory: Contemporary Debates*, 2nd ed. (United Kingdom: Edward Elgar, 2012).

<sup>63</sup> Marx Weber, *The Theory of Social and Economic Organization* (New York: The Falcon's Wings Press, 1947).

<sup>64</sup> John Niles Bartholomew, "A Sociological View of Authority in Religious Organizations," *Review of Religious Research* 23, no. 2 (December 1981): 118, <https://doi.org/10.2307/3511923>.

<sup>65</sup> Ritzer, *Sociological Theory*.

<sup>66</sup> Kushandajanti, Yuwono, and Fitriyah, "A Study of Leadership in the Management of Village Development Program: The Role of Local Leadership in Village Governance."

<sup>67</sup> Arne L. Kalleberg, "Precarious Work, Insecure Workers: Employment Relations in Transition," *American Sociological Review* 74, no. 1 (February 2009): 1–22, <https://doi.org/10.1177/000312240907400101>.

The community considers that marriage brokers have a lot of experience in marriage matters and have been around for a long time. According to Kurniawan, he delegates his marriage registration because he trusted the experience of the marriage brokers. In fact, he was worried that if he used someone else, his marriage registration would not be completed. The reliance on former P3Ns and former village heads is inseparable from their long-standing authority. Although they are no longer in office, their authority persists because it is strengthened by the charisma generated under their knowledge and experience.<sup>68</sup> In addition, in rural areas, the role of the village head is often involved in marriage practices. This is because the community considers the former village head as a figure who has more roles and insights.

## **Conclusion**

Marriage administration brokering is the practice of delegating marriage administration to the KUA. This delegation is given by the marriage couple to the marriage administration broker to register their marriage by spending a certain amount of money. This delegation practice is held by two main actors, namely a former P3N and a former village head who deeply experienced in marriage registration procedures. Some of the reasons why people delegate their marriage administration are their low understanding of marriage law, which is also caused by their low level of education. Other reasons include the complexity of marriage administration and economic reasons. The practice of delegating marriage administration is an action taken because of the rational choice of the bride and groom in delegating their marriage administration. This action is instrumental because people consciously carry out their actions and accept the risks imposed in the form of costs incurred.

Meanwhile, the selection of broker actors, namely the former P3N and the former village head as figures who are trusted community leaders, is part of their conscious actions as a community. The practice of delegating marriage administration by the actors involved is carried out with various forms of consideration. However, the most dominant form is the economic. This is because each party benefits in this practice. This delegation practice also can be seen in the charismatic authority. This authority is formed through two actors, namely the former P3N and the former village head. Although the two actors do not have positions in the government, they have the power to influence the community. The community views that the broker is a person who has knowledge and is able to solve every marriage problem. Thus, they are considered central figures in marriage life.

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