

## Increasing Legal Awareness of Marriage Registration in The Pekoren Community, East Java

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**ABSTRACT:** This study examines changes in the legal attitudes of the Pekoren community towards unregistered marriages (kawin sirri) and marriage registration. Unregistered marriages, often legitimized through religious and customary norms, lead to various social and legal implications, such as difficulties in obtaining inheritance rights, child custody, and legal protection for wives. The Pekoren community, predominantly Muslim and affiliated with Nahdlatul Ulama (NU), traditionally relies on kyai (religious leaders) as religious authorities to legitimize marriages. However, the influence of kyai has begun to decline due to increasing legal awareness and socio-economic modernization, fostering a preference for marriages officially registered at the Office of Religious Affairs (KUA). Factors such as generational change, gender advocacy, and economic modernization have heightened community awareness of the importance of marriage registration. Nevertheless, resistance to state law persists among those who strongly adhere to religious and cultural norms. This research explores socio-legal mechanisms that can facilitate the integration of religious or customary norms with the national legal system without erasing local cultural identity. The findings indicate that the interplay between social transformation shapes the Pekoren community's legal awareness regarding marriage registration, the role of kyai, and economic factors. Thus, this study provides new insights into efforts to align local norms with the national legal system.

**KEYWORDS:** legal awareness, unregistered marriage, Pekoren society, social transformation.

### I. INTRODUCTION

The phenomenon of unregistered marriage (kawin sirri) remains a significant issue in the context of family law in Indonesia. In various Muslim communities, including the Pekoren community in Pasuruan, unregistered marriages are often legitimized through religious and customary norms. This practice leads to different social and legal implications, such as difficulties in obtaining inheritance rights, child custody, spousal support, and legal protection for wives. Women, in particular, are considered to bear the most significant losses due to the weak legal recognition of unregistered marriages. This phenomenon highlights the tension between religious and state legal authorities and underscores the need to strengthen legal awareness within the community regarding the importance of officially registering marriages.

Research on the attitudes of the Pekoren community towards unregistered marriages reveals both continuity and change in this practice. A study I conducted some time ago showed that the influence of religious leaders (kyai), who traditionally play a crucial role in legitimizing marriages, has declined in Pekoren due to increasing legal awareness and socio-economic modernization.<sup>1</sup> This shift has led to a greater preference for marriages officially registered at the Office of Religious Affairs (KUA), driven by awareness of the legal protections it provides. However, obstacles to full compliance with marriage registration persist, including the commercialization of unregistered marriages, where intermediaries such as brokers and kyai facilitate unofficial marriages for financial gain.<sup>2</sup> Such dynamics illustrate the complex interplay between religious authority, economic factors, and evolving legal awareness within the Pekoren community.

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<sup>1</sup> Muzakki, M. Harir, Euis Nurlaelawati, and Ahmad Bunyan Wahib. "Transformation of Kyai Authority in Marriage: A Law-Abiding Society in Pekoren, Rembang, Pasuruan". *Justicia Islamica* 21 (2), 2024 :267-90.

<sup>2</sup> Alfarisi, Salman. "Komersialisasi Nikah Siri Di Desa Pekoren Kecamatan Rembang Pasuruan Jawa Timur". *Al-Hukama': The Indonesian Journal of Islamic Family Law* 8 (1), 2018:169-93.

Other studies provide additional context for understanding changes in legal attitudes towards unregistered marriages. Research in other Indonesian communities highlights the critical role of religious leaders in either maintaining or challenging the practice of unregistered marriages. For example, in Madurese Muslim communities, kyai continue to legitimize unregistered marriages based on Islamic law. However, their influence is waning due to state-led legal socialization campaigns and more pragmatic legal needs.<sup>3</sup> Similarly, studies in Malay<sup>4</sup> and Sasak communities emphasize the persistence of legal pluralism,<sup>5</sup> Where customary law, Islamic law (fiqh), and state law coexist. This hybrid legal framework often provides a transitional pathway from informal to formal marriage practices through isbat nikah (retroactive legalization), allowing communities to balance cultural autonomy with state legal obligations.<sup>6</sup>

An important dimension emerging from various studies is the disproportionate impact of unregistered marriages on women in terms of legal protection, property rights, and child custody.<sup>7</sup> Advocacy efforts and state initiatives to encourage marriage registration often highlight these inequalities to improve compliance with the law. These efforts, combined with socio-economic incentives and growing legal awareness, have driven changes in legal attitudes in previously resistant communities like Pekoren. However, resistance persists where religious and cultural norms remain deeply rooted, with some communities prioritizing social or religious legitimacy over state legal recognition.<sup>8</sup>

As mentioned above, several studies indicate various driving factors—religious, cultural, economic, and gender-related—influencing legal attitudes toward marriage registration. While studies on Pekoren focus on local-level findings,<sup>9</sup> Other research on majority Muslim communities in Indonesia enriches understanding of legal transitions in similar socio-cultural environments.<sup>10</sup> This research is a follow-up study focusing on the evolution of community attitudes over time, the effectiveness of hybrid legal frameworks, and socio-legal mechanisms that can facilitate alignment between religious or customary norms and the state legal system.

This research aims to fill gaps in the literature by exploring the factors driving changes in legal attitudes in the Pekoren community. The study analyzes how generational change, gender advocacy, ongoing resistance to state law, hybrid legal systems, and economic modernization influence legal awareness and the community's relationship with kyai authority. This research also seeks to contribute new insights by investigating socio-legal mechanisms that can facilitate the integration of religious or customary norms with the national legal system without erasing local cultural identity.

Based on the identified research gaps, several relevant questions are formulated to address the issues under study. First, this research seeks to understand how generational change and gender advocacy contribute to the legal knowledge and awareness of the Pekoren community in the context of marriage registration. Second, the study explores the influence of hybrid legal systems and socio-economic modernization on the community's legal attitudes and behaviors. Finally, the research focuses on the dynamics of the kyai's role, which can either promote

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<sup>3</sup> Baihaqi, Baihaqi & Triwulan Tutik, Titik & Musadad, Ahmad & Khazin, A. & Simun, Mahtumridho. "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya". *Journal of Islamic Law*. 5, 2024: 242-268.

<sup>4</sup> Mustafid, Mustafid & Gemilang, Kemas & Putra, Firman & Mawardi, Mawardi. "Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau". *Journal of Islamic Law*. 5, 2024: 1-18.

<sup>5</sup> Jumarim, N., Muhsin, N. I., & Huda, N. M. C. "The interplay of Fiqh, Adat, and state marriage law: Shaping legal consciousness of Sasak women". *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 19(1), 2024: 27–52.

<sup>6</sup> Fauzi, M. L. "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 (2), 2023: 211–231.

<sup>7</sup> Hanapi, A., & Yuhermansyah, E. "Urgency Of Marriage Registration For Women And Child Protection In Gayo Lues District". *SAMARAH Jurnal Hukum Keluarga Dan Hukum Islam*, 4(2), 2020: 528.

<sup>8</sup> Hafidzi, Anwar, Bahran Bahran, Fuad Luthfi, Rusdiyah Rusdiyah, Mohd. Hatta Mohamed Ali, and Ali Banaecian Esfahani. 2022. "Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan". *Al-Ahkam* 32 (2):153-68.

<sup>9</sup> Muzakki, M. Harir, Euis Nurlaelawati, and Ahmad Bunyan Wahib. "Transformation of Kyai Authority in Marriage: A Law-Abiding Society in Pekoren, Rembang, Pasuruan". *Justicia Islamica* 21 (2), 2024 :267-90.

<sup>10</sup> Fauzi, M. L. "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 (2), 2023: 211–231.

or hinder changes in legal attitudes regarding marriage registration, alongside the social transformations occurring in Pekoren.

In this context, the researcher assumes that the interaction between social transformation and the shifting role of kyai authority shapes the legal awareness of the Pekoren community regarding marriage registration. Economic modernization and increased access to education have led the community, especially the younger generation, to recognize the importance of state legal benefits over relying solely on religious legitimacy from kyai. This transformation has also triggered a decline in the traditional role of kyai in determining marriage practices.

On the other hand, resistance to state law persists among communities that strongly adhere to cultural and religious norms. This research assumes that integrating hybrid legal systems and gender advocacy can play a crucial role in overcoming such resistance. Exploring the relationship between social change, the role of kyai/ustadz, and economic and cultural factors is expected to provide a more comprehensive understanding of the socio-legal mechanisms influencing legal awareness in the Pekoren community. Thus, this research offers new perspectives on aligning local norms with the national legal system without erasing local cultural identity.

## II. DISCUSSION

### The Social Conditions of Pekoren Village

Pekoren Village, located in Rembang District, Pasuruan Regency, has a strategic geographical condition. The village borders Mojoparon Village to the north, Rembang and Kedung Banteng Villages to the south, Oro-Oro Ombo Wetan Village to the west, and Pejangkungan Village to the east. With an area of 462 hectares, Pekoren Village is 15 meters above sea level and experiences moderate rainfall (800 mm). The village comprises four hamlets: Ketimang, Pekoren, Ketapan, and Krian. In 2019, the population reached 6,604 people, with an almost equal composition of males (3,304) and females (3,300).<sup>11</sup>

Most Pekoren Village residents work in the agricultural and plantation sectors, with 386 people as farmers and 280 as plantation laborers. Additionally, some work as industrial laborers, traders, and civil servants. The education level of the community is dominated by elementary school graduates (1,241 people), followed by junior high school (701 people) and senior high school (595 people).<sup>12</sup> Nevertheless, awareness of the importance of education continues to grow, especially since the establishment of the PIER Industrial Area, which requires formal education certificates for employment. The village has several educational institutions, including public elementary, Islamic, junior high, and vocational high schools, reflecting the community's attention to education.

The economy of Pekoren Village relies heavily on agriculture and plantations. Most residents work as farmers, farm laborers, and plantation workers. Additionally, some are engaged in informal sectors such as construction labor, small-scale industries, and trade. Although most of the population depends on agriculture, developing the industrial area in the vicinity has opened new job opportunities for the community.<sup>13</sup>

Most Pekoren Village residents are Muslim and very active in religious activities. The village has six mosques and forty prayer rooms, serving as religious activity centers. Activities such as Quran recitation, tahlil, maulid nabi (Prophet Muhammad's birthday celebration), and spiritual book readings are routinely held in each hamlet. The community highly upholds religious values, with many religious activities involving all layers of society, both men and women.

The people of Pekoren Village, Rembang District, Pasuruan Regency, have a highly active religious life deeply rooted in traditional Islamic practices. The majority of the population adheres to Islam and is affiliated with the Nahdlatul Ulama (NU) religious organization,<sup>14</sup> which upholds traditional Islamic values. Religious activities such as Quran recitation, tahlil, maulid nabi, and spiritual book readings are routinely held in each hamlet. The community organizes rotating religious activities in residents' homes weekly, led by local ustadz (Islamic teachers).<sup>15</sup> These activities serve as acts of worship and strengthen residents' social solidarity.

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<sup>11</sup> Profile desa Pekoren 2021.

<sup>12</sup> Profile desa Pekoren 2021.

<sup>13</sup> Yonita Yuli Amanda, Sukamto, Siti Malikhah Towaf, "Peran Pasuruan Industrial Estate Rembang (PIER) terhadap Kehidupan Masyarakat (Sosial-Ekonomi) Desa Mojoparon Kecamatan Rembang Kabupaten Pasuruan", *Jurnal Integrasi dan Harmoni Inovatif Ilmu-Ilmu Sosial (JIHIS)*, 1 (3), 2021, 285-292.

<sup>14</sup> Nanda Nabilah Islamiyah, "When Religious Leaders Become Marriage Brokers, *Penghulus*, and Marriage Consultants: The Authority of *Kyai* in the Process of Unregistered Marriage," *Al-Ahwal: Jurnal Hukum Keluarga Islam*, Vol. 17, No. 1 (2024), pp. 21-40

<sup>15</sup> Interview with citizens Pekoren, Ustazd Anshori, Ustadz Ulum, Mr. Jaiz.

The religious understanding of Pekoren's community is traditional, with kyai (Islamic scholars) and ustadz as central figures who are highly respected. The community greatly values the opinions and advice of kyai in resolving religious and social issues. However, spiritual leadership in Pekoren has begun to shift with the passing of senior kyai. Currently, the role of kyai is increasingly filled by gus (descendants of kyai) or young ustadz residing in each hamlet. Pekoren's community is also known for its social piety, such as visiting graves every Thursday afternoon and holding prayer events for deceased family members.

Marriage practices in Pekoren Village follow Islamic traditions and Javanese customs. The marriage process generally involves three stages: proposal (khitbah), marriage contract (akad nikah), and wedding celebration (walimah). Before the proposal, some community members engage in ta'aruf, a process of getting to know each other between the prospective bride and groom and their families. However, ta'aruf is not always conducted if the families feel they already know the prospective partner well. Matchmaking often involves a mediator (pengarep) who considers the compatibility of the prospective couple based on the principles of "bibit, boot, and debit." Bibit refers to family background, boot to personal qualities, and debit to the character and behavior of the prospective partner.<sup>16</sup>

The Pekoren community highly values the role of parents, especially the father as the marriage guardian, in determining their daughter's spouse. Marriage without parental consent is considered taboo and rarely occurs. Additionally, the community understands that the validity of a marriage is determined by the requirements and pillars of marriage according to Islamic law, such as the presence of the bride and groom, a guardian, witnesses, the marriage contract (ijab qabul), and the dowry (mahar). Although the state mandates marriage registration at the Office of Religious Affairs (KUA), some community members still believe that the validity of a marriage is sufficient based on religious law.

The Religious Life and Marriage Practices in Pekoren Village Reflect a Harmony between Islamic Values and Javanese Traditions. The Pekoren community lives in a strong. The legal awareness of the Pekoren community is currently showing a positive trend, supported by factors of education, economy, and a better understanding of religion. These factors make Pekoren an example of other villages increasing legal awareness and marriage registration by applicable regulations.

### Legal Awareness of the Pekoren Community

According to Zainuddin Ali, the issue of community awareness of the law is essentially related to the law itself. Whether legal provisions are well-known, understood, and respected by the community.<sup>17</sup> Legal awareness remains very low if the community is only aware of the law but does not understand its purpose, intent, or the sanctions for violations. Hasibuan defines legal awareness as the voluntary attitude of legal subjects to comply with all legal provisions and recognize their duties and responsibilities.<sup>18</sup> Saebeni interprets legal awareness as the sincere condition of a legal subject's conscience to behave by the law, motivated by the legal message contained within it.<sup>19</sup>

Community awareness of the law is demonstrated through compliance with applicable laws. According to legal sociologists, legal compliance can be divided into three types: compliance, identification, and internalization.<sup>20</sup> *First*, compliance refers to obedience to the law due to the presence of sanctions. A person avoids unlawful behavior solely to avoid sanctions. This type of legal compliance requires continuous supervision by law enforcement. *Second*, identification refers to compliance with the law to maintain good relationships with others. *Third*, internalization refers to compliance because the legal subject believes the law aligns with their conscience and beliefs.<sup>21</sup>

Heri Taher states that several factors influencing community legal awareness include intelligence, socio-economic life, cultural background, and legal education.<sup>22</sup> Urban communities generally have higher education levels than rural communities, which affects their legal awareness. Economic status also determines awareness of

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<sup>16</sup>Meliana Ayu Safitri, Adriana Mustafa, Perhitungan Weton Dalam Pernikahan Masyarakat Jawa Di Kabupaten Tegal: Studi Perbandingan Hukum Adat Dan Hukum Islam, *Shautuna: Jurnal Imiah Mahasiswa Perbandingan Mazhab*, Volume 2 Issue 1, January 2021, 156-167.

<sup>17</sup>Zainuddin Ali, *Sosiologi Hukum* (Jakarta: Sinar Grafika, 2007).

<sup>18</sup>Malayu Hasibuan, *Manajemen Sumber Daya Manusia* (Jakarta: PT Bumi Aksara, 2012).

<sup>19</sup>Ahmad Beni Saebeni, *Sosiologi Hukum* (Bandung: Bumi Aksara, 2006).

<sup>20</sup>Achnad Ali, *Menguak Teori Hukum (Legal Theory): Teori Peradilan Dan Interpretasi Undang-Undang* (Jakarta: Kencana, 2009).

<sup>21</sup>According to Soekanto and Salman, people obey the law because they avoid being witnesses if they break the law, maintain good relations with other parties, and know the law's purpose and function. See Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum* (Jakarta: CV. Rajawali, 2017), 160. See also Otje Salman, *Filsafat Hukum (Perkembangan & Dinamika Masalah)*, (Bandung: PT. Refika Aditama, 2010), 43.

<sup>22</sup>Heri Taher, *Proses Hukum Yang Adil Dalam System Peradilan Pidana Di Indonesia* (Yogyakarta: Laksbang Pressindo, 2010), 116.

rights and obligations as citizens or community members. Lower-income communities are often preoccupied with earning a living to meet daily needs.

In general, the cultural background of Indonesian society remains paternalistic. People in smaller communities still entrust their fate to authorities rather than viewing their lives as governed by the law. Society remains heavily dependent on authorities and government policies for protection. Lastly, effective legal education is crucial. Lower-income and rural communities, especially in remote areas, still expect legal education from the government.<sup>23</sup> However, in reality, the government lacks effective legal education programs.

The Pekoren community in Rembang, Pasuruan, can be categorized as rural. Rembang District is located in the eastern part of Bangil City and the western part of Pasuruan City. Some villages on the outskirts of Rembang remain underdeveloped and have low human resources, especially in the southern region. However, Pekoren Village benefits from its geographical location near the Rembang District administrative center and the Surabaya-Banyuwangi highway. Educational institutions in Pekoren are considered the most advanced in Rembang. In addition to Islamic academic institutions, in Pekoren, there are many Islamic education institutions at the middle and high levels, such as SMK (Vocational High Schools) in Ketapan hamlet and MTs and Aliyah in Ketimang. With current developments in education, economy, and human resources, Pekoren has become a model for other villages in Rembang.<sup>24</sup>

Legal awareness in the community is determined by at least three factors: *first*, legal knowledge, which refers to the extent to which the community understands marriage law; *second*, legal attitudes, which refer to how the community evaluates existing marriage laws; and *third*, legal behavior, which refers to the extent to which the community adheres to the law. Legal behavior means using marriage law as a basis for conducting marriages. Below, we will discuss the legal knowledge, attitudes, and behaviors of the Pekoren community regarding marriage.

### 1. Community Knowledge of Marriage Law

According to Soekanto, legal knowledge refers to an individual's understanding of specific behaviors regulated by written law, including behaviors permitted and prohibited by law. Salnan provides a similar definition, stating that legal knowledge includes an individual's understanding of written and unwritten laws regulating behaviors. Unwritten laws include social norms prevalent in society.

The religious Pekoren community is generally aware of marriage laws according to religion. The community's knowledge of marriage law, as determined by religious law or *fiqh*, states that a marriage can only be conducted if its conditions and pillars are fulfilled, including the presence of both spouses, a guardian for the bride, two witnesses, and the marriage contract (*ijab qabul*). A marriage contract must fulfill these four elements; if one is missing, the marriage is invalid. These four elements are the pillars of marriage; if one is not met, the marriage is void under the law.

The Pekoren community is also aware that, besides religious law, state law regulates marriage. The community knows that official marriages are conducted through a religious official (*penghulu*) and registered at the KUA. In contrast, unofficial marriages are conducted through a *kyai* and are called "kawin *kyai*." The term "kawin *kyai*" means that the marriage is not registered with the KUA. Kawin *kyai* is also called religious marriage, *modin* marriage, or secret marriage (*kawin sirri*) because it is not registered with the KUA—*Kyai* and *ustadz* play a significant role in facilitating kawin *sirri*. Typically, the *kyai* or *ustadz* acts as the guardian's representative for the bride in kawin *sirri*. In practice, parents will not marry off their children without the presence of a *kyai* or *ustadz*, who are seen as representatives of religious law.

The Pekoren community generally lacks precise knowledge of state marriage laws. They are unaware of positive law, specifically Law No. 1 of 1974, the legal basis for citizens intending to marry. Few know which articles mandate marriage registration. However, the community knows that a marriage is legally valid under state law if it is registered at the KUA, recorded by a *penghulu*, and witnessed during the marriage contract. If the *penghulu* cannot attend due to other commitments, the *penghulu* can be represented by the village model. The model is considered part of the state's legal authority in marriage registration.

The Pekoren community is aware of the consequences of unregistered marriages. Couples who do not register their marriages with the KUA will not receive a marriage certificate. Spouses without a marriage certificate will face difficulties registering their child's birth certificate, applying for Hajj, or seeking bank loans.<sup>25</sup> For example, elementary schools require a birth certificate for student registration, as stated by Mr. Anshori, the head of a Madrasah Ibtidaiyah in Pekoren. A marriage certificate is also necessary for couples applying for Hajj, as mentioned by the Pekoren village *modin* when discussing *isbat nikah*. (retroactive marriage legalization).

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<sup>23</sup> The principles regarding the enactment of laws can be recognized (*het beginsel van de kenbaarheid*).li Marwan Hsb, "Mengkritisi Pemberlakuan Teori Fiksi Hukum (Criticising Enactment of Law Fiction Theory)," *Jurnal Penelitian Hukum De Jure* 16, no. 3 (February 9, 2017): 225.

<sup>24</sup> Gus Fuad, Interview, July 8, 2022

<sup>25</sup> Modin Pekoren Village, Interview, July 7, 2021

## 2. Community Attitudes Towards Marriage Law

Another aspect of legal awareness is legal attitudes, which refer to the community's evaluation of marriage law. One of the tasks of law is to regulate the interests of citizens, and law should be based on the values that exist in society, namely the notion of something that is good and something that should be avoided. According to Soekanto, legal attitudes are "a tendency to accept or reject the law based on an appreciation or realization that the law is beneficial to human life."<sup>26</sup> Otje Salman states that legal attitudes are "a tendency to accept the law based on an appreciation of the law as something beneficial or advantageous if obeyed."<sup>27</sup> Legal attitudes reflect a tendency to evaluate the law, in this case, marriage law.

The state has established marriage laws that regulate the rights and obligations of citizens in spousal relationships within a family. The Marriage Law, or family law, applies to all citizens. The Marriage Law regulates the rights and obligations of spouses. Family law also governs parental obligations towards children and third parties if spouses enter into a marriage agreement involving third parties.<sup>28</sup>

The Pekoren community's evaluation of family marriage law shows a positive attitude. For example, a husband must provide for his wife and children, and a wife must obey her husband. The community also views raising and educating children as a shared responsibility between spouses. However, the community is unaware that the Marriage Law and the Compilation of Islamic Law regulate spousal rights and obligations. Their knowledge of these rights and obligations comes from religious teachings delivered by kyai or ustadz in religious sermons.<sup>29</sup> Fiqh or family law are often discussed in sermons during community religious activities in Pekoren.

In practice, husbands' involvement in raising and educating children varies across families. The Pekoren community generally views child-rearing as the wife's responsibility, with the husband merely assisting. This understanding of family law has become common in Pekoren, with religious law dominating family law practices. The alignment between religious, state, and customary law in Pekoren is most evident in the husband's obligation to provide for his wife and the wife's obligation to obey her husband.<sup>30</sup>

The Pekoren community appreciates the requirement for marriage registration, which leads to the issuance of a marriage certificate. The community learns about the administrative requirements for marriage registration from relatives, neighbors, or the village modin. Some community members ask relatives or neighbors who have already married about the necessary documents. The community learns about the required documents from these sources, such as ID cards, family cards, birth certificates, diplomas, and photographs. Regarding administrative requirements, the Pekoren village modin stated:

"People here do not object to the administrative requirements for marriage. For marriage costs, people can choose between an office marriage or a bedolan marriage."<sup>31</sup>

Couples intending to marry usually approach the village modin directly. They inform the modin of their intention to marry, and the modin provides information on the required documents for marriage registration at the KUA. In practice, the community seeks the modin's assistance in preparing the necessary documents. The modin then processes the documents at the village office before submitting them to the KUA. Although couples can prepare the documents themselves, such as filling out the Marriage Application Form (N1) or obtaining a Death Certificate (N6) for widows or widowers, they often delegate this task to the modin.

## 3. Community Behavior Towards Marriage Registration

The final aspect of legal awareness is legal behavior, which refers to community compliance with applicable laws.<sup>32</sup> Legal awareness is not always evident and may not manifest in behavior that adheres to the law. Legal behavior is demonstrated through actions that comply with the law. Marriage law mandates that all marriages be registered at the KUA for Muslims and at the Civil Registry Office for non-Muslims. Article 2, Paragraph 2 of Law No. 1 of 1974 states that "Applicable laws and regulations must register marriages."

<sup>26</sup>Soekanto, *Kesadaran Dan Kepatuhan Hukum*, 183.

<sup>27</sup> Salman, *Kesadaran Hukum Masyarakat Terhadap Hukum Waris*, 41.

<sup>29</sup> Religious lectures delivered by kyai or ustadz in Pekoren directly or indirectly instill legal awareness in the community. The existence of religious figures, kyai, ajegan, or Tuan Guru, as the people of Lombok call them, is seen as the holder of religious legal authority. See R. Michael Feener, "Muslim Religious Authority in Modern Asia: Established Patterns and Evolving Profiles," *Asian Journal of Social Science* 42, no. 5 (2014): 512.

<sup>30</sup> In terms of the husband's obligation to provide for his wife, according to the researcher's opinion, if viewed from a gender perspective, it originates from human culture since ancient times. The origin of the role of husband and wife in ancient society positioned the husband more as the party that played a role in the public sphere as a breadwinner, hunting, and farming. In contrast, the wife was positioned in the domestic sphere.

<sup>31</sup> Modin Pekoren Village, Interview, December 29, 2021.

<sup>32</sup> Munir Fuady, *Sosiologi Hukum Kontemporer Interaksi Hukum, Kekuasaan, Dan Masyarakat* (Bandung: Citra Aditya Bakti, 2007).

Marriage law requires all marriages to be registered according to applicable regulations.<sup>33</sup> For Muslim communities, marriage registration is conducted by state-authorized institutions, specifically the KUA, through Marriage Registrars. In practice, Marriage Registrars are assisted by Modin, who serves as Assistant Marriage Registrars (P3N) in each village. Although the P3N position was abolished by the Directorate General of Islamic Community Guidance in 2012, Modin continues to assist the community in preparing marriage registration documents for submission to the KUA.

The Pekoren community demonstrates legal awareness by adhering to marriage laws, specifically by registering marriages at the KUA. Community members marry officially by registering their marriages at the KUA through the village modin. Some community members hold the marriage contract at the KUA, while others hold it at the bride's home, inviting a penghulu from the KUA. Thus, community members conduct marriages by state law, with the marriage supervised, witnessed, and recorded by a Marriage Registrar.

As is customary, the marriage contract at the bride's home is followed by a wedding reception (walimah). The family invites relatives and neighbors to witness the marriage contract. The walimah informs the community of the marriage, allowing them to accept the couple as new community members. By holding a walimah, the marriage is considered valid in the eyes of the community, as it aligns with prevailing social norms.

Deviant legal behavior, such as kawin sirri (unregistered marriages), has been prohibited in Pekoren since the 1990s. Kawin sirri refers to marriages conducted secretly, known only to the involved parties—the couple, the guardian, and witnesses—and not disclosed to the broader community. Kawin sirri is intentionally hidden from the public, making it unknown to the community. Kawin sirri typically involves women from Pekoren marrying men from outside Rembang. Such marriages are often motivated by the desire to legitimize intimate relationships, with the man taking the woman as a secret wife. Women in kawin sirri marriages are usually disadvantaged, as the man may abandon them at any time, leaving them to fend for themselves or rely on their parents for support. Ultimately, issues arising from Kawin sirri become the village's responsibility.

The Pekoren community's legal awareness is now demonstrated by rejecting the practice of kawin sirri. Bahul Ulum, the former head of the Rembang KUA from 2007 to 2010, stated: "I can assure you that Pekoren women born in the 1990s will not agree to kawin sirri."<sup>34</sup> Historically and sociologically, kawin sirri in the 1990s involved Pekoren women marrying men from outside Pasuruan. The process of kawin sirri in Pekoren was similar to that in other Rembang communities, with intermediaries playing an active role.<sup>35</sup> According to Pak Jaiz, a Pekoren resident, "Nowadays, Pekoren residents will not agree to kawin sirri."<sup>36</sup>

This statement underscores that Pekoren residents today reject kawin sirri because it violates applicable laws and contradicts community norms. The community's legal awareness is driven by the negative consequences of kawin sirri, particularly for women and their families. A husband in a kawin sirri marriage can abandon his wife at any time, leaving her to support herself or rely on her parents. The community has foreseen the disadvantages of kawin sirri, particularly the lack of state recognition of such marriages. The community has recognized secret marriage as a form of social transaction, not by the law. The culture of the Pekoren community since 1990 has begun to change with a mindset that is more oriented towards the importance of the economy and increasing the welfare of life and life security.<sup>37</sup> Ownership of a marriage certificate can be said to be a transaction and compensation for marriage registration.

Before the 1990s, some Pekoren residents deviated from marriage laws by not registering their marriages at the KUA. Ustadz Anshori informed the researcher that before the 1990s, some Pekoren residents married off their children through kawin sirri. The community relied on religious law, which considers kawin sirri valid if the marriage conditions and pillars are met. Additionally, parents believed that marrying off their daughters was more important than the method of marriage; however, numerous issues arose from unregistered marriage.

The legal awareness of the Pekoren community has increased significantly over the past 10 or even 20 years. The rise in legal awareness among the community is attributed to factors such as education and economic improvement. Many residents of Pekoren have attained at least a high school diploma or its equivalent, and some even hold bachelor's degrees. The community's legal awareness has grown with increased educational levels, knowledge, and understanding of individual rights and obligations. People are increasingly aware of the importance of marriage registration, which results in a marriage certificate. Possession of a marriage certificate is

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<sup>33</sup> Marriage Law no. 1 of 1974 Article 2 paragraph 2.

<sup>34</sup> Bahrul Ulum, Head of KUA Rembang, Interview, June 15, 2021.

<sup>35</sup> Muhammad Latif Fauzi, "Aligning Religious Law and State Law, Street-Level Bureaucrats and Muslim Marriage Practices in Pasuruan, Indonesia" (Leiden, 2020)

<sup>36</sup> Mr. Jaiz, Interview, November 29, 2021.

<sup>37</sup> Bernard I. Murstein, Mary Cerreto, and Marcia G. Mac Donald, "A Theory and Investigation of the Effect of Exchange-Oriented on Marriage and Friendship," *Journal of Marriage and the Family* 39, no. 3 (1977): 543–48.

a primary requirement for accessing citizens' rights, especially those related to the rights and obligations of spouses within a family.

The welfare of the Pekoren community has also improved since the establishment of the PIER industrial area in Bangil, which is located in the eastern part of Pekoren village. Some residents of Pekoren have been able to work and earn income from several companies in the PIER area. Workers outside the city require housing, encouraging some residents to build boarding houses. Others have started food businesses to meet the daily consumption needs of the newcomers working in the PIER area. This situation has led to an improvement in the economic conditions of the Pekoren community. One of the reasons for the practice of unregistered marriages was financial issues, mainly when the woman came from a lower economic background. The increase in economic levels and overall welfare of the Pekoren community has, directly and indirectly, changed the community's mindset about marriage and the importance of marriage registration. Economic factors have enhanced the community's legal awareness of registering their marriages and strengthened their understanding of the significance of possessing a marriage certificate.

### III. CONCLUSION

This study demonstrates a significant shift in the legal attitudes of the Pekoren community toward unregistered marriages and marriage registration. While unregistered marriages were previously considered valid under religious and customary norms, legal awareness has increased due to socio-economic modernization, improved education, and gender advocacy. These factors have encouraged a preference for officially registered marriages at the Office of Religious Affairs (KUA) to ensure legal protection, particularly for women and children.

The role of kyai, traditionally the primary authority in legitimizing marriages, has declined as an understanding of state law has grown. However, some segments of the community continue to uphold unregistered marriages due to cultural and religious beliefs. This practice is often supported by intermediaries, including kyai, who facilitate such marriages for economic gain.

The study also finds that the interaction between social transformation shapes the legal awareness of the Pekoren community, the shifting role of kyai, and economic modernization. As industrial development improves the community's welfare, there is a growing recognition of the importance of marriage registration in securing legal rights, such as inheritance, child recognition, and access to public services.

In conclusion, integrating religious, cultural, and state legal norms is key to enhancing legal awareness within the community. This study provides insights into socio-legal mechanisms that can help align local norms with the national legal system without erasing the community's cultural identity.

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