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Between *Penghulu* and *Modin*: Interdependent Authority in the Bureaucratization of Islamic Marriage Registration in Indonesia

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Abstract

This article interrogates how Islamic marriage registration is governed in practice by examining the relational dynamics between the *penghulu* (marriage registrar) and the *modin* (village religious official) in Pasuruan Regency, East Java, within the broader project of bureaucratizing Islamic family law in Indonesia. Although state law formally centralizes marriage registration authority in the *penghulu* as the embodiment of legal-rational authority, empirical evidence reveals a layered socio-legal configuration shaped by limited state capacity, the enduring cultural legitimacy of the *modin*, and the practical demands of public service provision. Employing a socio-legal methodology, this field study draws on structured interviews with 19 informants across three sub-districts, non-participant observation, and analysis of relevant regulatory frameworks. The findings demonstrate that marriage administration operates through a pattern of structural interdependence between the *penghulu* and the *modin*, reflecting an interaction between legal-rational and traditional authority. Under conditions of bureaucratic constraint, the *modin* functions as a gatekeeper, a preliminary verifier, and an administrative intermediary, while the *penghulu* retains final authority over validation and formal marriage registration. This relational configuration not only sustains the operation of Islamic legal governance at the local level but also generates ongoing negotiations between formal legality and socially embedded legitimacy. The article argues that the bureaucratization of Islamic family law does not displace traditional authority; rather, it reconstitutes it within an interdependent governance framework. In doing so, the study contributes to contemporary scholarship on Islamic law and legal pluralism by demonstrating how legal-rational and traditional authority are mutually constituted within everyday administrative practice.

[*Artikel ini mengkaji bagaimana tata kelola pencatatan perkawinan Islam dijalankan dalam praktik dengan menelaah dinamika relasional antara penghulu dan modin di Kabupaten Pasuruan, Jawa Timur, dalam kerangka birokratisasi hukum keluarga Islam di Indonesia. Meskipun hukum negara secara formal memusatkan kewenangan pencatatan perkawinan pada penghulu sebagai representasi otoritas legal-rasional, realitas empiris memperlihatkan konfigurasi sosio-legal yang berlapis, dipengaruhi oleh keterbatasan kapasitas negara, kuatnya legitimasi kultural modin, serta tuntutan pragmatis pelayanan publik. Dengan menggunakan pendekatan sosio-legal, penelitian lapangan ini dilakukan di tiga kecamatan melalui wawancara terstruktur terhadap 19 informan, observasi non-partisipan, serta analisis terhadap kerangka regulasi yang relevan. Temuan penelitian menunjukkan bahwa administrasi perkawinan berjalan melalui pola ketergantungan struktural*

antara penghulu dan modin, yang merefleksikan interaksi antara otoritas legal-rasional dan otoritas tradisional. Dalam konteks keterbatasan birokratis, modin berfungsi sebagai gerbang awal, verifikator pertama, dan perantara administratif, sementara penghulu tetap memegang otoritas final dalam validasi dan pencatatan pernikahan resmi. Konfigurasi relasional ini tidak hanya menopang keberlangsungan tata kelola hukum Islam di tingkat lokal, tetapi juga memperlihatkan negosiasi berkelanjutan antara legalitas formal dan legitimasi sosial yang mengakar. Artikel ini berargumen bahwa birokratisasi hukum keluarga Islam tidak menyingkirkan otoritas tradisional, melainkan merekonstitusikannya dalam kerangka tata kelola yang bersifat interdependen. Dengan demikian, penelitian ini berkontribusi pada pengembangan kajian hukum Islam dan pluralisme hukum dengan menunjukkan bahwa otoritas legal-rasional dan tradisional dalam praktik administratif sehari-hari tidak bekerja secara terpisah, melainkan saling membentuk dan menguatkan.]

Keywords: Bureaucratization of Islamic Law; Islamic Marriage Registration; Interdependent Authorities; Legal Pluralism; Indonesia.

Introduction

The Regulation of the Minister of Religion (PMA) No. 20 of 2019 on Marriage Registration explicitly emphasizes the importance of document validation in the marriage registration process. This regulation authorizes the Head of the Office of Religious Affairs (*Kantor Urusan Agama*, KUA), the *penghulu* (marriage registrar), or an overseas marriage registrar to conduct both the registration and examination of the required documents prior to the solemnization of the marriage contract.[1] This provision serves as a technical elaboration of Article 2 of Law No. 1 of 1974 on Marriage, which mandates that a marriage be valid under religious law and registered in accordance with state law. In classical *fiqh* (Islamic jurisprudence), such administrative procedures were not explicitly recognized, as marriage registration constitutes a modern legal construct arising from the state's broader project of religious bureaucratization.[2] Nonetheless, when analyzed through the framework of *maqāṣid al-sharīʿah* (the objectives of Islamic law) and contemporary legal protection, the regulation can be understood as a normative instrument intended to ensure legal certainty, protect the rights of women and children,[3] and promote broader social welfare.[4] Consequently, the ongoing neglect of marriage registration standards—still evident in various regions of Indonesia[5]—effectively reflects a delegitimization of the state's protective role in governing Islamic family

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[1] "Regulation of the Minister of Religion No. 20 of 2019 on Marriage Registration," September 30, 2019, Article 5.

[2] Margherita Picchi, "Muslim Marriage and Contemporary Challenges," in *Handbook of Contemporary Islam and Muslim Lives*, ed. Ronald Lukens-Bull and Mark Woodward (Cham: Springer International Publishing, 2021), 1043–63.

[3] See: Mustamam et al., "Reinterpreting Ḥifẓ al-Nasl in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law," *MILRev: Metro Islamic Law Review* 4, no. 2 (October 2025): 1264–66; Mughniatul Ilma, "Islamic Legal Reform and the Principle of Moderation: A Study of Indonesian Family Law," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 15, no. 1 (June 2025): 78.

[4] Mariam Sheibani, "Deceptive Debauchery: Secret Marriage and the Challenge of Legalism in Muslim-Minority Communities," *Religions* 15, no. 1 (December 2023): 10.

[5] See: A. Hafidzi et al., "Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan," *Al-Ahkam* 32, no. 2 (2022): 153–68; Andi Zainuri, Ahmad Muslimin, and Ahmad Mukhlishin, "Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 335–47.

law. Simultaneously, this phenomenon indicates the persistence of cultural resistance to the bureaucratization of religion in Indonesia.[6]

Within this framework, the role of the *penghulu* in scrutinizing marriage documents is pivotal, serving as a representative of state authority in Islamic family law. Although some segments of the Muslim community express skepticism toward state involvement in marriage registration,[7] the *penghulu* remains the primary institutional mechanism established by the state to ensure legal compliance and fulfillment of formal requirements under state law. In practice, however, this function is not always executed optimally.[8] In certain cases, *penghulu*s, acting as legal agents and KUA officials, do not consistently apply the examination process with sufficient rigor. Conversely, some marriage guardians (*walī al-nikāḥ*) and prospective spouses tend to regard document verification as a mere technical administrative formality.[9] This situation reflects a relatively low level of legal awareness within society regarding the substantive purpose of marriage document verification. Consequently, the protective and preventive value of this process risks being reduced to a procedural formality, despite its normative role as a critical safeguard for the rights of spouses and children.[10]

Preliminary findings from this study, conducted in Pasuruan Regency, reveal significant challenges in the implementation process. Initial fieldwork at KUA Purwodadi indicates that *penghulu*, *modin* (village religious official), and certain segments of the Muslim community have yet to develop sufficient legal awareness to ensure the physical presence of parties during document verification at the KUA.[11] In practice, *penghulu*, as state officials, often permit delegated examinations conducted by *modin*, operating under the assumption that *modin* possess adequate knowledge of the marital status of prospective spouses and the legitimacy of the marriage guardian. Conversely, *modin*s—who are socially and religiously non-state actors,[12] positioned as extensions of the *penghulu*s and as integral figures within the local community—have not consistently fulfilled an educational or persuasive role in emphasizing the importance of direct verification at the KUA. Furthermore, some community members perceive the document verification process as a negotiable administrative formality, prioritizing it below their economic activities.[13] This scenario illustrates an ongoing negotiation of authority between state and local actors in the practice of marriage registration.

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

7   Qadriani Arifuddin, "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 2 (October 2024): 317–28.

8   Muhammad Ishom, "The Challenging Role of Penghulu and Marriage Administrators in Border Areas on Indonesia: Entikong and Sekayam, West Kalimantan," *Ahkam: Jurnal Ilmu Syariah* 19, no. 2 (2019): 391–410.

9   See: Mustafid Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau," *Journal of Islamic Law* 5, no. 1 (January 2024): 1–18; Encep Taufik Rahman et al., "How Does the State Regulate the Administration of Unregistered Marriages in Muslim Minority Communities? The Practice of Mass Weddings in Jayapura City," *Jurnal Ilmiah Al-Syir'ah* 22, no. 2 (December 2024): 207–20.

10   Arifuddin, "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles," 317–28.

11   PA, "Penghulu at the Office of Religious Affairs of Purwodadi," May 15, 2024.

12   Muhammad Latif Fauzi, "Registering Muslim Marriages: Penghulu, Modin, and the Struggles for Influence," *Al-Jami'ah: Journal of Islamic Studies* 57, no. 2 (December 2019): 397–424.

13   PA, "Penghulu at the Office of Religious Affairs of Purwodadi."

Extant scholarship on marriage registration in Indonesia has addressed a range of issues, including interfaith marriages,[14] the role of local religious authorities,[15] and various administrative challenges.[16] More specifically, research on document validation within the context of marriage registration can be broadly categorized into two main strands. The first strand focuses on the determination of marriage guardians during document verification, particularly concerning the negotiation between Islamic law and positive state law. Several scholars emphasize the importance of proactive state intervention to address unregistered marriages (Indonesian: *nikah siri*)[17] and advocate policy reforms, such as the digitalization of the registration system, to reduce administrative violations.[18] From certain perspectives, breaches of marriage administration regulations are even considered criminal offenses as part of broader law enforcement initiatives.[19] The second strand examines the implementation of marriage registration regulations at the street-level bureaucracy. Although state regulations governing marriage registration have been substantially enforced, other studies identify ongoing challenges, including limited public awareness, bureaucratic complexity, and socio-religious and cultural obstacles.[20]

Within this context, a significant gap remains in the literature regarding the relational dynamics between the *penghulu* and *modin* in the practical implementation of marriage registration. Prior research predominantly focuses either on the individual role of the *penghulu*

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[14] See: Muchimah et al., "Legal Culture and the Dynamics of Religious Interaction in Ritual Practices among Interfaith Marriage," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (November 2024): 333–48; Ibnudin Ibnudin et al., "Reconstruction Interfaith Marriage Law in Indonesia: Relevance of Sociology Knowledge and Maqasid Sharia," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 25, no. 1 (June 2025): 70–86; Muhammad Jazil Rifqi, "Marriage Registration for All Religions at the Office of Religious Affairs: Between Debate and Promoting Moderation," *Al-Hukama': The Indonesian Journal of Islamic Family Law* 14, no. 1 (June 2024): 25–45.

[15] See: Abdul Haq Syawqi et al., "Law Omission in Muslim Society: Inquiring Citizen Rights in the Administration of Islamic Family Law in Madura Indonesia," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (October 2023): 1757–77; Dwi Aprillianto et al., "The Controversy of Child Marriage Culture in the Perspective of Maqāṣid al-Usrah: A Case Study of the Authority of Lebe' in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 2 (August 2024): 199–218; Baihaqi Baihaqi et al., "Legal Non-Compliance and Kiai Hegemony: The Practice of Unregistered Marriages among the Madurese Muslim Community of Kubu Raya," *Journal of Islamic Law* 5, no. 2 (August 2024): 242–68.

[16] See: Sheila Fakhria et al., "Securing Muslim Children's Civil Rights: Debate on State Legal Policy towards the Issuance of Family Cards for Unregistered Marriage Couples," *El-Mashlahah* 14, no. 2 (December 2024): 303–22; Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *BESTUUR* 11, no. 1 (April 2023): 61–74; Ali Maskur et al., "Optimizing Legal Protection: Addressing the Disparity of Sanctions Regarding Personal Names in Birth Certificates as Population Documents," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 7, no. 1 (June 2024): 21–33.

[17] See: Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," 291–309; Fakhria et al., "Securing Muslim Children's Civil Rights," 303–22.

[18] Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," 61–74.

[19] Imron Rosyadi, Helmy Ziaul Fuad, and Ashlaha Baladina Zaimuddin, "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory," *Al-'Adalah* 22, no. 1 (June 2025): 147–80.

[20] See: Busriyanti Busriyanti et al., "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (September 2025): 631–49; Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," 61–74; Zezen Zainul Ali, "Marriage Administration Brokers: The Rational Action in the Practice of Delegating Marriage Administration in Central Lampung," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 1 (April 2024): 1–20; Zainuddin Zainuddin and Zaki Ulya, "Recording Siri's Marriages in Obtaining Legal Certainty (Reflections on the Rise of Siri Marriages in Aceh)," *Syariah: Jurnal Hukum dan Pemikiran* 21, no. 1 (March 2021): 1–16.

or on regulatory and administrative aspects, without adequately examining how the interaction between legal-rational authority and traditional authority influences the validation process at the local level. To address this gap, the present study aims to analyze how the relationship between the *penghulu* and *modin* in marriage registration is constructed and operationalized within the broader bureaucratization of Islamic family law. This article argues that the relationship between the *penghulu* and *modin* should not be understood merely as subordinate or competitive; rather, it represents an interdependent and operational configuration of authority within a framework of legal pluralism, which, in practice, produces a pattern of hybrid governance in the administration of Islamic marriage in Indonesia.

Research Methodology

This study employs a field research design grounded in a socio-legal approach. This methodology is used to examine the implementation, negotiation, and interpretation of legal norms governing marriage registration as expressions of state regulation within the social practices of Muslim communities.[21] The research was conducted in Pasuruan Regency, focusing on three sub-districts selected to represent distinct geographical and socio-religious typologies: Purwodadi, a mountainous area; Bangil, a coastal and urban area; and Sukorejo, a lowland region. These sites were chosen because they reflect the broader socio-religious characteristics of Pasuruan society, including variations in challenges and constraints related to marriage registration practices. Data collection took place in May 2024, with multiple research assistants assigned to each sub-district to facilitate simultaneous, contextually sensitive data collection.

Figure 1
Map of Pasuruan Regency
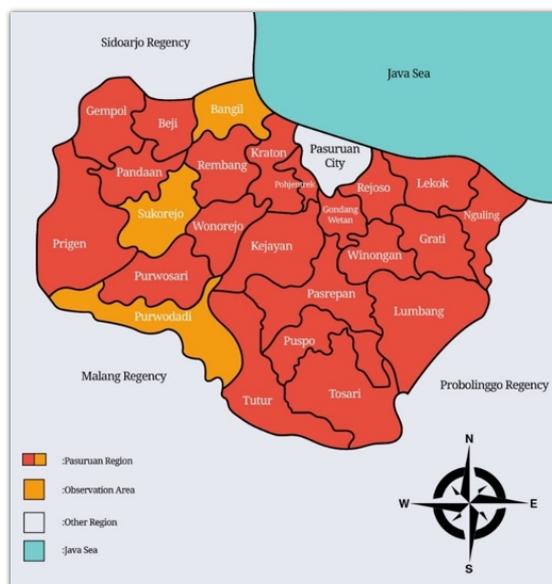
Source: Created using Adobe Illustrator (2024).

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[21] See: Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie, *Routledge Handbook of Socio-Legal Theory and Methods*, 1st ed., ed. Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie (New York: Routledge, 2019).

Data were collected through structured interviews with 19 informants, including three *penghulu* who concurrently serve as Heads of the KUA at each research site, 15 *modin*s, and one Islamic religious counselor (*penyuluh agama Islam*). Interviews were conducted individually to preserve narrative independence and minimize collective bias in the expression of experiences and perspectives. Prior to each interview, the researchers explained the study's objectives and scope and assured informants of confidentiality by anonymizing their identities using initials. In addition to interviews, the study incorporated non-participant observation at each KUA to directly assess administrative practices related to document verification and marriage registration. Relevant state legal instruments were also examined to contextualize the empirical findings within the broader regulatory framework. To enhance data validity and reliability, the researchers employed both source and methodological triangulation, facilitating cross-verification of information obtained from multiple actors and contexts.

Table 1
List of Informants

Informant	Position	Sub-District	Interview Date
PA	*Penghulu* and Head of KUA	Purwodadi	May 15, 2024
PB	*Penghulu* and Head of KUA	Bangil	May 20, 2024
PC	*Penghulu* and Head of KUA	Sukorejo	May 28, 2024
MDA1	*Modin*	Purwodadi	May 16, 2024
MDA2	*Modin*	Purwodadi	May 16, 2024
MDA3	*Modin*	Purwodadi	May 16, 2024
MDA4	*Modin*	Purwodadi	May 16, 2024
MDA5	*Modin*	Purwodadi	May 16, 2024
MDB1	*Modin*	Bangil	May 21, 2024
MDB2	*Modin*	Bangil	May 21, 2024
MDB3	*Modin*	Bangil	May 21, 2024
MDB4	*Modin*	Bangil	May 21, 2024
MDB5	*Modin*	Bangil	May 21, 2024
MDC1	*Modin*	Sukorejo	May 29, 2024
MDC2	*Modin*	Sukorejo	May 29, 2024
MDC3	*Modin*	Sukorejo	May 29, 2024
MDC4	*Modin*	Sukorejo	May 29, 2024
MDC5	*Modin*	Sukorejo	May 29, 2024
PLHA	Islamic Religious Counselor	Purwodadi	May 15, 2024

Following data collection, the researchers engaged in categorization, data reduction, and systematic organization before conducting the analysis. The analysis was performed inductively, using Max Weber's theory of authority as the primary conceptual framework. Weber identifies three ideal types of authority: traditional, charismatic, and legal-rational.[22] This framework was employed to identify the configurations of authority embodied by the *penghulu* and *modin* in the practice of marriage registration and to examine how their interactions influence patterns of legal compliance and protection at the grassroots level.

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[22] See: Edward Royce, *Classical Social Theory and Modern Society: Marx, Durkheim, Weber* (Lanham: Rowman & Littlefield Publishers, 2015), 109–11.

Consequently, this study contributes to a more nuanced understanding of how the interplay between state-based legal-rational authority and communal traditional authority creates arenas of negotiation—and potential contestation—in the governance of marriage registration. These dynamics, in turn, create ambiguity about authority in the practical administration of Islamic family law at the local level.

Genealogy and Transformation of the Authority of the *Penghulu* and *Modin*

The *penghulu* and the *modin* have historically held interconnected and significant roles in the development of Islamic marriage law in Indonesia. However, within legal-historical scholarship, the term and institution of the *penghulu* have been more thoroughly documented, particularly regarding the transformation of its authority over time. Historically, the position of the *penghulu* has demonstrated considerable adaptability to changing political power structures. Its role can be traced from the period of Islamic sultanates in Java, through the colonial era, and into post-independence Indonesia. During the Islamic sultanates of the archipelago, the *penghulu* wielded extensive authority as both an enforcer of Islamic law and a royal spiritual advisor. Under colonial rule, however, this authority was progressively diminished, and following Indonesian independence, the *penghulu*'s function became increasingly specialized in the administrative task of marriage registration. [23] This transformation reflects a broader process of institutionalization and restructuring of religious authority within evolving legal and political contexts.

During the period of the Islamic sultanates, the *penghulu* served as a religious leader, *qāḍī* (judge), and *muftī* (issuer of religious opinions). This role as a religious authority can be traced back to the Demak Sultanate, where figures such as Sunan Kudus and Sunan Kalijaga performed functions analogous to those of the *penghulu*. Over time, the *penghulu* evolved into two primary typologies: first, as an independent Islamic scholar whose legitimacy stemmed from scholarly authority and social recognition; and second, as a religious scholar incorporated into the royal bureaucratic framework. In the latter configuration, the *penghulu* played a strategic role in disseminating and enforcing Islamic law within the governance structure. Serving as *qāḍī* in matters of family and religious law and as *muftī* in issuing normative guidance, the *penghulu* occupied a central position within the *peradilan surambi* (Islamic court) system established in various Islamic sultanates.[24] In this institutional context, the *penghulu* adjudicated disputes involving marriage, divorce, inheritance, and other religious matters. At this stage, the *penghulu*'s authority was predominantly personal and grounded in traditional legitimacy rather than deriving from a distinct institutional authority independent of the individual officeholder.[25]

During the colonial period, the roles of the *penghulu* as *qāḍī* and *muftī* were initially recognized by the Dutch East Indies government but were progressively subjected to systematic restrictions. This transformation became evident with the dissolution of the

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[23] Fatum Abubakar et al., "Qadhi Legitimization: Shifting Roles of the Penghulu in Ternate and Tidore Sultanates, Indonesia," *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 25, no. 1 (June 2025): 139–64.

[24] Halili Rais, *Penguhulu di antara Dua Otiritas Fikih dan Kompilasi Hukum Islam* (Yogyakarta: Penerbit Lingkaran, 2020), 45.

[25] Ibnu Qoyim Isma'il, *Kiai Penghulu Jawa: Peranannya di Masa Kolonial* (Jakarta: Gema Insani Press, 1997), 105.

religious judicial institutions previously integrated within the office of the *penghulu*, which were replaced by the colonial civil courts (*landraad*) responsible for adjudicating various legal matters. Subsequently, the *penghulu* was incorporated into the colonial bureaucratic framework as an advisor on customary law within the civil courts, participating in both civil and criminal cases. Prior to 1831, the *penghulu* retained jurisdiction over family, economic, and even criminal cases;[26] however, this authority was gradually diminished by colonial authorities.[27] Throughout this period, the *penghulu*'s authority shifted from community-based traditional leadership to a bureaucratically defined and collectively regulated role.[28] Despite these curtailments, colonial efforts to marginalize religious courts were not entirely successful, and religious judicial functions persisted in social practice. Following the enactment of Staatsblad 1882 No. 152, the position of the *penghulu* as head of the Islamic Court experienced a resurgence. Nevertheless, Staatsblad 1937 No. 116 again restricted the jurisdiction of Religious Courts in Java and Madura by transferring Islamic inheritance cases to civil courts applying customary law.[29] Consequently, the *penghulu*'s jurisdiction became primarily confined to matters of marriage, divorce (*talāq*), and reconciliation (*rujūʿ*). At the same time, more complex issues, such as inheritance and polygamy, were assigned to distinct legal domains. Although the office of *muftī* remained formally recognized—and was institutionalized within the colonial bureaucracy, as evidenced by the appointment of Sayyid Usman as *muftī* in Batavia in 1882—this role largely functioned to provide religious legitimacy to colonial authority.[30] Thus, the colonial period exemplifies both the adaptation and systematic limitation of the *penghulu*'s authority.[31]

Following Indonesian independence, the reduction and specialization of the *penghulu*'s authority were formalized through national legislation. Law No. 22 of 1946 concerning the Registration of Marriage, Divorce, and Reconciliation—later expanded by Law No. 32 of 1954—established that public services in this area would be administered by Marriage Registrars (*Pegawai Pencatat Nikah*, PPN), commonly referred to in practice as penghulu. Under this arrangement, the *penghulu* was officially designated a state official responsible for administering marriage. Subsequent regulations, including the Regulation of the Minister for Administrative Reform No. 62 of 2005 on the Functional Position of *Penghulu* and Credit Points, further delineated the *penghulu*'s authority in overseeing marriages and reconciliations in accordance with Islamic law. More recent regulatory developments, such as Ministerial Regulation No. 9 of 2019, broadened the scope of the *penghulu*'s responsibilities to encompass not only marriage services and guidance but also professional development, community religious mentoring, and broader institutional duties.[32] This regulatory progression exemplifies a shift toward what Weberian theory characterizes as legal-rational authority,

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[26] Asep Saefullah et al., "The Penghulu Court, Islam, and Customary Law: Critical Analysis of the Handling of Murder Case in Cirebon in 1794," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (June 2025): 165–80.

[27] Muhammad Hisyam, *Caught Between Three Fires*, ed. Muhammad Syafaat, trans. Dedi Slamet Riyadi (Tangerang Selatan: Yayasan Pengkajian Hadits El-Bukhari, 2025), 27–8.

[28] Isma'il, *Kiai Penghulu Jawa*, 68–70.

[29] Rais, *Penguhulu di antara Dua Otiritas Fikih dan Kompilasi Hukum Islam*, 47–50.

[30] Rais, 50–1.

[31] Saefullah et al., "The Penghulu Court, Islam, and Customary Law," 165–80.

[32] Hasanudin, *Otoritas Penghulu dalam Masyarakat Palembang: Sebelum dan Sesudah Kemerdekaan* (Palembang: UIN Raden Fatah Press, 2022), 135–37.

while the substantive religious dimension of the *penghulu*'s role remains deeply embedded in practice.

Contemporary discourse continues to examine the professional identity and role orientation of the *penghulu*. Nurlaelawati notes that some *penghulu* primarily identify as religious scholars rather than as state officials.[33] In contrast, Fauzi's research in Pasuruan indicates that modern *penghulu* tend to identify more closely with their role as state agents, although their religious authority remains influential in practice.[34] These differing perspectives underscore an ongoing negotiation of professional identity amid the bureaucratization of Islamic family law. Regardless of this debate, the *penghulu* performs a critical function in managing regulatory changes in family law, particularly in cases involving marriage dispensation. In practice, a *penghulu* accommodates statutory minimum-age requirements through three flexible approaches: conducting the marriage contract simultaneously with the dispensation application process, after the dispensation is approved, or after the court's final decision is issued.[35] This practice exemplifies the exercise of administrative discretion in legal implementation, illustrating the interplay between formal legal norms and social considerations. It is important to clarify that, in this article, the term *penghulu* refers specifically to the state-appointed marriage registrar operating within the national administrative framework, rather than to customary leaders bearing the same title in traditional communities.[36]

In contrast to the *penghulu*, the *modin* holds more limited formal normative authority; however, in social practice, the role is often perceived as analogous to that of the *penghulu*. Etymologically, the term *modin* is believed to derive from the Arabic phrase "*imām al-dīn*," meaning "religious leader."[37] Historically, the position of the *modin* emerged during the Mataram Sultanate, with appointments made by the royal *penghulu*. The *modin*'s responsibilities encompass nearly the entire life cycle of the community, including birth rituals, religious ceremonies, and funeral rites. Fauzi characterizes the *modin* as an informal assistant in the administration of marriage, operating within a quasi-formal domain at the village level, with authority conferred by the village head's appointment. Most *modin* are graduates of Islamic boarding schools (Indonesian: *pesantren*) and frequently function as supervisors of marriage ceremonies, occasionally overseeing the entire wedding process.[38] Within traditional structures, the *modin* operates under the coordination of the *penghulu* and serves as an imam and religious preacher at the mosque.[39] In communities without prominent

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[33] Euis Nurlaelawati, *Modernization, Tradition, and Identity: The Kompilasi Hukum Islam and Legal Practice in Indonesian Religious Courts* (Amsterdam: Amsterdam University Press, 2010), 189.

[34] Fauzi, "Registering Muslim Marriages," 397–424.

[35] Fathurrahman Fathurrahman, Abdul Qodir Zaelani, and Iskandar Syukur, "The Role of Penghulu in Harmonising the Marriage Age Limit Perspective of Imam as-Syatibi's Theory," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 23, no. 2 (December 2023): 341–54.

[36] Asrinaldi Asrinaldi, "Power Network of Penghulu Adat in The Concurrent Regional Election in West Sumatera," *Jurnal Ilmu Sosial dan Ilmu Politik* 21, no. 1 (October 2017): 57–73.

[37] Achmad Zainal Arifin, "Defending Traditions, Countering Intolerant Ideologies: Re-Energizing the Role of Modin in Modern Java," *Al-Jami'ah: Journal of Islamic Studies* 55, no. 2 (December 2017): 268–70.

[38] Fauzi, "Registering Muslim Marriages," 408.

[39] Fariska Dwi Purbaningrum, "*Penghulu-Penghulu* Keraton: Peran dan Konferensi *Penghulu* Bidang Agama, Hukum, Pendidikan di Kasunanan Surakarta dan Mangkunegaran Tahun 1936-1947" (Surakarta: Universitas Islam Negeri Raden Mas Said, 2022), 254.

kyai figures, the *modin* often serves as a guardian of spiritual and moral values. [40] In contemporary village governance, the title *modin* is commonly associated with the Head of Social Welfare Affairs (*Kepala Urusan Kesejahteraan Rakyat*, Kaur Kesra), who oversees socio-religious matters. [41] The multiplicity of these roles enhances the *modin*'s religious and social capital, establishing the position as a respected local authority figure. [42]

Negotiating Authority Between the *Penghulu* and the *Modin* in Marriage Registration

Within the context of Muslim marriage in Indonesia, the *penghulu* plays a pivotal role in the registration and documentation of marriages, acting as a representative of state authority in the realm of Islamic family law. The responsibilities of the *penghulu* extend beyond merely recording marriages and reconciliations; they also include conducting marriage ceremonies in accordance with Islamic law, providing consultation services, and promoting the ideal of harmonious families (Indonesian: *keluarga sakinah*). [43] According to the Decree of the Minister of State Administrative No. 62 of 2005, the *penghulu*'s duties are considerably more complex and systematically defined. Article 4 of this regulation outlines ten principal responsibilities, including planning official activities, supervising the registration of marriages and reconciliations, delivering marriage services, offering advice and consultation, monitoring violations of marriage regulations, issuing legal opinions on marriage matters, providing guidance on human relationships (*muʿāmalah*), fostering harmonious family life, and conducting evaluation and professional development. Consequently, the role of the *penghulu* transcends a purely administrative function; rather, the *penghulu* performs religious counseling and juridical-normative functions by translating the principles of Islamic marriage law into practical public service at the local level. From a socio-legal perspective, this position situates the *penghulu* as a mediator between state and religious legal norms within the social sphere.

Historically, the *modin*, as a local religious figure, has fulfilled a role overlapping with that of the *penghulu*, particularly in the religious and social practices of Muslim communities. In the administration of marriage among Javanese Muslims, the *modin* was formerly recognized as the Marriage Registrar's Assistant (*Pembantu Pegawai Pencatat Nikah*, P3N), serving as an assistant to the marriage registrar and supporting the *penghulu* in the registration process at the KUA. The P3N functioned as an administrative intermediary between the community and the *penghulu*, who acted as the PPN, thereby facilitating and expediting the registration process. Their institutional legitimacy was formally established through the PMA No. 11 of 2007, Article 1(4), which defined the P3N as a community representative appointed by the Head of the District/City Office of the Ministry of Religious Affairs to assist the marriage registrar in specific areas. In practice, P3N were stationed at the village level under the structural coordination of the sub-district KUA. Even prior to this regulation,

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[40] See: Jumarim, Ilyya Muhsin, and Muhammad Chairul Huda, "The Interplay of Fiqh, Adat, and State Marriage Law: Shaping Legal Consciousness of Sasak Women," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 1 (June 2024): 27–52; Zainal Muttaqin Dahli et al., "Delegitimization of Religious Motives in Polygamy in Banjar Society," *Syariah: Jurnal Hukum dan Pemikiran* 24, no. 1 (May 2024): 119–35.

[41] Arwan Topo, "Kedudukan Modin dalam Perspektif Hukum Positif," *El-Dusturie* 1, no. 1 (June 2022): 91.

[42] I. Nyoman Yoga Segara, "Modin sebagai Patronase Perkawinan di Kota Semarang: Sebuah Tinjauan Antropologi Budaya," *Harmoni* 16, no. 1 (June 2017): 17–1.

[43] Hasanudin, *Otoritas Penghulu dalam Masyarakat Palembang*, 140–7.

the *modin* had provided a range of religious and social services—including assistance with marriage, zakat, waqf, and other communal matters—as affirmed in the Decree of the Minister of Religion (KMA) No. 298 of 2003. This historical trajectory illustrates that the *modin*'s role operates at the intersection of social, cultural, and religious domains.[44]

Subsequent developments have indicated a restructuring of the *modin*'s role within the marriage administration system. Since 2009, the Ministry of Religious Affairs, through the Instruction of the Director General of Islamic Community Guidance No. DJ.II/113 of 2009 has prohibited the appointment of new P3N except in specified areas. This restriction was further reinforced by Instruction No. DJ.II/I of 2015, which limited appointments to remote or mountainous regions and border or island regions, contingent upon competence in marriage law and administration. However, these regulations did not provide precise operational definitions for these categories, thereby allowing interpretive flexibility. As a result, the contextual involvement of *modin* as the P3N has remained feasible, including in densely populated regions such as Java, despite normative restrictions. This policy shift is widely understood to be related to the practice of providing additional honoraria to *modin* in the administration of marriage—a practice exacerbated by the Ministry of Religion's lack of clear remuneration standards.[45] In many areas, such payments persist, and in some cases, *modin* have established standardized fees when families fully delegate marriage administration to them.[46] This phenomenon highlights the political-economic dimensions of marriage registration practices at the street-level bureaucracy.[47]

The issue of the *modin*'s status as a P3N has resurfaced following the issuance of PMA No. 20 of 2019. Article 1(8) defines a P3N as a civil servant or community member appointed to assist the *penghulu* in conducting marriage ceremonies, a definition reaffirmed in Article 1(6) of PMA No. 30 of 2024. Consequently, individuals, including *modin*, may be formally designated as assistants in the administration of marriage. However, there is a significant distinction between these regulations. Article 18 of PMA No. 20 of 2019 stipulated that the appointment of P3N by the Head of the KUA was contingent upon the limited availability of *penghulu*. In contrast, the PMA No. 30 of 2024 omits this condition and simply states that the marriage registrar may be assisted in performing official duties. This regulatory change indicates a shift in the approach to involving non-state actors in marriage administration. Nevertheless, regulations specifying the operational mechanisms for P3N involvement have not yet been promulgated; therefore, the most concrete operational guidance remains the 2015 Director General Instruction. Accordingly, this study analyzes the role of the *modin* primarily within the normative framework established by the PMA No. 20 of 2019.

Empirical findings from three sub-districts in Pasuruan indicate that the relationship between the *penghulu* and the *modin* is characterized predominantly by complementary role-sharing rather than direct contestation. The *penghulu* consistently asserts that the legal

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44 Segara, "*Modin* sebagai Patronase Perkawinan di Kota Semarang," 172.

45 Segara, 173.

46 See: Ahmad Tholabi Kharlie, Fathudin Fathudin, and Windy Triana, "Reforming Islamic Marriage Bureaucracy in Indonesia: Approaches and Impacts," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 2 (November 2021): 255–86; Muhammad Latif Fauzi, "Intermediaries and Illegal Gratification in the Indonesian Bureaucracy of Muslim Marriage," *Contemporary Islam* 18, no. 2 (July 2024): 337–54.

47 Fauzi, "Registering Muslim Marriages," 408–9.

authority to examine and register marriages resides with them as the PPN.[48] The Heads of KUA corroborated this position in Purwodadi, Bangil, and Sukorejo.[49] In practice, however, the *penghulu* serve as final validators following preliminary verification conducted by the *modin*. The *penghulu* re-examines documentation to ensure compliance with administrative regulations, thereby preventing potential misuse of authority.[50] As one Head of the KUA, PB, observed: "*I once found discrepancies between the name listed on the Identity Card and the Family Card during examination. I suspected this was the result of an arrangement between the prospective spouse and the* modin. *Even if the biological relationship between parent and child is clear, discrepancies in documentation must still be resolved.*"[51]

Beyond their verification duties, *penghulu* also undertake supervisory and evaluative roles through regular monthly meetings with *modin*, as observed in Purwodadi and Sukorejo. These meetings are not consistently held at the KUA office but may alternatively convene at the residences of either the *modin* or the *penghulu* on a rotating basis.[52] The forum addresses technical administrative issues, verification procedures for prospective spouses, and updates to regulatory frameworks.[53] Discussions often include study sessions on classical *fiqh* texts to enhance the doctrinal knowledge of both *penghulu* and *modin*. Within this context, the *penghulu* fulfills both administrative and juridical-normative functions, while the *modin* contributes practical, field-based experience.[54] This interaction creates a deliberative space in which positive state law and religious tradition intersect. Consequently, the *penghulu* recognized the modin's active participation in the processes of marriage registration and documentation.

Ideally, the *penghulu* possesses full authority over all stages of marriage administration. However, in practice, the *modin* serves as an initial validator of community documents before they are submitted to the KUA. They conduct preliminary screenings based on their understanding of administrative requirements. This arrangement exemplifies a configuration of two complementary forms of authority. From a Weberian perspective, the *penghulu* embodies legal-rational authority, grounded in the legitimacy of the state's legal and bureaucratic system. In contrast, the *modin* represent traditional authority, rooted in longstanding social recognition and custom.[55] Within this framework, the *penghulu* depend on *modin* as intermediary actors who bridge formal legal norms with social realities.[56] This interdependence is particularly pronounced in Purwodadi, a geographically expansive and mountainous region, although similar patterns have been observed in Bangil and Sukorejo. In addition to *modin*, *penghulu* also involves Islamic religious counselors in the examination and registration processes. Conversely, *modin* rely on the *penghulu*'s formal legitimacy to reinforce their position as extensions of state authority. The *modin*'s traditional authority

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48 PA, "Penghulu at the Office of Religious Affairs of Purwodadi."
49 PB, "Penghulu at the Office of Religious Affairs of Bangil," May 15, 2024; PC, "Penghulu at the Office of Religious Affairs of Sukorejo," May 28, 2024.
50 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."
51 PB, "Penghulu at the Office of Religious Affairs of Bangil."
52 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."
53 PA, "Penghulu at the Office of Religious Affairs of Purwodadi."
54 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."
55 Edward Royce, *Classical Social Theory and Modern Society: Marx, Durkheim, Weber* (London: Rowman & Leittlefield, 2015), 111.
56 Royce, 109.

cannot be fully sustained without institutional alignment with the *penghulu*. These findings indicate that marriage registration practices are profoundly shaped by local socio-cultural contexts, which influence how legal actors interpret and implement regulations. This dynamic aligns with Weber's insight that types of authority do not operate independently but interact and overlap in practice.[57] Furthermore, the findings demonstrate that local governance of marriage registration requires the involvement of non-state actors, paralleling practices observed in Sasak communities in Lombok, where tuan guru are engaged to address early marriage.[58]

Practices and the Negotiation of *Modin* Authority in Marriage Registration

Within Javanese Muslim communities, including those in Pasuruan Regency, the *modin* continues to play a pivotal role in various socio-religious processes, particularly in managing marriage registration prior to validation by the *penghulu* at the KUA.[59] Interviews with informants reveal that the *modin* functions as the initial gatekeeper of registration, the preliminary validator of marriage documentation, a substitute for the *penghulu* under specific circumstances, and a broker of marriage administration. This arrangement underscores the *modin*'s strategic position in the grassroots governance of marriage. PB emphasized that this enduring role is rooted in the *modin*'s deeply embedded cultural authority within the local social structure.[60] Similarly, PA acknowledged that most community members rely on the *modin*'s services to facilitate administrative procedures,[61] except for those with sufficient regulatory literacy.[62] Consequently, the *modin* is positioned as the primary actor responsible for the initial screening of marriage documentation before formal verification by the *penghulu*.

First, the *modin* functions as the primary gateway for marriage registration. Although in principle, prospective spouses may register their marriage directly at the KUA,[63] field observations reveal that most rural residents initiate the process through the *modin*.[64] This tendency is attributable not only to the *modin*'s strong cultural legitimacy and entrenched social customs[65] but also to the limited administrative literacy among many villagers regarding marriage registration procedures.[66] PB, Head of the KUA in Purwodadi, explained that this pattern arises from low levels of bureaucratic literacy among rural residents: "*For ordinary villagers, when they handle administrative matters at the village office, the village immediately appoints the* modin *to assist with all marriage administrative affairs.*"[67] In this context, the *modin* serves as the initial point of contact—facilitating the issuance of introductory marriage letters, assisting

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57 Sebastián G. Guzmán, "Substantive-Rational Authority: The Missing Fourth Pure Type in Weber's Typology of Legitimate Domination," *Journal of Classical Sociology* 15, no. 1 (February 2015): 3.

58 See: Sainun Sainun, Hery Zarkasih, and Arif Sugitanata, "Tuan Guru and the Efforts to Prevent Early Marriage Among Sasak Tribe," *De Jure: Jurnal Hukum dan Syar'iah* 16, no. 1 (June 2024): 37–57.

59 Fauzi, "Registering Muslim Marriages," 397–424.

60 PB, "Penghulu at the Office of Religious Affairs of Bangil."

61 PA, "Penghulu at the Office of Religious Affairs of Purwodadi."

62 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."

63 PA, "Penghulu at the Office of Religious Affairs of Purwodadi"; PC, "Penghulu at the Office of Religious Affairs of Sukorejo"; PB, "Penghulu at the Office of Religious Affairs of Bangil."

64 MDA1, "Modin at the Office of Religious Affairs of Purwodadi," May 16, 2024.

65 MDA2, "Modin at the Office of Religious Affairs of Purwodadi," May 16, 2024.

66 MDB4, "Modin at the Office of Religious Affairs of Bangil," May 21, 2024.

67 PA, "Penghulu at the Office of Religious Affairs of Purwodadi."

with the completion of forms N1–N7, and providing preliminary guidance before documents are submitted to the KUA. Consequently, it is unsurprising that the *modin* often maintains ready-to-use registration forms.[68] Even when prospective spouses intend to process their registration independently at the KUA, village-level administrative procedures continue to involve the *modin*. As MDA5 noted, "*Even if someone handles the registration directly at the KUA, the N1 form must still be signed by the village head, and the initial registration is still through the* modin."[69]

Direct registration at the KUA without the involvement of the *modin* is often perceived as socially less legitimate because it bypasses the individual regarded as most knowledgeable about local kinship structures. The *modin* is considered to possess a comprehensive understanding of family relationships and the social status of the parties involved in the marriage.[70] These findings suggest that the *modin*'s significance stems not only from symbolic leadership but also from epistemic authority grounded in contextual knowledge of local socio-religious dynamics. PA stated:

> "*The* modin *is a religious leader who possesses a comprehensive understanding of the complexities within village society. When registration is conducted directly through the KUA, the* penghulu *may not be fully aware of the accuracy of the submitted documents. Occasionally, individuals provide data that reflects their personal preferences. For example, there are cases where a Family Card does not accurately represent reality, such as listing an adopted child as a biological child. It raises concerns about the data's validity. Consequently, to ensure accurate documentation and verification, the village appoints the* modin*, as he is knowledgeable about the truthfulness of the information, particularly in matters related to guardianship.*"[71]

Second, the *modin* serves as the preliminary validator of marriage documentation. Following initial registration, the *modin* examines and verifies the documents to prevent administrative errors before submitting them to the KUA.[72] This process involves checking civil registration documents and the personal data of the prospective spouses to ensure consistency between the recorded information and their actual social circumstances.[73] The purpose of this verification is to facilitate administrative procedures at the KUA.[74] As PC noted, "*The* modin *understands how to check documents. Indeed, the* modin *plays a crucial role in ensuring that the data are accurate before submission to the KUA. Once the data are verified at the* modin *level, the couple may register at the KUA independently or with the accompaniment of the* modin."[75] Upon validation of the documents, the *modin* acts as an operational intermediary, overseeing the registration process until formal documentation is finalized. The *modin* is responsible for transporting documents from the village office to the KUA and serves as the primary contact

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68 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."
69 MDA5, "Modin at the Office of Religious Affairs of Purwodadi," May 16, 2024.
70 MDA2, "Modin at the Office of Religious Affairs of Purwodadi."
71 PA, "Penghulu at the Office of Religious Affairs of Purwodadi."
72 MDB4, "Modin at the Office of Religious Affairs of Bangil."
73 MDB3, "Modin at the Office of Religious Affairs of Bangil," May 21, 2024; MDB5, "Modin at the Office of Religious Affairs of Bangil," May 20, 2024.
74 MDA5, "Modin at the Office of Religious Affairs of Purwodadi."
75 PC, "Penghulu at the Office of Religious Affairs of Sukorejo."

for corrections during the final verification stage.[76] Therefore, the responsibility for rectifying any problematic documentation remains with the *modin* until formal approval is obtained.[77]

Importantly, the *modin*'s verification process extends beyond formal administrative checks. The *modin* also conducts detailed inquiries to ascertain the rightful marriage guardian, as guardianship is a fundamental pillar of marriage validity under Islamic law.[78] MDB5 explained:

> "*The data verification process is conducted by the* modin, *who subsequently delivers the documents to the village office. The documents are then forwarded to the KUA. If the administrative data are accurate, the* modin *is notified of the inspection schedule. If errors are identified during the inspection, the* modin *is contacted to facilitate corrections, which require the signatures of the prospective spouses. The* modin *is also responsible for verifying guardianship data, as mandated by the KUA. The guardian must be properly identified and thoroughly verified. If the father is unavailable, the grandfather or other relatives must be located. In the absence of an eligible guardian, the matter is referred to the KUA for the appointment of a* wali hakim.*"*[79]

This practice illustrates that the *modin* assumes a quasi-judicial role at the preliminary stage, while ultimate authority remains with the *penghulu*.

Third, under specific circumstances, the *modin* acts as a substitute for the *penghulu* in certain aspects of marriage registration. In urgent cases, the *modin* may be required to undertake some of the *penghulu*'s responsibilities for examining documentation. During periods of heightened demand—especially when multiple marriage ceremonies occur concurrently—the *modin* may be obligated to attend ceremonies held at private residences and assist with the associated documentation. In these situations, the *modin* is expected to possess comprehensive technical knowledge of the registration process, despite traditionally serving only in an auxiliary capacity.[80] Viewing themselves as integral members of the KUA's operational framework, *modin* adhere to the *penghulu*'s directives to ensure the provision of effective public service.[81] Several *modin* highlighted that their traditional authority derives from the community's customary practice of consulting them before approaching the KUA.[82] Because this practice is socially institutionalized, there is no resistance when the *modin* substitutes for the *penghulu*, particularly in home-based ceremonies.[83] This practice exemplifies how the principles of public welfare (*maṣlaḥah*) and justice—fundamental to contemporary reforms of Islamic family law—are negotiated within lived social contexts.[84]

Fourth, the *modin* serves as an intermediary in the administration of marriage. This role becomes necessary when prospective spouses are unable to complete the registration process

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[76] MDA4, "Modin at the Office of Religious Affairs of Purwodadi," May 16, 2024.

[77] MDA3, "Modin at the Office of Religious Affairs of Purwodadi," May 16, 2024.

[78] MDC2, "Modin at the Office of Religious Affairs of Sukorejo," May 29, 2024; MDC3, "Modin at the Office of Religious Affairs of Sukorejo," May 29, 2024.

[79] MDB5, "Modin at the Office of Religious Affairs of Bangil."

[80] MDB3, "Modin at the Office of Religious Affairs of Bangil."

[81] MDB3, "Modin at the Office of Religious Affairs of Bangil."

[82] MDB5, "Modin at the Office of Religious Affairs of Bangil"; MDB4, "Modin at the Office of Religious Affairs of Bangil."

[83] Misran Ramli et al., "Unveiling Illegal Marriages in Aceh: Examining the Role of Unofficial Qadi," *El-Mashlahah* 14, no. 2 (December 2024): 409–30.

[84] Ilma, "Islamic Legal Reform and the Principle of Moderation," 68–93.

independently due to work commitments, limited procedural knowledge, or discrepancies in civil documentation. In practice, the *modin* is granted delegated authority to manage all procedural stages up to the formal registration at the KUA. However, this intermediary position also introduces the potential for irregularities. In some cases, administrative brokerage has involved manipulating marriage data. One *penghulu* reported identifying discrepancies between names on identity cards and family cards during registration. Although the biological relationships were valid, administrative corrections were necessary to ensure legal recognition.[85] Additionally, there have been instances in which *modin* were misled by prospective spouses regarding guardianship information and were subsequently summoned by the KUA a week after the ceremony to address the error, thereby assuming responsibility for re-verification and re-registration.[86] Concurrently, reports of data manipulation by *penghulu* have also been documented.[87]

Within this administrative context, certain *modin* impose service fees for processing marriage documentation. Although this practice is not universal, community members often provide compensation in various forms as a gesture of appreciation.[88] As noted by MDC5: "*The* modin *requires the community to process marriage documents through him for a fee of 400,000 rupiah. This fee covers transportation, services, time, and the responsibility of leading the marriage celebrations.*"[89] The fee, therefore, includes not only administrative assistance but also religious services. Conversely, *penghulu* often interpret these payments as expressions of social appreciation for the *modin*'s administrative and mentoring support.[90] For community members, additional payments are frequently viewed as a means to ensure administrative efficiency.[91] Consequently, these economic exchanges should not be understood merely as commodification; rather, they represent trust-based practices embedded within local social structures.[92]

Regulatively, *modin* who hold formal village positions—such as the Head of the KUA—receive monthly salaries ranging from two to three million rupiah.[93] In contrast, those outside formal village structures receive significantly lower compensation, depending on the village's fiscal capacity.[94] This disparity partially explains why some *modin* expect additional remuneration.[95] Several *modin*s expressed disappointment that they received no monetary recognition despite their substantial assistance; however, they ultimately characterized their

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85 PB, "Penghulu at the Office of Religious Affairs of Bangil."

86 MDB3, "Modin at the Office of Religious Affairs of Bangil."

87 See: Mohamd Hayatuddin, "Pemeriksaan Dokumen Pernikahan di KUA Kecamatan Banyuwangi Kabupaten Banyuwangi dalam Perspektif PMA Nomor 20 Tahun 2019" (Jember: Universitas Islam Negeri Kiai Haji Achmad Siddiq, 2022).

88 MDB1, "Modin at the Office of Religious Affairs of Bangil," May 21, 2024; MDB2, "Modin at the Office of Religious Affairs of Bangil," May 21, 2024.

89 MDC5, "Modin at the Office of Religious Affairs of Sukorejo," May 29, 2024.

90 MDA1, "Modin at the Office of Religious Affairs of Purwodadi."

91 MDC4, *Modin* at the Office of Religious Affairs of Sukorejo, May 15, 2024.

92 MDB1, "Modin at the Office of Religious Affairs of Bangil"; MDB2, "Modin at the Office of Religious Affairs of Bangil."

93 MDC5, "Modin at the Office of Religious Affairs of Sukorejo."

94 MDA5, "Modin at the Office of Religious Affairs of Purwodadi."

95 MDB1, "Modin at the Office of Religious Affairs of Bangil."

work as a socio-religious service. [96] In practice, *modin* are sometimes perceived as intermediaries facilitating connections between communities and the KUA.[97] Nonetheless, this perception does not diminish the moral and religious dimensions of their role.[98] This phenomenon aligns with Islamiyah's findings that the involvement of *kyai*s (traditional religious leaders) as marriage brokers is grounded in moral and spiritual legitimacy, which promotes compliance—even in cases such as unregistered marriages.[99]

The dynamics of marriage brokerage vary regionally. Ali noted that in Lampung, former P3N collaborated with village heads as administrative intermediaries, a practice attributed to the low legal literacy of prospective spouses.[100] Nisa interpreted these practices as adaptive responses to the complexities inherent in Indonesia's marriage bureaucracy.[101] Similarly, Umairoh et al. conceptualized marriage brokerage as an informal social institution mediating the relationship between Muslim communities and the state amid the bureaucratization of Islamic family law.[102] In contrast, *modin* in Pasuruan do not fully instrumentalize their intermediary role for economic gain; rather, they perceive it as a socio-religious responsibility. This study corroborates Izzatunnisa's findings regarding *modin* involvement in document examination.[103] However, it refines her conclusion by demonstrating that *modin* operate solely at the preliminary verification stage, while the *penghulu* retains final authority as mandated by state law. Therefore, although the complexity of marriage bureaucracy is evident,[104] in Pasuruan it is negotiated through a complementary division of roles: the *modin* provides socially embedded administrative accessibility, whereas the *penghulu* maintains legal-rational authority as the ultimate decision-maker. This configuration exemplifies the relational interplay between traditional and legal-rational authority in the local practice of Islamic family law.[105]

Relationality of *Penghulu* and *Modin* Authority under Structural Constraints in Marriage Registration

In the three sub-districts of Pasuruan Regency examined in this study, *penghulu* face relatively complex working conditions in the processes of marriage registration and documentation. This complexity primarily arises from the limited number of *penghulu*, which requires a single *penghulu* to concurrently serve as the Head of the KUA while managing multiple jurisdictions.

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[96]   MDB1; MDB2, "Modin at the Office of Religious Affairs of Bangil."

[97]   MDB3, "Modin at the Office of Religious Affairs of Bangil."

[98]   MDA5, "Modin at the Office of Religious Affairs of Purwodadi."

[99]   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* 17, no. 1 (June 2024): 21–40.

[100] Ali, "Marriage Administration Brokers," 1–20.

[101] Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," 291–309.

[102] Putri Umairoh et al., "Brokered Marriage Administration: Rational Strategies of Muslim Communities in Navigating the Bureaucratization of Marriage in Indonesia," *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 2 (2025): 193–212.

[103] See: Auliana Izzatunnisa', "Peran *Modin* dalam Pemeriksaan Dokumen Perkawinan di KUA Kecamatan Pohjentrek Kabupaten Pasuruan Menurut PMA Nomor 20 Tahun 2019" (Surabaya: UIN Sunan Ampel, 2024).

[104] Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," 291–309.

[105] Fauzi, "Intermediaries and Illegal Gratification in the Indonesian Bureaucracy of Muslim Marriage," 337–54.

Consequently, the workload distribution becomes uneven, adversely affecting the effectiveness of marriage administrative services. Under these circumstances, *penghulu* are unable to perform their supervisory and registration duties optimally on their own, thereby increasing the operational importance of the *modin* as a local partner. These findings highlight that the quality and adequacy of human resources in religious public services are critical factors in addressing the challenges faced in marriage administration at the street-level bureaucracy.[106]

Within the scope of this study, each of the three KUAs in Pasuruan Regency was staffed by only one *penghulu*, who concurrently served as the KUA Head. Specifically, the appointed Head of the KUA in Purwodadi also assumed equivalent responsibilities at the KUA in Tutur Sub-district. The two offices are approximately 15 kilometers apart, requiring a travel time of around 30 to 40 minutes by motorcycle.[107] This geographical context presents particular challenges for the PA, especially considering that both Purwodadi and Tutur are mountainous areas with relatively extensive territorial coverage. Although the number of marriages in these sub-districts is lower than in Bangil and Sukorejo—regions with predominantly Muslim populations—the limited number of *penghulu* undermines oversight and administrative documentation. This situation illustrates that *penghulu* are not always able to exercise their legal-formal authority optimally in practice.

Structural constraints have compelled *penghulu* to adopt adaptive and pragmatic strategies, some of which may extend beyond the normative limits of current regulations, by incorporating Islamic religious counselors (*penyuluh agama*) and *modin* into administrative procedures. It is exemplified by the testimony of a religious counselor at the KUA in Purwodadi, who acknowledged active participation in document verification. PLHA stated:

> "*When the* penghulu*, who also serves as the Head of the KUA, is absent due to sharing his working hours with another KUA, I assume responsibility for the document verification process. In emergencies, such as when multiple marriages occur simultaneously, the Head of the KUA requests that I act as his substitute. To ensure the community is not left without assistance, we prioritize service by adhering to the principles of effective public service and proper facilitation.*"[108]

Several *modin*s in the Bangil have reported similar experiences regarding the delegation of responsibilities under urgent circumstances. When multiple marriage ceremonies occur simultaneously at different locations, *modin*s are requested to attend the prospective couple's residence on behalf of the *penghulu*. In these cases, their role extends beyond administrative support; they effectively assume the *penghulu*'s duties in both the documentation and solemnization of the marriage. MDB1 explained that representing the *penghulu* is conditional, particularly when several off-site ceremonies take place concurrently. To ensure procedural continuity and maintain public trust, the *penghulu* delegates responsibilities to the *modin* due to scheduling conflicts.[109] It was corroborated by MDB2, a *modin* serving as an assistant to

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[106] See: Ishom, "The Challenging Role of Penghulu and Marriage Administrators in Border Areas on Indonesia," 391–410; Muhammad Lutfi Hakim et al., "Implementasi, Kendala dan Efektifitas Kursus Pranikah di KUA Kecamatan Pontianak Tenggara," *Al-Istinbath: Jurnal Hukum Islam* 5, no. 2 (November 2020): 311–28.

[107] PA, "Penghulu at the Office of Religious Affairs of Purwodadi."

[108] PLHA, "Religious Advisor at the Office of Religious Affairs of Purwodadi," 2024-05-15.

[109] MDB1, "Modin at the Office of Religious Affairs of Bangil."

the *penghulu*, who indicated that he not only records marriages but may also solemnize him as a *wali hakim*, a state-appointed marriage guardian, when scheduling conflicts arise. Such occurrences are reportedly common in Bangil, where simultaneous marriage ceremonies frequently result in overlapping schedules for the *penghulu*.[110]

These delegative practices fundamentally represent responses to structural constraints within the religious public service system. From a socio-legal perspective, such actions can be understood as forms of institutional adaptation aimed at reconciling formal legal norms with the practical needs of the community.[111] Religious counselors and *modin* tend to emphasize the principle of facilitation (*taysīr*) in service delivery, whereas *penghulu* exercise administrative discretion by interpreting legal provisions contextually to protect public welfare.[112] More broadly, these practices may be interpreted as implicit critiques of the state's regulatory framework—particularly the prohibition on appointing P3N in Java—despite the clear necessity for additional personnel support in local marriage services.

This phenomenon demonstrates that, although the state seeks to centralize authority over marriage administration through the legal-rational power vested in the *penghulu* to ensure legal validity, its implementation faces significant structural challenges, particularly in regions with limited human resources and infrastructure. In the three KUAs examined in Pasuruan Regency, these limitations directly impede the efficiency of document verification and marriage registration processes. Within this constrained context, the *modin*—whose primary legitimacy derives from traditional and cultural authority—addresses administrative deficiencies through informal yet effective collaboration with the *penghulu*. This interaction exemplifies hybrid governance, in which state and traditional authority converge to sustain the functioning of the legal system.[113] Notably, this collaboration is not solely pragmatic; it also plays a crucial role in upholding the legitimacy of Islamic family law as a framework capable of protecting rights and ensuring equitable justice.[114]

At this juncture, it is important to emphasize that the rational-formal structure of Indonesia's marriage bureaucracy constitutes a normative imperative to ensure legal validity and certainty. Consequently, *penghulu*s must continue to exercise and supervise their authority with accountability during the document verification process. However, bureaucratic practice often requires decision-making in circumstances not fully anticipated by regulatory

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[110] MDB2, "Modin at the Office of Religious Affairs of Bangil."

[111] See: Polly Wiessner and Nitze Pupu, "When Marital Institutions Break Down: Impact and Adaptation among the Enga of Papua New Guinea," *Evolutionary Human Sciences* 3 (2021): e19; Ishom, "The Challenging Role of Penghulu and Marriage Administrators in Border Areas on Indonesia," 391–410.

[112] Mukhammad Nur Hadi, Fahruddin Ali Sabri, and Ahmad Masum, "Between Conservatism and Progressivism: The Young Penghulu in East Java's Legal Paradigm Addresses Disability Issues in Marriage," *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan* 10, no. 2 (December 2023): 198.

[113] See: Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority," 1–18; Filip Reyntjens, "Legal Pluralism and Hybrid Governance: Bridging Two Research Lines," *Development and Change* 47, no. 2 (March 2016): 346–66.

[114] See: Muhammad Sibawaihi et al., "The Role of Kyai and the State in Regulating Child Marriage: A Study in Cirebon Regency," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi dan Keagamaan* 12, no. 2 (November 2025): 667–79; Roni Tabroni et al., "Hybridity, Intersection, and Challenge: Navigating the History of Customary and Islamic Family Law in Moluccan Marriages," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 18, no. 1 (June 2025): 1–28; Masyithah Mardhatillah and Saoki, "Women in the Madurese Translation of the Qur'an: Questioning Gender Equality in Family Legal Verses," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 26, no. 1 (March 2025): 99–130.

frameworks. [115] In this context, administrative discretion should not be prematurely construed as a legal violation; rather, it can be understood as a form of socially responsive legal innovation within street-level bureaucracy. Thus, the *penghulu* functions as a state actor in the ongoing bureaucratization of Islamic family law in Indonesia.[116] Analogous to the judicial innovation and discretion observed in court practices addressing specific legal cases,[117] similarly calibrated discretion is essential in marriage services—provided it operates within the bounds of legality—so that administrative flexibility does not compromise the principle of legal accountability.

Conclusion

This study reveals that the relationship between the *penghulu* and the *modin* in the marriage registration and documentation process in Pasuruan Regency cannot be adequately explained by a simple binary framework of subordination or competition. Instead, the findings highlight a relational and complementary configuration of authority, in which the legal-rational authority embodied by the *penghulu* coexists with the traditional authority vested in the *modin*. At the socio-legal practice level, the *modin* acts as the initial gatekeeper, preliminary verifier, administrative intermediary, and, in certain circumstances, as a surrogate executor of the *penghulu*'s responsibilities. Nevertheless, the *penghulu* retains ultimate authority over the validation and formal registration of marriages. Structural factors—such as bureaucratic complexity, limited human resources, and geographical challenges—have fostered and sustained this collaborative arrangement. Consequently, the governance of marriage registration in Pasuruan exemplifies a hybrid form of governance within Islamic family law, in which the state does not operate in isolation but collaborates with non-state actors to ensure the continuity of public service delivery and legal protection.

This article advances socio-legal scholarship by demonstrating that the bureaucratization of Islamic family law in Indonesia does not replace traditional religious authority; rather, it reconfigures and negotiates this authority within everyday administrative practices. Drawing on Weber's theory of authority, the study emphasizes that legal-rational authority and traditional authority are not mutually exclusive in the application of Islamic law but operate interdependently. These findings contribute to ongoing discussions on legal pluralism in Islamic law, particularly regarding the administration of marriage. However, the research is limited to three sub-districts in Pasuruan Regency, so its conclusions should be

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[115] Julie Langer, "Bureaucracy and the Imaginal Realm: Max Weber, Rationality and the Substantive Basis of Public Administration," *Perspectives on Public Management and Governance* 5, no. 2 (June 2022): 12.

[116] Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law," *Studia Islamika* 26, no. 2 (August 2019): 207–45.

[117] See: Azni Azni et al., "Pseudo-Maṣlaḥah and Epistemological Failure in Marriage Dispensation at Indonesian Religious Courts," *Jurnal Ilmiah Peuradeun* 13, no. 2 (May 2025): 1399–420; Muhammad Lutfi Hakim, "Between *Hibah* and *Waṣiat Wājibah* for Non-Muslims: Expansive Legal Interpretations by Indonesian Religious Judges in Inheritance Cases," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 17, no. 2 (December 2024): 147–66; Mura Kan Kutaraya, Siti Hamidah, and Nur Chanifah, "The Distribution of Obligatory Bequest to Non-Muslim Biological Children from the Perspective of Islamic Inheritance Law in Indonesia," *Ascarya: Journal of Islamic Science, Culture, and Social Studies* 4, no. 1 (January 2024): 78–88; Gregorius Widiartana and Sajjad Hussain, "Judicial Pardon in Contemporary Criminal Verdicts: Balancing Justice, Legal Certainty, and the Utility of Law," *NUSANTARA: Journal of Law Studies* 4, no. 01 (July 2025): 1–11.

generalized with caution. Future studies could expand the geographical scope, conduct comparative analyses across regions with diverse socio-cultural contexts, or investigate how this relational configuration of authority affects specific issues, such as the protection of women's and children's rights within Islamic family law.

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