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A seemingly non-Islamic aspect of Ustadz Ali's business can be seen from the way he appoints a *wali* (legal guardian) for the bride. Ustadz Ali provides a *wali* from his staff. As discussed above, this kind of practice is considered by many Islamic scholars as violating an Islamic teaching on requirements for choosing a *wali*. Most of Ustadz Ali's clients discover his services from the internet or are referred from within his clients' friendship networks. The witnesses of marriage and *wali* are generally friends of the couple. Despite media attention, Ustadz Ali's business is still operating successfully, and he believes this is because his intention is to help his fellow Muslims.

### *The Story of Nadya*

Nadya, a thirty-three-year-old woman, was an online *siri* marriage client. Nadya, who works in a karaoke lounge in Jakarta, admitted that she was not the only person in her circle of friends who has practiced online *siri* marriage. Nadya married a man who was a long-standing customer of the lounge via online *siri* in order to prevent her from committing *zina*. Additionally her husband-to-be, Yanto, did not want to marry her legally through conventional marriage because he was already married and did not want to seek the consent of his first wife. Yanto said, "I could not marry her legally, Mbak Eva, because I am sure that my wife will not let me marry again and the court will not issue a permission for me." As a consequence, Nadya and Yanto chose to get married online. The fact that women who conduct online *siri* marriage often work in karaoke lounges and bars has given birth to strong prejudice toward this kind of marriage, with the prevailing opinion that online *nikah siri* is akin to "undercover" prostitution. Women's rights activist Dina, thirty-three years old, states,

It is very sad to face the fact that many people use religion for their own benefit. What is the difference between prostitution and this kind of marriage? Some couples even met because they were initially staff and customer. It is undercover prostitution!<sup>77</sup>

The concept of *zina*, which has been used as the main motivation for those who want to conduct online *siri* marriage, has been questioned by those who oppose the practice. Many critics argue that this kind of motivation is merely used to camouflage the main motivation, namely sexual pleasure. It is noteworthy, however, that those in the business of online *nikah siri* practice openly in their surroundings. Muslim communities in Indonesia seem reluctant to control such a practice, given that the *penghulu* who is responsible for the marriage is usually called an *ustadz* (religious teacher), which signifies someone who is honored in his community. They are usually known in their local areas as having certain "religious capital," to borrow Pierre Bourdieu's concept, which implies that they are well-versed in Islamic knowledge, especially in Islamic law.

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<sup>77</sup> Dina, interview by the author, Menteng, June 29, 2016.



## Bureaucratization: a real test for the Indonesian government

Online *nikah siri* which has recently been covered by the media and has become a hotly debated topic, has caused tension for the Indonesian government, especially for the Directorate General of Guidance for the Muslim Community of the Ministry of Religion, whose responsibility encompasses Muslim marriages.

The current challenges cover two levels. First, following Eisenstadt's<sup>78</sup> view on bureaucracy and bureaucratization, the challenge relates to the context of the environment: the tension between people with businesses in the online *nikah siri* industry, conservative religious leaders, women's groups, legal activists, and the Indonesian government—who aim to bureaucratize in order to maintain social order.

Responding to the currently hotly debated issues relating to unregistered *nikah siri* and online *nikah siri*, the Directorate General has communicated its position, namely that marriage registration is a must. Therefore, online *nikah siri* has to be banned. During an interview on the phenomenon of *online nikah siri*, the director general of BIMAS, M. Machasin, emphasized,

Marriage is a religious matter. If it is carried out according to the terms and conditions, then the marriage is still valid. The main reason often mentioned [by those who conduct online *nikah siri*] is because the person involved does not want to complicate her/himself by having their marriage registered in the KUA. However, it must be noted that we live in a society. There are rights and obligations which must be protected. Marriage is not just about the relationship between two people, but also about social order that requires the presence of the state.<sup>79</sup>

Machasin's emphasis on social order is a typical rhetoric used by bureaucrats to socialize their bureaucratic apparatus (see the introduction of this volume). However, this kind of government position, namely mentioning the validity of *nikah siri* from a religious perspective while at the same time trying to introduce a new bureaucracy is seen by many, especially women's rights activists, as ambiguous and weak. Echoing Machasin, Lilih Rahmawati says,

Marriage is the right of citizens, meaning that the government cannot be too regulatory and forceful in the following of certain rules, especially given that, in terms of *nikah siri*, there is no rule relating to its prohibition.<sup>80</sup>

This dilemma can also be easily found among other government elites, particularly when a statement is launched that is opposed by conservative groups. There is often a tendency to play it safe; that is, there is caution to avoid antagonizing conservative Muslim groups.

This phenomenon relates to the second level that challenges bureaucratization, namely the development of an Islamic resurgence that has swept the country. Both parties, the government and conservative Muslims who support online *nikah siri* and *nikah siri*, in general, need to demonstrate that they have the proper religious understanding that unregistered online *nikah siri* is valid from a religious perspective. Here lies the ambiguity in the government's effort to bureaucratize Muslim

78 Eisenstadt, "Bureaucracy and Bureaucratization."

79 Thobib, "Machasin: Kemenag Jalin Sinergitas dengan Kepolisian dalam Tangani Maraknya Nikah Siri Online" [Machasin: The Ministry of Religious Affairs synergizes with police departments in handling the rise of online *siri* marriage], *Direktorat Jenderal Bimbingan Masyarakat Islam*, March 20, 2015, <http://bimasislam.kemenag.go.id/post/berita/machasin-kemenag-jalin-sinergitas-dengan-kepolisian-dalam-tangani-maraknya-nikah-siri-online>.

80 Rahmawati, interview.

marriages. The effort to develop modern Indonesia by introducing various bureaucracies has to face problems of accommodating diverse voices of Islam. The government need to demonstrate their legitimacy and credibility as the guardian of the proper understanding of Islam, which in this context means that they need to admit that marriage with or without registration is valid in the eyes of God. Therefore, what we can see here is the “Islamisation race,” to borrow Liow’s term.<sup>81</sup> The government needs to demonstrate their credibility in front of an increasing number of Indonesian Muslims who are keen to accentuate their piety. The rise of piety that has swept the country, which is in line with the growing number of middle class Muslims, has led the government to be extra careful when facing Muslim groups using “religious language” or when attempting to show understanding of their struggles.

BIMAS has tried to make registering marriages easier through two new initiatives as part of the government effort to maintain legal-bureaucratic Islam. The first is the waiving of fees for marriage registration. Since the issuance of PP No. 48/2014,<sup>82</sup> marriages performed at the Office of Religious Affairs are free of charge (unless conducted outside office hours, in which case the fee is 600,000 rupiah—about USD 45). This regulation was created in order to lower the number of unregistered marriages in Indonesia, by making it easier for low income couples to register. However, the cost of using an unofficial broker (*penghulu liar*) to arrange a marriage certificate ranges from 1.5 million to 10 million rupiah (USD 113 to USD 758) and remains an attractive option to many. The main reason for using a marriage broker is the same reason as those who prefer to buy a fake marriage book, namely to avoid the complicated bureaucratic processes in Indonesia. The complex bureaucracy is evident in the obligation to provide letters from the neighborhood head, the hamlet head, the urban village head, and the subdistrict head. In addition, the couple must prepare for an often slow response within the bureaucracy. This line of bureaucracy demonstrates the government’s excessive effort to control Muslim marriages.

The second initiative is the establishment of a website through which couples can register their marriage. Through its information management system known as SIMKAH, Indonesia has, for the first time, an online record of the history of its citizen’s marriages. Before SIMKAH, staff of the Office of Religious Affairs recorded the marriage of Indonesians by hand and the office had a disorganized roomful of papers regarding marital histories, which were almost always impossible to access efficiently. In addition to enabling a proper record of each citizen’s marital history, having SIMKAH also contributes to the prevention of data forgery. The government’s target is to have SIMKAH operators in all parts of Indonesia by 2016, but this has not been achieved to date.

As mentioned earlier, the government seems to proceed from the assumption that they cannot convince Muslims that unregistered marriage is unlawful in Islam. In addition, in terms of online *nikah siri*, many argues that the response from the government has been quite slow. These issues are challenging to overcome because those who conduct these kinds of marriage believe they are doing the right thing from an Islamic point of view and their communities are reluctant to interfere. For example, the Directorate General cannot act if there are no complaints from community members regarding such practices. This is an issue between the effort to bureaucratize Muslim marriages and the Directorate General’s eagerness to preserve its credibility as upholding the “proper”

81 Liow uses this expression of the “Islamisation race” to identify the efforts of two opposing parties in Malaysia to politicize Islam and demonstrate their Islamic credentials—United Malays National Organisation, known as UMNO, the leader of the ruling coalition, and its main Islamic opposition party, Parti Islam Se-Malaysia, known as PAS. Joseph Chinyong Liow, “Political Islam in Malaysia: Problematising Discourse and Practice in the UMNO- PAS ‘Islamisation Race’,” *Commonwealth and Comparative Politics* 42, no. 2 (2004): 184–205.

82 This government regulation is the amendment of PP No. 47/2004.

understanding of Islam by admitting that online *nikah siri* is valid. Additionally, at this point, the responsibility for ensuring marriages are registered falls not only into the hands of parents, couples, religious leaders, and society, but also the government. The government's willingness to commit this issue to their agenda and implement regulations will prove to be particularly important but so far has been lacking.

## Conclusions

Discussion of online *siri* marriage is a continuation of the current trajectory of marriage registration in Indonesia. The bureaucratic apparatus which is being deployed by the government to counter the presence of unregistered marriage, particularly online marriage, can be regarded as another episode in the bureaucratization of religion in Indonesia, following the 1974 Marriage Law and the introduction of the 1991 Compilation of Islamic Law.

For the government, the issue of valid versus legal marriage has consistently presented a major problem relating to the bureaucratization of Muslim marriage. The challenges that have accompanied the process of the bureaucratization of Muslim marriage mainly cover two levels. Firstly is the environment, which embodies the tension between the government, diverse voices of Islam, and social groups. Secondly is the context of a rise of religiosity, which has had to be accommodated by the government. In Indonesia, there is currently an Islamization race occurring in society, which can be evidenced in the effort of the Indonesian government to demonstrate Islamic credentials amid an increasing number of Muslims who are eager to upgrade their religiosity and pursue the study of Islamic teachings.

The government is wary of the possibility that strict regulation of marriage could be counterproductive. Islam plays an important role in Indonesian life; it is also noteworthy, however, that Indonesia is not an Islamic state. Therefore, on certain issues, the government's position is ambiguous, as is evident in this article. On the one hand, the government considers *nikah siri* as illegal. However, it also admits that this marriage is valid in Islam. This ambiguous position reflects the long-term efforts of the government to use a religious approach in order to accommodate the rise of religiosity in the country. Additionally, the government's intention to win the "Islamisation race" is evident in the manner in which the government deals with the diverse demands of local governments to implement *shari'a*.

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