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Transformation of Undocumented Marriages in the Frontier Territory, from Generation One to Generation Three

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Abstract: Undocumented marriage is a social reality prevalent in many communities, including in Tawau (Sabah, Malaysia), where several Indonesian workers make a living. Examining the process of interrelation structure and agency institutionalizing the practice of undocumented marriage through the depiction of the transformation process and the actors that play a role, the study is intended to obtain comprehensive information on why cases continue to occur even to the third generation. The study also identified the impact of unregistered marriages on migrant workers and their families to obtain a measurable picture of the gravity of the problem. As for the reason why Tawau was taken as the locus, considering that cases of undocumented marriage were quite high in the region. Using a case study type qualitative approach with data collection techniques through in-depth interviews and document studies (books, journals, reports, and mass media coverage), the results showed that the marriage process is not recorded as having transformed from generation to generation, which is marked by a decrease in structural strength—and strengthening the roles and abilities of actors to escape structural forces. As a result, the practice of unregistered marriage continues to increase. It is increasingly difficult to stop, although, on the other hand, the real impact of excess marriage is not recorded for the object, especially their children who have difficulty getting educational services. Government efforts to reduce the impact have been made. Unfortunately, it will lose meaning if the increase in unregistered marriages is not stopped.

Keywords: undocumented marriage; Tawau; Indonesian Migrant Workers (TKI); structuration theory

1. Introduction

Even though it is prohibited, there are many undocumented marriage practices found by TKI, who are now termed Indonesian Migrant Workers (PMI), a term which is hoped to erase the bad image that has been attached to the term TKI.

There are many causes among them because see the validity of marriage only from a spiritual approach (fulfilling the pillars and conditions of marriage according to Islamic law even though it is not registered) (Burhanuddin, 2012). Whereas, as a consequence of the rule of law (*rechtstaat*), formal law must be used as the basis for legal action. Referring to Article 2 paragraph (1) of Law no. 1 of 1974 concerning marriage, marriages must be registered (Indra Setiawan, 2019).

This point of view follows the thoughts of a number of (Islamic) scholars who view Article 2 paragraph (2) of the Marriage Law as only an administrative matter that can be fulfilled or not (Sodiq, 2014). This opinion was used as a basis for the community and even developed into traditions, such as in Sukodadi, Central Java (Dwika Andriyani and Elly Suhartini, 2013), Cianjur Regency (Solihah et al., 2019), Bima (Zuhrah et al., 2020), Kalibening District, Banjarnegara Regency (Wigati, 2018), Bumijaya District, Tegal Regency (Tulloh, 2018); including in Tawau (Sabah, Malaysia); the place where the study was conducted. An informant at the Consulate of the Republic of Indonesia (KRI) in Tawau said that marriages are not recorded among Indonesian Migrant Workers as is the norm.

Another cause is a lack of understanding of the legal consequences of undocumented marriage, which Ali (2007) calls legal awareness. Generally, it occurs in those with low education due to their limited ability to access information. That is why many undocumented marriages occur in lower-tier communities (Dwika Andriyani and Elly Suhartini, 2013). Undocumented marriages are also found in middle and upper levels of society, but for different reasons, namely deliberately keeping marriage a secret as in the practice of polygamy (Matnuh, 2016), underage marriage (Hidayati & Abidin, 2013), or because the woman is pregnant (Zuhrah et al., 2020).

The legal consequence is that undocumented marriages have no legal force (Indonesian Law Compilation Article 6 paragraph 2) (Herlina et al., 2019). As a result, if the marriage experiences problems, it is challenging to resolve legally (Fahri, 2016), such as not being able to be processed to obtain a divorce certificate, distribution of property and inheritance, and pension management (Kustini & Rofiah, 2013). Likewise, there is a neglect of obligations such as not providing a living or domestic violence (KDRT) (Wigati, 2018). Not only does it have legal force, undocumented marriage is also an act against the law (civil or criminal) because it contains elements of an illegal act, namely not carrying out what is required by law (Matnuh, 2016).

Economic problems are another cause (Wigati, 2018). Unregistered marriages are considered by the community to be more expensive and more complicated because they require administrative requirements (Kustini & Rofiah, 2013). Especially if the person concerned is far where the population data is recorded, such as the Indonesian Migrant Workers in Tawau. According to the staff of the Indonesian Consulate in Tawau, to take care of the administration of marriage, Tawau Indonesian Migrant Workers who generally come from South Sulawesi have to spend no less than five million rupiahs with the largest cost for transportation. So even though the administrative service fee is free, Indonesian Migrant Workers have to pay a lot of money. Moreover, sometimes you have to go back and forth, which results in additional costs. Apart from transportation, they also have to deal with the consequences of cutting wages for leaving their jobs (informants at the Office of Religious Affairs, Sebatik Island, and Nunukan).

A study exploring cases of marriage was not recorded in the Indonesian Migrant Workers in Tawau, considering that many marriages were undocumented there. As stated by the head of the Consulate of the Republic of Indonesia Tawau (, 2017), undocumented marriage in Tawau is the second largest problem after population

administration problems, which tend to increase. "It's no secret that husband and wife oil palm workers work in one field, even though it was forbidden before. There were more of them. Increasing steadily from year to year."

Regarding the amount, there is no exact number that can be used as a reference. However, according to another informant who works at the Consulate of the Republic of Indonesia in Tawau (in the Manpower Sector, who is also responsible for assisting in the implementation of marriage determination for migrant workers), the number in 2017 reached 150 thousand pairs. "That which is official, which is not unofficial, is more or less the same. Half of them are confirmed to be married illegally ..."

The aspect that is deepened is how and why undocumented marriages occur even up to three generations. The study also tries to identify causative factors to get a complete picture of the problem, and its impact, including on the family and efforts to resolve it by the Indonesian government.

Regarding the concept under study, migrant workers, according to Law no. 18 of 2017 concerning the Protection of Indonesian Migrant Workers Article 1 Paragraph (1) is every Indonesian citizen who will, is currently, or has been doing work receiving wages outside the territory of the Republic of Indonesia ". Most of them work in the informal sector as domestic servants, construction workers, plantation workers, factory workers, and cleaning services (Nasirin, 2020). In this study, migrant workers are Indonesian workers who migrate to Tawau. Most of them are from the Bugis ethnic group from South Sulawesi (interview with informants in Tawau), but some live on the islands of Sebatik and Nunukan, North Kalimantan, which are relatively close to Tawau (results from interviews with informants on Sebatik Island).

Apart from Indonesian Migrant Workers from Bugis, there are also those from Java (East Java and Central Java), generally working in restaurants, and those who work as cleaning services (interview with Tawau Indonesian Migrant Workers). For the purposes of the study, the research object is limited to only migrant workers from Bugis who work in the fields, given the specifications of the problems they face and their typical marriage process.

Meanwhile, the concept of marriage is not recorded as having many names such as Siri marriage (Arabic, secret), marriage underhand, and some even call it illegal marriage. Siri marriage refers to a marriage that is carried out in secret, usually because something is hidden (shame in the case of pregnancy before marriage) or because it does not have the consent of the guardian (in the case of underage marriage) or the consent of the wife (in the case of polygamy) (Islami, 2017). The term "marriage underhand" is more of a sociological term because it is not recognized in Indonesian religious law and national law. Found in the Civil Code on Authentic Deed and Underhanded Deed. Authentic deeds are deeds made officially in the presence of or by authorized officials, while deeds under the hands (underhands acte) are deeds made and signed by the parties who agree or by unauthorized officials (Islami, 2017). As for the term, illegal marriage refers more to the non-fulfillment of the marriage requirements so that it cannot be recorded in the marriage book. The Office of Religious Affairs (KUA), as an institution with one of the main duties and functions of managing marriages, said that marriage (marriage) was not recorded (results from interviews with the KUA in Sebatik). That's why the writer chose to use this term.

2. Method

Using a qualitative method of case study type (Yin, 2009) with a collective or multiple case study type (Creswell, 2009), the study focuses on one issue but with a variety of cases (undocumented marriage in the early generation, second generation, and third-generation). The main bounded cases relate to the timing of the event (unrecorded marriage), locus (Tawau), and object (Indonesian Migrant Workers) (Merriam, 2002).

Data was collected through in-depth interviews with policymakers and implementers within the Indonesian Consulate in Tawau, in addition to data from mass media reports, journals, and related articles. The data analysis was carried out

with three strategies (Creswell, 2009), namely: 1) prepare and organize data, 2) reduce data to themes through the coding process and code summarization, and 3) present data in the form of discussion.

Regarding preparing data, the data was first collected through in-depth interviews and secondary data. Furthermore, data organizing, namely grouping data into complete and clear data (no doubt), data that needs additions and limited explanations, and data that is still very limited (needs to be explored and clarified carefully).

For data that need to be added and clarified, additional data are added and clarified information by exploring information from mass media reports, articles and journals. Apart from that, indirect communication was also carried out with informants (via WhatsApp) to clarify the data, which still contains unclear things. The reduction of data to themes is carried out afterward by eliminating irrelevant information or data that makes the issue wider or less focused. In this section, the data are grouped into five groups:

- General description.
- The process of undocumented marriage (first, second, and third-generation).
- The consequences of undocumented marriage for Indonesian Migrant Workers and the government's efforts to overcome the problem.

Grouping is done after reading and memoing the entire data as well as describing, clarifying, and interpreting the data. After that, the data is presented and visualized, taking into account the timing of the event.

3. Results and Discussion

3.1. Undocumented Marriage of Indonesian Migrant Workers in Tawau

Marriage to migrant workers, both between citizens (Indonesian citizens-Indonesian citizens) and between countries (Indonesian citizens-foreign citizens), is prohibited. This is stated in the Malaysian Immigration Act 1959/1963 section 8 (3) point 15, which states: Foreign workers are not allowed to marry local residents or foreign workers who work in Malaysia. If a foreign worker is married using a Pass Visit (Temporary Work) / PL (KS) will be completed, and the foreign worker needs to be sent back to his home country. PL (KS) Visa holders are refineries, guidance, agriculture, farming, sermons, house helpers.

The regulation also states that permission to marry foreign workers can only be given to workers who earn 5000 ringgit a month or the equivalent of 15 million rupiahs. In fact, most migrant workers only get ringgit 2000 ringgit, and the highest is 3000 ringgit. For information, the Regional Minimum Wage in Malaysia is 920 ringgit, or equivalent to 3 million rupiahs.

The explanation regarding the process of the unregistered marriage will be carried out by taking into account the time context in which it occurred (in the first, second, or third generation), considering its uniqueness. As for the time limit for the first, second, and third generations; difficult to determine with certainty considering the case is an action that is not done openly.

The search was carried out by taking into account the policies issued by the Indonesian government regarding Indonesian Workers, namely that the sending of Indonesian Migrant Workers to Malaysia officially began in 1970. It is a program for sending Indonesian Migrant Workers was officially stipulated by President Soeharto as a way to reduce the number of unemployed in the country (van Zanden & Marks, 2012). With an estimate that 20-25 years later the next generation is born, then the undocumented marriage in the first generation is estimated to have occurred in 1970 to 20-25 years later, namely 1970-1990, the second generation from 1990-2010, and the third generation in 2010 until now.

This calculation is strengthened by the cases of unregistered marriages that can be detected from cases of determination of marriage registered at Indonesian Consulate

of Tawau. When it was first implemented in 2012, the Consulate of the Republic of Indonesia Tawau, in collaboration with the Jakarta Religious Court, succeeded in marrying 491 couples, some of whom already have grandchildren.

Another reference is data on the children of Indonesian Migrant Workers who have received scholarships to continue their education to high school and university levels. Of the 23 thousand children of Indonesian Migrant Workers who received education services through the Community Learning Center (CLC) in 2015, some were children of Indonesian Migrant Workers from the second and third generations.

3.1.1. Marriage Process in the First Generation (1970-1990)

As revealed by the informants, the marriage process that was not recorded in the first generation was initiated with introductions between the female and male migrant workers in the fields. "They generally work in the same fields. So know each other there. The women cook, the men work to take care of the oil palm."

After feeling a match, the pair of migrant workers expressed their desire to get married to their families in the village (in South Sulawesi) through letters or other means (not meeting them in person), given a number of difficulties such as difficulty obtaining permission, in addition to the large cost problem.

Therefore, undocumented marriages in the first generation were mostly carried out without the presence and direct involvement of parents (the role of parents was very minimal), replaced by relatives who also live in Tawau, and both become migrant workers (Tawau Indonesian Migrant Workers generally work because they are "Bring" extended family or acquaintances from one village); and there are also brokers (especially to find rulers).

The pengulu referred to could be the cleric from Indonesia who works a lot around the fields as a recitation teacher or a village cleric who is a Malaysian citizen (not a Malaysian government employee). As for the ustadz who was appointed by the Malaysian Islamic Religious Affairs Office (MUIS), a kind of Religious Affairs Office in Indonesia (known as an imam who has tauliyah), did not want to marry off unregistered marriages because there were sanctions ranging from 2000 ringgit fines, dismissal, to criminal sanctions. (informant from the Department of Manpower, Consulate of the Republic of Indonesia Tawau).

In addition, first-generation marriages are generally hidden from the employer because Indonesian Migrant Workers have signed an agreement on a stamp duty before the employer to comply with Malaysian labor regulations regarding the prohibition of marriage with consequences for expulsion and even deportation if violated. Migrant workers even have to hide their marriages from their employers for a long time after marriage, which can cause inconvenience and even difficulties, especially if the couple is blessed with children. Due to a large number of risks and difficulties faced, unrecorded marriages in this generation are relatively limited and carried out with simplicity.

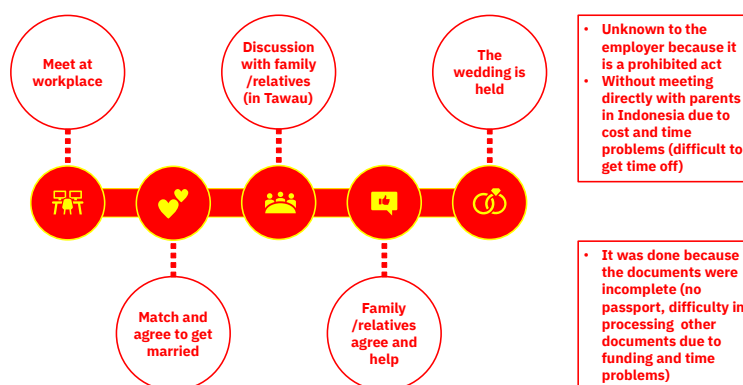


Figure 1. First Generation Migrant Workers' Undocumented Marriage Process

3.1.2. Undocumented Marriage in the Second Generation (1990-2010)

As marriage was not recorded in the first generation, the second generation marriage process also begins with introductions in the fields. The difference is, when migrant workers have a match, they also express their desire to get married to their parents, who mostly live and work in Tawau (there is a strengthening of the role of parents) as well as to their employers. He conveyed the marriage plan to the employer because many employers were willing to give their blessings. Employers consider that there is a change in attitudes towards married migrant workers that benefit them (they are more active in working because they have dependents to support their wives and children, are easier to manage, and are less prone to changing workplaces).

These benefits prevent employers from always rejecting the practice of unregistered marriage, despite realizing that the act violates the rules. In addition, there were employers who provided assistance other than permission, even though it was limited to finding a village cleric to marry off. In the second generation, the role of middlemen (finding a headman) began to diminish because migrant workers learned a lot from the marriages of previous migrant workers (first generation). Information on how to get the headman is starting to become widely known, as is access to the leader.

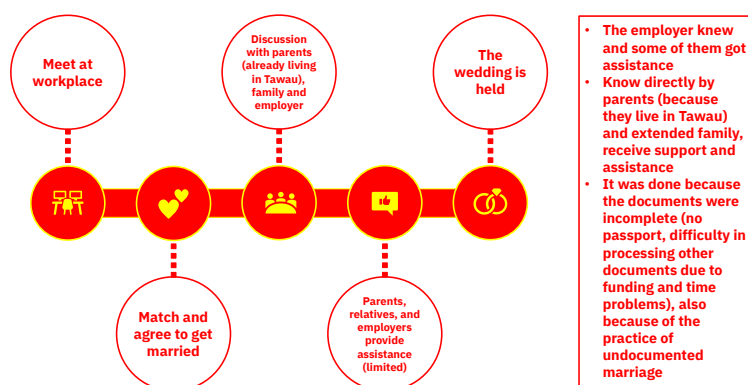


Figure 2. The Process of Undocumented Marriage for Second Generation Migrant Workers

3.1.3. Undocumented Marriages in the Third Generation (2010-present)

In particular, apart from introductions, marriages are not recorded in the third generation because migrant workers are matched by their parents with migrant workers from the same village, there is still a family relationship, or together with Bugis people, even though they must be familiar at the place of work. Parents also often act as the party who married (the role of parents is increasingly significant), because fathers who marry off their daughters immediately become the pride of the family—judged more in accordance with religious guidance.

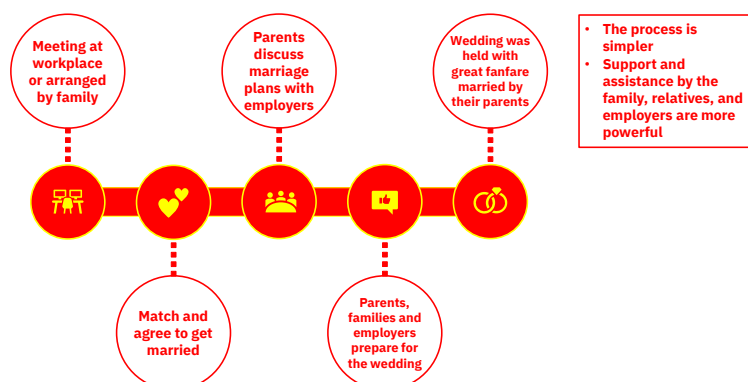


Figure 3. The Process of Undocumented Marriage for Third Generation Migrant Workers

The employer's role is also the same. Not only giving blessings and providing limited assistance, but assistance is increasingly widespread (finding a headman, giving loans, and some even giving free assistance, especially in fields that are managed). Because of this, even though the third generation of marriages are Siri marriages, some are carried out with great fanfare, and some are held lively to the Gaharitagamalam, complete with Bugis traditions.

Apart from the increasing number of parties supporting them, the number of migrant workers from Bugis in Tawau also increased, causing them to become a strong and existing community. This also allegedly triggers an increase in unregistered marriage cases among migrant workers in Tawau. Indonesian Migrant Workers are increasingly daring to carry out unregistered marriages for various reasons that have been mentioned.

3.2. Impact of Undocumented Marriages and Efforts to Overcome

Such undocumented marriages pose problems for Indonesian Migrant Workers as well as their wives and children. The most crucial problem for their children is the difficulty in obtaining birth documents, which has implications for the difficulty of obtaining educational services apart from dealing with the legality of their existence in Tawau which in some cases has resulted in these children being stateless (stateless).

Regarding the problem of difficulty in obtaining educational services, this is because the Malaysian government imposes a ban on children of foreign workers without official residency permits and without clear immigration status participating in learning activities at the Malaysian National School. So even though the Malaysian government education services are actually far from ideal (taught by teachers from Malaysia and with the Malaysian curriculum and the language of instruction of Malaysia so that most of the children of Indonesian Migrant Workers who access Malaysian education do not speak Indonesian and do not know much Indonesian), this is a solution. considering that the education provided by the private sector is relatively expensive. Not to mention that these schools are generally far from the fields, so they require a large expenditure for transportation costs. Indonesian Migrant Workers who cannot afford are forced to leave their children out of school, which is why it is found that a number of children of Indonesian Migrant Workers live in illiteracy (Andita et al., 2016).

The Consulate of the Republic of Indonesia in Tawau has actually tried to overcome this problem by facilitating the implementation of teaching and learning activities in the fields by cooperating with the Field Community Learning Center (CLC) (besides the Field CLC there is also a non-Farm CLC, namely CLC which is held outside the field). CLC itself is a kind of Community Learning Activity Center (PKBM), a teaching and learning activity initiated by the community. In this case by Indonesian citizens in Sabah with the aim of serving the educational needs of Indonesian children (not just the children of migrant workers in the fields), who cannot study at the Kota Kinabalu Indonesian School (SIKK), which is a formal school managed by the Indonesian government because various causes. The presence of CLC is of course very helpful. Based on the KRI Tawau immigration database (as of June 2012), of around 21,627 school-age children in Sabah, Malaysia 11,782 of them have received education services at CLC, of which approximately 3,042 are children living in Tawau.

Educational services through CLC are actually far from adequate. It is organized very simply, that is, there is only one teacher who teaches all subjects for approximately 100 children. These subjects include religious education, sports, and other subjects that require teacher qualification and competency requirements, so that learning outcomes are not optimal (Suprpto, 2017). The management of CLC is also faced with the problem of low parental support for children's education, because many parents think practically. Limited to equipping children with the ability to read, write and count, the minimum standards to be able to work in the fields someday.

In cooperation with the Ministry of Home Affairs (Directorate of Population and Civil Registry or Disdukcapil), the KRI Tawau issued policies and programs to directly address the problem of the absence of birth certificates for children of migrant workers who marry unregistered, namely by issuing a Birth Registration Certificate (free), which when needed, it can be converted into a birth certificate. As stated by the Consulate of the Republic of Indonesia in Tawau, this is so that children of Indonesian Migrant Workers who do not have a birth certificate have a handle, especially when they return to Indonesia to continue their education. The Birth Registration Certificate is also given to Indonesian Citizens in Tawau (Indonesian Migrant Workers or not), who already have a marriage certificate from Indonesia but their children do not have a birth certificate due to various problems.

The giving of the birth certificate was carried out in reference to the Presidential Decree No. 25 of 2008 Article 52 paragraphs (1), (2) and (4), which states that registration of births of Indonesian citizens without an excerpt from the marriage certificate/marriage certificate of parents can still be carried out (Nadeak, 2014). Even though paragraph (3) of the Presidential Regulation states that the requirements for registration of births without a marriage certificate must be accompanied by a police examination, taking into account the higher benefit, namely that there is a need for the children of Indonesian Migrant Workers to attend school and that the absence of a birth certificate has consequences for the emergence of other more complex problems, the Consulate of the Republic of Indonesia in Tawau made concessions regarding this matter.

Another crucial issue that Indonesian Migrant Workers children and wives face from unrecorded marriages, they are constantly living in fear (especially from raids by Malaysian police who carry out routine checks to the fields). If the consequences are deemed to be subject to a fine until deportation. Therefore, the scene of undocumented marriage children, including toddlers, struggling in various ways so as not to be raided, has become a common sight. They sometimes have to hide in toilets or farther into the fields to avoid being caught. The incident recurs every two times a week, even more so in conditions when there is an increase in raids, which of course has a bad and very traumatic impact on the psychological condition of these children (especially toddlers and elementary school children).

The implementation of *itsbat nikah* (legalization of marriage) by the Religious Court, facilitated by the KRI Tawau. Its implementation for migrant workers is another solution the government has taken to reduce the number of unregistered marriages. The activity, which began in 2012, is routinely held once a year and is followed by 200 to 300 pairs of unregistered married migrant workers, even approaching the figure of 800 people. As an illustration, *itsbat* in 2021 was followed by 490 married couples, in 2013 it was followed by 795 married couples, in 2014 it was followed by 322 married couples, in 2015 it was followed by 292 married couples, in 2016 it was followed by 245 married couples, and in 2017 it was followed by 272 couples husband and wife.

Referring to the data above, until 2019 no less than 2,416 married couples have been provided with administrative legal protection assistance through the marriage ceremony program. However, this number is far from the number of cases in 2017 which reached 150 thousand. This figure has now certainly increased, because while the determination of marriage is being carried out, meanwhile, the practice of marrying is not recorded to have continued with a higher rate of addition than what could be resolved through marriage determination.

Because of this, an informant from the Consulate of the Republic of Indonesia in Tawau hopes that efforts to stop unregistered marriages can be taken more seriously, both by the Indonesian and Malaysian parties. "We are like in a vicious circle. There is no end. There *itsbat*, but illegal marriage goes on, even more so. This can't happen. How long are you going? " He is also worried that the implementation of marriage determination will actually cause migrant workers to have undocumented marriages. "Just an illegal marriage, look forward to it being legalized if there is a determination ..."

The concern of the informant, who is also the head of the Indonesian Consulate in Tawau, is quite reasonable. As happened in Jambi, the implementation of marriage determination has triggered an increase in the occurrence of unregistered marriages (Mustika & Marlina, 2019). the prospective wife is already pregnant or the reason for practicing polygamy by some people (Rahayu, 2016). Therefore, the informant suggested that there be other efforts to unravel the root of the problem apart from the nature of marriage. The informant suggested that the Ministry of Religious Affairs provide a prince from Indonesia who is ready to serve the marriages of migrant workers, especially at the Indonesian border such as in Tawau, a place where many marriages are not recorded as taking place.

Another thing that, according to the informants, caused the increase in marriage was not recorded, because Malaysia in eradicating the practice of unregistered marriage was inconsistent. The Malaysian side actually knows that there are many violations against the prohibition of marriage, which are identified by the number of children of migrant workers from unregistered marriages who attend Malaysian schools. However, according to him, law enforcement by the Malaysian side is half-hearted. According to him, this is because the Malaysian side is afraid of losing migrant workers in the fields, which is needed by Malaysian palm oil companies.

Informants also regretted Malaysia's reluctance to revise Malaysia's labor regulations which prohibit marriage for Indonesian Migrant Workers, which is thought to be one of the factors causing the occurrence of many unregistered marriages. He hopes that the Indonesian side can be more serious in pushing for changes in regulations, because it is detrimental to Indonesian Migrant Workers. "In 2011 there was actually a discussion between Susilo Bambang Yudhoyono and the Prime Minister of Malaysia to find solutions to various problems concerning Indonesian migrant workers in Malaysia. Unfortunately, the issue of the prohibition against marriage was not discussed and resolved."

3.3. Discussion

The study uses the theory of Structuration, Giddens (1984) as an analytical tool, considering that the case illustrates a tug of war between structures and agents (actors), namely between the Malaysian government's prohibition of marriage policy (structural strength) on the one hand and the efforts of agents (migrant workers) to avoid getting married to migrant workers. Consequences of punishment, on the other hand. As is well known, Giddens' structuration theory is one of the most well-known attempts at integrating agents and structures (Bryant and Jary, 2000; Cohen, 1989; Held and Thomson, 1989; Craib, 1992). Through his theory, Giddens stated the importance of structure and agency and that people should not forget about structure and agency and even have to understand both in detail (Bulan, 2016).

With Giddens' main focus on repetitive social practice, namely, how humans live their daily lives, he wants to say that social processes do not form in one go. In this process, the agency is not a passive party but can monitor its behavior to fit the context of space and time (reflexivity); apart from that, the agent can perform daily actions (practical consciousness). Therefore, the agent can take various actions to overcome limitations due to structural constraints because the structure is constraining and enabling (Giddens, 1984).

In the context of studies carried out by migrant workers and other actors who participate in dealing with activities of daily life (practical awareness), namely getting married (especially because of the prohibition policy for marriage for migrant workers), in the end, they can find (produce) actions/methods to step aside. Meanwhile, the limitations/difficulties, among others, are due to problems that have become routine (routine). The action referred to is by carrying out an unregistered marriage which is actually an act against the law but can avoid legal snares.

The first proposition used is that the structure, besides constraining, can also enable the agent to act (enabling) (Giddens, 1984). This is because even though the

rules hamper the agency, on the other hand, it encourages the enhancement of the agency's capacity (enabling) the agency to produce actions to solve problems. Meanwhile, the second proposition is related to Giddens' opinion that agencies are not always subject to structure because agencies can leave the structure by looking for opportunities and possibilities to get out of existing rules and regulations, which is called dialectic of control (due to the limited range of control rules over agency).

Referring to the first proposition, unregistered marriages in Laughter can occur because of the actor's ability (migrant workers) to learn from the actions around him, namely the unregistered act of marriage carried out (daily routine or *duree*) by friends and even their own families. The action's production is primarily in facing structural constraints how to find a leader who is willing to marry off so that the marriage is at least religiously valid, namely through the help of middlemen and parties who invite to work in Tawau (first generation), assistance from family and acquaintances and employers (second generation), or by making female parents as the leader (in the third generation).

Thus Giddens' proposition that structure apart from constraining can also enable agents to act (enabling) applies to cases where the actions of migrant workers in marriage are not recorded. Not only that, there is even a transformation of the marriage process to become easier and simpler in the third generation, namely that the structural forces that prevent Indonesian Migrant Workers from getting married have not been recorded to have weakened. In contrast, the role of actors has strengthened.

Related to the second proposition, that although the Malaysian government issued a policy prohibiting marriage migrant workers, the ability to enforce the rules is not always balanced with the strength of the rules itself, in the case analyzed occurs due to personal limitations, the size of the area that must be reached considering a large number of existing oil palm fields. (especially those on a small scale with only ten workers), and the number of people (the number of Indonesian Migrant Workers) must be supervised, which is said to have reached 150 couples in 2017.

In addition, there are humanitarian considerations considering that migrant workers marry only to fulfill the human need for a life companion, which is getting higher considering their hard work as workers in the oil palm fields (requiring strong human resources). This has resulted in the Malaysian police often turning a blind eye to the various violations of the regulations.

The high need for oil palm plantation owners and Malaysian palm oil companies for migrant workers from Indonesia (especially for field workers) is another factor that makes law enforcement on the prohibition of marriage difficult to implement consistently. As stated by an official of the Manpower Service Sector at the Consulate of the Republic of Indonesia in Tawau, if there was a need for a field owner to get 500 workers, within two weeks, the need could be met. However, in 2017, there is a need to recruit 100 people, which may not be fulfilled in a year.

Based on this description, Giddens' proposition that agencies are not always subject to structure because agencies can leave the structure by looking for opportunities and the possibility of getting out of the rules, which results in a limited range of control rules over the agency, applies to the case of undocumented marriages for migrant workers with factors as already mentioned.

4. Conclusion

The undocumented marriages of Indonesian Migrant Workers in Tawau have been going on for a long time, even up to three generations. They have undergone considerable transformation, especially in supporting actors (from minimal involvement of parents and employers to fairly dominant involvement). Because of that, the marriage implementation was not recorded as having changed, from being secret to being very open.

Apart from strengthening actors, there are also structural weaknesses in decreasing actors (actors increase the ability of actors to produce and multiply actions to avoid legal traps). On the other hand, assessments such as humanity, the need for Malaysians for an Indonesian workforce, and the problem of weakening the structure's capacity for actors to reach out. It also shows that the two propositions of Giddens' structuration theory apply to this case, manifesting in an easier and simpler form of undocumented marriage.

The real impact of marriage was not recorded as experienced by the object, especially the children of Indonesian Migrant Workers who had difficulty accessing education services, which the Indonesian government tried to help. However, if the practice of unrecorded marriage continues to grow, these efforts will be in vain.

As a recommendation, it is proposed that the Indonesian government strive to eliminate Malaysian labor regulations that prohibit the marriage of Indonesian Migrant Workers, bearing in mind that the policy is detrimental to Indonesian workers. At least it needs to be revised by lowering the salary limit from 5000 ringgit to 2000 to 3000 ringgit, a relatively affordable amount. The abolition of regulations also needs to be done, considering that prohibition is suspected to be one of the factors causing undocumented marriages.

Another recommendation is that there is a massive educational effort involving religious and traditional leaders. They are behind the community's understanding that marriage is sufficient through a spiritual approach. Presenting a leader from Indonesia who works around the fields is another solution, further refined by making it easier to manage marriage administration through online services. Indonesian Migrant Workers can save time and money to take care of it.

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