

AUTHORITY, DISCRETION, AND INCLUSION: A SOCIO-LEGAL ANALYSIS OF MARRIAGE REGISTRARS AND SENSORY DISABILITIES IN INDONESIA

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Abstract

This study explores the role of marriage registrars in Indonesia when officiating marriages involving individuals with sensory disabilities. Focusing on Jombang Regency, East Java, the research investigates the legal actions and motivations of registrars in ensuring the compliance of marriage procedures for sensory-disabled couples. Using a socio-legal approach and Max Weber's theory of action, the study identifies two models of action: legal authoritative actions and legal discretionary actions. Registrars, as legal authorities, enforce marriage registration regulations, ensuring that prospective brides and grooms with sensory disabilities meet the required criteria. However, due to the absence of specific regulations regarding marriage registration for sensory-disabled individuals, registrars exercise discretion, modifying procedures to accommodate communication limitations. The study finds that registrars' motivations for these actions are guided by legal rationality, ensuring legal certainty in authoritative actions, and legal responsiveness, aiming to uphold the rights of individuals with sensory disabilities. The findings highlight the need for legal reforms in family law to integrate disability rights into marriage registration regulations, as registrars face challenges in officiating marriages for sensory-disabled individuals within the existing legal framework. The research contributes to the understanding of how legal actors, such as marriage registrars, balance legal obligations with the need for flexibility in ensuring inclusive practices for marginalized groups.

Keywords: Marriage Registrar; Sensory Disabilities; Legal Action; Legal Rationality; Socio-Legal Approach.

A. Introduction

The registrar (in Indonesia, referred to as *penghulu*) plays a significant role in overseeing Islamic religious affairs in Indonesia. In some countries, the registrar holds a central role in religious matters, especially marriage—for instance, in Malaysia, where it is known as a religious official (Warman et al., 2023). In Ireland, the role is referred to as a religious body (O'Sullivan, 2024). In Indonesia, the registrar is widely recognized as an expert in Islamic religious matters, serving as a judge, *imam*, wedding officiant, and someone who manages funeral rites (Naif, 2012). In its historical development at the end of the 18th century, the registrar was appointed as a local government official and assigned duties as a religious official. This marked the beginning of a shift in the registrar's role in society, granting them strong authority in the religious domain (Sutherland, 2003).

In the historical context, the authority of marriage registrars became formally recognized after independence with the issuance of the Regulation of the Ministry of Religious Affairs of the Republic of Indonesia No. 11 of 2007 on Marriage Registration. Article 1 of the regulation stipulates that a marriage registrar is a functional civil servant (PNS) official authorized to

supervise marriages conducted according to Islamic principles and to carry out marriage registration activities. Subsequently, the Regulation of the Ministry of Religious Affairs of the Republic of Indonesia No. 30 of 2024 on Marriage Registration (hereinafter referred to as the Marriage Registration Law 30 of 2024) further strengthens the registrar's authority, designating the registrar as a civil servant responsible for providing marriage or reconciliation service, offering guidance, overseeing registrar development, and delivering religious education to the Islamic community.

This development indicates a narrowing of the registrar's authority from the pre-independence to post-independence period (Islamy, 2020). Following independence, the registrar's authority became more focused on the area of marriage, encompassing responsibilities such as marriage administration, acting as a guardian's *taukil*, and serving as a guardian or judge, as stipulated in Indonesian laws and regulations (Zahro & Rahma, 2023). However, in one case, the registrar came into conflict with the local religious authority, which carried out a similar practice. Specifically, the registrar offered to register marriages, while the local religious authority conducted unregistered marriages (Farabi, 2020).

Examining the authority of the registrar in the area of marriage reveals that the registrar plays a significant role in overseeing the enforcement of marriage laws in Indonesia. The registrar is tasked with ensuring that these laws are upheld and observed by all members of society. In their research, Hadi et al. (2023) emphasized that the registrar also plays a role in repositioning, reconstructing, or deconstructing marriage law to bring about societal benefits.

In the context of family law, the registrar functions as the law enforcement officer for marriage in Indonesia. The registrar is responsible for upholding legal norms and the values that underpin those norms. This role presents a considerable challenge, namely in ensuring that the community complies with the laws and regulations governing marriage, including marriage registration, premarital guidance, and marriage contracts. Friedman (1987) similarly asserted that the legal structure within a legal system must be capable of maintaining and enforcing the law through legal action.

In practice, the registrar's capacity is tested by various cases of marriage practices in society that fall outside the explicit procedures set out in the existing laws and regulations. One such case involves the marriage of individuals with sensory disabilities, including those who are blind, deaf, and mute. This condition places the registrar at the epicenter of Islamic marriage law, positioning the registrar as a central figure in interpreting and guiding the application of marriage law so that it remains relevant to the context of disability inclusion. In this area, legal and religious perspectives have yet to fully converge (Harris, 2019).

This incident occurred in Jombang Regency, East Java. Several registrars across various Religious Affairs Offices in Jombang Regency have handled marriages involving individuals with sensory disabilities. Based on preliminary investigation, the researcher hypothesizes that the registrars exhibit a model of action that aligns with existing laws and regulations concerning marriage registration, while also demonstrating actions based on personal initiative. On this basis, the researcher conducted the study to support the argument underlying the hypothesis.

In this study, the registrar is identified as a key figure in facilitating the successful execution of marriages involving individuals with disabilities. This is due to the registrar's responsibility: on one hand, adhering to the applicable regulations, and on the other, exercising innovation, as there are currently no specific regulations that govern the procedures for marriages involving individuals with sensory disabilities. Furthermore, the registrar is also expected to uphold the rights of individuals with sensory disabilities throughout the marriage process, including ensuring justice, accessibility, public services, data collection, and protection from discrimination.

The issue of disability in the context of marriage is one that every registrar must fully understand and address. This understanding is crucial as it demonstrates a commitment to respecting, protecting, and fulfilling the rights of individuals with disabilities, particularly in

marriage. The core principles for improving the welfare of individuals with disabilities are outlined in the Convention on the Rights of Persons with Disabilities (CRPD). These principles emphasize respect for inherent dignity and individual autonomy, non-discrimination, full participation in society, acceptance of individuals with disabilities as part of humanity, equality of opportunity, accessibility, gender equality, and respect for the evolving capacities and development of individuals with disabilities.

As a consequence of ratification, the state acknowledges its legal standing through Law Number 19 of 2011 on the Ratification of the Convention on the Rights of Persons with Disabilities. Six core commitments are outlined therein, including the obligation of the state to realize the rights of individuals with disabilities by adjusting laws, regulations, and administrative measures. This includes the revision of laws, practices, and societal norms that discriminate against persons with disabilities. Furthermore, individuals with disabilities are entitled to protection from cruel, inhumane, or degrading treatment and to receive legal safeguards and social services in various situations, especially in times of emergency.

In the context of marriage, the registrar is required to comply with the regulations related to marriage. The requirement stems from the registrar's position as a civil servant responsible for upholding morality, proper conduct, and leadership. Therefore, the registrar must serve the community and act as a role model. When carried out responsibly, this important role of the registrar contributes to fostering peace within the community (Rais, 2020).

Various researchers have conducted several studies on marriage registrars. Among them is a study by Farabi (2020), which examines the role and existence of the registrar by exploring the intersection between state and non-state registrars in performing marriage registration. Kusrin et al. (2020) conducted research on religious officials (registrars) accompanying marriage courses for deaf individuals. Fauzi (2019) examined the influence of the registrar in marriage registration. Additional research has focused on inclusive paradigms among marriage registrars, such as (Hadi et al., 2023) study on the progressive and conservative paradigms concerning marriage for individuals with disabilities. Wijayati et al. (2023) advocated for a paradigm shift among registrars. Moreover, research by Fathurrahman et al. (2023) explored the actions of the registrars and identified three models of action in carrying out and recording marriages.

The previous research described above differs from the author's research. The shortcoming of the previous research is that it did not explore the legal actions of the marriage registrar when dealing with couples with sensory disabilities. Similarly, Hadi et al. (2023) research, which shares similarities with this paper, only justifies the progressive and conservative paradigms of marriage registrars in the context of disability issues. Therefore, researchers emphasize the contribution to legal practice when dealing with disabilities.

This study is based on the argument that the marriage registrar possesses the motivation to act to ensure the successful practice of marriage registration involving individuals with sensory disabilities. Various references cited by the researcher reinforce the role of the registrar as a Civil Servant (PNS) who holds authority in the areas of marriage and Islamic guidance. Accordingly, the research problem is formulated as follows: What are the legal actions taken by the marriage registrar when dealing with couples with sensory disabilities? Furthermore, what is the legal motivation of the marriage registrar in such cases, viewed from the perspective of Max Weber's theory of action? The purpose of this study is to fill the gap in previous research. Specifically, it aims to explain the model of registrar's actions and their underlying motivations in the context of marriages involving individuals with sensory disabilities, using Max Weber's theory of action as the analytical framework.

B. Method

This research is an empirical legal study using a socio-legal approach, which examines law through the perspective of the social sciences. This type of study represents a contextual

perspective on law (Shidarta, 2024). The socio-legal approach entails an understanding of the laws and regulations, legal instruments, and substantive legal issues relevant to the field of study, followed by their analysis (Irianto, 2012). This study explores the understanding of marriage registrars (*penghulu*) regarding marriage registration regulations in Indonesia, with a particular focus on their motivations concerning the rights of individuals with sensory disabilities. The socio-legal approach facilitates an in-depth examination of legal actions in the context of marriage registration practices for individuals with sensory disabilities in Jombang Regency, East Java.

Data were obtained through interviews with seven marriage registrars in Jombang Regency who have officiated marriages involving individuals with sensory disabilities. Once collected, the data were analyzed using descriptive analysis, whereby the researcher presents an overview of empirical findings and discussions. Accordingly, the results and discussion sections synthesize both the empirical data and narrative analysis. The data are presented through a process of reduction, editing, and organization. Max Weber's theory of action is integrated into the analysis to identify the models and motivations behind legal actions by marriage registrars in officiating marriages involving individuals with sensory disabilities. This theoretical framework was chosen because it posits that every action carries an inherent value—moral, ethical, or otherwise—and is directed towards achieving specific goals.

C. Results and Discussion

1. Registrar in Indonesia: From Religious Figures, Judges, to Functional Officials

In the development of the term registrar in Indonesia, its origins cannot be separated from the role of the *ulama*. Both held significant positions in the spread of Islam within Indonesian society. The association with *ulama* arises from the fact that, during the Islamic kingdoms, registrars performed religious duties and also acted as judges in matters of Islamic law (Isma'il, 1997). During that period, registrars played a key role in managing religious affairs. For example, in the Demak kingdom, the registrar served as a prominent leader entrusted by the king to oversee religious ceremonies (Fauzia, 2003). Some notable registrars from the Demak kingdom include Sunan Kudus and Sunan Kalijaga (Pijper, 1985).

The role of the registrar as a religious authority can be traced through the historical development of Islamic kingdoms in Indonesia. The *registrar* was a religious figure instrumental in the widespread dissemination of Islam, leading to its establishment as the majority religion practiced by Indonesians to this day (Burhanuddin, 2012). This historical trajectory demonstrates that the registrar contributed significantly to Indonesia's socio-religious development. Registrars provided guidance on socio-religious and political issues, particularly those involving fundamentalist religious concerns. As a result, during the Islamic kingdoms, the pattern of interaction between the registrar and the monarchy remained intact and continued into the post-colonial era (Rais, 2020).

The role of the registrar as a religious figure can be traced through the activities of the development of the Islamic kingdom in Indonesia. The registrar is a religious figure who has a role in spreading Islam massively until it became the majority religion practiced by the Indonesian people until now (Burhanuddin, 2012). This shows that the registrar has contributed to the socio-religious development in Indonesia. The registrar provides advice related to socio-religious and political problems related to fundamentalist religious issues. During the Islamic kingdom, the pattern of relations between the registrar and the kingdom was maintained until the post-colonial period (Rais, 2020).

In the pre-colonial era, the registrar's activities held a more prominent role, functioning as a judge who presided over trials at the *surambi* court—judicial proceedings conducted within mosque premises. This court was no longer led by the king but was presided over by the registrar, accompanied by a religious scholar as a member of the council. In relation to the kingdom, the

surambi court functioned as an advisory body, providing advice to the king in the decision-making process. However, the king still retained strong control over judicial matters (Zuhriah, 2014).

Such practices were evident in the Mataram Sultanate under the reign of Sultan Agung. In addressing social issues, the registrar, acting as a judge, was assisted by the *pathok negara*, who bore significant responsibilities in the domain of law and religion (Syarif & Bin-Armia, 2022). In resolving cases, the cleric did not rely solely on the Qur'an and hadith but also referred to widely recognized *fiqh* texts in Indonesia, such as *Muharrar*, *Mahalli*, *Fath al-Mu'in*, and *Fath al-Wahhab* (Ismanto & Suparman, 2019). The role and institutional structure of the registrar were not only preserved and developed within the kingdoms but were also maintained in various areas under colonial administration (Rais, 2020).

The restructuring of the judiciary during the colonial period impacted the registrar's role. Although the colonial government sought to separate judicial authority, it did not eliminate the registrar's presence in the courts. During the tenure of Dutch East Indies Governor Daendels, the registrar was explicitly recognized within Islamic courts for handling matters such as marriages, divorces, and criminal cases. Registrars were subsequently appointed as advisors to native courts (Fauzia, 2003).

In the decree of 1829, the status of the registrar, alongside the prosecutor, was affirmed to remain as advisors to the Court. By 1830, the Islamic Court led by the registrar was incorporated into the District Court (*landraad*). The issuance of *Staatsblad* No. 152 of 1882 indicated the continued recognition of the registrar, with the establishment of the *Priesterraad* (Religious Court) led by a registrar appointed by the *landraad*, and supported by no less than three and no more than eight Islamic experts appointed by the Governor General (Cammack, 1997; Fauzia, 2003).

The integration of the colonial government into the registrar's administrative system brought about significant changes to both the role and institutional framework of the registrar. The promulgation of *Staatsblad* No. 152 of 1882 officially incorporated the registrar and its institution into the colonial administration system. Although the registrars were granted authority to adjudicate marriage cases, their actions were subject to control and supervision by the colonial government. This involvement marked a shift in authority from native institutions to the colonial bureaucracy (Islamy, 2020).

During the pre-independence period, the duties of the registrar were increasingly limited to civil matters, especially those related to marriage. This restriction was formalized with the issuance of *Staatsblad* No. 348 of 1929 on the implementing regulations of the marriage ordinance in Java and Madura (*Herziening Van De Regeling Betreffende Huwelijken En Verstoelingen Onder Mohammedanen Op Java En Madoera*). These provisions outlined the role of marriage registrars appointed by the colonial government, whose responsibilities included registering marriages, divorces, and reconciliations (Huis & Wirastri, 2012).

Meanwhile, after independence, the restructuring of the marriage registrar system was implemented as a follow-up to Government Decree Number: I/S.D. dated January 3, 1946, marked by the establishment of the Ministry of Religious Affairs, which assumed responsibilities previously held by the Ministry of Home Affairs concerning marriage, Religious Courts, mosques, and Hajj affairs. In line with the main duties of the Ministry of Religious Affairs, efforts were made to improve the organizational structure of the marriage registrar as a provider of marriage registration services. In 1990, the Regulation of the Ministry of Religious Affairs Number 2 of 1990 was issued to regulate marriage registration, followed by the issuance of the Decree of the Director General of Islamic Community Guidance and Hajj Affairs Number 18 of 1993 on the appointment of deputy PPN (Marriage Registrar) and head of PPN (Rais, 2020).

After Indonesia's independence, the scope of the registrar's duties underwent a significant narrowing, focusing exclusively on matters of marriage. This restriction reflected the state's effort to bring clarity and uniformity to the role of the registrar in a newly independent legal framework. Over time, the introduction of formal regulations regarding marriage registration further reinforced

the registrar's position as the sole authority entrusted with officiating marriages and offering guidance to couples. The institutionalization of this role was not merely administrative but symbolic of the state's attempt to safeguard the sanctity and legality of marriage, particularly within the framework of religious and civil obligations. As the regulatory landscape evolved, so too did the conceptualization of the term "registrar," adapting to the changing demands of governance and society.

In post-independence Indonesia, the state recognized the need to provide precise legal definitions of the registrar's role, leading to the promulgation of a series of ministerial regulations. For instance, Article 1, number (2) of the Regulation of the Ministry of Religious Affairs (MoRA) of the Republic of Indonesia Number 19 of 2018 on Marriage Registration formally defined the registrar as a civil servant responsible for administering marriage registration. This legal articulation placed registrars squarely within the state apparatus, ensuring their function was not arbitrary but anchored in codified authority. By doing so, the government solidified their role as both legal and religious representatives, bridging the divide between civil administration and the spiritual significance of marriage in the Indonesian Muslim community.

The subsequent regulation—MoRA Number 20 of 2019—provided a more expansive articulation of the registrar's functional responsibilities. Article 1, number (5) delineates the registrar not only as a civil servant with authority to perform marriage registration but also as an official endowed with rights and duties that extend beyond the mere recording of marital unions. Here, the registrar is characterized as a Functional Official entrusted with conducting marriage or reconciliation services, offering premarital and marital guidance, and engaging in institutional development for the registrarship itself. Importantly, the regulation highlights their broader responsibility to provide religious guidance to the Islamic community, positioning registrars as both administrators and moral guides. This expansion underscores the state's recognition that marriage is not only a legal contract but also a religious and social covenant requiring holistic oversight.

Thus, the evolution of the registrar's role reflects a broader transformation in Indonesia's governance of marriage: from a narrow legal function to a multifaceted position that combines legal authority, religious responsibility, and social service. Registrars are now expected to ensure compliance with legal requirements while also facilitating inclusivity, addressing practical challenges, and upholding the spiritual dimensions of marriage. This dual identity—administrative and pastoral—exemplifies the unique nature of Indonesian family law, which merges state regulation with religious obligations. The registrar's authority to reconcile disputes, provide guidance, and nurture the registrarship institution further reinforces their centrality in sustaining both legal certainty and community trust.

In practice, this evolution signifies the state's attempt to embed marriage registration within a wider system of governance that prioritizes legal rationality and religious legitimacy. It also reveals the state's responsiveness to the complexities of marriage in a diverse society, where the registrar must balance the rigidity of regulations with the flexibility required to accommodate varying circumstances. Ultimately, the trajectory of the registrar's role since independence highlights an ongoing negotiation between law, religion, and society, positioning the registrar as a pivotal actor in safeguarding the rights of citizens while ensuring that the institution of marriage remains aligned with both national legal frameworks and Islamic religious values.

2. Registrar's Legal Action: Marriage Registrar

In the Regulation of the Ministry of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 9 of 2019 on the Functional Position of Registrar, it is stated that the registrar is a functional position held by a marriage registrar who possesses the scope, duties, responsibilities, and authority to provide marriage or reconciliation services and guidance, develop the registrar institution, and offer religious guidance to the Islamic community.

In this context, as previously mentioned by the researcher, the duties of a registrar extend beyond the area of family law. The registrar also engages in examining, analyzing, and studying actual religious issues. The registrar is tasked with overseeing the development of discourse related to Islamic family law. This developmental responsibility necessitates that registrar continuously improve their understanding and capacity to resolve emerging issues in the field (Hadi, 2020). Furthermore, the registrar holds a central role in society, functioning as a cross-sectoral coordinator in addressing societal issues related to marriage administration.

In the context of marriages in Indonesia, the registrar serves as the Marriage Registrar (PPN), an employee appointed by the minister responsible for religious affairs or an authorized official designated to register marriages for Muslim citizens (Saehu et al., 2024). Marriage registration, as defined under Marriage Registration Law No. 30 of 2024, refers to the comprehensive process of administering marriage-related events. This process is structured into four key stages, each playing a critical role in ensuring the legality and legitimacy of the marriage. The first stage involves the registration of marriage intentions, where the parties express their intent to marry and begin the formal procedure. The second stage is the marriage examination, where the registrar assesses the eligibility and legal requirements of the individuals seeking to marry. Following this, the third stage is the implementation of the marriage contract, which formalizes the marriage according to religious and legal principles. Finally, the process concludes with marriage registration, where the marriage is officially recorded and recognized by the relevant authorities. These stages together form a structured framework that ensures the proper execution of marriage registration in accordance with the law.

From the description above, it can be concluded that the registrar's task is not merely administrative but fundamentally rooted in enforcing legal norms and the values that support them. The registrar plays a central role in upholding the integrity of marriage as both a legal and social institution. Their responsibilities encompass ensuring that society complies with the laws and regulations governing all marriage-related matters, including the registration of marriages, the provision of marriage guidance, and the proper execution of marriage contracts. In this sense, the registrar functions as a gatekeeper of legal certainty in marital affairs, bridging state authority with community practices.

As Friedman (1987) asserts, the legal structure within a legal system must be capable of maintaining and enforcing the law (law enforcement) through concrete legal actions. This perspective reinforces the idea that registrars, as civil servants, embody the legal structure in action. They do not simply record or witness marriages but actively ensure that the requirements of marriage law are fulfilled and respected, thereby guaranteeing the validity and legitimacy of each marital union. Their work is thus integral to the operation of the legal system, as they transform abstract legal provisions into enforceable realities within society.

Friedman's view of legal action is particularly relevant here. He defines legal action as behavior carried out by legal subjects or administrators who possess authority, meaning that only those with legitimate power within the legal system can enact and enforce its rules. For marriage registrars, this authority is derived from state law and religious norms, making their actions both legally binding and socially authoritative. However, Friedman also emphasizes that legal action typically arises in response to a legal claim or a situation requiring legal intervention. Applied to the registrar's context, this means that every act of marriage registration, guidance, or contract implementation is not merely procedural but constitutes a legal intervention ensuring compliance with established norms.

Accordingly, the registrar's actions fall squarely within the framework of law enforcement as understood by Friedman. They represent the living function of law—translating legal texts into social practice. By exercising discretion where necessary, and by adhering to authoritative rules when mandated, registrars embody the dual dimension of law enforcement: maintaining legal certainty while adapting to the practical realities of the community. Their authority thus extends

beyond clerical duties, positioning them as legal actors who actively shape the administration of family law in Indonesia.

Marzuki (2015) provides a useful distinction in understanding legal acts by emphasizing that these are actions specifically governed by law, such as entering into a contract, buying and selling, or solemnizing a marriage. The key criterion that makes an action a “legal act” is its connection to the rights and obligations of legal subjects. In other words, when a person’s actions directly impact their legal position—by creating, modifying, or terminating rights and obligations—they fall under the category of legal acts. Conversely, actions that do not involve such legal consequences remain outside the scope of law and are instead categorized as ordinary actions. For instance, simple daily activities such as eating, walking, or casual conversation are not legally regulated because they bear no legal implications. Marzuki’s framework thus clarifies that law intervenes selectively, focusing only on actions that carry consequences for the legal status of individuals or institutions.

This distinction is crucial when examining the role of registrars and state officials in marriage law. A registrar’s involvement in a marriage is not an “ordinary” act; rather, it is a legal act with binding implications for the rights and obligations of the couple. By officiating a marriage, the registrar transforms a private intention into a legally recognized union, which carries significant consequences for inheritance, family status, and legal responsibilities. Therefore, the registrar operates within the realm of legal acts, ensuring that personal commitments are formalized under state and religious authority.

The relevance of Marzuki’s conceptualization of legal acts becomes clearer when placed alongside the provisions of Law No. 30 of 2014 on Government Administration, which defines government administrative actions as concrete actions undertaken—or deliberately not undertaken—by government officials within the scope of governance. This formulation emphasizes two inseparable elements: the “action” itself and the “official” vested with authority. In other words, an act cannot be deemed a government administrative action merely because it produces legal consequences; it must also be performed by someone legally empowered to do so. For example, the validation of a marriage contract by a registrar exemplifies this principle. Such validation is not a mere formality but a legal act classified as a government administrative action precisely because it is executed by an official with recognized authority under the state’s legal framework.

Hermawan and Herman (2021), further support this perspective by underlining that government actions are always tied to official positions or institutions acting on behalf of the state. This connection establishes the legitimacy of government officials in performing public duties and ensures that administrative actions are not arbitrary but grounded in law. Through this authority, government officials can serve society effectively while maintaining the legality of their conduct. The registrar, in this regard, stands out as a functional official whose authority reflects both administrative responsibility and legal enforceability. Their actions in the field of marriage—registering unions, conducting guidance, and overseeing marriage contracts—represent the state’s tangible intervention in regulating social life. Thus, the registrar emerges as not only a public servant but also a law enforcement actor in the sphere of marriage law in Indonesia.

In this context, the registrar’s legal action is most visible in their authority to perform marriage registration. Authority, as noted in legal scholarship, refers to the legal power granted to carry out specific actions, which can also be understood as the right to manage certain governmental affairs. Without authority, actions by an official would lack legal standing and could not be enforced as part of the state’s administrative system. A registrar, officially designated as a Marriage Registrar (*Pegawai Pencatat Nikah/PPN*), derives their legitimacy from the state and operates within a jurisdictional framework that defines the scope of their responsibilities. Murtadho (2021) describes this as a form of relative authority, meaning that registrars are empowered to act within particular domains—in this case, marriage registration administration—without exceeding their legal boundaries.

Therefore, the registrar's role must be understood as the intersection of legal authority, administrative responsibility, and social service. Their authority ensures that marriage registration is carried out not only as a religious or cultural practice but also as a legally binding act recognized by the state. At the same time, their position as a government official anchors their actions within the broader administrative system, reinforcing the state's presence in regulating family law. This alignment of legal theory and administrative law highlights the registrar as a pivotal actor whose authority embodies both the functional and normative dimensions of governance in Indonesia.

3. Authoritative Registrar: Marriage Registrar and Guardian's *Taukil* of Individuals with Disabilities

Abou Fadl offers a classification of authority into two types: coercive authority and persuasive authority. Coercive authority refers to a form of authority in which the holder has the capacity to direct the behavior of others by persuasion, manipulation, threats, and punishment. This type of authority is characterized by efforts to force others to submit to the will of the authority holder. In contrast, persuasive authority is defined by the holder's ability to direct the beliefs and behavior of others based on trust. This type of authority is generally linked to personal charisma, which inspires confidence and trust in others (Al-Fadl, 2004).

According to Muzakki et al. (2024), the registrar, in performing legal actions, operates based on legal authority, which is the power to act, rule, or judge. This authority is delegated by the government to the registrar and must be exercised in accordance with the law. The registrar (PPN) is the authority holder in marriage-related matters and is responsible for managing marriage affairs in accordance with the applicable regulations.

This authority is based on the applicable marriage registration regulations. The state appoints officials and assigns them to implement the marriage law institutionally through the Office of Religious Affairs (KUA). Subsequently, the Office of Religious Affairs delegates the registrar to manage the administrative process of marriage registration, which includes registration, public announcement, documentation, and the issuance of the marriage certificate. The registrar also serves as a witness during the marriage ceremony and records the event in the marriage book. If the marriage is not witnessed and recorded by the registrar, then it holds no legal force and is considered invalid under Indonesian regulations (Muzakki et al., 2024).

In practice, registrars who handle marriages involving individuals with sensory disabilities adhere to their legal authority as registrars. The authority entails the registrar's right to ensure that the public behavior aligns with the provisions outlined in the regulations (Friedman, 1987). Authority, in this context, may be understood as the delegated power granted to officials within society to carry out their designated functions.

In the context of this research, the researcher has identified a model of the registrar's actions in handling the practice of marriage registration for individuals with sensory disabilities:

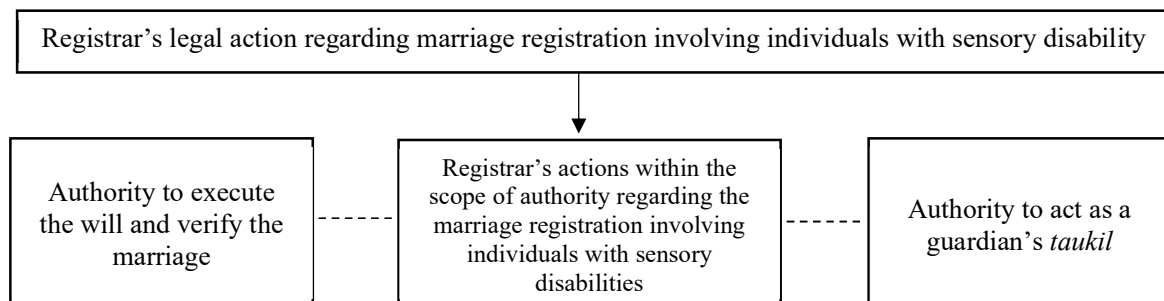


Figure 1. Registrar's Legal Action Regarding Marriages Involving Individuals with Sensory Disabilities

Source: Author's Analysis Results

In the figure above, the registrar's authoritative actions regarding the administration of marriages involving individuals with sensory disability take two primary forms: 1) The registrar holds the authority to execute the will and verify the marriage; 2) The registrar exercises authority as a guardian's *taukil*.

First, the authority to execute the will of marriage registration and verify the marriage. The registrar's authority in this context includes the acceptance or rejection of submitted documents that do not meet the religious and administrative requirements and constituting the essential and formal conditions of marriage, in accordance with the provisions of Law No. 1 of 1974 on Marriage, Presidential Instruction No. 1 of 1991 on the Compilation of Islamic Law, and Law No. 30 of 2024 on Marriage Registration.

According to Law No. 30 of 2024 on Marriage Registration, the marriage will consist of several parts: the marriage application, administrative requirements, document verification, and the potential rejection of the marriage will. Regarding the marriage application, Article 3 stipulates that marriage registration must be conducted at the Office of Religious Affairs (KUA) where the marriage contract will take place. Registration must be completed at least ten working days in advance, either directly at the Office of Religious Affairs (KUA) or online through the SIMKAH system.

The administrative requirements are outlined in Article 4, which states that prospective brides and grooms must fulfill several administrative conditions. These include a letter of introduction for marriage from the village office, photocopies of their birth certificate, ID card (KTP) and family card, a marriage recommendation letter from the Office of Religious Affairs (KUA), written consent from both prospective brides and grooms, written permission from the guardian, a letter of dispensation for those who do not meet the minimum age requirement, and other related documents.

For Indonesian citizens residing abroad who no longer have population documents, the marriage requirements include a cover letter issued by the representative of the Republic of Indonesia abroad, a letter of mutual consent from both parties, written permission from parents or guardians for prospective brides and grooms under the age of 21, and a formal determination from the Religious Court (PA) granting permission for polygamy in cases where the husband intends to take more than one wife.

Based on the Marriage Registration Law No. 30 of 2024, it is stated in Article 6 that the document examination includes the verification of marriage documents by presenting the prospective bride and groom along with a guardian, to ensure there are no legal impediments to the marriage. Once the documents are verified, the examination form must be signed by both parties, the guardian and the Head of the Office of Religious Affairs (KUA) or the registrar. The purpose of the marriage examination is to ensure the accuracy and validity of the submitted data.

Furthermore, Article 6 paragraph (4) stipulates that both parties must sign the completed examination form, the marriage guardian, and the PPN (Marriage Registrar). If any provisions or requirements remain incomplete, the prospective bride and groom, their guardian, or their representative must fulfill the outstanding documentation no later than one working day before the scheduled wedding ceremony.

Suppose the documents required under Articles 4 and 6 of the Marriage Registration Law No. 30 of 2024 are not fulfilled. In that case, the Head of the Office of Religious Affairs (KUA) is required to provide written notification to the prospective bride or groom, or marriage guardian, instructing them to complete the necessary documents. However, suppose legal impediments to the marriage are found in accordance with statutory regulations. In that case, the application for marriage intention will be rejected.

As stated by registrars Hs and Mu, they acknowledge their responsibilities as functional registrar officials who must comply with the established marriage administration procedures. Even when the prospective bride and groom are individuals with sensory disabilities, they provide

assistance and guide them in completing the necessary marriage registration documents as mandated by Marriage Registration Law No. 30 of 2024. The following are excerpts from the interview:

“We still serve them procedurally. They are also part of our society, and if they need help with their marriage arrangements, we will assist to the best of our ability. We also coordinate with the family regarding the documents that must be prepared for the marriage registration.”
(Registrar Hs, August 19, 2024).

“We still ask the family to complete the marriage requirements. We also verify the guardian’s status—whether their whereabouts are known or not—and check the rest of the documentation. If there are any missing documents, we ask them to complete them.”
(Registrar Mu, February 29, 2024)

The results of the interview above indicate that registrar Ms and Mu exercised their authority as registrars following the provisions outlined in the first section of the marriage registration procedures. The marriage will consist of several components: the marriage application, administrative requirements, document verification, and the potential rejection of the marriage will.

With regard to the marriage application, Article 3 of the Marriage Registration Law stipulates that marriage registration must be conducted at the Office of Religious Affairs (KUA) where the marriage contract is to be carried out. The registration must be completed ten working days prior to the marriage ceremony, either in person at the Office of Religious Affairs (KUA) or online via the SIMKAH system. The administrative requirements are detailed in Article 4, which mandates that the prospective brides and grooms must complete several documents, including a marriage introduction letter from the village office, photocopies of their birth certificate, ID card, and family card; a marriage recommendation letter from the Office of Religious Affairs (KUA), consent from prospective brides and grooms; written permission from the guardian; a letter of dispensation for those who do not meet the age requirements, among other necessary documents.

Similarly, registrars Ch and Al perform their duties by verifying the marriage documents of prospective brides and grooms with sensory disabilities. They emphasized that no distinction is made between individuals with disabilities and those without; however, prospective brides and grooms with disabilities are given additional attention during the verification process. This is done to ensure that all marriage requirements are met under the legal regulations governing marriage registration in Indonesia. The following are excerpts from the interviews:

“Of course, we check all the submitted documents. Are the marriage requirements and documents complete and accurate? We verify whether the two prospective brides and grooms with disabilities face any impediments to marriage.”
(Registrar Ch, August 20, 2024).

“We first examine the files of prospective brides and grooms with sensory disabilities. We check thoroughly for any deficiencies. The most important aspect is verifying the marriage guardian. Does the guardian meet the criteria? Is the guardian truly based on lineage? If not, then a guardian judge must be assigned under the applicable criteria.”
(Registrar Hs, August 19, 2024).

The interview results above indicate that Registrar Ch and Al exercised their authority in accordance with Articles 6, 7, 8, and 9 of the Marriage Registration Law No. 30 of 2024. Both officials verified the marriage requirements documents submitted by prospective brides and

grooms with sensory disabilities, as stipulated in Articles 4, 6, and 7, paragraph (2). Suppose the submitted documents meet the established requirements. In that case, the Head of the Office of Religious Affairs (KUA) proceeds with the public announcement of the marriage intention.

Second, regarding the registrar's authority as a *guardian's taukil* for individuals with sensory disabilities, as previously discussed, the researcher stated that the registrar functions as a law enforcer, holding a significant role in implementing and enforcing administrative law. One of the registrar's legal actions includes registering marriages and officiating the marriage contract when acting as the *guardian's taukil* or *guardian judge*.

The registrar's authority to register marriages, as outlined in Marriage Registration Law No. 30 of 2024, includes the authority to oversee and guide the marriage contract ceremony to ensure it is conducted solemnly in accordance with religious and legal principles. Another function of the registrar is to act as a representative—either the guardian's *taukil* or the guardian's judge—during the *ijab* and *qabul* (marriage contract declaration) process. Within the framework of State Administrative Law, each government official is vested with authority in the implementation of government policies. The authority of the registrar (*penghulu*) includes the right to provide direction and carry out legal actions (Murtadho, 2021).

In this sub-chapter, marriage registration is focused on the *ijab-qabul* process, as prescribed in Marriage Registration Law No. 30 of 2024. Registrars in Jombang Regency, when officiating marriages involving individuals with sensory disabilities, exercise two main authorities: acting as a guardian's *taukil* and as an official registrar (*penghulu*).

Table 1.
Registrar's Authority in Marriage Contracts for Individuals with Sensory Disabilities

No	Registrar	Guardian's <i>Taukil</i>	Marriage Registrar
1	Registrar Hs	✓	✓
2	Registrar Mu	✓	✓
3	Registrar Ch	✓	✓
4	Registrar Al	✓	✓
5	Mr. Na	✓	✓
6	Mr. Sy	✓	✓

Source: Author's Analysis Results

The table above indicates that registrars who handle marriages involving individuals with sensory disability in Jombang Regency not only serve as marriage registrars but also act as guardians' *taukil*. Six registrars who assisted in such marriages were entrusted with the responsibility of the lineage guardian (*wali nasab*) to assume the role of the guardian's *taukil*. This practice is commonly accepted in the Jombang community, as registrars are perceived to possess superior knowledge of *fiqh*. (Islamic jurisprudence), making them more suitable to fulfill this role.

In the Indonesian context, *taukil* can be interpreted as handover, specifically the delegation of authority to another person (Oktaviani & Sugitanata, 2019). While *taukil* may be conveyed verbally, to ensure legal certainty and transparency on the part of the guardian, the delegation is typically formalized in writing (*bil kitabah*), following the *taukil* oath prepared by the staff at the Office of Religious Affairs (KUA) (Zahro & Rahma, 2023).

Guardian's taukil is a widely practiced option in Indonesian society. Communities often request assistance from religious figures who are believed to possess in-depth knowledge of marriage and thus are more qualified to serve as representatives of legal guardians (Iftidah, 2017). Article 28 paragraph (5) of the Marriage Registration Law No. 30 of 2024 stipulates that, in cases

where the marriage guardian is absent during the marriage contract, the guardian must issue a letter of attorney for a deputy guardian or representative in the presence of the registrar (PPN) according to the guardian's domicile or location, and witnessed by two persons.

In the practice observed in Jombang Regency, lineage guardians (*wali nasab*) often delegate authority through the guardian's *taukil*. Registrar Na and Kh reported that in cases involving marriage, the guardians of brides and grooms with sensory disabilities requested the registrar's assistance in serving as the guardians' *taukil*. The following are excerpts from the interview:

"The woman's guardian asked me to be her guardian. I prepared the guardian identification form according to the rules, and the person concerned filled out the form."
(Registrar Na, September 19, 2024).

"Before the marriage contract procession, I asked the guardian whether the *ijab* for the marriage contract would be conducted by the *wali nasab* or through *taukil*. The *wali nasab* responded by stating that he delegated his authority to the registrar."
(Registrar Al, September 5, 2024).

As an individual entrusted with the role of guardian, the registrar holds the authority to perform the marriage contract. This is emphasized in Article 28 of the Compilation of Islamic Law, which states that a lineage guardian (*wali nasab*) may delegate his authority to another person. Furthermore, Article 15, number (1) of Marriage Registration Law No. 30 of 2024 confirms that the *ijab* in the marriage contract is to be performed by the guardian. According to the regulations of marriage registration in Indonesia, the registrar is recognized as the official authorized to perform the *ijab*.

Based on the interview results above, it is evident that the registrar exercises authority as a *guardian's taukil* under the marriage registration regulations. The registrar's position when acting as a representative of the guardian is to speak and act on behalf of the bride during the marriage contract. Thus, the article clarifies that a guardian's representative is merely an individual delegated to deliver a statement on behalf of the person being represented (Iftidah, 2017). Within this context, the representative of the guardian is referred to as the guardian's *taukil*. The lineal guardian (*wali nasab*) may delegate his guardianship to the Office of Religious Affairs (KUA) or another person, provided that the person meets the legal qualifications to act as a guardian as stipulated in the applicable laws and regulations—namely, being male, Muslim, of legal age, mentally sound, and fair.

4. Registrar's Discretion: Irregularities in the Marriage Contract Process for Individuals with Sensory Disabilities and Their Contributing Factors

The next action taken by the registrar involves exercising discretion in the marriage contract process for individuals with sensory disabilities. Discretion refers to an alternative course of action chosen by an official when existing regulations present dual interpretations or ambiguities (Friedman, 1987). Friedman defines discretion in a narrow sense as a development of its etymological meaning, namely "discretion," which implies freedom or the liberty to assess a situation.

From the perspective of administrative law, discretion is referred to as *freis ermessen*, which denotes the freedom of an individual to assess, suspect, and consider matters independently. This term is applied within the field of governmental administrative law to allow officials and administrative bodies the space to take legal action (Ridwan, 2007). According to Law No. 30 of 2014 on Government Administration, the definition of discretion is broad and detailed. It refers to actions taken by government officials to address problems arising from laws and regulations that provide choices, are unregulated, incomplete, unclear, or when governmental stagnation occurs.

In the context of this study, the researcher identified a model of the registrar's actions in administering the marriage registration involving individuals with sensory disabilities:

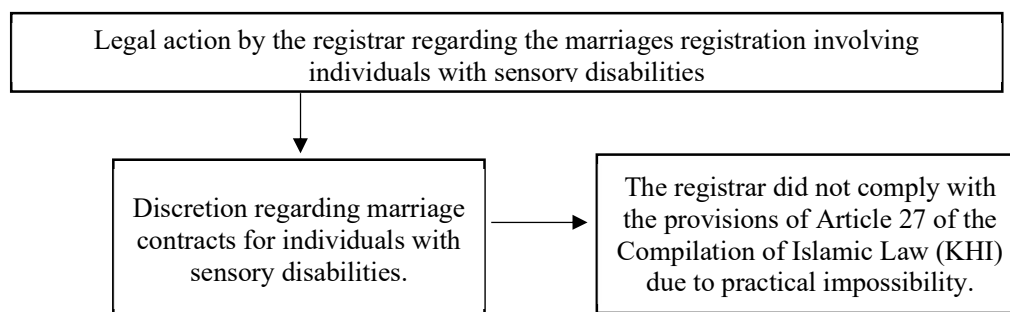


Figure 2. Registrar's Legal Actions Regarding the Marriage of Individuals with Sensory Disabilities

Source: Author's Analysis Results

One of the key considerations when a registrar serves as *taukil wali* (guardian's representative) is adherence to the procedure or rules governing the marriage contract. Article 27 of the Compilation of Islamic Law stipulates that the *ijab* and *qabul* must be conducted clearly, sequentially, and uninterrupted. However, in practice, registrars may commit procedural irregularities in the marriage contract process for individuals with sensory disabilities. These deviations are made in consideration of the specific conditions and limited communications of the bride and groom. As expressed by Registrar Hs and Na, the marriage contract process for couples with sensory disabilities cannot always be conducted in full compliance with the established rules. The following are excerpts from the interviews:

"There should be a clear and sequential process for the *ijab* and *qabul*. Nevertheless, the process cannot be conducted in this manner due to the limited communication between the couple. Even so, the marriage contract is still considered valid."
(Registrar Hs, August 19, 2024).

"As a registrar, you must always innovate so that the marriage contract process for couples with sensory disabilities can be carried out. Therefore, the marriage registrar will discuss the *ijab* and *qabul* process with the family."
(Registrar Na, September 19, 2024).

Based on the interview above, the registrar did not comply with Article 27 of the Compilation of Islamic Law due to communication limitations. As a result, the registrar was compelled to take alternative procedural steps, as no normative guidelines were found for conducting the marriage contract procedure involving couples with sensory disabilities. Consequently, registrars at the Office of Religious Affairs (KUA) in Jombang Regency have developed their own method for performing the marriage contract for individuals with sensory disabilities.

In essence, communication is the primary factor influencing the registrar's decision to exercise discretionary authority. Discretion is chosen because the marriage contract process cannot be fully implemented in accordance with applicable regulations. Registrars in Jombang Regency generally lack the ability to communicate using sign language, prompting them to adopt more practical alternative methods. Therefore, during the *ijab* and *qabul* process, registrars consult with the family to understand the educational background of individuals with sensory disabilities.

One key factor affecting the marriage contract process is the educational background of individuals with disabilities. This factor has implications for the registrar's procedural approach, particularly regarding the use of assistive devices to facilitate the *ijab* and *qabul*.

In practice, the marriage registrar understands that the marriage contract process for individuals with sensory disabilities cannot be conducted in the same manner as for couples in general. Individuals with sensory disabilities who have completed a high school education possess adequate sign language skills. Therefore, during the marriage contract process, Registrars Hs, Mu, Ch, and Al coordinated with the family to arrange for the presence of a sign language interpreter (JBI).

Table 2.
Educational Levels and Assistive Devices for Individuals with Sensory Disabilities

No	Guardian's <i>Taukil</i>	Disability	Bridal Education	AIDS
1	Registrar Hs	Deaf-Mute Individuals	Senior high school	Sign Language Interpreter (Family)
		Blind Individual	Senior high school	-
2	Registrar Mu	Deaf-Mute Individuals	Senior high school	Sign Language Interpreter (Teacher)
3	Registrar Ch	Deaf-Mute Individuals	Senior high school	Sign Language Interpreter (Teacher)
4	Registrar Al	Deaf-Mute Individuals	Senior high school	Sign Language Interpreter (Teacher)

Source: Author's Analysis Results

The table above presents four deaf and mute individuals who completed their marriage contract with the assistance of a sign language interpreter. These individuals have a high school level of education. All four deaf and mute couples used a guardian's *taukil*, including Registrar Hs, Mu, Ch, and Al. Meanwhile, a blind individual accompanied by Registrar Hs did not require the use of an assistive device as there were no issues concerning the *ijab* and *qabul*.

As in the general marriage contract process, the celebrant verifies the data of the bride and groom, guardians, and witnesses. What distinguishes this process is the inclusion of a technical simulation of the *ijab* and *qabul* involving the guardian's *taukil*, bride and groom, and the marriage witnesses. The *ijab* statement delivered by the registrar is translated into sign language by the sign language interpreter (JBI). Following the *Qabul* statement, the groom is prompted by the registrar to respond by reading from the prepared written text provided by the Office of Religious Affairs (KUA) using verbal or physical signals. The sign language interpreter (JBI) then translates the *Qabul* statement into sign language so that the witness can understand it. Upon completion of the *qabul* reading, the celebrant asks the witness to confirm the validity of the marriage contract.

In summary, the technical aspects of the marriage contract for high school-educated individuals with disabilities, as conducted by the registrar, involve the assistance of a sign language interpreter who serves as both a companion and translator of the *ijab* and *qabul* statements. In practice, the registrar performs the following steps in the marriage contract process: 1) The registrar coordinates with the family to invite an SLB (special needs school) teacher to act as a sign language interpreter; 2) The registrar prepares the written *ijab* and *qabul* statements; 3) The registrar, together with the sign language interpreter, prospective groom, and witnesses conducts a simulation or rehearsal of the *ijab* and *qabul*; 4) Registrar confirms with the lineage guardian about the guardian's *taukil* and carries out the *taukil* process; 5) The registrar, acting as the guardian's *taukil*, pronounces the *ijab* statements, which is then translated into sign language; 6)

The prospective groom reads and pronounces the *qabul* statements using verbal signs, which is then translated into sign language.

As previously explained by the researcher, the educational background of individuals with sensory disabilities influences the marriage contract process. The findings indicate a distinct difference between individuals with high school (SMA) and elementary school (SD) education, particularly in terms of communication. Individuals with sensory disabilities who have lower levels of education tend to have limited proficiency in sign language, requiring the registrar to implement innovative approaches during the marriage contract process.

Table 3.
Educational Levels and Assistive Devices for Individuals with Sensory Disabilities

No	Guardian's <i>Taukil</i>	Disability	Bridal Education	AIDS
1	Registrar Na	Deaf-Mute Individuals	Elementary school	Writing
2	Registrar Sy	Deaf-Mute Individuals	-	Sign Language Interpreter (Family)

Source: Author's Analysis Results

Unlike the previous registrar, Registrar Na used writing aids in the marriage contract process. This approach was taken because the prospective bride and groom with sensory disabilities were only able to communicate through writing and could not use sign language. Registrar Na coordinated with the family regarding the procedures for the *ijab* and *qabul* to ensure that the marriage contract would be considered valid. Subsequently, Registrar Na took the initiative to accept the *ijab* and *qabul* of the deaf-mute couple through written communication (Marriage registrar Na, September 19, 2024).

In practice, Registrar Na explained the technical process of *ijab* and *qabul*, as the *qabul* statement will be rewritten by the prospective groom. The process involved a handshake, after which the groom was asked to look at the registrar. Upon the registrar's utterance of the word "tunai," the registrar gives instructions to the prospective groom to rewrite the *qabul* statement. After the writing was completed, Registrar Na asked the witnesses to confirm the validity of the marriage contract (Registrar Na, September 19, 2024).

In contrast, Registrar Sy stated that the *ijab* and *qabul* were carried out in a simplified manner to ensure that the witnesses could understand them. The primary obstacle for individuals with disabilities who have only a basic education is the way of communication. Since no sign language interpreter (JBI) was present, Registrar Sy employed an alternative method by using a "nodding" gesture to signify the *qabul* (Registrar Sy, September 4, 2024).

Based on the description above, the marriage contract process for individuals with sensory disabilities at the elementary education level does not involve a sign language interpreter, as communication is conducted using informal language that is only understood by the family. It can be concluded that, in general, technical aspects of a marriage contract for individuals with disabilities who do not use a sign language interpreter are as follows: 1) The registrar coordinates with the family regarding the technical aspects of the marriage contract; 2) The registrar considers alternative technical methods for the *ijab* and *qabul* that are considered more practical; 3) The registrar, prospective groom, and witnesses conduct a simulation or rehearsal of the *ijab* and *qabul*; 4) The registrar asks the lineal guardian (*wali nasab*) about the *taukil* and proceeds with the *taukil* process; 5) The registrar, acting as the guardian's *taukil*, pronounces the *ijab* statements; 6) The prospective groom performs the *qabul* using more accessible method, such as writing or nodding.

The registrar inquires with the lineal guardian (*wali nasab*) about the *taukil* and proceeds with the *taukil* process;

Based on the explanation above, the exercise of the registrar's discretion as a guardian's *taukil* lies in the marriage contract process involving a sensory-disabled couple. The registrar adopts different approaches depending on the educational background of the prospective bride and groom with sensory disabilities. Most notably, prospective brides and grooms with a high school education are accompanied by a school teacher serving as a sign language interpreter during the marriage contract. In contrast, individuals with sensory disabilities who have a lower education do not use a sign language interpreter.

5. The Registrar's Motivation in Sensory Disability Marriages: A Theory of Action Analysis

Based on the explanation above, the legal actions of the registrar in the form of authority and discretion demonstrate that the registrar is aware of his duties as a Civil Servant (PNS), tasked with registering marriages within the community. In this context, the registrar provides services to prospective brides and grooms with sensory disabilities. The researcher posits a hypothesis that the legal actions undertaken by the registrar are driven by specific motivations—namely, that the registrar is motivated to take legal action.

As stated in Max Weber's hypothesis, an individual does not merely perform an action but engages in a process that involves considering various factors, such as legal, social, cultural, economic, ethical, and religious norms. These considerations are assessed based on the individual's capacity and understanding before carrying out any practical action (Wirawan, 2012). According to Alfred Schutz (1972), each action can be understood as a goal, as it represents a realization of one's perceived reality. Action, in this view, is the execution of a projected deed.

Basically, the legal actions of the marriage registrar in the marriage administration process are motivated by rational considerations. In Max Weber's (1978) theory of action, such actions are referred to as acts of value rationality—actions taken with a particular value or goal in mind, rooted in principles of beliefs held by the individual. Alfred Schutz (1972) further refined a new term for the value of goals in action through what he termed the "motivational context," categorizing it into two types: actions oriented towards future outcomes (*in-order-to motive*) and sequential actions influenced by the past experience (*because-motive*).

Weber understands that actions always take into account the benefits, while the goals to be achieved are not necessarily the primary consideration; the categories of "good" and "right" are determined by societal assessment. The main idea of social action lies in the suitability between actions and the basic values upheld within a community. These values may be cultural, religious, legal, or other values that are collectively believed and practiced (Weber, 1978). Coleman (1998) further stated that rational choice is based on the premise that individuals act deliberately to achieve specific goals, and existing values or personal choices shape these goals. According to Diesing (1962), rationality consists of four elements: technical rationality, economic rationality, legal rationality, and social rationality.

Legal actions taken by the marriage registrar in officiating the marriage of individuals with sensory disabilities in Jombang Regency are formed through rational choices. These legal actions are guided by motivations that are value-laden, which in turn have implications for the form and nature of the action undertaken. The researcher revealed that the motivation underlying the marriage registrar's actions in handling the marriage process of individuals with sensory disabilities is referred to as legal motivation. Legal rationality motivation refers to an action taken with a specific legal purpose. In this context, the outcome of such motivation may manifest as acceptance, denial, or ignorance of legal provisions (Suadi, 2018).

Rational choices thus shape legal actions taken by the marriage registrar. These actions are directed by motivations embedded in legal values, which affect the implementation of duties and

decisions made in practice. Researchers reaffirm that the registrar's motivation in facilitating the process of sensory disability marriages is rooted in legal rationality. Legal rationality motivation involves actions taken to achieve a specific legal purpose, whether through acceptance, denial, or ignorance of the legal mandates (Julyano & Sulistyawan, 2019). In line with this, Austin (1832) stated that compliance with the law is a form of command that binds individuals, as the law functions to regulate and control societal behavior. As a result, the marriage registrars exercise legal authority to register marriages for individuals with disabilities under the existing regulations in Indonesia.

Legal certainty as a rational value provides clarity that the law must be observed by society. The registrar directs individuals with sensory disabilities to fulfill the requirements and pillars of marriage according to religion and administrative requirements in the context of the state, as outlined in Law No. 1 of 1974 on Marriage, Compilation of Islamic Law, and Marriage Registration Law No. 30 of 2024. The registrar rejects the administrative files of prospective brides and grooms with sensory disabilities that do not comply with statutory procedures and continues to require the completion of such files. Likewise, when acting as a guardian's *taukil*, the registrar has the authority to carry out the *ijab* and *qabul* process.

From this, it can be understood that the registrar (*penghulu*) performs authoritative actions regarding the marriage of individuals with sensory disabilities, as society must comply with the prevailing regulations in marriage registration in Indonesia (Suadi, 2018). This motivation is carried out with the aim of achieving legal certainty, which is to protect the public interests fairly (Julyano & Sulistyawan, 2019). Thus, it can also be inferred that the registrar's authoritative actions are motivated by the village head's intention to create an environment (habitation) where compliance with applicable legal norms becomes a habit embedded in daily life.

The legal certainty of marriage registration as a rational motivation for the marriage registrar leads to the welfare of couples with sensory disabilities. The form of welfare ensures that the rights of individuals with disabilities are maintained and have legal force. Researchers understand that the authority exercised by the marriage registrar is an effort to prevent greater problems in resolving legal matters. Similarly, Nurlaelawati (2013) stated in her research that marriages that are not administered through official procedures may have a major negative impact in the future, such as the absence of a marriage certificate, which can lead to problems in pension disbursement, difficulties in registering births, and complications in filing for divorce in court.

Marriage registration is important for every couple, especially for vulnerable groups such as individuals with disabilities. The actions taken under the registrar's legal authority in assisting with the marriage registration of individuals with disabilities contribute to establishing a harmonious legal environment in society and creating a space for legal justice for all parties regardless of limitations (Hanapi & Yuhermansyah, 2020). The legal motivation demonstrated by the registrar reflects a commitment to protecting basic rights and individual freedoms by the principles of legal supremacy and justice. As noted by Rosyadi and Kahar (2023), the legal certainty of marriage registration is closely linked to the protection of Human Rights.

The legal motivation of the registrar in marriage registration involving individuals with sensory disabilities is an effort to fulfill the rights of persons with disabilities in marriage. This is because marriage is a fundamental right that cannot be limited (Garbero, 2020). The legal motivation for registering marriages by the registrar is none other than an effort to respect individuals with sensory disabilities, by acknowledging or accepting their existence along with all their inherent rights without any form of discrimination.

The motivation to fulfill the rights of persons with disabilities is also shown through the discretionary actions of the registrar, namely, deviations from the rules regarding the marriage contract process. This means that the marriage registrar, in conducting the marriage contract process for individuals with disabilities, does not meet the requirements that the *ijab* and *qabul* between the guardian's *taukil* and the prospective groom must be clear, sequential, and

uninterrupted. The discretion exercised by the registrar reflects that the value of the registrar's rationality is legal responsiveness. Researcher observes that the registrar's motivation behind such discretion is an effort to fulfill the rights of individuals with disabilities in marriage, specifically, the right to justice.

Legal responsiveness as a rational value shows that the registrar takes into account the considerations derived from actual conditions in the field. Legal responsiveness exercised by the registrar also illustrates that the law must remain open and adaptable to respond to changes aimed at achieving substantive justice (Nonet & Selznick, 2015).

The discretion exercised by the registrar is none other than a manifestation of legal responsiveness in addressing issues related to disability. The registrar's discretion regarding Article 27 of the Compilation of Islamic Law breaks down static law into dynamic law. This is expressed as a concept of fulfilling the rights of individuals with disabilities, namely by minimizing discrimination and providing full protection in line with the principle of humanizing individuals with disabilities. As stated by (Purnomosidi, 2017), the concept of humanizing individuals with disabilities entails respecting, fulfilling, and protecting every person with disabilities without exception.

The motivation underlying the registrar's discretion in Article 27 of the Compilation of Islamic Law—which stipulates that the *ijab* and *kabul* must be clear and sequential—is based on the understanding that such requirements are irrelevant to the condition of individuals with sensory disabilities. Therefore, the registrar recognizes that the essence of the marriage contract lies in mutual agreement, which must be interpreted in accordance with the actual situation and conditions. The registrar's actions can be understood as a form of fulfilling the rights of individuals with sensory disabilities, grounded in more equitable, inclusive, and non-discriminatory humanitarian values. As Suwandoko and Rihardi (2020) emphasized, the crystallization of humanitarian values must be prioritized in order to uphold the dignity of individuals with disabilities.

The discretionary action taken by the registrar is a response to the fact that the Compilation of Islamic Law or the marriage registration laws in Indonesia have not yet specifically regulated the marriage contract process for individuals with sensory disabilities. As a result, the registrar chooses discretionary action by taking into account the communication abilities of individuals with disabilities based on their educational level, by using sign language for upper middle school, and using written media or head nods for individuals with basic sensory disabilities. The rationale is that strict adherence to the norms of the Compilation of Islamic Law—particularly the article stipulating that the *ijab* and *qabul* must be clear, sequential, and uninterrupted—would be less effective and efficient in such contexts (Ansori, 2015).

Based on the discussion above, the value of legal rationality is the registrar's motivation in carrying out legal actions to register marriages for individuals with sensory disabilities. Therefore, the fulfillment of the rights of individuals with disabilities as perfect legal subjects is always attempted, even though the registrar must carry out acts of legal deviation (discretion) against Article 27 of the Compilation of Islamic Law. The motivation for fulfillment reflects the progress of the registrar's legal understanding regarding disabilities, namely that under any circumstances, individuals with disabilities have the right to marry.

D. Conclusion

This study concludes that there are two models of legal actions taken by the marriage registrar in carrying out the practice of registering marriages for individuals with sensory disabilities in Jombang, East Java, namely: legal authoritative actions and legal discretionary actions by the registrar. In practice, the manifestation of legal authority arises from the registrar's role as an agent who guides prospective brides and grooms with sensory disabilities to adhere to normative rules. Meanwhile, the form of discretionary action refers to the registrar's deviation from the established

law on marriage registration. The absence of specific norms regarding the registration of marriages specifically for people with disabilities is the primary reason registrars' resort to discretion. Based on Max Weber's theory of social action, the researcher found that these motivations reflect legal rationality as perceived by the registrar. In authoritative actions, the registrar's motivation is grounded in legal certainty. In contrast, in discretionary actions, the motivation is rooted in legal responsiveness, as a means of upholding the rights of individuals with sensory disabilities. The actions taken by the registrar demonstrate that efforts to uphold the marriage rights of individuals with disabilities are consistently made, even in the context of marriage, even in the absence of explicit legal provisions governing such cases.

The presence of discretionary actions underscores the urgent need for family law reform in Indonesia. Integrating disability rights, as stipulated in Indonesian regulations on individuals with disabilities, into marriage registration regulations presents a viable solution, especially since registrars often face confusion when dealing with cases involving individuals with sensory disabilities. Another proposed solution is to equip marriage registrars with a comprehensive understanding of how to fulfill the rights of individuals with disability within marriage practices, thereby reinforcing the principle of inclusiveness. The researchers acknowledge the limitations of this study. One limitation lies in its sole focus on individuals with sensory disabilities. Another limitation is its reliance on motivation-based action analysis, which could be further expanded through agency analysis (structuration) to achieve a more comprehensive understanding.

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