

## REFORMING ISLAMIC MARRIAGE BUREAUCRACY IN INDONESIA Approaches and Impacts

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### Abstract

*This paper aims at discussing approaches to Islamic marriage administration reform in Indonesia upheld by the Ministry of Religious Affairs and the KUA. This qualitative study relies on various statutory materials to examine the reform of Islamic marriage in Indonesia. An empirical study was conducted in several KUA offices in Denpasar Bali to obtain information about reform-related regulations implementation and the approaches of the marriage administration reform made by KUAs. This paper argues that top-down policies are not sufficient to make successful bureaucratic reform. Bottom-up approaches by each KUA through solid leadership and innovation have proven to determine the success of the reform. The paper, however, found that these bottom-up approaches are not without weakness as they tend to be unsystematically taken and that not all KUAs in Indonesia, therefore, have introduced such reforms and made equal success.*

*[Artikel ini membahas beberapa pendekatan dalam mengkaji reformasi administrasi pernikahan Islam di Indonesia yang dikelola oleh Kementerian Agama dan KUA. Studi kualitatif ini mengandalkan beberapa bukti hukum untuk menguji reformasi pernikahan Islam di Indonesia. Studi empiris ini dilakukan di sejumlah KUA di Bali untuk mendapatkan informasi mengenai implementasi kebijakan dan pendekatan reformasi administrasi yang telah dibuat KUA. Argumen dari artikel ini adalah kebijakan dari atas ke bawah tidak cukup berhasil dalam reformasi birokrasi. Sedangkan pendekatan dari*

*bawah ke atas di masing-masing KUA melalui kepemimpinan yang solid dan inovatif, justru cenderung dominan keberhasilan reformasinya. Meskipun demikian, artikel ini juga menunjukkan kekurangannya yaitu kurang tersistematis dan tidak semua KUA di Indonesia yang juga menjalankan program reformasi dapat meraih sukses yang sama.]*

**Keywords:** KUA, Reform, Islamic Marriage Administration, Indonesia

## A. Introduction

Populated by Muslims as the majority, Indonesia has chosen the bureaucratization of religion over judicialization.<sup>1</sup> With such an approach, the administration of Islamic matters, including Islamic marriage in Indonesia, is under the state's control.<sup>2</sup> This means that the state is responsible for marriage administration, including its efficiency, effectiveness, professionalism and responsiveness to the changes. The Office of Religious Affairs (*Kantor Urusan Agama* KUA) is one of the critical institutions dealing with the Islamic marriage administration, which is now under the Ministry of Religion's supervision. KUA has faced inefficiency and incompetency issues in providing the expected services. Among the problems include corruption and administration misconduct.<sup>3</sup> This paper discusses approaches to Islamic marriage administration reform upheld by the Ministry of Religious Affairs and KUA. This paper argues that top-down policies are not sufficient to make

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<sup>1</sup> Asep Saepudin Jahar, "Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law", *Studia Islamika*, vol. 26, no. 2 (2019), pp. 207–45; Yüksel Sezgin and Mirjam Künkler, "Regulation of 'Religion' and the 'Religious': The Politics of Judicialization and Bureaucratization in India and Indonesia", *Comparative Studies in Society and History*, vol. 56, no. 2 (2014), pp. 448–78.

<sup>2</sup> Sezgin and Künkler, "Regulation of 'Religion' and the 'Religious'".

<sup>3</sup> "Kemenag: Bangun Integritas, Kasus Pungli KUA Jangan Terulang" (1 Nov 2019), <https://kemenag.go.id/read/kemenag-bangun-integritas-kasus-pungli-kua-jangan-terulang-ggele>, accessed 15 Feb 2021; "Ketika Integritas Layanan KUA Sangat Rendah", *Hukumonline.com* (5 Jan 2013), <http://www.hukumonline.com/berita/baca/lt50e822be2dbde/ketika-integritas-layanan-kua-sangat-rendah/>, accessed 15 Feb 2021; M-16/MYS, "Stop Pungutan Liar dalam Pencatatan Nikah", *Hukumonline.com* (3 Apr 2014), <http://www.hukumonline.com/berita/baca/lt533cf1f32303a/stop-pungutan-liar-dalam-pencatatan-nikah/>, accessed 15 Feb 2021.

attempts for reform work. Bottom-up approaches by individual KUA through solid leadership and innovation have proven to be determining factors in the success of reform.

Even though KUA had long faced the issue of integrity, it was in 2012, KUA attracted particular attention from the Corruption Eradication Commission (KPK). A survey of integrity conducted by KPK reveals that KUA obtained the lowest score in delivering services, especially the marriage administration. This is due to the common practice of bribery and illegal levies in KUA. The regulation mentions that the official fee for marriage registration IDR30.000. In practice, however, the cost has swelled to hundreds of thousands to millions of Rupiahs.

In 2014, KPK released another survey on the integrity of public services. The survey was conducted in 40 service units in 20 ministries and state institutions. One of the services that came to the spotlight is the marriage registration service at KUA. This happened considering that this institution had been three times included in “the red list”. KUA even scored below the minimum standard set by KPK, which is 6. The 2014 survey showed that the KUA only obtained a score of 5.47.<sup>4</sup> This unlikely achievement has negative impacts, one of which is the stigma faced by all KUAs. The common stigma is that KUAs are considered vulnerable to extortion and gratuity practices. In recent years, serious attention paid to KUAs by law enforcement agencies, such as KPK and the Public Prosecution Service.

As mentioned, among the common violations committed by the KUA officials are bribery and gratification, especially in marriage registration services. Referring to Government Regulation No. 47/2004 on Non-Tax Revenue in the Ministry of Religious Affairs, the administrative fee for marriage registration services is IDR30.000. However, illegal levies allegedly often occur in practice, and the fee exceeds the prescribed tariff limits. This practice is like the two sides of a coin. On the one hand, the Ministry of Religious Affairs expects the marriage registration to be carried out during working hours only at the KUA. On the other hand, most couples arrange their marriage outside office hours and outside the KUA. The couples usually bribe hundreds

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<sup>4</sup> Abdul Aziz, “Biaya Nikah dan Rapor Merah KUA”, *tirto.id* (4 Sep 2016), <https://tirto.id/biaya-nikah-dan-rapor-merah-kua-bGz3>, accessed 15 Feb 2021.

of thousands to millions of Rupiah so that the marriage registrar can come to their wedding according to the decided place and time.

The KUA is under the Ministry of Religious Affairs operated in sub-district areas. As the lowest working unit in the Ministry's institutional structure, KUA has a crucial role in the religious life of Indonesian Muslims. According to the Decree of the Minister of Religious Affairs No. 517/2001, KUA serves as an institution that carries out some Ministry of Religious Affairs tasks at the district/city level in Islamic affairs.<sup>5</sup> Also, KUA serves the community regarding the implementation of marriage registration, mosque management and maintenance, *zakat*, *waqf*, *bait al-mal*, social worship, and *sakinah* (tranquil) family development.

As the cutting edge of the public services at the lowest level within the Ministry of Religious Affairs, KUA has institutionally begun to adapt to various necessary changes to respond to bureaucratic reform demands. One of the fundamental changes is the development of a new paradigm in marriage services, especially after the Government Regulation No. 48/2014 as an amendment to the Government Regulation No. 47/2004 on the Rates of Non-Tax Revenue. This Regulation is then followed by the Minister of Religious Affairs Regulation No. 24/2014 on the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside the KUA. This regulation has encouraged policymakers at the central level to find an ideal formula for public service reform to improve the image of KUA.

The central government has made reform attempts to address this issue, which will be discussed in the following subchapters. However, these efforts tend to be political with the use of top-down approaches. The bureaucracy in Indonesia has also often been away from the

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<sup>5</sup> According to the Minister of Religious Affairs Regulation No. 34/2016 on the Organization and Work Procedures of the Office of Religious Affairs at the Sub-District level, the Office carries out the following roles: a) serving, supervising, recording, and reporting marriages and reconciliation; b) compiling service statistics and arranging Islamic community guidance; c) managing documents and information system for the Office of Religious Affairs at the Sub-District level; d) providing services in term of Sakinah Family guidance; e) providing services on mosque affairs; f) providing hisab and rukyat services; g) providing Islamic guidance and information services; h) providing services on zakat and endowments guidance; and i) carrying out administrative and housekeeping tasks of the Office of Religious Affairs at the Sub-District level.

involvement and participation of its citizens. Karl D. Jackson, for instance, notes and suggests that the characteristics of Indonesian bureaucracy are more likely to follow bureaucratic politics. This bureaucratic model emphasizes the roles of power in the state and removes society's roles from the political and government arena.<sup>6</sup>

Several previous studies have assessed the reform efforts conducted by Islamic service providers such as the Ministry of Religious Affairs and Islamic Courts (known as Religious Courts or *Pengadilan Agama*). Asep S. Jahar's study examines the reform in Islamic bureaucracy, especially in family law, *waqf* (endowment), and *zakat* (alms). Jahar shows that in those areas, among the reforms made has been the rationalization of Islamic values and the professionalization of agents within a bureaucratic framework.<sup>7</sup> Euis Nurlaelawati has also discussed reform in family law in her work on the Compilation of Islamic Law. Nurlaelawati reveals that the reform has taken place in the substantive law represented by KHI and the procedural legal aspects. In the Religious Courts, Legal Aid Posts have been established to support the reform.<sup>8</sup>

Meanwhile, reform efforts at KUA include a pre-marital course on Islamic law for brides and grooms (*Kursus Calon Pengantin*) and the latest development of the Marriage Management Information System (SIMKAH).<sup>9</sup> This system is expected to prevent administrative violation

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<sup>6</sup> Karl D. Jackson and Lucian W. Pye (eds.), *Political Power and Communications in Indonesia* (California: University of California Press, 1980).

<sup>7</sup> Jahar, "Bureaucratizing Sharia in Modern Indonesia".

<sup>8</sup> Euis Nurlaelawati, "Managing Familial Issues: Unique Features of Legal Reform in Indonesia", in *Islam in Indonesia: Contrasting Images and Interpretations*, ed. by Jajat Burhanudin and Kees van Dijk (Amsterdam: Amsterdam University Press, 2013), pp. 123–38.

<sup>9</sup> Jahar, "Bureaucratizing Sharia in Modern Indonesia"; Kholis Bidayati, Asep Saepudin Jahar, and Yuli Yasin, "Strengthening Family Institution through Pre-Marital Course: Comparative Study between Indonesia and Malaysia", *Al-Risalah*, vol. 20, no. 2 (2020), pp. 147–61; Euis Nurlaelawati, "Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts", *Asia-Pacific Research Center Bulletin*, vol. 9 (2013), p. 25; Al Yasa' Abubakar and Muhammad Ilham Purnama, "Efektivitas Penerapan SIMKAH di KUA Syiah Kuala Kota Banda Aceh", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, vol. 3, no. 1 (2019), pp. 1–32.

from enabling marriage certificate forgeries or illegal polygamy.<sup>10</sup>

On the other hand, Sumner and Lindsey show that progress has been made by the Religious Courts to address access to justice for women and children. The Religious Courts have been the judicial institutions with the highest cases involving women and children.<sup>11</sup>

Those studies primarily focused on marriage administration in the Religious Courts. Little gave attention to the reform in KUA. This study, therefore, will fill the gaps by focusing on how the top-down reform attempts through government policies are translated into practical implementation by the smaller units, which in this case is the KUA. This research is a qualitative inquiry that relies on examining policies issued by the central government and the Ministry of Religious Affairs and examining empirical evidence from the fieldwork in KUA Denpasar Bali. Interviews with KUA Denpasar's officials and observations were conducted during the data collection process. Information about other KUAs obtained from Dirjen Bimas Islam data is also considered in this research as secondary data. Being awarded as the best KUA at the national level,<sup>12</sup> KUA Bali can be considered unique as it is located in a Buddhist majority province. Extra efforts to improve services are not as highly expected as in provinces where Muslims are the majority.

## B. Changes to Marriage Registration Services

The regulation on marriage registration in Indonesia was stipulated shortly after the Indonesian independence (1945), with Law No. 22/1946 on the Registration of Marriage, Divorce and Reconciliation. Marriage registration is one effort to maintain the order and comfort of each individual in a legal relationship.<sup>13</sup> Then, the regulation was followed by

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<sup>10</sup> Abubakar and Purnama, "Efektivitas Penerapan SIMKAH di KUA Syiah Kuala Kota Banda Aceh".

<sup>11</sup> Cate Sumner and Timothy Lindsey, *Courting Reform: Indonesia's Islamic Courts and Justice for the Poor*, (Sydney: Lowy Inst. for Internat. Policy, 2010).

<sup>12</sup> "Provinsi Bali Peringkat I KUA Teladan Nasional 2018", *Kementerian Agama RI*, <https://kemenag.go.id/berita/read/508458/provinsi-bali-peringkat-i-kua-teladan-nasional-2018>, accessed 14 Mar 2021.

<sup>13</sup> Kharlie Ahmad Tholabi, *Hukum Keluarga Indonesia* (Jakarta: Sinar Grafika, 2013), pp. 188–9.

Law No. 1/1974 on Marriage, mandating every marriage to be registered.<sup>14</sup> Essentially, this law's mandate is a form of protection of the dignity and sanctity of marriage by the state, including protecting women's rights.

A marriage certificate is authentic evidence of marriage registration, and both husband and wife get a copy of it.<sup>15</sup> The marriage registration has a similar meaning with other personal life events, such as birth and death. Those are officially proven with a certificate issued by the state.<sup>16</sup> The marriage registration aims at granting legal certainty to someone's civil status;<sup>17</sup> and is intended to clarify and verify a marriage with a piece of authentic written evidence.<sup>18</sup> This certificate becomes the legal foundation if a dispute between a husband and wife occurs or one party does not perform his/her responsibilities. In such cases, the parties can submit legal remedies to defend their rights. All of these involve KUA significantly.

Responding to the negative image of KUA as revealed by the aforementioned KPK surveys, one of the government's fundamental changes was the issuance of Government Regulation No. 48/2014 as an amendment to the Government Regulation No. 47/2004 on the Rates of Non-Tax Revenue. Its derivative regulation is the Minister of Religious Affairs Regulation No. 24/2014 about the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside KUA. Some of the important objectives of this regulation include: *first*, to create integrity and bribery-free image of the KUA; *second*, to clarify the money paid by the citizens for marriage expenses; *third*, to accommodate compensation and appreciation for the marriage registrar who serves outside the office or the office hours. These three objectives are not included in Government Regulation No. 47/2004 on the Rates of Non-Tax Revenue. The marriage

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<sup>14</sup> Article 2 Paragraph 2, the Law No. 1/1974 on marriage

<sup>15</sup> Ahmad Rofiq, *Hukum Islam di Indonesia*, Cet. 1 (Jakarta: RajaGrafindo Persada, 1995), p. 107.

<sup>16</sup> Mohd. Idris Ramulyo, *Hukum Perkawinan Islam* (Jakarta: Bumi Aksara, 2002), p. 56.

<sup>17</sup> Rachmadi Usman, *Aspek-Aspek Hukum Perorangan & Kekeluargaan di Indonesia*, Cet. 1 edition (Jakarta: Sinar Grafika, 2006), p. 199.

<sup>18</sup> Victor Situmorang, *Aspek Hukum Akta Catatan Sipil di Indonesia* (Jakarta: Sinar Grafika, 1991), p. 38.

registration fees are not mentioned.<sup>19</sup>

Referring to the general elucidation of Government Regulation No. 48/2014, the objectives of the amendment of Government Regulation No. 47/2004 are to improve the marriage or reconciliation registration services and adjust the types and rates for non-tax revenue. The change in the rate limit is undoubtedly in line with the efforts to optimize the non-tax revenue to support national development. Therefore, to fulfill the provisions mentioned in Law No. 20/1997 on Non-Tax Revenue, it is necessary to determine the types and rates of the non-tax revenue applied to the Ministry of Religious Affairs with the Government Regulation No. 48/2014.

Marriage registration fees are considered non-tax revenue, all central government revenue that does not come from tax revenue.<sup>20</sup> In the non-tax revenue, the registration fees are included in the government's service activities category, as stated in Article 2, paragraph (1) point d. In the meantime, the non-tax revenue rates are stipulated in the Constitution or Government Regulation, which sets the types of non-tax revenue.<sup>21</sup> The rates for marriage registration are regulated in Government Regulation No. 48/2014, as an amendment to Government Regulation No. 47/2004. The amendments stipulated in Government Regulation No. 48/2014 include the multi-rate issue imposed on the society wishing to register a marriage. Article 6 of Government Regulation No. 48/2014 states that:

- Every citizen who performs marriage or reconciliation at the KUA at the Sub-District or outside the KUA office is not subject to any registration fees.
- In the case of marriage or reconciliation performed outside the KUA, transportation and professional service fees are charged as revenue for the Office;
- Citizens who are economically disadvantaged and/or victims of a disaster who perform marriage or reconciliation outside the KUA as referred to in paragraph (2) is uncharged of any expenses (IDR0.00/

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<sup>19</sup> Khoirul Anwar, "PP 48 2014 dan PMA 24 2014, Menuju KUA Berintegritas"(25 Sep 2014), <https://bimasislam.kemenag.go.id/post/opini/pp-48-2014-dan-pma-24-2014-menuju-kua-berintegritas>, accessed 1 Jan 2021.

<sup>20</sup> Article 1 Paragraph 1, the Law No. 20/1997 on Non-Tax State Revenue

<sup>21</sup> Article 3 Paragraph 2, the Law No. 20/1997 on Non-Tax State Revenue

zero Rupiah);

- Further provisions regarding the terms and procedures of charge-free services (IDR0.00/zero Rupiah) for economically disadvantaged citizens and/or victims of the disaster who perform marriage or reconciliation outside the KUA as referred to in paragraph (3) are regulated by the Minister of Religious Affairs after coordinating with the Minister of Finance.

Registration fees for marriages performed outside the KUA are intended for transportation and professional service fees as the office's revenue. The amount is IDR600,000. Before the new provisions, the marriage registration rates for both marriages in or outside the KUA were IDR30,000.<sup>22</sup> The fees are now required to be transferred to KUA's treasurer's bank account.<sup>23</sup> Such provision would certainly make the payment system for marriage and reconciliation fees clearer and more transparent.

More details about the marriage and reconciliation fees are then regulated in the Director-General of the Guidance of Islamic Society Decree No. DJ.II/748/2014 about the Technical Guidelines for Managing Non-Tax Revenue on Marriage or Reconciliation Fees outside the KUA. It is stated in Chapter III, Letter A, number 1 that the bride and groom pay the marriage or reconciliation fees to the predetermined bank account, with the following provisions:

- The marriage performed at the KUA on working days is free of charge (IDR 0.00/zero Rupiah).
- The marriage performed outside the KUA is subject to the rate of IDR 600,000.
- The marriage took place on holidays and outside the working hours is charged as the rates for the one performed outside the office, which is IDR600,000.
- The bride and groom who are economically disadvantaged or disaster victims are uncharged of any expenses (IDR0.00/zero Rupiah). They need to attach a declaration letter from the village head (*lurah*). The head of the Sub-District acknowledges this.

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<sup>22</sup> State Gazette of the Republic of Indonesia No. 3979 in the annex of the Government Regulation No. 51/2000

<sup>23</sup> See Article 6 paragraph 2, the Government Regulation No. 48/2014

- The IDR0.00 (zero Rupiah) charge for the disadvantaged and disaster-affected residents does not apply to mass marriages coordinated by sponsors or funders
- The marriage registration based on the Religious Court Decree through the marriage license is also free of charge.

The change in the amount of marriage registration fees is undoubtedly significant. However, Article 17 paragraphs 1 and 2 in the Minister of Religious Affairs Regulation No. 46/2014 mentions that *first*, the non-tax revenue from marriage and reconciliation fees is used for mentoring programs and activities regarding the promotion of marriage or reconciliation services. *Second*, the revenue is used to fund: a) transport services for marriage or reconciliation guidance program outside the office, b) honoraria for services taking place outside the office, c) administrator fees, d) pre-marital courses, e) supervision of marriage or reconciliation administration and f) other fees to improve the quality of marriage or reconciliation services.<sup>24</sup>

The non-tax revenue from marriage and reconciliation fees refer to the following provisions. A) transportation costs and professional services for the marriage registrar are given based on the KUA classifications at the Sub-District level. B) assistant to the Marriage Registrar is granted a monthly service fee. C) The non-tax revenue administrator is given a monthly fee. D) each activity in pre-marital courses and supervision on marriage and reconciliation administration is funded.<sup>25</sup> KUA at the Sub-District level is typically classified according to the number of marriages and reconciliation handled in a month and the Office's geographical conditions. The classifications are: *First*, A classification is for KUA with marriages and reconciliation cases above 100 in a month. *Second*, B classification is for KUA with the number of marriages and reconciliation between 51 and 100 cases each month. *Third*, C classification is for KUA with the number of marriages and reconciliation below 50 cases in a month. *Fourth*, D1 classification is for KUA in the mainland's outermost,

<sup>24</sup> Also see Article 11 Paragraph 2, The Minister of Religious Affairs No. 24/2014 about the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside the Office of Religious Affairs

<sup>25</sup> Also see Article 11 Paragraph 2, The Minister of Religious Affairs No. 24/2014 about the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside the Office of Religious Affairs

inland, and border areas. *Fifth*, D2 classification is for KUA located in the outermost, inland and border areas of islands.<sup>26</sup>

According to the Decree of Director General of the Guidance of Islamic Society No. DJ.II/748/2014 about the Technical Guidelines for Managing Non-Tax Revenue on Marriage or Reconciliation Fees outside the Office of Religious Affairs, KUA can use 80% of the marriage registration fees, 20% of them is deposited in the state treasury. The use of the fees is in the authority of the Director-General of the Guidance of Islamic Society by considering the target of revenues received by each work unit, program, and Islamic community guidance activity.<sup>27</sup>

The transport fees for the marriage registrars, the Office head and the officers for the marriage or reconciliation guidance services conducted outside the Office vary according to the above classifications. For transportation expenses, for example, the personnel from the A, B, and C classifications are granted a maximum of IDR100.000. The personnel from the C classification obtain more than that amount with the condition that the personnel attaches the receipt or proof of real and accountable expenses. In the meantime, for D1 and D2 officials, the amount of fee granted is calculated based on the actual expenses spent. This is proven by the travel tickets or transportation receipts, with a maximum of IDR750.00.000 and IDR1.000.000, respectively. In addition to the above transportation fees, the marriage registrars, the head of KUA and marriage and reconciliation advisors will also receive an honorarium. Its amount depends on the mentioned classifications. IDR125,000 is granted to A classification personnel; IDR150.000 for B classification personnel, IDR175.000 for C classification personnel; and IDR400.000 for D1 and D2 classification personnel.<sup>28</sup>

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<sup>26</sup> Also see Article 13 Paragraph 14, The Minister of Religious Affairs No. 24/2014 about the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside the Office of Religious Affairs

<sup>27</sup> See the Decree by the Director-General of the Guidance of Islamic Society No. DJ.II/748/2014 about the Technical Guidelines for Managing Non-Tax Revenue on Marriage or Reconciliation Fees outside the Office of Religious Affairs, stipulated on November 4, 2014 in Jakarta

<sup>28</sup> See the Director-General of the Guidance of Islamic Society No. DJ.II/748/2014 about the Technical Guidelines for Managing Non-Tax Revenue on Marriage or Reconciliation Fees outside the Office of Religious Affairs, stipulated on

Amendments to the marriage registration fees are intended to prevent bribery and illegal levy practices. The government has determined legal consequences for those illegal practices. In addition, Law No. 20/2001 mentions that any gratuity received by a civil servant or state official is considered a bribe. However, the provisions do not apply to those who report the gratuity they have received to KPK. The report should be no later than thirty working days from the date the gratuity received.<sup>29</sup>

With that law, gratuity practices and illegal levies can be suppressed. In 2018, the Community Satisfaction Index (CSI) of the KUA services increased significantly from 2016, reaching 80.40, compared to the 2016 index. In addition, three of KUA services obtained considerable appreciation from the Indonesian Ombudsman. These include the legalization of marriage certificates, foreign marriage certificates, and marriage services, with a score of 97.50 for each of them. This is the highest achievement in all public services under the Ministry of Religious Affairs. In addition to those services, KUA adds another service, namely Islamic counseling service, with new personnel assigned to this. Moreover, the number of marriage registrars has also increased, from 3,000 registrars in 2015 to 8,336 registrars nowadays. They serve 5,945 KUAs in Indonesia.

Another effort to enhance KUA services has been the revitalization of KUA office buildings by the Ministry of Religious Affairs. There have been 708 offices revitalized using SBSN funds. It is expected that there are 836 buildings for *Balai Nikah* (Wedding Hall) and *manasik haji* (hajj training) by the end of 2020.<sup>30</sup>

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November 4, 2014 in Jakarta

<sup>29</sup> The meaning of gratuity as mentioned in the Elucidation of Article 12B Paragraph (1) in the Law No. 31/1999 in conjunction with the Law No. 20/2001, is: “a gift in the broad sense, which includes giving money, goods, rebates, commissions, interest-free loans, travel tickets, lodging facilities, tours, free medical treatment, and other facilities. Such gratuities are received both domestically and overseas and carried out with or without electronic means.” Also see Article 12 C paragraph 1 and 2 of the Law No. 20/2001 on Corruption.

<sup>30</sup> Insan Khoirul Qolbi, “Kemenag Berkomitmen Tingkatkan Kualitas Layanan KUA”, (7 Jul 2019), <https://bimasislam.kemenag.go.id/post/berita/kemenag-berkomitmen-tingkatkan-kualitas-layanan-kua>, accessed 3 Jan 2021.

With the issuance of Government Regulation No. 48/2014, no more charges outside the stipulated fees. If illegal charges occur, the perpetrators are subject to corruption sanctions. According to Samuel Paul, monopoly, discretion, and lack of accountability are critical factors leading to corruption in public sectors.<sup>31</sup> In line with Paul, Klitgaard argues that when the government as a public servant has a significant monopoly of power over the citizens, a high level of discretion, and weak accountability, the potential for corruption is increasingly open.<sup>32</sup> Due to the complex procedures and lengthy processes, people tend to choose a shortcut in bureaucracy. Such a bureaucratic situation, in turn, makes people choose the faster ways to obtain services by paying more.<sup>33</sup>

The Decree of the Ministry of Administrative and Bureaucratic Reform No. 25/2004 on the General Guidelines for Preparing the Community Satisfaction Index of Government Institution Service Units mentions service delivery principles as stipulated in the Decree of the Ministry of Administrative and Bureaucratic Reform No. 63/KEP/M.PAN/7/2003. Fourteen principles are developed and considered “relevant, valid, and reliable”. The minimum principles that should be available in measuring community satisfaction index are: 1) service procedure, 2) service requirement, 3) the precise job description of service personnel, 4) the discipline of service personnel, 5) the responsibility of service personnel, 6) the capability of service personnel, 7) service responsiveness, 8) fairness in getting services, 9) the courtesy and friendliness of service personnel, 10) service costs reasonability, 11) service costs certainty, 12) service schedule certainty, 13) environmental comfort, and 14) service security.<sup>34</sup> These standards must be met to improve the service quality to reach the level of community satisfaction.

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<sup>31</sup> Samuel Paul, *Corruption: Who Will Bell the Cat?* (Bangalore, India: Public Affairs Centre, 1997), p. 4.

<sup>32</sup> Robert Klitgaard, *Controlling Corruption* (Berkeley: University of California Press, 1991).

<sup>33</sup> Clarke D. Forsythe, *Abuse of Discretion: The Inside Story of Roe v. Wade* (New York: Encounter Books, 2013), p. 320..

<sup>34</sup> The Decree of the Ministry of Administrative and Bureaucratic Reform No. 25/2004 on the General Guidelines for Preparing the Community Satisfaction Index of Government Institution Service Units.

### C. Better Access to Justice: Simpler Bureaucracy in Marriage Registration

The efforts made by the Ministry of Religious Affairs to improve the service quality have begun since the enactment of Minister of Religious Affairs Regulation No. 118/2010 on the Acceleration Program by Providing Excellent Services within the Ministry of Religious Affairs. The regulation determines fields to be reformed to provide excellent services. This is intended to create quality services and meet the fundamental rights of the people to access the services in a better, faster, easier, newer, and cheaper way.

In marriage registration, for example, the Ministry of Religious Affairs has developed an internet-based information system. This system is a manifestation of the e-government concept within the Ministry, referring to the use of technology, especially the internet and the World Wide Web (www). The limitation of the e-government implies the need to transform public sectors' services.<sup>35</sup> The implication of the e-government is one of the innovations of the Ministry of Religious Affairs. Particularly for KUA services, the innovation developed is the Website-based Marriage Information System (*Sistem Informasi Pernikahan Berbasis Website/Simkah Web*).

On Thursday, 8 November 2018, the Ministry of Religious Affairs launched the SIMKAH Web. Before being officially launched, the Web was tested in more than 2000 KUAs. This innovation has encouraged and enhanced further bureaucratic reform in the Ministry of Religious Affairs, especially in marriage registration services. All information related to marriage events and registration is available on this web. There are also three service modules that publicly accessible.

First, the public can register marriage online by accessing <http://simkah.kemenag.go.id>. Second, the public can give suggestions and inputs on the KUA services by filling out an online community satisfaction survey. Third, people who get married after the launch of the Web will obtain a Marriage Card. A QR (Quick Response) code containing the

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<sup>35</sup> United Nations Department of Economic and Social Affairs, *United Nations E-Government Survey 2014: E-Government for the Future We Want* (New York: United Nations, 2014), p. 155.

data of marriage is available on the card.<sup>36</sup>

By the time this research is conducted, the number of usernames on the Web reached 4,888 accounts. However, this number is still far from the target, as there are 5,945 KUAs in Indonesia. The use of web-based marriage administration is regulated by the Minister of Religious Affairs Regulation No. 20/2019 on Marriage Registration and the Decree of the Minister of Religious Affairs about Website-based Wedding Information System. The regulation in Article 24 mentions: 1) marriage registration is administered using the Website-based Marriage Information System, 2) a manual registration is implemented in KUAs where internet access is unavailable.<sup>37</sup>

SIMKAH launched by the Ministry of Religious Affairs is a follow-up to the Memorandum of Understanding between the Minister of Religious Affairs and the Minister of Home Affairs No. 470/5711/SJ and No. 20/2015 regarding the Collaboration on Utilizing ID Number, Population Data and Electronic ID within the Ministry of Religious Affairs. The advantages of applying the Web include:<sup>38</sup>

*First*, this Web is integrated with other relevant ministries, such as the Population Information System of the Ministry of Home Affairs, the Online Information System of Non-tax Revenue of the Ministry of Finance, and the Case Tracking Information System of the Supreme Court.

*Second*, the printing of the marriage certificate will automatically generate a QR code connected to the application. This is a security feature to prevent falsification and misuse of the marriage certificate. *Third*, the report on non-tax revenue from marriage and reconciliation services is seen in real-time. This will help monitor the marriage administration and the availability of marriage certificate forms in every region. *Fourth*, marriage registration can be completed online. Future brides and grooms can fill out the data and book the desired marriage schedule. However,

<sup>36</sup> Indah Limy, “Lebih Dari 2000 KUA Telah Uji Coba SIMKAH” (15 Nov 2018), <https://bimasislam.kemenag.go.id/post/berita/lebih-dari-2000-kua-telah-uji-coba-simkah>, accessed 2 Jan 2021.

<sup>37</sup> See article 24 of the Minister of Religious Affairs Regulation No. 20/2019 on Marriage Registration

<sup>38</sup> “Inilah Keunggulan SIMKAH Web”, *Indonesia Baik*, <https://indonesiabaik.id/infografis/inilah-keunggulan-simkah-web>, accessed 14 Mar 2021.]

they still need to submit physical documents to KUA.

*Fifth*, this application also presents more data variables with specific categories, such as age, education, occupation, and alike. *Sixth*, all KUAs are interconnected in real-time. A notification will appear when a person submits a marriage recommendation letter and the legalization of a marriage certificate. This application is easy to use (user friendly), making it easier for the officers to do their jobs. In addition, the application is also easy to understand, meaning that it does not require continuous technical guidance. In short, this innovation help KUAs provide better services for the people.

Another advantage of a web-based system is a more systemic and computerized administration record. In the past, applicants can give inaccurate information for data entry in the marriage certificate. With Law No. 24/2013, as the amendment to Law No. 23/2006 on Population Administration, applicants should provide accurate information referring to their Identity Card (Kartu Tanda Penduduk/ KTP), including the citizen identity number.<sup>39</sup> The physical document submission to KUA is still required as the KUA needs them as archives. The documents include the N1 and N2 forms. The documents are useful in case certificate reprinting is needed due to the damage or loss of the original.

A marriage application and registration can be carried out by an intermediary known as the Assistant to Marriage Registrars (AMR). The AMRs are legal and regulated by the Minister of Religious Affairs Regulation No. 2/1989 on Assistant to Marriage Registrar. Article 4 Paragraph (3) of the law mentions that a marriage registration assistant's appointment is necessary to provide marriage services in the community. This is because a Sub-District can contain many villages. These villages might be unreachable by KUA. To that end, there is a need to ensure that KUA services available for all people. Here, AMRs play their role.

Another regulation regarding AMR is the Minister of Religious Affairs Regulation No. 11/2007 on Marriage Registration. In this regulation, AMRs refer to particular community members, who are religious leaders, appointed by the Ministry of Religious Affairs Office head at the regency level. They are assigned to perform the tasks of

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<sup>39</sup> See Article 64 Paragraph (2), the Law No. 24/2013 as amendment to the Law No. 23/2006 on Population Administration

Marriage Registrars or head KUA in a particular village.<sup>40</sup> Among the tasks are becoming advisors for Islamic matters and coordinating with relevant agencies and institutions in performing their tasks.<sup>41</sup>

In 2015, the Ministry of Religious Affairs issued Circular No. kw.06.02/1/kp.01.2/160/2015 on the Implementation of Instructions by the Director General of the Guidance of Islamic Society No. DJ.II/I/2015 on the Appointment of Assistant Marriage Registrar. In this circular, the AMR system is abolished, and all KUA affairs become the head of the KUA's full responsibility. However, the regulation does not mention the portion, rights, and participation of the AMR in marriage affairs. Consequently, the existence and position of the AMR are unclear.<sup>42</sup>

In 2018, the Ministry of Religious Affairs re-issued the Minister of Religious Affairs Regulation No. 19/2018 on Marriage Registration as an amendment to the Minister of Religious Affairs Regulation No. 11/2007. This regulation reaffirms the existence and position of the AMR by changing the name into Assistant to Marriage Registration Officers (AMRO). According to the regulation, the AMRO is a member of the community appointed by the Ministry of Religious Affairs head at the regency level to assist marriage registrar tasks.

#### **D. Changes to the Institutional Paradigm**

Organizational structure is an essential aspect of bureaucratic reform. This is because an organization contains people as its resources. Human resources analysis is needed to strengthen the organizational structure. This analysis can be done at the macro-level by considering behavioral theory (organization), leadership, and culture development.<sup>43</sup>

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<sup>40</sup> Article 1 Paragraph (4) in the Minister of Religious Affairs Regulation No. 11/2007 on Marriage Registration.

<sup>41</sup> See Article 3 in the Minister of Religious Affairs Regulation No. 11/2007 on Marriage Registration.

<sup>42</sup> Aghnia Adzkaa, "Menteri Agama: Penghulu Nikah Berpotensi Terima Gratifikasi", *nasional* (25 Jun 2015), <https://www.cnnindonesia.com/nasional/20150625170539-12-62420/menteri-agama-penghulu-nikah-berpotensi-terima-gratifikasi>, accessed 14 Mar 2021.

<sup>43</sup> Hendro Witjaksono, "Transformasi Organisasi Pemerintahan melalui Penataan Struktur dan Pengembangan Badan Kerja", *Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi* (15 Aug 2016), <https://www.menpan.go.id/site/>

Another crucial focus is the distribution of tasks and responsibilities among members, following their competencies and the existing regulation. Several forms of organizational reform include restructuring, reframing, regrouping, revitalizing and other forms of plotting. The restructuring step is usually followed by formulating regulations on the duties, functions, authorities, and responsibilities of each unit or position.<sup>44</sup>

According to Ernest Dale, an organizational structure must have: a) a worklist to achieve organizational goals; b) distribution of workload into tasks or commonly known as division of work; c) departmentalization or combining tasks logically and efficiently; d) the establishment of coordination mechanisms; e) monitoring system to ensure the effectiveness of the organizational structure and recommend adjustments (if needed).<sup>45</sup> In practice, many organizations tend to choose a shortcut by directly focusing on determining organizational structure without considering those aspects.

In KUA bureaucratic reform, the Ministry of Religious Affairs considers those aspects to change the institutional paradigm. The first step was taken in the restructuring. The Minister of Religious Affairs Regulation No. 34/2016 on Organizational Structure of the KUA indicates the institutional restructuring. There are three essential points of the restructuring process: 1) the limitation period of the head of KUA position, with a maximum of four years;<sup>46</sup> 2) the supervision of counselors' functional position by KUA heads, which was previously the head of Director-General of the Guidance of Islamic Society at regency level;<sup>47</sup> and 3) details of additional tasks of KUA apart from marriage registration, such as *waqf* (endowment) and *zakat* (almsgiving) guidance, *bisab* (calculation to determine new moons in *Hijra* system) and *rukyyat* (moonsighting to determine new moons in *Hijra* system), shari'a guidance, [cerita-sukses-rb/transformasi-organisasi-pemerintahan-melalui-penataan-struktur-dan-pengembangan-badaya-kerja](https://www.kemendagri.go.id/berita-sukses-rb/transformasi-organisasi-pemerintahan-melalui-penataan-struktur-dan-pengembangan-badaya-kerja), accessed 14 Mar 2021.

<sup>44</sup> *Ibid.*

<sup>45</sup> Ernest Dale, *Management: Theory and Practice* (New York: McGraw-Hill, 1973), p. 31.

<sup>46</sup> See Article 7 Paragraph 1 in the Minister of Religious Affairs Regulation No. 34/2016 on Organizational Structure of the Office of Religious Affairs

<sup>47</sup> See Article 11 in the Minister of Religious Affairs Regulation No. 34/2016 on Organizational Structure of the Office of Religious Affairs

Islamic proselytization/da'wah, and *Hajj* ritual guidance.<sup>48</sup> Here, KUA no longer focuses on marriage registration services but participates in a more strategic role in socio-religious development.

The Decree of Director General of the Guidance of Islamic Society No. 916/2017 sets the limitation for the service period of the head of KUA, which is only four years. The extension to this determined period is possible with outstanding achievements. This provision, however, is not applicable for regions with inadequate human resources. Some regions even have their heads of KUA to serve permanently before their retirement age. This is a negative sign for public service management as organizational regeneration is absent.

The next issue is regarding the transfer of authority from the head of the Director-General of the Guidance of Islamic Society office at the regency level to the head of KUA. This is problematic because the law does not stipulate the command line from the head of KUA to the counselors. Article 5 of the Minister of Religious Affairs Regulation No. 34/2016 only illustrates that the KUA consists of the office head, administrative officers, and specific functional position groups. In the meantime, Article 11 mentions certain functional groups consist of marriage registrars and Islamic guidance counselors. However, the regulation does not explain the relationship between the counselors and the office head. The command line between the office head and the counselor remains unclear. The counselors can ideally share roles in providing services when KUAs face human resources shortcomings.

Institutional restructuring is crucial for KUA to provide better services and create a healthier and more open professional competition. However, the Ministry of Religious Affairs Regulation No. 34/2016 on

<sup>48</sup> Article 2 of the Minister of Religious Affairs Regulation No. 34/2016 mentions the Office of Religious Affairs at the Sub-District level has the tasks to carry out Islamic community services and guidance in its working area. In performing these tasks, the Office plays a role in a) serving, supervising, recording, and reporting marriages and reconciliation; b) compiling service statistics and arranging Islamic community guidance; c) managing documents and information system for the Office of Religious Affairs at the Sub-District level; d) providing services in term of Sakinah Family guidance; e) providing services on mosque affairs; f) providing hisab and rukyat services; g) providing Islamic guidance and information services; h) providing services on zakat and endowments guidance; and i) carrying out administrative and housekeeping tasks of the Office of Religious Affairs at the Sub-District level.

the Organization and Work Procedures in the KUA at the Sub-District level is still not well implemented due to various technical obstacles.

### **E. Bottom-up Approach to KUA Reform: The Case of KUA Denpasar**

Denpasar is the capital city of Bali province. Geographically, Bali is located between two islands, Lombok and Java. Per 2018, Bali is populated by 4,36 million people, and the majority of them are Hindus. There are four KUAs operated in Denpasar. KUA of East Denpasar was awarded second place among the best KUA model (*teladan*). In 2019, the KUA of South Denpasar was awarded second place in the best KUA model at the national level. Regarding the Anti-Corruption Achievement Index, the KUA of city Denpasar obtained a score of 3.6 on a scale of 4.

Moreover, according to Ombudsman, the KUA of Denpasar gained the highest obedience level in Bali, with Corruption-Free Zone's predicate (*Wilayah Bebas Korupsi*). These achievements have been due to the active role of the Head of Denpasar Ministry of Religious Affairs office, Komang Sri Marheni. The KUA is now attempting to achieve the Clean Bureaucratic Area Service (*Wilayah Birokrasi Bersih Melayani*). These are to increase people's satisfaction with the services provided by KUA. Komang Sri Marheni, the head of the Denpasar Ministry of Religious Affairs office, maintained that the eight points needed to achieve the WBBM are now ready. There are several programs developed by her to enhance the excellent service of KUA in Denpasar.

The first program is JIN TOMANG (*Jalan-Jalan Inspiratif Ditemani Ibu Komang or Inspiring Jogging with Ibu Komang*). This program is an innovation to assess the KUA official's integrity level in providing services to society. During this program, Marheni conducted random inspections (*inspeksi mendadak*) to KUAs. Marheni often sends undercover officials to act as future bride and groom and intend to register their marriage fast and bribe the KUA staff to test its officials' integrity. Such methods are proven to be effective in testing and monitoring the integrity of the KUA staff.<sup>49</sup>

The second program is called KEPOJI. This term refers to public

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<sup>49</sup> Komang Sri Marheni, the Head of Denpasar Ministry of Religious Affairs office, interview (14 Oct 2019).

curiosity about the working mechanism of KUA Denpasar. Such curiosity is responded to with an explanation by the staff to show integrity. In other words, this program is intended to provide information to the people based on their requests.<sup>50</sup> The third is the use of social media and INOLASATKER (*Inovasi Layanan Satuan Kerja* or Unit Service Innovation). KUA of East Denpasar has maximized social media use to promote every activity conducted by the Office. The social media used includes Facebook, Instagram and Twitter. According to Aminudin, the head of East Denpasar KUA, almost all KUA activities are published on social media.<sup>51</sup> Apart from that, INOLASATKER refers to the attempts by every unit in KUA to make innovations to keep up with changes in society.<sup>52</sup> The fourth innovation is the development of *haji* and *umrah* application called Rerod (*Rekomendasi Elektronik Umroh Online Denpasar*). Apart from supporting the Bali government's paperless program, this application also recommended qualified *umrah* and *haji* travel agents to avoid fraud.

Most KUA has P3N (*Pembantu Pegawai Pencatat Nikah*) or assistant marriage registrars—who are not paid by the state—to maintain the marriage administration role. They receive payment from unofficial fees, which often becomes a source of administrative misconduct and ruin the reputation of KUA. Marheni has taken a brave step by dispersing them. It has been a while that P3N cannot represent the marriage registration in KUA Denpasar. If the parties are unable to visit the KUA themselves, they need to provide a procuration to be brought by their representatives.

Apart from those innovations implemented by KUA East Denpasar, there are also other innovations made by other KUAs. One of the best ones in implementing innovations in KUA of South Denpasar. On the other hand, the east Denpasar KUA replicates some of the South Denpasar KUA innovations. South Denpasar KUA was previously known as KUA Denpasar and is located in the south part of Denpasar. This KUA was firstly established in 1970 and underwent a renovation in 2013. This renovation has resulted in a better office environment for the KUA.

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<sup>50</sup> *Ibid.*

<sup>51</sup> Aminudin, the Head of East Denpasar KUA, interview (14 Oct 2019).

<sup>52</sup> Komang Sri Marheni, the Head of Denpasar Ministry of Religious Affairs office, interview (14 Oct 2019).

The common problem faced by Muslims in Denpasar when dealing with marriage registration was their difficulty obtaining a recommendation from the local government of their origins. This is because most of the Muslims in Denpasar is not native Balinese. Most of them are migrants from other islands such as Java and Lombok. To register their marriages, people need to provide a local identity card or other region identity card and a recommendation letter from the local government of their origins. This recommendation letter is a must.

In most cases, this becomes one of the issues faced by the people. Obtaining a recommendation requires traveling costs and time. To deal with the issue, the KUA of South Denpasar develop an innovation to ease the people registering their marriage, called *La Ta'ban*. This innovation consists of eight service programs, such as *Ngopi Nikmat*, *Gober Plus*, *Kun Antah*, *Silaturahmi*, *Kas*, *Pandawa*, *Gelitik* and *Binnikmat*.<sup>53</sup>

*Ngopi Nikmat* (*Ngobrol Pelayanan Inspiratif Nikah Umat* or Conversation about Inspirational Marriage Service for Ummah) is a program that offers consultation sessions for marriage registration and other administration processes. This program takes an informal setting, in which the visitors have informal chatting with the staff while having tea outside the office. This program was inspired by the theme chosen in the 71<sup>st</sup> KUA Anniversary, “Getting Closer with People to Serve” (*Lebih Dekat Melayani Umat*). For this program implementation, the KUA provides chairs and tables outside the office—resembling a café—and refreshments for the visitors during the conversation with the staff.<sup>54</sup>

On the other hand, *Gober Plus* is *Gratis Bersama Pelayanan Khusus* (Free of Charge Special Services). This program offers free services for those unfortunate people who need KUA's services. These people include those who are poor, disable, and unhealthy. In this case, KUA staff will come to their houses and give them direct services or collect documents. With the home visits, the people do not need to go to KUA.

Another service is called *Kun Antah* (*Konsultasi Online Aturan Nikah* or Online Consultation for Marriage Regulation). This is an online consultation service regarding marriage regulations. Social media used

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<sup>53</sup> .Nur Achmad Khomeiny, Head of South Denpasar KUA, interview (14 Oct 2019).

<sup>54</sup> *Ibid.*

include WhatsApp, Facebook (KUA Denpasar Selatan), Instagram (@kuadenpasarselatan), and YouTube (KUA Denpasar Selatan). According to Nur Ahmad, the people who need information about KUA's services can access those social media. Besides marriage regulations, people can also obtain information about marriage schedules, marriage requirements, etc. Any services provided by KUA of South Denpasar are accessible in those applications.<sup>55</sup>

*Silaturahmi* program is the abbreviation of *Safari Inspirasi Layanan Aturan Nikah* (Inspirational Safari on Marriage Rule Services). This program is held in mosques, *musalla*, *majelis taklim* (prayer group), and monthly *pengajian* (religious gathering). This program provides information for young people who are ready to marry. *Penyuluh Agama* (Religious Counselor), civil servants and non-civil servants, is assigned to visit mosques and *musalla* to provide such information.

With regards to the service in the KUA, the office has used a new queuing mechanism. The visitors are given a queue card, which consists of a number and a marital tip. Achmad Nur Khomeiny, the head of the South Denpasar KUA Office, maintains: "During the visit to the KUA, we make sure that people have sometimes to wait in the queue. During such time, they will obtain a waiting card consisting of marital tips for their new insights."<sup>56</sup>

The next program is Pandawa (*Pelayanan Administrasi Melalui WhatsApp* or Administration Service via WhatsApp). This is a somewhat different program from the others that focused on marriage administration. The Pandawa program is special for *waqf* or endowment administration. With the development of new technology, KUA serves a digital *waqf* administration by providing Digital *Waqf* Document Storage. This has solved common problems in the manual service: the loss and the damage of *waqf* documents. This program, however, does not eliminate the manual system. The KUA, then, maintains both scenarios, the manual and the digital, for the excellence of the services. Currently, the KUA has recorded 57 locations of the endowed land with 47.179

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<sup>55</sup> Dirjen BIMAS Islam, *Survey Indeks Pelayanan KUA Kecamatan Tahun 2018* (Jakarta: Dirjen BIMAS Islam KEMENAG RI, 2018).

<sup>56</sup> Nur Achmad Khomeiny, Head of South Denpasar KUA, interview (14 Oct 2019).

square meters. Those lands become the locations of 13 mosques, 22 prayer rooms (*mushalla*), nine cemeteries, three schools, one *pesantren*, and other social facilities.<sup>57</sup>

## F. Bureaucratic Reform of Islamic Legal Administration

KUA becomes one of the key institutions within the Ministry of Religious Affairs that directly provide services for the Muslim community at the district level. The Offices are located in the Sub-District and led by office heads. They are the Ministry of Religious Affairs' technical implementation unit, under the Director General for Guidance of the Islamic Community and is operationally managed by the Head of the Ministry of Religious Affairs Office at the regency level. The above-mentioned problems have triggered the government to make a reform in various services organized by KUA. This reform also is conducted along with the bureaucratic reform program in various state agencies. After a long period of being flogged with skewed information about KUA's services, the Ministry of Religious Affairs has begun to improve significantly.

The Government, especially the Ministry of Religious Affairs, took steps to improve the KUA services from 2014-2018. This improvement step started as some policies to improve the service quality in the KUA were issued. The policies include the Government Regulation No. 48/2014 as an amendment to the Government Regulation No. 47/2004 on the Rates of Non-Tax Revenue, the Regulation by The Minister of Religious Affairs No. 24/2014 about the Management of Non-Tax Revenue on Marriage and Reconciliation Fees outside the KUA, the Regulation by the Minister of Religious Affairs No. 12/2016, the Regulation by the Minister of Religious Affairs No. 34/2016, the Decree of the Director-General of the Guidance of Islamic Society No. DJ.III/600/2016, which has an impact on changing the service governance in the KUA, the Regulation by the Minister of Religious Affairs No. 19/2018 on Marriage Registration as an amendment to the Regulation by the Minister of Religious Affairs No. 11/2007 and the Decree of the Director-General of the Guidance of Islamic Society No. 916/2017. These policies regulate the marriage registration fees as non-tax revenue, a new paradigm in the KUA services,

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<sup>57</sup> Dirjen BIMAS Islam, *Survey Indeks Pelayanan KUA Kecamatan Tabun 2018*.

which is expected to improve the service quality, apparatus integrity, and community satisfaction with the services provided.

As Hisyam noted, integrity problems had been an issue since the Colonial era, as the *penghulu* relied on marriage fees and mosque funds for the income. Unfortunately, overpricing of marriage fees and the misuse of mosque funds often occurred. Thus, the *penghulu* (currently is a marriage registrar) institution obtained the stigma of being corrupt from the Dutch government. Even after the Indonesian independence in 1945, the salary for *penghulu* was still undetermined.<sup>58</sup>

Nowadays, issues with KUA personnel's welfare have led to a more severe problem: unregistered marriage. Van Huis and Wirastrri point out that at least three factors lead to people's reluctance to register their marriages. These include their lack of knowledge and awareness of the legal consequences of the unregistered marriage; the financial issues due to the high rate of 'unofficial' marriage administration;<sup>59</sup> and ideological reasons that marriage without registration is valid according to Islamic law.<sup>60</sup> Like Van Huis and Wirastrri, Nurlaelawati and Alimin see the financial issue as one of the causes. Nurlaelawati and Alimin find that even with people's awareness and good knowledge about marriage registration, unregistered marriages have still become an issue.<sup>61</sup>

Using different lenses, Nisa believes that unregistered marriage is "the real test" to the bureaucratization approach adopted by Indonesia. This, according to Nisa, is caused by the ambiguity of the existing regulations on marriage registration obligations and the sanction for

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<sup>58</sup> Muhammad Hisyam, "Islam and Dutch Colonial Administration: The Case of Panghulu in Java", *Studia Islamika*, vol. 7, no. 1 (2000).

<sup>59</sup> Nurlaelawati, "Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts"; Sumner and Lindsey, *Courting reform*; Stijn Van Huis and Theresia Dyah Wirastrri, "Muslim Marriage Registration in Indonesia: Revised Marriage Registration Laws Cannot Overcome Compliance Flaws", *Australian Journal of Asian Law*, vol. 13, no. 1 (2012), pp. 87–103.

<sup>60</sup> Van Huis and Wirastrri, "Muslim Marriage Registration in Indonesia".

<sup>61</sup> Alimin and Euis Nurlaelawati, *Potret Administrasi Keperdataan Islam di Indonesia* (Ciputat: Orbit Publishing, 2013)..

not doing it.<sup>62</sup> Van Huis and Wirastri affirm that the punishment has become an issue as they can only be considered in exceptional cases involving fraud, forgery, child marriages, unlawful polygamy, etc. Outside those situations, no sanctions can be imposed. Therefore, Van Huis and Wirastri argue that marriage should only involve a salaried KUA staff, and P3N should be omitted by making them civil servants.<sup>63</sup> With this, it is expected that illegal levies can be prevented.

This study argues that the new policies on marriage fees can be a breakthrough in solving the integrity and corruption issue in KUA. Apart from this, efforts to reform the administration and bureaucracy of KUA made by individual KUAs are also crucial. The example of innovative programs developed by KUA offices in Bali has undoubtedly brought them to become one of the best KUA models. This gradually changes the face of KUA offices that are identical to corruption, stagnancy, and marginalized units. Besides, many programs conducted by KUA in Denpasar have brought the office to be closer to society, which, in turn, can increase their legal awareness. Such innovations can be considered the bottom-up approach to the reform of the marriage administration by KUA by considering local wisdom. To some degree, society has begun to be involved in the reform efforts, which Jackson had missed earlier.<sup>64</sup>

Moreover, this aligns with Asep Jahar's finding that professionalization has made reform in its personnel's Islamic bureaucracy.<sup>65</sup> Various programs made by individual KUA has involved its staff intensively. In this case, the KUA officers have worked according to their routines and beyond them. In turn, those activities enhance their professionalism. However, one concern regarding the bottom-up approach is that the efforts for reform seem to be sporadic and unsystematic. In other words, personalized reform highly depends on the solid leadership of each KUA. Without it, the bottom-up reform may not take place accordingly. There is still a need for a systematic approach by the central government, including encouraging local wisdom in the Reform efforts.

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<sup>62</sup> Eva F. Nisa, "The Bureaucratization of Muslim Marriage in Indonesia", *Journal of Law and Religion*, vol. 33, no. 2 (2018), pp. 291–309.

<sup>63</sup> Van Huis and Wirastri, "Muslim Marriage Registration in Indonesia", p. 15.

<sup>64</sup> Jackson and Pye (eds.), *Political Power and Communications in Indonesia*.

<sup>65</sup> Jahar, "Bureaucratizing Sharia in Modern Indonesia".

## **G. Concluding Remarks**

To sum up, efforts to reform marriage administrations have been made through both top-down and bottom-up approaches. However, the top-down efforts made by the central government alone is insufficient to enhance the performance of KUA. KUA's bottom-up reform efforts through various innovations have proven to increase its excellence in services. The innovation examples offered by KUA offices in Denpasar show how the programs are able to bring the office closer to the people and, therefore, gradually eliminate the stigma of corrupt offices. The programs open more information to the public about the administration procedure in the KUAs. One of the criticisms of the bottom-up approaches is that they tend to be sporadically maintained. Therefore, the reform efforts have not been consistent in all KUAs in Indonesia.

## BIBLIOGRAPHY

- Abubakar, Al Yasa' and Muhammad Ilham Purnama, "Efektivitas Penerapan SIMKAH di KUA Syiah Kuala Kota Banda Aceh", *Samarah: Jurnal Hukum Keluarga dan Hukum Islam*, vol. 3, no. 1, 2019, pp. 1–32 [<https://doi.org/10.22373/sjkh.v3i1.4406>].
- Adzkia, Aghnia, "Menteri Agama: Penghulu Nikah Berpotensi Terima Gratifikasi", *nasional*, 25 Jun 2015, <https://www.cnnindonesia.com/nasional/20150625170539-12-62420/menteri-agama-penghulu-nikah-berpotensi-terima-gratifikasi>, accessed 14 Mar 2021.
- Alimin and Euis Nurlaelawati, *Potret Administrasi Keperdataan Islam di Indonesia*, Ciputat: Orbit Publising, 2013.
- Anwar, Khoirul, "PP 48 2014 dan PMA 24 2014, Menuju KUA Berintegritas", 25 Sep 2014, <https://bimasislam.kemenag.go.id/post/opini/pp-48-2014-dan-pma-24-2014-menuju-kua-berintegritas>, accessed 1 Jan 2021.
- Aziz, Abdul, "Biaya Nikah dan Rapor Merah KUA", *tirto.id*, 4 Sep 2016, <https://tirto.id/biaya-nikah-dan-rapor-merah-kua-bGz3>, accessed 15 Feb 2021.
- Bidayati, Kholis, Asep Saepudin Jahar, and Yuli Yasin, "Strengthening Family Institution through Pre-Marital Course: Comparative Study between Indonesia and Malaysia", *Al-Risalah*, vol. 20, no. 2, 2020, pp. 147–61 [<https://doi.org/10.30631/al-risalah.v20i2.600>].
- Dale, Ernest, *Management: Theory and Practice*, New York: McGraw-Hill, 1973.
- Dirjen BIMAS Islam, *Survey Indeks Pelayanan KUA Kecamatan Tabun 2018*, Jakarta: Dirjen BIMAS Islam KEMENAG RI, 2018.
- Forsythe, Clarke D., *Abuse of Discretion: The Inside Story of Roe v. Wade*, New York: Encounter Books, 2013.
- Hisyam, Muhammad, "Islam and Dutch Colonial Administration: The Case of Panghulu in Java", *Studia Islamika*, vol. 7, no. 1, 2000.
- Indah Limy, "Lebih Dari 2000 KUA Telah Uji Coba SIMKAH", 15 Nov 2018, <https://bimasislam.kemenag.go.id/post/berita/lebih-dari-2000-kua-telah-uji-coba-simkah>, accessed 2 Jan 2021.

- “Inilah Keunggulan SIMKAH Web”, *Indonesia Baik*, <https://indonesiabaik.id/infografis/inilah-keunggulan-simkah-web>, accessed 14 Mar 2021.
- Jackson, Karl D. and Lucian W. Pye (eds.), *Political Power and Communications in Indonesia*, California: University of California Press, 1980.
- Jahar, Asep Saepudin, “Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law”, *Studia Islamika*, vol. 26, no. 2, 2019, pp. 207–45 [<https://doi.org/10.15408/sdi.v26i2.7797>].
- “Kemenag: Bangun Integritas, Kasus Pungli KUA Jangan Terulang”, 1 Nov 2019, <https://kemenag.go.id/read/kemenag-bangun-integritas-kasus-pungli-kua-jangan-terulang-ggele>, accessed 15 Feb 2021.
- “Ketika Integritas Layanan KUA Sangat Rendah”, *Hukumonline.com*, 5 Jan 2013, <http://www.hukumonline.com/berita/baca/lt50e822be2dbde/ketika-integritas-layanan-kua-sangat-rendah/>, accessed 15 Feb 2021.
- Klitgaard, Robert, *Controlling Corruption*, Berkeley: University of California Press, 1991.
- M-16/MYS, “Stop Pungutan Liar dalam Pencatatan Nikah”, *Hukumonline.com*, 3 Apr 2014, <http://www.hukumonline.com/berita/baca/lt533cf1f32303a/stop-pungutan-liar-dalam-pencatatan-nikah/>, accessed 15 Feb 2021.
- Nisa, Eva F., “The Bureaucratization of Muslim Marriage in Indonesia”, *Journal of Law and Religion*, vol. 33, no. 2, 2018, pp. 291–309 [<https://doi.org/10.1017/jlr.2018.28>].
- Nurlaelawati, Euis, “Managing Familial Issues: Unique Features of Legal Reform in Indonesia”, in *Islam in Indonesia: Contrasting Images and Interpretations*, ed. by Jajat Burhanudin and Kees van Dijk, Amsterdam: Amsterdam University Press, 2013, pp. 123–38 [<https://doi.org/10.1515/9789048516254-009>].
- , “Islamic Justice in Indonesia: Family Law Reform and Legal Practice in the Religious Courts”, *Asia-Pacific Research Center Bulletin*, vol. 9, 2013, p. 25.
- , “Pernikahan Tanpa Pencatatan: Isbat Nikah Sebuah Solusi?”, *Musāwa Jurnal Studi Gender dan Islam*, vol. 12, no. 2, 2013, pp. 261–77 [<https://doi.org/10.14421/musawa.2013.122.261-277>].

- Paul, Samuel, *Corruption: Who Will Bell the Cat?*, Bangalore, India: Public Affairs Centre, 1997.
- “Provinsi Bali Peringkat I KUA Teladan Nasional 2018”, *Kementerian Agama RI*, <https://kemenag.go.id/berita/read/508458/provinsi-bali-peringkat-i-kua-teladan-nasional-2018>, accessed 14 Mar 2021.
- Qolbi, Insan Khoirul, “Kemenag Berkomitmen Tingkatkan Kualitas Layanan KUA”, *berita*, 7 Jul 2019, <https://bimasislam.kemenag.go.id/post/berita/kemenag-berkomitmen-tingkatkan-kualitas-layanan-kua>, accessed 3 Jan 2021.
- Ramulyo, Mohd. Idris, *Hukum Perkawinan Islam*, Jakarta: Bumi Aksara, 2002.
- Rofiq, Ahmad, *Hukum Islam di Indonesia*, 1st edition, Jakarta: RajaGrafindo Persada, 1995.
- Sezgin, Yüksel and Mirjam Künkler, “Regulation of ‘Religion’ and the ‘Religious’: The Politics of Judicialization and Bureaucratization in India and Indonesia”, *Comparative Studies in Society and History*, vol. 56, no. 2, Cambridge University Press, 2014, pp. 448–78 [<https://doi.org/10.1017/S0010417514000103>].
- Situmorang, Victor, *Aspek Hukum Akta Catatan Sipil di Indonesia*, Jakarta: Sinar Grafika, 1991.
- Sumner, Cate and Timothy Lindsey, *Courting Reform: Indonesia’s Islamic Courts and Justice for the Poor*, 1st edition, Sydney: Lowy Inst. for Internat. Policy, 2010.
- Tholabi, Kharlie Ahmad, *Hukum Keluarga Indonesia*, Jakarta: Sinar Grafika, 2013.
- United Nations Department of Economic and Social Affairs, *United Nations E-Government Survey 2014: E-Government for the Future We Want*, New York: United Nations, 2014.
- Usman, Rachmadi, *Aspek-Aspek Hukum Perorangan & Kekeluargaan di Indonesia*, 1st edition, Jakarta: Sinar Grafika, 2006.
- Van Huis, Stijn and Theresia Dyah Wirastri, “Muslim Marriage Registration in Indonesia: Revised Marriage Registration Laws Cannot Overcome Compliance Flaws”, *Australian Journal of Asian Law*, vol. 13, no. 1, 2012, pp. 87–103.

Witjaksono, Hendro, 'Transformasi Organisasi Pemerintahan melalui Penataan Struktur dan Pengembangan Badaya Kerja', *Kementerian Pendayagunaan Aparatur Negara dan Reformasi Birokrasi*, 15 Aug 2016, <https://www.menpan.go.id/site/cerita-sukses-rb/transformati-organisasi-pemerintahan-melalui-penataan-struktur-dan-pengembangan-badaya-kerja>, accessed 14 Mar 2021.

