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Propositions

Aligning Religious Law and State Law

Street-Level Bureaucrats and Muslim Marriage Practices
in Pasuruan, Indonesia

Muhammad Latif Fauzi

1. In Pasuruan, marriage practice shows the on-going centrality of the role of *kyai* (religious leaders) in the production of an Islam-based legal norm to safeguard sexual morality while the ideas about an ideal spouse are shaped by the discourses within traditional Islam concerning preserving chastity (*kesucian*) and playing according to the rules (*apik*).
2. The state's reform of Muslim marriage law and the Muslim marriage bureaucracy has perpetuated the role of non-state actors in the implementation of marriage law.
3. By making *nikah bedolan* (marriage out of office) much more expensive the state tries to render citizens dependent on the state for marriage services. However citizens subvert this policy by arranging *akad dua kali* (twofold marriage ceremonies), a practice justified through the idea of *ta'kid al-nikāḥ* (authenticating a marriage, *pengukuhan pernikahan*).
4. The reason local people want to legalize an unregistered marriage is solely inspired by the necessity (*kebutuhan*) of obtaining requisite legal documents, not by any concern for a role of the state in their marriage.
5. The relationship between the state and religion in Muslim marriage is actually a matter of mutual adjustment.
6. The willingness of the state officials to give a non-formalist interpretation of legal rules is key to guaranteeing the functioning of state law.
7. We have witnessed a continuing process of the penetration of state law into Indonesian society.
8. The discourse on Muslim marriage in Indonesia no longer hinges on the religious and legal validity of marriage but is about the consequences of marriage registration for citizens' rights.
9. Doing fieldwork concerning marriage in East Java to me as a male researcher was challenging, but not necessarily threatening, because I am a father personally, involved in the Nahdlatul Ulama socially, and a lecturer professionally.