



INTERPRETING GENDERED DISCOURSES: EXPLORING PHILOGYNOUS QUR'ANIC EXEGESIS AND THE LEGAL AMBIGUITY OF UNREGISTERED MARRIAGE IN INDONESIA

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ABSTRACT

This article examines the legalization of unregistered marriages in Indonesia through the lens of a filogynous gender hermeneutic, with particular attention to the structural vulnerabilities faced by women within a patriarchal legal system. Employing a qualitative methodology that integrates policy analysis and critical discourse approaches, the study draws on document analysis and semi-structured interviews conducted with three Gender Study Centers in Purwokerto. The findings reveal that, although Ministry of Home Affairs Regulation No. 108 of 2019 provides administrative recognition of unregistered marital status, it fails to ensure substantive legal protection for women. The filogynous gender hermeneutic is proposed as an alternative epistemological framework that challenges structural subordination and affirms female agency within marital relations. The article recommends policy reformulation, strengthened gender literacy, and inter-institutional collaboration as strategic measures to secure women's rights in the context of legally unregistered marriages.

Keywords: Unregistered marriage, Filogynous gender hermeneutic, Gendered legal justice

ABSTRAK

Artikel ini mengkaji legalisasi kawin belum tercatat (KBT) di Indonesia melalui pendekatan tafsir gender filoginis, dengan menyoroti kerentanan perempuan dalam sistem hukum yang masih berwatak patriarkal. Penelitian ini menggunakan metode kualitatif dengan pendekatan analisis kebijakan dan wacana kritis, didukung oleh data yang diperoleh melalui studi dokumen serta wawancara semi-terstruktur dengan tiga Pusat Studi Gender di Purwokerto. Temuan menunjukkan bahwa meskipun Permendagri No. 108 Tahun 2019 telah memberikan legitimasi administratif terhadap status KBT, regulasi tersebut belum mampu menjamin perlindungan hukum yang substantif bagi perempuan. Tafsir gender filoginis ditawarkan sebagai kerangka epistemologis yang menolak struktur subordinatif terhadap perempuan dan menegaskan kembali agensi mereka dalam relasi perkawinan. Artikel ini merekomendasikan reformulasi kebijakan, penguatan literasi gender, dan kolaborasi antarlembaga sebagai langkah strategis untuk menjamin pemenuhan hak-hak perempuan dalam konteks perkawinan yang belum tercatat secara hukum.

Kata kunci: Perkawinan tidak tercatat, Tafsir gender filoginis, Keadilan hukum gender



INTRODUCTION

Marriage in Indonesia represents a complex socio-legal institution shaped by the interplay of religious norms, customary practices, and state law. Law No. 1 of 1974 stipulates that a marriage is legally recognized only when officially registered by the relevant civil authority, with the intention of safeguarding the rights of both spouses—particularly women and children (Agustian et al., 2023; Novitasari et al., 2023; Sumiarni, 2024).

Despite this legal framework, many marriages remain unregistered administratively, although they are considered valid under religious or customary law. This phenomenon—referred to as *unregistered marriage* (*kawin belum tercatat* or *kawin siri*)—poses significant legal challenges for women and children, especially in securing access to entitlements such as maintenance, inheritance, and birth certificates (Akmal et al., 2024; Horii & Wirastri, 2022; Kasim et al., 2023; Muchsin & Said, 2024; Ni'am, 2024; Pinem, 2025; Setiawan et al., 2023).

In response to this issue, the Indonesian government issued Minister of Home Affairs Regulation No. 108 of 2019, which allows couples to declare the status of *unregistered marriage* in the Family Card (*Kartu Keluarga*). The regulation aims to provide administrative recognition to enable families—despite lacking formal legal marriage documentation—to access public services (Kasim et al., 2023; Muchsin & Said, 2024; Munawaroh et al., 2023; Supriyono et al., 2023).

This policy concern is far from trivial. In a patriarchal cultural context, women often occupy structurally subordinate positions (Salim & Wulandari, 2023; Wahyudani et al., 2023). Without official marriage registration (Bagas Rio Adi S. et al., 2024), women lack

the legal standing to assert their rights in cases of domestic conflict, divorce, or disputes over joint property and inheritance (Fahmi et al., 2023; Wicaksono, 2021). In a legal system still marred by gender bias, the absence of formal documentation becomes a substantial barrier for women in accessing justice (Sukarti et al., 2023).

However, it is essential to recognize that not all women in unregistered marriages are socioeconomically vulnerable. In contexts where women possess financial independence and social agency, the meaning of unregistered marriage may shift significantly (Wicaksono, 2021). For such women, this status may reflect a conscious assertion of autonomy and control over familial arrangements (Pakasi et al., 2024). These women are not dependent on male legal authority and may actively fulfill roles as providers or heads of households (Febrianti & Hidayat, 2024). This reconfiguration of agency provides a point of entry for the *philogenic gender hermeneutics* (*tafsir gender filoginis*) approach (Walker et al., 2011).

Philogenic gender hermeneutics is a framework within gender studies that centers women's agency and critiques relational structures that position women as passive or subordinate (Borbála, 2017; Wani & Wani, 2023). It goes beyond exposing patriarchal biases in religious texts or legal codes—it offers a space for more equitable interpretations of women's roles in social life. In the context of marriage, this approach does not view women solely as subjects to be protected but as autonomous actors capable of making decisions and bearing legal and social consequences for their choices (Donald et al., 2020).

This lens enables an alternative reading of Ministerial Regulation No. 108 of 2019. Rather than interpreting the regulation solely as a policy that disadvantages women, the

philogenic gender perspective highlights its potential to empower independent women—whose lived realities are often overlooked in legal and policy discourse (Barker, 2018; Thomeer et al., 2020; Walker et al., 2011).

Accordingly, this article seeks to explore how philogenic *gender hermeneutics* can serve as a critical lens for understanding the legalization of unregistered marriage, emphasizing women's lived experiences and capacities within familial relationships. In doing so, it not only contributes to the scholarly discourse on gender and law in Indonesia but also offers policy reflections that are more attuned to the diverse conditions of Indonesian women.

The central research question addressed in this study is: *How can philogenic gender hermeneutics offer an alternative perspective on the legalization of unregistered marriage, particularly in addressing the legal vulnerabilities faced by women?*

RESEARCH METHODOLOGY

This study adopts a qualitative approach with a policy and discourse analysis design to investigate the issue of unregistered marriage (*kawin belum tercatat* or KBT) in Indonesia, with a particular emphasis on power relations, cultural dynamics, and gender representations. Data were gathered through document analysis and semi-structured interviews, focusing on relevant regulations and literature (Mariani & Verge, 2023; UNICEF & UNFPA, 2022).

Interviews were conducted with three Gender Study Centers located in Purwokerto—UIN Saizu, Unsoed, and Unwiku—which were selected based on methodological relevance and active engagement in gender advocacy. Data collection took place between March and July 2023, and thematic analysis was employed to trace institutional and discursive responses to

the legalization of KBT from the perspective of women's rights protection.

The analytical framework is grounded in filogenic gender hermeneutics, an interpretive approach that foregrounds women's lived experiences and agency in assessing how policies either reinforce or dismantle patriarchal structures (Balint, 2024; Ernanda, 2023; Martin, 2024). This method moves beyond normative legal assessment by incorporating sociocultural contexts and informants' narratives to offer a comprehensive understanding of women's positionality within the practice of unregistered marriage.

To ensure data validity, triangulation was carried out by cross-referencing interview findings, policy documents, and scholarly literature, followed by respondent validation through follow-up communications with key informants.

RESULTS AND DISCUSSION

Unveiling Hidden Bonds: Exploring the Social Landscape of Unregistered Marriages and Their Gendered Impacts

The phenomenon of unregistered marriages (*kawin belum tercatat*, KBT) remains a pervasive social reality for many women in Indonesia. While such unions may be deemed valid under religious or customary law, the absence of official registration—whether with the Office of Religious Affairs (*Kantor Urusan Agama*, KUA) for Muslims or the Civil Registry Office (*Disdukcapil*) for non-Muslims—renders these marriages invisible in the eyes of the state (Amalia et al., 2022; Khasanah, 2024). This institutional invisibility not only strips women of legal protections but also reinforces structural gender inequalities within both familial and societal spheres.

Women in unregistered marriages are particularly vulnerable due to the lack of

formal recognition, which restricts their access to fundamental rights such as financial support, inheritance, and legal protection from domestic violence. Without documentation validating the marriage, women face legal disadvantages in disputes involving divorce, polygamy, custody, or property claims (Fahmi et al., 2023; Makruf et al., 2025).

Children born from such unions also encounter administrative barriers, especially in acquiring birth certificates or accessing public services when paternity is not legally recognized. The resulting ambiguity in legal identity can compromise a child's access to education, healthcare, and social security, thereby perpetuating cycles of poverty and social exclusion (Munawaroh et al., 2023).

Despite these negative implications, unregistered marriages persist, influenced by cultural, religious, and economic factors. In some traditional communities, religious rituals alone are deemed sufficient to legitimize a marriage, and formal state registration is viewed as burdensome. Moreover, certain men deliberately avoid registration to evade legal responsibilities, capitalizing on patriarchal norms and male-dominated decision-making structures, which often leave women powerless to formalize their marital status (Rahmi et al., 2025).

Economic hardship is another significant driver behind KBT, particularly among low-income couples who wish to avoid the costs associated with registration, dowries, or ceremonial requirements. However pragmatic, this practice engenders long-term socio-legal insecurity, especially for women (Makruf et al., 2025; Nurleni et al., 2023; Purba et al., 2025; Sururie & Wicaksana, 2019).

To address this issue, the Indonesian government enacted Minister of Home

Affairs Regulation No. 108 of 2019, which allows the inclusion of the status “unregistered marriage” (*nikah belum tercatat*) in family identity cards. While this policy provides a form of administrative acknowledgment, it does not guarantee legal parity with officially registered marriages (Husna et al., 2022).

This policy is arguably ambivalent: on one hand, it reduces stigma and broadens access to basic services; on the other, it risks legitimizing informal marital arrangements and exacerbating the potential for exploitation of women within patriarchal systems (Daniela et al., 2024). Crucially, the regulation lacks a gender-sensitive framework. In the absence of legal aid, gender education, and enforcement of mandatory marriage registration, women in unregistered marriages remain structurally disadvantaged (Munawaroh et al., 2023).

Therefore, a comprehensive policy reform grounded in gender justice is urgently needed. This includes revising the Marriage Law, strengthening oversight of religious marriages, improving access to civil registration in remote areas, and enhancing public awareness about the legal and social risks of KBT (Lutfiyah et al., 2015; Nurleni et al., 2023; Sinaga & Apriyani, 2024). Ultimately, transforming both cultural and legal norms toward gender-equitable standards is essential for ensuring that the state upholds justice for all citizens—regardless of their marital status or gender.

Tracing Patriarchal Power: Marriage Practices within Cultural and Legal Systems

Law No. 1 of 1974 stipulates that a marriage is legally valid when conducted according to religious tenets and officially registered. However, in practice, its implementation remains problematic—particularly in rural areas and conservative

communities—where cultural norms often neglect the obligation of formal registration (Muhaimin, 2012; Rosyadi & Kahar, 2023; Soewondo, 1977).

Patriarchal norms continue to dominate decision-making in marriage practices. Unregistered marriages are frequently normalized for practical or economic reasons, with men often using such arrangements to evade legal responsibilities. These actions are commonly carried out without meaningful consent from women, reflecting persistent gender power imbalances (Agustian et al., 2023; indonesiaatmelbourne.unimelb.edu.au, 2022).

This patriarchal bias is embedded not only in cultural traditions but also in the legal framework. The Marriage Law and the Compilation of Islamic Law (KHI) formally designate men as the heads of households and sole providers, while positioning women as housewives subordinate to their husbands. Such legal constructs reinforce structural inequality in roles and authority within the family (Salim & Wulandari, 2023).

In the context of unregistered marriages, these inequalities are exacerbated. Women in such unions lack formal legal status, limiting their access to legal protection in cases of abandonment, domestic violence, or disputes regarding marital recognition. The legal system, heavily reliant on formal documentation and patriarchal assumptions, fails to provide adequate safeguards (Daniela et al., 2024).

Ministerial Regulation No. 108 of 2019 was introduced to record unregistered marital unions through the inclusion of “unregistered marriage” status on the Family Card (Permendagri No. 108/2019, n.d.). While this administrative measure acknowledges the prevalence of informal unions, it does not address the underlying

structural gender disparities that perpetuate inequality.

Critics argue that the regulation offers only a bureaucratic remedy, lacking substantive legal protection for women. It potentially legitimizes informal marriages that are devoid of legal accountability (Daniela et al., 2024). This form of administrative recognition creates a legal grey area: marriages are acknowledged for bureaucratic purposes, but women are still denied access to fundamental rights, such as inheritance, divorce, or protection from violence (Ginting et al., 2024).

Without integration into a broader gender-responsive legal reform, this policy risks being merely symbolic. The persistent influence of patriarchy in marriage law underscores the urgency of legal reforms grounded in gender equality. Such reforms must dismantle structural discrimination in both regulatory frameworks and cultural interpretations, aligning with international human rights instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Hapriyanto & Syamsiah, 2024).

Equally important is the promotion of legal literacy, especially among women in marginalized areas, to enable them to understand and assert their rights. Without confronting patriarchal cultural norms and strengthening legal institutions, women in unregistered marriages will continue to occupy a legally precarious and unjust position.

Reimagining Gender Harmony: Exploring Philogynic Exegesis Through Deconstructive And Humanist Lenses In Muslim Societies

A philogynic interpretation of gender offers a constructive and collaborative framework for understanding male–female relations, challenging the binary and

antagonistic logic that often characterizes both conventional feminist and patriarchal discourses. Deriving from the Greek roots *philo* (love) and *gynē* (woman), the term *philogyny* implies an affirming and respectful view of women—not as passive subjects of paternalistic protection, but as autonomous, dignified individuals equal to men in both social and spiritual domains (dictionary.cambridge.org, n.d.; merriam-webster.com, n.d.; oed.com, n.d.; wiktionary.org, 2024).

This interpretative model contrasts with strands of radical feminism which, while valuable in exposing structural oppression, often emphasize confrontation and separation as modes of resistance. By contrast, the philogynic approach centers on dialogue, cooperation, and reform, positioning men and women as partners in a shared moral and existential project. It seeks to deconstruct patriarchal paradigms without dismissing the possibility of complementary relationships grounded in justice, equity, and compassion (Arofi, 2020; Farida, 2023).

From an Islamic intellectual standpoint, this interpretation resonates with the Qur'anic ethical foundation, which affirms the equal spiritual and moral standing of men and women before God in terms of faith, responsibility, and reward (Qur'an 33:35). Prominent Muslim gender scholars argue that core Islamic teachings promote equality, and that patriarchal distortions largely stem from historical, cultural, and legal interpretations that deviate from the spirit of the text (Harahap & Zulkarnaen, 2024; Wasik, 2024).

In this context, the philogynic framework calls for renewed *ijtihad* (independent reasoning) to reinterpret gender roles in light of contemporary values such as human rights, dignity, and social justice (Ribeiro, 2014). It emphasizes that

women possess full intellectual and spiritual agency and should participate as active agents—not passive recipients—in religious, educational, legal, and political life (sabrangindia.in, 2024). This approach reframes gender equality not as sameness, but as justice, whereby differences in roles do not justify inequality in rights or value (Eyadat, 2013; Yafout, 2016).

Philosophically, the approach draws strength from historical materialist feminist thought, particularly the works of Evelyn Reed (1968) and Friedrich Engels. Both trace the subordination of women not to natural law but to socio-economic transformations. Reed contends that in early communal societies, women held central roles in production, spirituality, and kinship organization; the rise of private property and class hierarchies marked the onset of their subjugation. Engels, in *The Origin of the Family, Private Property, and the State*, similarly argues that the patriarchal family emerged as a mechanism to control inheritance, leading to the systemic objectification and control of women's labor and bodies (Engels & Barrett, 2010).

Understanding gender subordination as a historical inevitability rather than a divine or biological given opens the door to legal and cultural transformation (Giuliano, 2017). This aligns with the philogynic vision of gender justice as an evolving ethical commitment rather than a static sociological condition (Rahman, 2022). Within this view, it becomes both possible and necessary to restructure social norms, religious interpretations, and state policies in ways that empower women and affirm their equal roles in shaping both public and private spheres (Jackson, 2016; Nash, 2008).

A humanist and philogynic interpretation of gender does not seek mere inclusion within existing patriarchal

frameworks but advocates for a reconstitution of those very frameworks. It demands critical engagement with androcentric laws and cultural assumptions that marginalize women, while envisioning a transformative coexistence grounded in mutual respect and shared moral responsibility (Babka et al., 2023; Borbála, 2017; Pinn et al., 2014).

Practically, this interpretative model can serve as the foundation for progressive legal reform, the promotion of gender-sensitive education, and the development of inclusive religious discourse. In the Indonesian context, where unregistered marriages disproportionately disadvantage women, the philogynic approach would prioritize formal recognition of women's legal and social status, ensuring that religious legitimacy is accompanied by state protection and socio-legal justice.

By synthesizing theological ethics with socio-historical awareness, the philogynic gender exegesis presents a constructive alternative to both patriarchal conservatism and polarizing radicalism. It affirms that true gender justice is not merely a matter of rights and legal instruments, but also a matter of transforming cultural consciousness and moral imagination.

Interpreting Local Realities: Gendered Knowledge and Cultural Discourse from Purwokerto's Study Centers

To explore the lived realities and structural challenges surrounding unregistered marriages (commonly referred to as *Kawin Belum Tercatat*, or KBT) in Indonesia, the author conducted qualitative interviews with three Gender Study Centers in Purwokerto—at UIN Saizu, Universitas Jenderal Soedirman (Unsoed), and Universitas Wijayakusuma (Unwiku). These discussions aimed to uncover how institutional actors interpret and respond to

the implications of unregistered marriages, particularly for women.

All three institutions acknowledged that Ministerial Regulation No. 108 of 2019 offers administrative recognition of KBT status. However, they collectively emphasized that such recognition falls short of providing substantive legal protection for women—especially in cases of divorce, child custody, or economic claims (PPGAPM Unsoed, personal communication, May 8, 2023; PSG UIN Saizu, personal communication, May 7, 2023; PSG Unwiku, personal communication, May 12, 2023).

The Gender and Child Protection Center (PPGAPM) at Unsoed highlighted that women in *nikah siri* (unregistered religious marriages) remain legally vulnerable. The regulation's administrative recognition is not anchored in a robust legal framework, producing a dualism in their legal identity (Suwarti et al., 2017). As one representative noted, “*We have encountered many cases in which women were unaware that their marriages lacked legal recognition—only realizing the implications when they were abandoned and unable to claim their rights*” (PPGAPM Unsoed, personal communication, May 8, 2023).

Similarly, the Gender Study Center at UIN Saizu stressed the urgency of a just and non-patriarchal reinterpretation of religious doctrine. They advocated for the active involvement of religious institutions in challenging gender-biased interpretations that disadvantage women in informal marriages (Gufron, 2021; siplawfirm.id, 2022).

The PSG at Unwiku proposed a multisectoral collaboration—among religious authorities, legal aid providers, universities, and government agencies—to enhance legal literacy and advance gender-equitable legal reform. Their approach aligns with a participatory, community-based model

that places local agency at the center of structural change (Miqat et al., 2021).

More broadly, all three centers view Regulation No. 108/2019 as a temporary administrative remedy that must be complemented by structural reforms—including the overhaul of marriage registration policy, expanded access to legal aid, and the provision of inclusive social services. Without such systemic change, the regulation may unintentionally reinforce informal marriage practices that disproportionately harm women.

The perspectives of these gender-focused institutions in Purwokerto underscore the importance of incorporating local narratives into the broader pursuit of gender justice. They emphasize the necessity of strategies rooted in the cultural and religious contexts of local communities. This is consistent with ethnographic studies that highlight the role of interaction among religious interpretation, customary law, and state bureaucracy in shaping local feminist practices (Aspinall et al., 2021; Blackburn, 2004; Syukri, 2023).

By centering local voices, this study affirms that genuine gender justice cannot be achieved solely through top-down policy mechanisms. Rather, it must be fostered through grassroots mobilization, scholarly engagement, and cross-sectoral collaboration. The case of Purwokerto demonstrates the strategic role of academic institutions in reshaping legal consciousness and cultural understanding toward a more equitable future for women in unregistered marriages.

Reimagining Gender and Custom: Exploring a Philogynous Hermeneutic in the Regulation of Unregistered Marriages

The application of a philogynous gender hermeneutic introduces a significant

epistemological shift in the interpretation of legal policy, offering an alternative framework grounded in empathy, inclusivity, and gender justice. Within the context of Indonesia's Minister of Home Affairs Regulation No. 108 of 2019—which administratively recognizes unregistered marriages—this approach underscores the urgent need to transcend formal legal recognition and address the structural vulnerabilities experienced by women in such marital arrangements.

Firstly, this hermeneutic emphasizes the importance of recognizing women not merely as passive recipients of legal consequences, but as active legal subjects. Women involved in unregistered marriages must be acknowledged as autonomous agents capable of determining the contours of familial relationships, including in domains such as economic decision-making and child-rearing responsibilities. This recognition affirms their capacity for self-determination within both domestic and legal spheres.

Secondly, a clear distinction must be made between legal validity and social legitimacy. While Regulation No. 108 provides a framework for administrative acknowledgment, it falls short of addressing the broader social and cultural contexts that shape women's lived realities. The state must therefore extend its concern beyond the procedural to ensure substantive protection for vulnerable individuals, particularly women whose rights remain precarious due to the informal nature of their marital status.

Thirdly, the reconstruction of gender roles within the family becomes imperative. Traditional patriarchal assumptions—such as the exclusive responsibility of men to provide and protect—must be critically re-evaluated. A philogynous reading affirms the legitimacy of women assuming these roles, particularly

when they possess the financial means and personal agency to do so. The persistence of social stigma in such contexts reveals the deep-seated gender biases that must be dismantled.

Lastly, the regulation must evolve through the integration of gender-responsive policy instruments. This includes the development of detailed implementation guidelines that ensure access to legal protection, public services, and social support mechanisms for women in unregistered marital relationships. Without such provisions, administrative recognition alone remains insufficient in achieving gender justice.

In sum, a philogynous gender hermeneutic compels legal reform not only in form, but in essence—demanding that policy reflects the complex realities of gendered experience and promotes equitable agency within all marital contexts.

Reframing Everyday Agency: Cultural Contestations Between Protection and Autonomy

One of the major critiques of mainstream gender discourse lies in its tendency to universalize women's need for legal protection, as if all women constitute a single, homogenous group. In reality, women occupy diverse social, economic, and cultural positions. Some indeed require comprehensive legal safeguards due to limited access to resources and institutional support. However, others consciously choose unregistered marriages (*kawin belum tercatat*, or KBT) as an expression of autonomy and resistance to normative constraints (Larasati, 2021).

Within this context, a *philogenic* gender hermeneutic reframes women as subjects with the right to determine their familial arrangements in accordance with their personal convictions and capacities. As long

as such choices are made with awareness and responsibility, neither the state nor society should impose moral or social sanctions (Eddyono et al., 2023).

That said, this interpretive approach does not negate the reality that many women remain vulnerable within existing patriarchal structures. Therefore, the philogenic framework must be complemented by affirmative policies that ensure equal access to rights and justice for all women—regardless of whether they opt for registered or unregistered marital arrangements (Narain, 2016; Syahriani & Auliya, 2024).

Living the Law: Cultural Dialogues Between Interpretation, Regulation, and Social Change

A philogenic interpretation of legal texts such as Ministry of Home Affairs Regulation No. 108 of 2019 opens critical space for dialogue between statutory regulations, lived social experiences, and gender justice values. Rather than offering mere critique, this approach builds constructive alternatives that reflect the complexity of women's positions in society.

It challenges the binary framing of “women as victims” and “men as agents of domination,” rejecting the essentialist assumption that all women in unregistered marriages are passive or disempowered. Instead, it recognizes the importance of class, cultural background, and individual agency in shaping diverse trajectories of gendered justice (Puh et al., 2022; Sanbar, 2024).

Accordingly, a philogenic gender hermeneutic calls for legal and policy reform grounded in recognition, respect, and empowerment—positioning women not as subjects of protection alone, but as co-architects of inclusive and transformative social change (Akhmetova et al., 2020; Johnson, 2013).

CONCLUSION

The promulgation of Ministry of Home Affairs Regulation No. 108 of 2019 reveals a fundamental tension within the legal treatment of unregistered marriages (*kawin belum tercatat* or KBT). While the regulation offers administrative acknowledgment of marital status, it falls short in guaranteeing substantive legal protection—particularly for women who remain structurally vulnerable within patriarchal legal and cultural frameworks. This paradox underscores the limitations of legal reform that is technocratic in nature yet unresponsive to deeper gendered power relations.

In this context, a *philogenic* gender hermeneutic offers an interpretive departure from dominant legal discourses that often depict women in KBT solely as victims. Rather than reinforcing narratives of subordination, this perspective recognizes that, in certain socio-cultural contexts, unregistered marriage may serve as a locus of agency. It becomes a space where women consciously negotiate their autonomy, recalibrate gender roles, and assert relational choices outside the confines of formal legal norms.

Accordingly, there is an urgent need to reconceptualize regulations such as Permendagri 108 not merely as bureaucratic instruments but as discursive terrains that shape, and are shaped by, the lived experiences of women. Legal transformation, therefore, must be guided by an ethos of inclusive justice—one that affirms diversity, fosters empowerment, and resists the homogenization of women's realities.

To this end, several strategic actions are necessary. First, the regulation itself must be revised to ensure clear and enforceable legal protections for women and children in unregistered marriages. Legal recognition

must be accompanied by mechanisms that uphold their rights and safeguard their wellbeing. Second, religious institutions and higher education providers have a critical role to play in disseminating progressive gender interpretations that challenge patriarchal dogmas and expand emancipatory possibilities.

Third, a coordinated and intersectional approach is essential. Institutional collaboration between the Office of Religious Affairs (KUA), civil registration bodies, religious courts, and gender research centers can foster a more equitable legal ecosystem that is responsive to the complexities of marital arrangements. Fourth, economic empowerment must be prioritized. When women possess the economic means to make independent decisions, they are better positioned to navigate marital relationships on their own terms. Finally, there is a pressing need for sustained, empirical research into the diverse experiences of women in KBT across different socio-economic and cultural settings. Such knowledge is vital to designing policies that are not only legally sound but also contextually grounded and genuinely gender-responsive.

In sum, the transformation of legal discourse on unregistered marriage must move beyond formal recognition to embrace a justice framework rooted in agency, plurality, and equity. Only then can regulatory reforms become catalysts for genuine social change.

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