

Unregistered Marriages of Indonesian Migrant Workers and Their Impact on the Socio-Cultural Life of Children in Palm Oil Plantations in Sabah, Malaysia

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ABSTRACT

The phenomenon of unregistered marriages among Indonesian migrant workers in oil palm plantations in Sabah, Malaysia, reflects the complexity of social, legal, and cultural issues in a transnational society. This study aims to analyze the practice of unregistered marriages and its socio-cultural impact on children. The method used is descriptive qualitative through interviews, observations, and documentation studies of migrant workers, children, plantation managers, and CLC teachers. The results indicate that the decision to marry unregistered is influenced by limited access to legal advice, undocumented immigration status, low legal awareness, and socio-religious norms. This practice has serious impacts on women and children, particularly in terms of legal protection, civil status, and access to education. Rational choice theory analysis explains this practice as an adaptive strategy, role theory points to tensions in women's roles, and value inheritance theory highlights obstacles to the transmission of cultural values. Government efforts are still limited, so cross-sectoral policies are needed to protect and preserve Indonesian cultural values.

Keywords: *Unregistered Marriage, Indonesian Migrant Workers, Socio-Cultural, Palm Oil Plantation, Sabah, Malaysia.*

INTRODUCTION

Marriage is a social institution that has an important role and deep meaning in human life. In Indonesia, marriage is not only understood as a legal bond between two individuals, but also as a manifestation of religious values, beliefs, and social norms that develop in society. Law Number 1 of 1974 concerning Marriage emphasizes that marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a lasting and happy family Saharuddin Daming, & Ari Ernawati. (2024). Article 2 paragraph (1) states that the validity of a marriage is determined by its compliance with the religious laws of each party, while paragraph (2) stipulates that every marriage must be registered in accordance with applicable laws and regulations. Thus, registration is an important basis for obtaining state legal recognition of a marriage.

In social practice, these legal provisions have not been fully implemented. The phenomenon of unregistered marriages is still common in various regions. "Unregistered marriages" refers to marriages

conducted without official registration at the Office of Religious Affairs (KUA) or the Civil Registry Office. This practice demonstrates the low level of public awareness of the importance of legality and legal protection afforded by official marriage documents (Sanusi & Nikah, 2022). The impacts of this practice are far-reaching, encompassing legal, social, and cultural aspects. The lack of registration leaves the couple and children born of the marriage without legal certainty regarding civil rights, such as inheritance rights, citizenship status, legal protection, and access to public services.

The complexity of this phenomenon is further exacerbated in the context of mixed marriages between Indonesian citizens and foreign nationals, particularly in border regions and transmigration areas. Examples include the Sawit Kinabalu Estate and Bongawan areas of Sabah, Malaysia. The heterogeneous Indonesian migrant worker community, comprising communities from East Nusa Tenggara, West Nusa Tenggara, and South Sulawesi, as well as local Malaysians, demonstrates a high rate of inter-national unregistered marriages. Data recorded 21 couples between Indonesian citizens and Malaysian citizens, 4 couples between Indonesian citizens and Filipino citizens, and 40 couples between Indonesian citizens who were married under unregistered marriages. This situation is influenced by social, demographic, and migration dynamics, as well as weak regulation and oversight of migrant workers' marital status.

The uncertainty of legal status in unregistered marriages has serious consequences, particularly for women and children, as vulnerable groups within the social structure. Women who marry unregistered often lose legal protection, financial support, and inheritance rights. Meanwhile, children born from these marriages face administrative difficulties, such as the lack of birth certificates and National Identification Numbers (NIK), as well as obstacles in accessing formal

education through the Basic Education Data System (Dapodik). As a result, some children of migrant workers drop out of school and struggle to adapt linguistically and culturally upon returning to Indonesia. In the long term, this situation can deepen gender inequality, weaken family structures, and hinder the transmission of Indonesian social and cultural values to the next generation.

In the context of mixed marriages, differences in legal systems between Indonesia and the foreign partner's country of origin also raise international legal issues, such as determining the child's citizenship, cross-border inheritance rights, and legal protection (Midia et al., 2023). This situation can complicate the fulfillment of children's basic rights as stipulated in Law Number 35 of 2014 concerning Child Protection, which affirms that every child has the right to protection, recognition of identity, and the full fulfillment of human rights.

The Indonesian government, along with relevant institutions, has undertaken a number of initiatives, such as holding mass marriage confirmations and issuing Birth Registration Certificates (SBPK) by the Consulate General of the Republic of Indonesia (KJRI) in Kota Kinabalu. These measures are intended to provide legal legitimacy and legal protection for migrant worker families. However, quota limitations and a lack of public outreach have prevented these programs from reaching all target populations. Therefore, unregistered marriages among migrant workers are not merely a private legal issue but also involve social dimensions and public policy, requiring a cross-sectoral and cross-national approach.

Previous research has discussed the dynamics of unregistered marriages and their implications, both from a legal and social perspective. First, research conducted by Rahmawati and M. Makhrus Fauzi (2021) highlighted that unregistered marriages conducted by Indonesian migrant workers tend to neglect the rights of wives and children because they lack legal force. Second, research conducted by Nazarudin et

al. (2023) emphasized legal issues in unregistered marriages, such as unclear status regarding support, inheritance, and guardianship for children. However, this research focused on the views of religious scholars or religious figures, without delving into broader social dimensions. Third, research conducted by Ayuni et al. (2023) explored the factors causing unregistered marriages in Cibuntu village, including economic factors, premarital pregnancies, underage marriages, and a lack of awareness of the importance of marriage registration. In general, these studies show that the issue of unregistered marriage has been widely studied from the perspective of legality, family rights, and religious perspectives. However, few have specifically examined its impact on children in the context of transnational migration and the role of local institutions across borders in managing this vulnerability. This study aims to fill this gap. It presents a novel approach to the study of unregistered marriage practices by focusing on the context of Indonesian migrant workers living in an overseas plantation area, namely Sawit Kinabalu Estate Ladang Bongawan, Sabah, Malaysia.

Based on this background, this study aims to analyze in depth the phenomenon of "Unregistered Marriages of Indonesian Migrant Workers and Its Impact on the Socio-Cultural Children in Palm Oil Plantations in Sabah, Malaysia." The study focuses on the relationship between the practice of unregistered marriage, the socio-

cultural conditions of migrant worker communities, and its implications for the legal status and identity of children born from these marriages. This research is expected to contribute to strengthening regulations, legal protection, and preserving socio-cultural values in the context of a transnational society.

MATERIALS & METHODS

This research was conducted at Sawit Kinabalu Estate, Ladang Bongawan, Sabah, Malaysia, a palm oil plantation area that is home to and employs a large number of Indonesian workers. Sawit Kinabalu Estate is one of the palm oil plantation units managed by Sawit Kinabalu Sdn. Bhd., a government-linked company (GLC) operating in the state of Sabah, Malaysia. The company operates an integrated business that encompasses the cultivation, processing, distribution, and trading of palm oil commodities, including Fresh Fruit Bunches (FFB), Crude Palm Oil (CPO), and Palm Kernel (PK). Overall, Sawit Kinabalu manages 36 palm oil plantation units with a total land area of 67,138 hectares, spread across four main regions in Sabah. This location was selected based on initial findings and field observations that indicated a high intensity of unregistered marriage practices in the area. The phenomenon of unregistered marriage in this location does not only occur sporadically, but has become a deep-rooted social pattern and involves various aspects of life, both within the family, community, and local social structures.



Figure 1: Location map of Bogawan Farm, Sabah, Malaysia



Figure 2: Researchers at the Bogawan Estate Field Location

Qualitative research is a type of research that explores and understands the meaning within a number of individuals or groups of people originating from social problems (Creswell, 2017). Using a descriptive qualitative approach with the aim of understanding in depth the unregistered marriages of Indonesian migrant workers and their impact on the socio-cultural of children in oil palm plantations in Sabah, Malaysia. The main data sources come from two categories, namely primary and secondary data. Primary data was obtained through in-depth interviews with Indonesian migrant workers, their children, the oil palm plantation management and teachers at the Indonesia Abroad Community Learning Center (CLC) school where the children of Indonesian migrant workers attend. Meanwhile, secondary data was obtained from observations of the daily lives of Indonesian migrant workers and their children and the management of the oil palm plantation where the Indonesian migrant workers work. Secondary data sources were also obtained from document studies owned by Indonesian migrant workers and their children.

Data collection techniques were conducted through three methods. First, in-depth interviews were used to explore the experiences and perspectives of informants regarding the unregistered marriages of Indonesian migrant workers and their socio-cultural impacts on children. Second, observations were conducted to directly observe the dynamics of the lives of Indonesian migrant workers who are in unregistered marriages and their socio-cultural impacts on children. Third, document studies were used to examine documents held by Indonesian migrant workers and their children, as well as other relevant documents to support the analysis. Data analysis was conducted thematically, beginning with data reduction to filter information relevant to the research focus. The data were then presented in the form of interpretive narratives to uncover emerging social processes, patterns, and values.

Conclusions were drawn inductively, linking field findings and document studies.

RESULT & DISCUSSION

The characteristics of the practice of unregistered marriage among Indonesian migrant workers indicate that in the oil palm plantations of Sabah, Malaysia, it is a fairly prominent social phenomenon among Indonesian migrant workers. Sixty-five migrant worker couples married without official registration, either at the Religious Affairs Office or the Civil Registry Office. Of these, twenty-one couples were a combination of an Indonesian citizen and a Malaysian citizen, four couples were between an Indonesian citizen and a Filipino citizen, and forty couples were between Indonesian citizens. This practice generally occurred in secret and was not reported to the relevant government agencies.

There are four main factors driving this practice. First, limited access to legal and administrative services. Second, undocumented immigration status, which makes couples fear deportation. Third, low legal awareness. Fourth, social norms consider religious unregistered marriages to be sufficiently valid. This phenomenon can be analyzed through the rational choice theory proposed by Gary S. Becker (1981), which explains that individuals act based on cost-benefit considerations in making decisions, including regarding the institution of family and marriage. In the context of Indonesian migrant workers in Sabah, the choice to enter into an unregistered marriage emerged as a result of rationalizing limited resources and administrative obstacles. An unregistered marriage is considered an "efficient" option because it has three advantages. First, the cost of legalizing a marriage abroad is quite high and requires comprehensive documentation that many migrant workers lack. Second, the risk of deportation is lower if the marriage is not officially registered. Third, emotional and social needs can be met without having to go through state legal procedures. Thus, this practice is an adaptive strategy to minimize

economic costs and legal risks, although in the long term it has significant social and legal consequences.

Impact on the Legal Status and Protection of Women

The uncertainty of legal status in unregistered marriages has direct implications for women's position within marital relations. Women who marry unregistered often lose access to civil rights, such as the right to joint property, inheritance rights, and legal protection in the event of divorce or domestic violence. Lacking a marriage certificate, they lack a strong legal basis for filing lawsuits or obtaining state protection. In some cases, migrant women experience high levels of economic dependence on their partners, leaving them vulnerable to exploitation. When domestic conflict arises, many are unable to pursue legal action due to a lack of legal proof of marriage. This demonstrates that unregistered marriages are not merely an administrative issue but also contribute to gender inequality and women's social vulnerability.

According to role theory, individuals in society perform specific social roles governed by social norms and structures (Biddle, 1986). Within migrant worker families, women are often placed in traditional domestic roles: caring for children and the household, with little access to economic and legal resources. In unregistered marriages, this role is not supported by state institutional protection, resulting in women experiencing "role strain" when their domestic functions are not balanced with clear legal rights. This demonstrates that the absence of legal marriage is not merely an administrative issue but also weakens women's position within the migrant family and community system.

Impact on Children: Identity, Education, and Socio-Cultural

Children born of unregistered marriages face significant administrative challenges,

particularly in obtaining birth certificates and National Identification Numbers (NIK). Without these documents, they struggle to enroll in formal schools through the Basic Education Data System (Dapodik). Approximately ten children have dropped out of school due to failing to meet administrative requirements. In addition to administrative challenges, these children also face social and cultural difficulties. Most children of migrant workers grow up in Malaysia and speak Malay in their daily lives. Upon their return to Indonesia, differences in language, social norms, and culture pose significant challenges to their integration into the local school environment and community. This demonstrates that unregistered marriages impact not only the legal aspects but also the social and cultural aspects of Indonesia for the next generation. According to socio-cultural theory, values, norms, and social identities are passed down from one generation to the next through the mechanisms of family socialization, education, and the social environment (Parsons, 1951; Cavalli-Sforza & Feldman, 1981). In this case, unregistered marriage status weakens the family's function as an agent. First, the child is not legally registered as part of the Indonesian national community, thus limiting access to formal educational institutions and socialization. Second, parents, especially mothers, have difficulty in instilling Indonesian values due to the dominance of the Malaysian cultural environment. Third, the uncertainty of the child's legal identity impacts the process of internalizing Indonesian citizenship, nationality, and socio-cultural values. Thus, unregistered marriage has dual implications: in addition to causing legal vulnerability, it also hinders intergenerational socio-cultural processes.

Response from the Government and Related Institutions

The Indonesian government, through the Consulate General of the Republic of Indonesia (KJRI) in Kinabalu, has taken several steps to address this issue. One such

step is the issuance of a Temporary Birth Registration Certificate (SPBK) to facilitate the birth registration process for children born of unregistered marriages. This document can be used as the basis for obtaining a birth certificate after the parents are officially married in Indonesia. Furthermore, the Bongan regional government annually allocates a quota of approximately two hundred and fifty couples to participate in a mass marriage confirmation program. This program aims to grant official legal status to couples previously married under unregistered marriages.

However, research shows that these efforts have not fully reached all target groups. Quota limitations, geographic distance, the illegal status of some migrant workers, and low legal awareness are key obstacles to implementing the marriage legalization program. Therefore, policy interventions need to be expanded through cross-border collaboration, increased access to legal services, and ongoing education programs within migrant communities.

Discussion of Findings

The findings of this study reinforce the theory that unregistered marriages in migrant worker communities are not merely a matter of administrative legality, but rather a social phenomenon related to economic structure, the legal status of migrants, and access to state services. The unclear legal status of spouses and children creates a cycle of legal and social vulnerability that is difficult to break without comprehensive policies. From a socio-cultural perspective, the informality of marriages weakens the transmission of Indonesian values to the children of migrant workers. When children lack clear legal status and experience obstacles to cultural integration, they are at risk of experiencing an identity crisis and social marginalization, both in Malaysia and upon returning to Indonesia.

CONCLUSION

This research demonstrates that the practice of unregistered marriages among Indonesian migrant workers in the oil palm plantations of Sabah, Malaysia, is a complex social phenomenon with multidimensional impacts. The decision to engage in unregistered marriages represents a rationalization by migrant individuals and couples for limited legal access, undocumented immigration status, administrative barriers, and social norms that consider a religious marriage sufficient. From the perspective of Gary Becker's rational choice theory, this practice can be understood as an adaptive strategy to minimize economic costs and legal risks, despite its long-term serious social and legal consequences.

The uncertainty of legal status resulting from unregistered marriages creates significant vulnerabilities for women and children. Women lose legal protection and civil rights, while children face administrative barriers such as lack of birth certificates and Population Identification Numbers (NIK). This situation has implications for limited access to formal education and potential social marginalization. Based on role theory, women in this context experience role tension because their traditional domestic roles are not supported by state legal protection.

From a socio-cultural perspective, unregistered marriages also weaken the family's role as an agent of value socialization. The unclear legal status of children and limited access to formal education hinder the process of transmitting Indonesian, national, and cultural values. Children raised in a Malaysian cultural context struggle to adapt upon returning to Indonesia, potentially leading to an identity crisis and social marginalization.

The Indonesian government's efforts, such as holding mass marriage confirmation ceremonies and issuing Temporary Birth Registration Certificates (SPBK), have provided initial solutions. However, these policies remain limited in their reach and effectiveness. More comprehensive and

coordinated policies across countries are needed, including expanding access to legal services, raising awareness among migrant communities, and strengthening the role of education as a means of transmitting cultural values.

Thus, the phenomenon of unregistered marriages among migrant workers is not merely a private legal issue, but also a social, cultural, and public policy issue that requires an interdisciplinary and collaborative approach. Effective management will support the protection of women's and children's rights, strengthen national identity, and ensure the sustainability of Indonesian socio-cultural values in transnational communities.

Declaration by Authors

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