

Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood



Ahmad Bunyan Wahib ^{a,*}, Muhammad Jihadul Hayat ^a, Nurulbahiah Awang ^b

^a Universitas Islam Negeri Sunan Kalijaga Yogyakarta, Indonesia.

^b Universiti Tenaga Nasional, Malaysia

* Corresponding Author: ahmadbunyanwahib@gmail.com

ARTICLE INFO

Article history

Received: December 30, 2024

Revised: July 24, 2025

Accepted: September 5, 2025

Keywords

Migrant Workers;

Marriage;

Nikah kampung;

Isbat nikah;

ABSTRACT

The immigration policy of Malaysia prohibits migrant workers from marrying during their employment contract, whether with fellow migrant workers or Malaysian citizens. However, despite this prohibition, the practice of marriage between Indonesian migrant workers, often referred to as *kawin kampung* (village marriage), has been prevalent for many years in Sabah, Malaysia. This marriage practice occurs without the involvement of the state and is not officially registered, thus classified as an unofficial or *nikah sirri* (secret marriage). Nevertheless, such marriages are recognized socially within the community, even though they are not legally acknowledged (illegal but licit). This research aims to explain the structure and agency involved in marriage practice among Indonesian migrant workers. Taking the floor in Sabah, Malaysia, data were gathered through interviews with related parties in the field. This research employs Giddens' theory of structuration. This research argues that the practice of *kawin kampung* (village marriage) among Indonesian migrant workers (PMI) in Sabah, is a multifaceted issue influenced by a combination of religious, legal, economic, and social factors. Their religious belief constitutes an essential foundation for sustaining life within the oil palm plantations. Although their marriages cannot be categorized as legally valid under the Malaysian state law, they many times are underhand allowed by the company and can gradually and annually be submitted for official validation (*isbat nikah*) at the Indonesian representative office. Inconsistent law enforcement against undocumented immigrants has enabled their continued entry, thereby perpetuating the practice of unregistered marriages (*kawin kampung*) among Indonesian migrants.



This is an open-access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license.



1.Introduction

The migration of Indonesian workers to Malaysia presents significant legal challenges, particularly in the realm of familial law.¹ These challenges range from substantive issues, such as child custody and guardianship, to administrative

¹ Chee Heng Leng, Brenda S A Yeoh, and Rashidah Shuib, 'Circuitous Pathways: Marriage as a Route toward (II) Legality for Indonesian Migrant Workers in Malaysia', *Asian and Pacific Migration Journal*, 21.3 (2012), 317–44 <https://doi.org/10.1177/011719681202100>

matters, including the legal documentation of marriage. Indonesian migrant workers often encounter cross-border administrative disputes, particularly when their relationships dissolve or when questions arise regarding the legality of their marriages.² Such disputes are characterized by legal complexities, cultural differences, and difficulties in enforcing administrative documentation across national boundaries. Resolving these disputes necessitates coordination between legal systems and compliance with international conventions on familial administrative matters.

The administrative issues faced by Indonesian migrant workers in Malaysia are further shaped by domestic legal frameworks and international conventions. Indonesian migrant workers are not only subject to the regulations of both Indonesia and Malaysia but are also bound by international agreements governing migrant labor, including the responsibilities of employing companies. International conventions, such as the International Labour Organization (ILO) Convention on the Abolition of Forced Labor and the Roundtable on Sustainable Palm Oil (RSPO) principles for employment in the palm oil plantation sector, play a pivotal role in regulating the presence and working conditions of Indonesian migrant workers in Malaysia.

From an academic perspective, migration scholars argue that the (il)legality of migration is shaped by a complex interplay between structural factors and individual agency.³ The production of (il)legality is not solely determined by state structures and institutions but is also influenced by the actions of migrants and the societies in which they engage.⁴ This study seeks to investigate how the concepts of (il)legality are redefined in the context of marriage administration among the spouses of low-skilled and semi-skilled Indonesian migrant workers in Malaysia. Malaysian immigration regulations prohibit foreign workers holding temporary employment passes from bringing their families to live in the country and from

² Catherine Allerton, 'Statelessness and the Lives of the Children of Migrants in Sabah, East Malaysia', *Tilburg Law Review*, 19.1–2 (2014), 26–34 <https://doi.org/10.1163/22112596-01902004>

³ Samuel Roll, 'Cross-Cultural Considerations in Custody and Parenting Plans', *Child and Adolescent Psychiatric Clinics*, 7.2 (1998), 445–54 [https://doi.org/10.1016/S1056-4993\(18\)30251-7](https://doi.org/10.1016/S1056-4993(18)30251-7)

⁴ Lenore Lyons and Michele Ford, 'Love, Sex and the Spaces in-between: Kepri Wives and Their Cross-Border Husbands', *Citizenship Studies*, 12.1 (2008), 55–72 <https://doi.org/10.1080/13621020701794182>; Matthew H Amster and Johan Lindquist, 'Frontiers, Sovereignty, and Marital Tactics: Comparisons from the Borneo Highlands and the Indonesia-Malaysia-Singapore Growth Triangle', *The Asia Pacific Journal of Anthropology*, 6.1 (2005), 1–17 <https://doi.org/10.1080/14442210500074846>; Alexander Horstmann, 'States, Peoples, and Borders in Southeast Asia', *Kyoto Review of Southeast Asia*, 7 (2006), 1–6 <https://kyotoreview.org/issue-7/states-peoples-and-borders-in-southeast-asia/>; Kamal Sadiq, *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries* (Oxford University Press, 2008) <https://doi.org/10.1093/acprof:oso/9780195371222.002.0003>; Bridget Anderson and Martin Ruhs, 'Migrant Workers: Who Needs Them? A Framework for the Analysis of Staff Shortages, Immigration, and Public Policy', in *Who Needs Migrant Workers? Labour Shortages, Immigration, and Public Policy* (Oxford University Press Oxford), pp. 15–52 <https://doi.org/10.1093/acprof:oso/9780199580590.003.0002>

marrying local residents or other migrant workers.⁵ These restrictions limit the opportunities for migrant workers to marry and maintain their familial responsibilities while residing in Malaysia.

Although the Malaysian government prohibits low-skilled and semi-skilled foreign laborers from entering into formal marriage contracts, they are still able to engage in *nikah kampung* (unregistered marriages).⁶ This phenomenon aligns with studies indicating that while marriage is regulated by the state, enforcement of cross-border marriage regulations may not always be stringent.⁷ Such practices reveal a discrepancy between official national regulations and the actual realities at the margins of state control.⁸ While Indonesian migrant workers in Malaysia remain subject to state regulations, they often leverage their agency to navigate these restrictions by resorting to *nikah kampung*. This interplay between structure and agency contributes to shaping the phenomenon of *nikah kampung* among Indonesian migrant workers in Malaysia. How is *nikah kampung* carried out? What roles do structure and agency play in facilitating this process?

In terms of the involvement of parties in the process of migrant workers, scholarly studies have progressed from examining the role of the state in creating regulations on migration,⁹ the response of migrants to these state regulations, and the agency of migrant workers in the process,¹⁰ to exploring the interaction between the state and the agency of migrant workers in the migration process, where the state establishes regulations while migrant workers exploit regulatory loopholes.¹¹ Several studies suggest that the roles of the state and migrant workers in the international migration process should not be viewed in binary terms, but rather functionally, as both parties play a functional role in facilitating migration.¹²

⁵ <https://www.imi.gov.my/index.php/en/main-services/foreign-worker/> accessed 27 December 2024

⁶ The terms *nikah kampung* and *kawin kampung* both refer to the same practice: a marriage conducted without the involvement of official state authorities, relying instead on local religious leaders. Such marriages are not recorded in the state's civil registry. In this paper, the terms *nikah kampung* and *kawin kampung* will be used interchangeably. Both terms are translated as 'village marriage'.

⁷ Sadiq; Thamrin Sa, 'A Study of Legal and Illegal Indonesian Migrant Workers in Malaysia and Their Problems: Finding a Solution from the Violence and Protecting Their Rights', *International Journal of Innovation, Creativity and Change*, 6.11 (2019), 133–49 https://www.ijicc.net/images/vol6iss11/61109_Thamrin_2019_TD_R.pdf.

⁸ Lyons and Ford; Amster and Lindquist; Horstmann; Anderson and Ruhs; Sadiq.

⁹ Nicholas P De Genova, 'Migrant "Illegality" and Deportability in Everyday Life', *Annual Review of Anthropology*, 31.1 (2002), 419–47 <https://doi.org/10.1146/annurev.anthro.31.040402.085432>

¹⁰ Anderson and Ruhs.

¹¹ Lyons and Ford; Amster and Lindquist; Horstmann; Sadiq.

¹² Susan Bibler Coutin, 'Contesting Criminality: Illegal Immigration and the Spatialization of Legality', *Theoretical Criminology*, 9.1 (2005), 5–33 <https://doi.org/10.1177/1362480605046>; Luin Goldring, Carolina Berinstein, and Judith K Bernhard, 'Institutionalizing Precarious Migratory Status in Canada', *Citizenship Studies*, 13.3 (2009), 239–65 <https://doi.org/10.1080/13621020902850643>; Martin Ruhs and Bridget Anderson, *Who Needs Migrant Workers?: Labour Shortages, Immigration, and Public Policy* (Oxford University Press, 2012) <https://doi.org/10.1093/acprof:oso/9780199580590.001.0001>; Diana Wong, 'The Recruitment of Foreign Labour in Malaysia: From Migration System to Guest Worker Regime', in *Mobility, Labour Migration and Border Controls in Asia* (Springer, 2006), pp. 213–27 https://doi.org/10.1057/9780230503465_11

Within the context of discussing the legal issues surrounding the families of migrant workers, the occurrence of marriages also reflects the roles of the state and the agency of migrant workers. Meanwhile, other works assert that marriage has become a tool for migrant workers to gain economic and legal advantages in the host country.¹³ Leng, et al.,¹⁴ examine the experiences of Indonesian migrant workers in Malaysia and investigate the role of marriage as a strategy for these workers to navigate the complexities of legal and illegal migration.¹⁵ The study explores how marriage can provide a pathway to legal status and improved rights for Indonesian migrant workers in Malaysia. The authors also shed light on the challenges and vulnerabilities that arise within these marriages, including issues such as exploitation, abuse, and uncertain legal statuses such as unregistered marriage (*nikah sirri*).

In a more specific focus, Jannah (2014),¹⁶ Nisa (2018),¹⁷ Faizin, Alfitra, and Mansur (2019)¹⁸ investigate the marriage administration of Indonesian migrant workers in Malaysia. Faizin, Alfitra, and Mansur concentrate on the effort of registering unregistered marriage among Indonesian migrant workers in Malaysia. Meanwhile Jannah (2014) and Nisa (2018) focus on the practices of unregistered marriages among Indonesian migrant workers in Malaysia, with Nisa also examining the strategies employed by Indonesian diplomatic representatives to address this issue. Nisa emphasizes the importance of considering the social, political, and religious context in understanding how state laws operate and how Indonesian migrant workers navigate the constraints they face.

However, works on the marriage administration of Indonesian migrant workers in Malaysia leave some issues such as *kawin kampung* as a major cause of

¹³ Nicola Piper and Mina Roces, *Wife or Worker?: Asian Women and Migration* (Bloomsbury Publishing USA, 2004) <https://doi.org/10.1002/ijpg.309>; Deirdre McKay, 'Filipinas in Canada - De-Skilling as a Push toward Marriage', in *Wife or Worker?: Asian Women and Migration*, ed. by Nicola Piper and Mina Roces (Rowman & Littlefield Publishers, 2003), pp. 23–51 <http://hdl.handle.net/1885/85786>; Prapairat R Mix and Nicola Piper, 'Does Marriage "Liberate" Women from Sex Work? Thai Women in Germany', *Wife or Worker? Asian Women and Migration*, 2003, 53–72 <http://hdl.handle.net/1885/85786>; Coutin; Caren Freeman, 'Making and Faking Kinship: Marriage and Labor Migration between China and South Korea', in *Making and Faking Kinship* (Cornell University Press, 2011) <https://doi.org/10.7591/9780801462818>

¹⁴ Leng, Yeoh, and Shuib, 'Circuitous Pathways: Marriage as a Route toward (II) Legality for Indonesian Migrant Workers in Malaysia'.

¹⁵ Chee Heng Leng, Brenda S A Yeoh, and Rashidah Shuib, 'In-between (II) Legality and Legitimacy: Marriages between Foreign Workers and Citizens in Malaysia' <https://d1wqtxts1xzle7.cloudfront.net/>

¹⁶ Miftahul Janah, 'The Practice of Sirri Marriage in Malaysia: Case Study of Indonesian Migrant Workers (TKI) in Selangor State of Malaysia' (Universitas Islam Negeri Maulana Malik Ibrahim, 2014) <http://etheses.uin-malang.ac.id/529/>

¹⁷ Eva F Nisa, 'Unregistered Marriages of Indonesian Migrant Workers in Malaysia: Contrasting Positions of State Agents', *Sociology of Islam*, 6.3 (2018), 338–58 <https://doi.org/10.1163/22131418-00603005>

¹⁸ Afwan Faizin, Alfitra Alfitra, and Ali Mansur, 'Legalizing Unofficial Marriage For Indonesian Migrant Workers In Malaysia', *Jurnal Cita Hukum*, 7.1 (2019), 85–100 <https://doi.org/10.15408/jch.v7i1.10341>

unregistered marriage among Indonesian Migrant Workers (PMI) and the process of *isbat nikah* conducted by Indonesian representation in Malaysia. Therefore, this research tries to focus on these issues by focusing on the phenomenon among Indonesian migrant workers in Sabah, Malaysia.

This research applies Giddens' theory of structuration,¹⁹ which states that social phenomena are shaped and determined by both structure and agency. Various structures—ranging from regional context, bilateral relations, state policies, corporate interests, and more specific social contexts surrounding PMI—play an essential role in creating everyday practices among migrant workers related to family law. In addition to structure, *kawin kampung* conducted by Indonesian migrant workers in Sabah and the *isbat nikah* program organized by the Indonesian Consulate General (KJRI) in Kota Kinabalu are also driven by the agency of individuals and other involved parties, such as the *imam*, who is an important figure in village marriages, and the teachers of Community Learning Centers (CLC), who play a pivotal role in facilitating and administering the *isbat nikah* process. In this way, both structural and agency-based factors intersect to shape the family legal practices of Indonesian migrant workers, influencing their access to legal marriage recognition, citizenship, and ultimately the educational opportunities and social mobility for their children.

2. Research Method

As a part of socio-legal perspective, this study focuses on everyday practices which is technically under anthropological research on law. It investigates issues related to Indonesian migrant workers agency in Malaysia negotiating particular states' policies. A general understanding of the state policy is based on secondary literature, published government reports, and media articles. This research also involves qualitative field work, focusing on gathering data through daily observation and a data set of unstructured interviews with Indonesian migrant workers residing in Sabah, Malaysia, the place of the most Indonesian migrant workers who work in palm (*sawit*) company.²⁰ During our field work on October 2024, we carried out the interview in semi structured way and in some cases, the interview is very informal. The respondents for the research were selected using a snowball sampling technique. From this, we have interviewed with two main officers of Consulate General of Republic of Indonesia Konabalu City, two teachers of Sekolah Indonesia Kota Kinabalu (SIKK), six Community Learning Center (CLC) teachers (three of CLC Sapagaya and three of CLC Gomantong), one company manager of Palm Sapagaya, one religious leader (*imam*) of *kampung*

¹⁹ Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Univ of California Press, 1984).

²⁰ <https://www.beritasatu.com/news/30150/tki-terbanyak-tersebar-di-selangor>, accessed on 26 December 2024.

mosque of Sapagaya, and many Indonesian migrant workers who work in the palm field of Sapagaya and Gomantong.

3. Results and Discussion

Migrant Workers and the Issue of Family Law Administration

The issue of migrant workers in Malaysia, particularly those who are undocumented, intersects with family law administration in several significant ways.²¹ While migrant workers are often employed in sectors such as agriculture,²² construction, and manufacturing, many face legal obstacles that affect their ability to marry, bring family members, or even ensure the legal recognition of their families. In this context, the administrative aspects of family law, especially for those workers who are illegal immigrants, become crucial. For undocumented migrant workers, marrying or registering their marriages within Malaysia is typically not allowed due to their illegal status. In many cases, migrant workers, especially those from Indonesia or the Philippines,²³ enter Malaysia on temporary permits or short social visit visas that explicitly prohibit family reunification. Despite this, many workers proceed with marriages among themselves or bring their families into the country under informal or illegal circumstances, violating immigration regulations.

These undocumented marriage often go unregistered, as official marriage registration processes require legal documentation that many migrant workers do not have. In cases where marriages are not legally recognized, the rights of these workers and their families are compromised, leading to various challenges. For example, children born to undocumented migrant workers may not be officially recognized, which can result in difficulties accessing education, healthcare, or legal protection. Additionally, the social networks within migrant communities, such as those in the palm oil estates of Sabah, often serve as informal support systems. These networks may assist in protecting undocumented workers and their families from immigration raids, but they also perpetuate the challenges related to the legal recognition of family relationships. These informal arrangements often lack the official legal standing that would afford rights and protections to families living in Malaysia.

²¹ See Wee Chan Au and others, 'The Work-Life Experiences of an Invisible Workforce: The Case of Live-in Women Migrant Domestic Workers in Malaysia', *Equality, Diversity and Inclusion: An International Journal*, 39.5 (2020), 567–83 <https://doi.org/0.1108/EDI-02-2019-0059>

²² Graeme Hugo, 'Indonesian Labour Migration to Malaysia: Trends and Policy Implications', *Southeast Asian Journal of Social Science*, 21.1 (1993), 36–70 <https://doi.org/10.1163/030382493X00035>; Arisman Arisman and Ratnawati Kusuma Jaya, 'Labour Migration in ASEAN: Indonesian Migrant Workers in Johor Bahru, Malaysia', *Asian Education and Development Studies*, 10.1 (2020), 27–39 <https://doi.org/10.1108/AEDS-02-2019-0034>

²³ Linda A Lumayag, 'Marriage 'During' Work Migration: Lived Experiences of Filipinos Marriage Migrants in Malaysia', *Marriage Migration in Asia: Emerging Minorities at the Frontiers of Nation-States*, 16 (2016), 73 <https://books.google.co.id/>.

In this context, the issue of family law administration for migrant workers is complex, as it involves navigating both immigration laws and national legal frameworks that regulate marriage, parenthood, and family rights.²⁴ Migrant workers who are in Malaysia illegally face a precarious situation where their family relationships are often not recognized or protected by the law, leaving them vulnerable to exploitation and legal risks. To address these issues, reforms to both immigration and family law policies are needed to better accommodate the realities faced by migrant workers, ensuring that they and their families are not left in legal limbo and that their fundamental rights are protected.

Among migrant workers in Sabah, family law issues have become a significant concern.²⁵ As previously mentioned, Malaysia's Immigration Department has established regulations that prohibit holders of temporary work visas, typically granted to unskilled or semi-skilled migrant workers, from bringing their families or getting married during the contract period. Many of these workers, however, choose to marry fellow migrant workers without officially registering their marriages, often referring to these unions as "kawin kampung" (village marriage) or "nikah imam" (imam marriage). These marriages are called *kawin kampung* because they occur in the workers' village, without involving the government, and *nikah imam* because the marriage ceremony is typically officiated by a village imam, who serves as both a marriage consultant and a religious authority to validate the marriage according to Islamic law.

Unlike the 'underhand' marriages commonly practiced in Indonesia, which often lack celebration or formal festivities, *kawin kampung* is usually marked with celebratory events, much like a traditional wedding. Despite being a religiously recognized form of marriage, these informal unions lack legal standing under Malaysian law, as the country prohibits temporary migrant workers from marrying during their contract period. While holders of employment passes are allowed to marry, the process is complicated, requiring consent from the employer and the immigration department. This bureaucratic burden often leads Indonesian migrant workers to choose the shortcut of *kawin kampung*.

For many migrant workers, *kawin kampung* becomes the only viable option to form a family while in Malaysia, especially when the legal pathway is deemed too

²⁴ Choo Chin Low, 'Legal Reforms in Protecting Migrant Workers' Welfare in Malaysia: Labor Law and Social Security', *Advances in Southeast Asian Studies*, 14.1 (2021), 59–80 <https://doi.org/10.14764/10.ASEAS-0048>; Jennifer Whelan and others, 'Abused and Alone: Legal Redress for Migrant Domestic Workers in Malaysia', *Indon. L. Rev.*, 6.1 (2016), 1 <https://doi.org/10.15742/ilrev.v6n1.171>

²⁵ For more discussion, read Catherine Allerton, 'Contested Statelessness in Sabah, Malaysia: Irregularity and the Politics of Recognition', *Journal of Immigrant & Refugee Studies*, 15.3 (2017), 250–68 <https://doi.org/10.1080/15562948.2017.1283457>; Catherine Allerton, 'Stuck in the Short Term: Immobility and Temporalities of Care among Florenese Migrants in Sabah, Malaysia', *Ethnos*, 85.2 (2020), 208–23 <https://doi.org/10.1080/00141844.2018.1543338>; Catherine Allerton, 'Impossible Children: Illegality and Excluded Belonging among Children of Migrants in Sabah, East Malaysia', *Journal of Ethnic and Migration Studies*, 44.7 (2018), 1081–97 <https://doi.org/10.1080/1369183X.2017.1357464>

cumbersome. However, this informal marriage, which entirely bypasses the state, raises significant issues concerning marriage administration and the legal documentation of such unions. As a result, the administration of marriage and the lack of official marriage documentation have become central family law issues among migrant workers in Sabah, Malaysia. These workers face difficulties in securing legal recognition for their marriages and families, leaving them vulnerable to legal uncertainties and challenges related to their family rights.

As previously discussed, marriage administration is an important issue among Indonesian migrant workers (PMI) in Sabah, particularly those who are non-skilled and semi-skilled workers. Religious beliefs, the lack of marriage documentation through village marriages (*kawin kampung*), and the Indonesian government's efforts to regulate marriage documentation through the *isbat nikah* program (marriage registration for protection) are key issues that significantly influence the lives of Indonesian migrant workers and their families in Sabah. The following parts will explore the structure and agency involved in marriage administration among non-skilled and semi-skilled Indonesian migrant workers (PMI) in Sabah, Malaysia, with a focus on village marriages and *isbat nikah*, from the perspective of structural functionalism.

Religious Beliefs and the Role of the Imam in Kawin Kampung

As previously discussed, religious beliefs play a significant role in the practice of *kawin kampung* (village marriage) among Indonesian migrant workers in Sabah. The presence of the *imam masjid kampung* (village mosque imam) during the marriage contract (*akad nikah*) is a key indicator of how deeply religious doctrine is embedded in the practice. This is why the *imam* plays an important role in the process of *kawin kampung*, as outlined earlier. The imam serves not only as a religious leader but also as a community figure who facilitates the marriage ceremony, ensuring that it aligns with Islamic teachings and customs, even if it is not formally registered with the state.

The *kawin kampung* marriage process involves various individuals and institutions, such as the village mosque *imam*, the local community, companies, and the state. The community around the plantation villages (estate) where the migrant workers live is often actively involved in the marriage process. The marriage is conducted by calling the village mosque *imam* to officiate the union, which is typically held at the bride's house. The *imam* may act as a witness or even as a representative *wali* (guardian) in cases where the bride's legal guardian has delegated authority to the *imam*. A small number of couples may perform the marriage ceremony at the mosque in the estate village.

The main participants in *kawin kampung* are Indonesian migrant workers, both male and female. The males involved in these marriages typically arrive from Indonesia unmarried or widowed, intending to work in Malaysia and often meet

their partners there. Some of them are second-generation individuals, such as young men born and raised in migrant worker settlements (kongsi villages) in Malaysia. Meanwhile, the majority of female participants are daughters of migrant worker couples who have long settled in Malaysia, although some women arrive in Malaysia unmarried.

The cultural traditions of the migrant workers' regions of origin, such as the Bugis ethnic group predominantly found in the Kinabatangan area, also influence the marriage practices in Malaysia. Among the Bugis, the giving of *uang panai* (bride price) is an integral part of the marriage process, with the amount being determined by the social status or educational level of the bride. However, in contrast to practices in their homeland in Sulawesi, the amount of *uang panai* among Indonesian migrant workers is more often determined by the financial needs for hosting the wedding celebration. The more extravagant the wedding, the higher the *uang panai* that must be given by the groom. The amount typically ranges from RM 10,000 to RM 15,000 (ten thousand to fifteen thousand ringgit).

Returning to the discussion about the role of the *imam*, as part of the principles of the Roundtable on Sustainable Palm Oil (RSPO), a global non-profit organization that aims to develop and implement global standards for sustainable palm oil production, mosques and places of worship are considered important facilities within every palm oil estate that must be provided by the plantation companies. However, companies are not required to hire religious leaders to oversee religious activities. As a result, the *imam* in the estate mosque is informal. In the two estates we visited, Sapagaya and Gomantong, the appointment of the *imam* is based on community consensus within the estate village, rather than being appointed by the company. The *imam* is also a migrant worker from Indonesia working on the palm oil plantation and living in the estate village. To meet their daily needs, these estate mosque *imams* receive wages from the plantation company, as field workers, not because of their position as *imams*. In fact, in the evenings, the *imam* of the Sapagaya estate mosque also works as a street vendor. The person appointed as *imam* by the community is considered by the community to possess a good knowledge of religion and is more diligent in worship than other workers. He is always ready to attend the mosque for each prayer time, from calling the *adhan* (the call to prayer) to leading the congregational prayer. This *imam* is the one who ensures the religious activities at the estate mosque remain vibrant, including the five daily prayers, Friday prayers, Eid prayers, Quran reading classes, and other religious activities. In the Sapagaya estate village, the reading of *Shalawat Barzanji* used to be practiced.

In relation to the *kawin kampung* or *nikah imam* (village marriage or imam-led marriage), the presence of the *imam* becomes essential. The marriage cannot take place without the imam's involvement, which is why it is referred to as *nikah imam*. Typically, the bride and groom or their families will approach the *imam* a few days before the wedding to inform him of the wedding date and invite him to officiate

the ceremony. The wedding date is determined by the couple, while the *imam* simply follows the schedule. Saturdays and Sundays are the preferred days for the marriage ceremony, as well as for wedding receptions, given that these are days off work.

Before the marriage ceremony, the *imam* also plays a role in marriage counseling. Similar to marriage guidance programs held by the Office of Religious Affairs (KUA) in Indonesia, this role is taken on by the village *imams*. Before the marriage ceremony, the *imam* provides a brief lecture on family life to the bride and groom. He will explain the rights and responsibilities of the husband and wife, as well as of parents and children. Only after this guidance does the marriage contract take place.

During the marriage ceremony, the *imam's* presence is crucial. The *imam* ensures that there are no legal obstacles preventing the marriage and that the marriage is carried out in accordance with Islamic law, including the presence of the *wali* (guardian), witnesses, *mahr* (dowry), and the marriage contract. In this process, the *imam* typically acts as a witness to the marriage, although at times the *imam* may also serve as the *wali* if the father (or other legal guardian) delegates this responsibility to the *imam*. Once the marriage contract is completed, the *imam's* role in the marriage process is concluded.

In addition to the *imam*, several other parties play a role in the process and continuity of *kawin kampung* (village marriage). The palm oil company also plays a significant role in the practice of *nikah kampung* performed by workers in the palm oil estate. Workers who wish to carry out a *kawin kampung* request time off from their employer. It is not only the bride and groom who request leave, but also other individuals involved in the wedding process, including family members and even neighbors. Neighbors from the same section (group of workers' quarters) who assist with the wedding ceremony, including the marriage contract and wedding reception, will also apply for leave. The company grants the requested leave for workers who are to marry according to the application submitted.

In addition to granting leave, the company also provides other facilities for the wedding process, especially for the marriage contract and the wedding reception, as requested by the worker. These facilities include the use of public spaces, electricity, and water. In estate villages, the company typically covers the costs for electricity and water. To save costs and promote discipline among workers, many companies limit the use of electricity and water in the workers' quarters. This can be observed in the Kertam Sapagaya estate in Kinabatangan, Sandakan, Sabah, where electricity is available only for two hours in the morning (from 4:00 AM to 6:00 AM) and four hours in the evening (from 6:00 PM to 10:00 PM). Similarly, water is only available for two hours in the morning. If someone is planning a wedding, they will apply for additional water and electricity supply. The company will then provide the additional supply as requested. For the evening, the

electricity supply may be extended until 11:00 PM or even midnight to support the wedding reception.

Holding a wedding reception or party in an open area within the workers' village is also a form of support from the company for the practice of *kawin kampung*. The wedding reception venue is not typically inside the bride's house, but extends outside. The couple will set up tents in the public space, such as the village road, to accommodate guests. The company's support for *kawin kampung* also extends to their involvement in the wedding reception. Company managers, assistant managers, and even administrative staff are usually invited to the wedding reception. They attend as special guests (VIPs) and are served different meals from the regular guests. It is not uncommon for the hosts to provide alcoholic beverages for non-Muslim company officials attending the event. These guests are typically seated in a separate area or at a different table from the workers.

The company's support for *kawin kampung* continues after the wedding reception. Couples who have undergone a *kawin kampung* will be prioritized for housing, particularly for a separate workers' quarters (often in the form of elevated houses) apart from their parents' house. If there are vacant quarters in a section, they will occupy these as a married couple until they have children (and possibly grandchildren).

In addition to these factors, the *isbat nikah* program carried out by the Indonesian Consulate General in Kota Kinabalu, which has lenient administrative requirements for processing the marriages of Muslims that were not officially registered, also plays a role in sustaining the *kawin kampung* practice among Indonesian migrant workers. The purpose of the *isbat nikah* program is to regularize unregistered marriages through a process that is not overly complicated. The process begins with submitting an *isbat nikah* request to the Islamic Court (Pengadilan Agama, PA). The application can be made by either the husband or wife in the unregistered marriage, the parents of the couple, their descendants, or other interested parties. If the marriage meets the requirements of Islamic law and has gone through the court process, the *isbat nikah* will be granted.

The *isbat nikah* program does not only address unregistered marriages that occur in Indonesia, but also applies to Indonesian migrant workers abroad who have conducted unregistered marriages, including those in Sabah. The Indonesian Consulate General (KJRI) in Kota Kinabalu and the Indonesian Consulate (KRI) in Tawau began holding an annual *isbat nikah* mass program in 2018. This program has helped thousands of Indonesian migrant workers in Sabah obtain their marriage documents. In some cases, the mass *isbat nikah* process organized by the KJRI Kota Kinabalu is even faster and with simpler requirements than processing the *isbat nikah* independently in Indonesia.

Normally, *isbat nikah* takes about a month, from the initial application to receiving the official decree. The application must include several documents, such as a copy of the identity card (Kartu Tanda Penduduk, KTP) and a certificate from the village that states the couple is married. Additionally, the application must be accompanied by a statement from the Religious Affairs Office (KUA) indicating that the marriage has not been officially registered. After this, the applicant can submit a request for a marriage certificate and apply for a marriage book at the Religious Affairs Office. To obtain the marriage book, the applicant must complete administrative requirements, including providing identity documents, the *wali* (guardian), and witnesses.

Meanwhile, the mass *isbat nikah* held by the KJRI Kota Kinabalu is much quicker with simpler administrative requirements. One migrant worker shared, "I would rather do a kawin kampung here and handle the *isbat nikah* at KJRI KK, as the process is faster and the requirements are simpler. A friend of mine said that in Indonesia, it could take months to process an *isbat nikah* and get a marriage book. Not to mention the back-and-forth trips to court."

Kawin Kampung: Religious Conservatism, State Regulation, Economic Interest and Social Context

As explained earlier, the practice of *kawin kampung* (village marriage) among Indonesian migrant workers in Sabah is not an isolated phenomenon; it is supported by various factors that ensure its continuation. These factors include religious doctrines, state regulations, economic interests (both individual and corporate), and the social context that surrounds the daily lives of migrant workers residing in oil palm plantations in Sabah. This section aims to explain the structure that influences the practice of *kawin kampung* among Indonesian migrant workers.

Religious doctrine, the Islamic teachings about the conditions and pillars of marriage play a significant role in the practice of *kawin kampung* among Indonesian migrant workers in Sabah. These teachings form the foundation of the workers' belief in the legitimacy of their *kawin kampung*. According to Islamic jurisprudence (*fiqh*), administrative documentation of marriage is not considered a necessary condition for the validity of a marriage. This doctrinal understanding is embraced by Indonesian migrant workers in Sabah, who believe that their *kawin kampung*, despite not being officially registered or documented with the state, fulfills all the necessary religious requirements to be considered a valid marriage. Therefore, they perceive their village marriages as religiously legitimate, even without formal recognition or legal registration.

This belief is rooted in the understanding that the essential conditions for a valid marriage—such as mutual consent, the presence of witnesses, and the marriage contract (*akad nikah*)—are met during the *kawin kampung*. For many workers, the absence of formal registration is not seen as a deficiency but rather as an acceptable

deviation within their religious and cultural framework. Consequently, they view their marriages as both valid in the eyes of God and culturally sanctioned, even though they may not have the legal documentation required by the state.

Despite the religious legitimacy that migrant workers ascribe to their *kawin kampung*, the lack of state registration creates a legal gap. In Indonesia, as well as in Malaysia, legal marriage registration is a crucial step for securing state recognition of marital status, particularly for the protection of spouses' and children's rights. The absence of such registration complicates matters for migrant workers, especially when they seek to access rights such as citizenship or educational opportunities for their children.

The economic dimension also plays a role in the practice of *kawin kampung*. For many migrant workers, particularly in the context of working on oil palm plantations, the informality of village marriages is economically practical. These workers may not have the resources, time, or knowledge to navigate the formal legal procedures required for registering their marriages with the state. The economic pressures faced by migrant workers, coupled with the lack of access to formal legal services, make *kawin kampung* a more feasible option for many couples.

Social factors also contribute to the continuation of *kawin kampung* practices. The communal and often isolated living conditions of migrant workers in plantation areas may foster an environment where informal marriages are more common. In the absence of formal state institutions or legal mechanisms in these remote areas, the local community and religious leaders (such as *imams*) often serve as the primary figures for validating marriages, further reinforcing the practice of *kawin kampung*.

The *imam* we interviewed mentioned that they understand the requirements for a valid marriage under Islamic law. They held a *kawin kampung* while fulfilling all the conditions of a legitimate marriage. The *imam* ensured that the marriages were valid according to Islamic teachings. In line with his statement, Andi (not his real name) explained that the *kawin kampung* they held could bring benefit in term of housing. The company will provide one house for one family. They know that it would have been impossible for the company to allow them to live together without being properly married. And usually, if they are not married yet, they will be placed with another migrant worker, sharing a house together according to the same gender. It means *kawin kampung*, in this case, serves as a lucrative option for getting a better housing for the migrant workers.

Inconsistent Law Enforcement and Its Impact on Migrant Workers: National and Bilateral Laws

In addition to religious norms, state regulations, both national and bilateral, also contribute to the persistence of the *kawin kampung* practice among Indonesian migrant workers in Sabah. Indonesian migrant workers in Sabah typically work in

oil palm plantations and often fall under the category of non-skilled and semi-skilled laborers. One significant factor influencing the practice of *kawin kampung* is the regulatory framework set by Malaysia's immigration policies.

The Malaysian Immigration Department imposes strict marriage regulations for migrant workers. Marriages are only permitted for foreign workers holding a permanent work visa (employment pass), which is designated for skilled labor.²⁶ In contrast, workers holding a temporary employment pass, which applies to non-skilled and semi-skilled workers, are prohibited from marrying during their employment period. This policy exists partly to avoid competition with local labor and due to concerns about the temporary nature of migrant workers' contracts and their right to access sufficient living standards. As a result, migrant workers holding temporary work visas face significant barriers in legally formalizing their marriages according to state regulations. For these workers, the opportunity to marry legally in Malaysia is virtually closed off.

However, for many of these workers—whose temporary work visas may last only up to ten years—social interactions often lead to a desire to form families. In fact, many choose to overstay their work contracts, becoming undocumented workers (often referred to as "illegal immigrants"), and continue living in Malaysia beyond the terms of their visa. This has led many to turn to *kawin kampung* as a means of forming families and validating their relationships without the need for state-sanctioned marriage registration.

Another factor contributing to the prevalence of *kawin kampung* is Malaysia's inconsistent law enforcement when it comes to immigration violations. Inconsistent enforcement of immigration laws allows illegal migrant workers to remain undetected and continue living in Malaysia after their contracts have expired. Migrant workers, including Indonesian workers (PMI), are often able to stay beyond the expiration of their visas, taking advantage of gaps in immigration enforcement. Some workers, including those with expired work permits, may enter Malaysia on a social visit visa, overstay their visa period, and eventually choose to stay permanently. This situation creates a population of undocumented workers who reside in Malaysia without proper legal documentation, leading to complications regarding their legal status.

The enforcement of immigration laws, such as the regular raids conducted by the Royal Malaysia Police (PDRM) against illegal migrant workers, is often sporadic and inconsistent. This lack of consistent enforcement allows migrant workers to stay longer than allowed, leading to the continued presence of Indonesian workers who, despite overstaying their work visas, may have already established families. These workers may continue living as illegal migrants for

²⁶ Chee Heng Leng, 'International Marriages in Malaysia: Issues Arising from State Policies and Processes', in *Changing Marriage Patterns in Southeast Asia* (Routledge, 2015), pp. 185–201 <https://doi.org/10.15408/jch.v7i1.10341>.

years, sometimes even decades, with children and grandchildren, many of whom are born in Malaysia and may also undergo *kawin kampung*.

While temporary work visas for migrant workers can be extended for a maximum of ten years, many non-skilled migrant workers end up staying in Malaysia much longer. This prolonged stay further contributes to the complexity of the *kawin kampung* practice, as the migrant workers often form family structures and have children who, in turn, continue the same practices.

In conclusion, the *kawin kampung* practice is influenced by a combination of religious beliefs, state regulations, and the inconsistent enforcement of immigration laws. These factors interact to create an environment in which migrant workers, despite facing legal restrictions, continue to form families through *kawin kampung* as a means of recognizing their relationships, while navigating the challenges of their immigration status and socio-economic conditions in Malaysia. One of our informant recalled his past experience, saying that in the past, whenever there was to be a raid targeting undocumented migrants, the company usually informed them in advance, allowing workers without complete documents to leave the settlement and take refuge in the midst of the oil palm plantation. They would remain hidden in the forest for some time until the raid was called off.

The Indonesian government's "Menikum" policy (marriage for protection) through the mass *isbat nikah* program for Indonesian migrant workers at the Indonesian Consulate General in Kota Kinabalu and the Indonesian Consulate in Tawau has contributed to the persistence of the village marriage practice among Indonesian migrant workers (PMI) in Sabah. This program is the result of a bilateral agreement between the Indonesian and Malaysian governments, initiated during the presidency of Susilo Bambang Yudhoyono (SBY). The policy stems from the large number of Indonesian migrant workers in Malaysia who lack complete citizenship documentation, with many of them being undocumented immigrants or even stateless due to the absence of any citizenship papers. The Menikum program aims to provide legal protection for Indonesian citizens in Malaysia by ensuring the completion of Indonesian citizenship documents for migrant workers, particularly in the states of Sabah and Sarawak. In terms of marriage, Menikum is realized through the *isbat nikah* program for Muslim migrant workers.

The *isbat nikah* program began in 2018. This program functions as a double-edged sword: on one hand, it provides legal certainty and protection for Indonesian migrant workers in Sabah. On the other hand, it offers a sense of security to those engaged in village marriages. While it is true that the program aims to provide citizenship documentation for Indonesian migrant workers in Malaysia—particularly since the practice of village marriages has been ongoing for decades prior to the Menikum initiative—the program has further reinforced the belief among migrant workers in Sabah that the village marriages they have engaged in will ultimately gain legal recognition through the *isbat nikah* program.

This is acknowledged by our informant, who said that, "We opted kawin kampung (village marriages) without registration by the Indonesian government. Each year, the Consulate General of the Republic of Indonesia in Kota Kinabalu organizes an *isbat nikah* program. In due course, we participate in this program to have our previously unregistered kawin kampung officially recognized."

Moreover, due to its affirmative nature, the mass *isbat nikah* process conducted at the Indonesian Consulate General (KJRI) and the Indonesian Consulate (KRI) is simpler and faster compared to submitting an *isbat nikah* petition to the Islamic Court in Indonesia. The *isbat nikah* hearing and the issuance of the marriage certificate can be completed in just one day. This is significantly quicker than the normal *isbat nikah* process, which typically takes about a month, not to mention the additional time required to submit a request for the marriage certificate to the Religious Affairs Office (KUA). The overall process takes even longer. In strict say, an Indonesian Consulate General officer said that, "The process is also relatively swift. Typically, the *isbat nikah* program is announced a month in advance. Once we submit our data to the Consulate General of the Republic of Indonesia in Kota Kinabalu, we only need to wait for its implementation. The *isbat nikah* proceedings, up to the issuance of the marriage certificate, are completed within a single day. This contrasts with the *isbat nikah* process in Indonesia, which can take up to a month."

The practice of village marriage among Indonesian migrant workers (PMI) in Sabah is also influenced by the pragmatic interests of palm oil companies. Once again, some of the participants in village marriages in the palm oil plantations are undocumented migrant workers. While the presence of undocumented migrant workers is prohibited by the state, they are still essential to the palm oil companies that employ them. The pragmatic interests of these palm oil companies play a significant role in perpetuating the village marriage practice among PMI in Sabah. Several studies have shown that despite Malaysia's immigration regulations, which only grant a maximum 10-year work permit for non-skilled and semi-skilled migrant workers, many palm oil and manufacturing companies continue to employ migrant workers beyond this duration. This is one of the reasons why undocumented migrant workers exist in Malaysia. Additionally, there are numerous cases of reluctance from both migrant workers and companies to process the extension of temporary work permits, further increasing the number of undocumented migrant workers in Sabah. The complicated administrative process discourages migrant workers from renewing their work permits, while economic considerations, cost-saving measures, and the availability of a ready workforce lead companies to avoid processing their workers' permits legally. These two factors contribute to the persistence of undocumented workers in Sabah, Malaysia.

From a socio-economic context, the presence of undocumented migrant workers in Malaysia is a significant contributor to the village marriage phenomenon in Sabah. The participants in village marriages within palm oil plantation villages are

typically non-skilled or semi-skilled workers, who are in high demand in the palm oil industry. Sabah cannot rely on local labor to fill this sector, leading to the importation of migrant workers for plantation work. However, the heavy reliance on palm oil plantations has made it difficult for the Malaysian government to regulate the situation effectively, with inconsistent law enforcement creating opportunities for undocumented migrant workers to remain in Sabah.

From a legal perspective, the presence of undocumented migrant workers in Sabah is problematic. However, they are needed to drive the economy of Sabah, which heavily relies on palm oil plantations. The Malaysian government is aware of their presence but requires their labor to sustain the region's economy. Moreover, the bargaining power of undocumented workers enables palm oil companies to pay them lower wages. This economic advantage allows undocumented Indonesian migrant workers to survive in Malaysia. While they can manage to live in Malaysia for extended periods, they cannot legally marry. One way they form families is by engaging in unregistered village marriages.

The practice of village marriages is also influenced by the level of administrative literacy among its participants. Field data reveals that non-skilled Indonesian migrant workers often have low awareness and literacy in legal administration. They show little concern for citizenship and family documentation. In relation to marriage, legally, if Malaysian citizens marry abroad, they should report to the Indonesian consulate, which would issue a marriage certificate that the couple could use to apply for *isbat nikah* upon returning to Indonesia. However, in practice, this is not followed. "They have married and even had children in Sabah, but they do not report to the Indonesian consulate. They only report when a partner dies because they need to process inheritance matters."²⁷

The low level of administrative literacy regarding marriage is further reinforced by interviews with several Community Learning Center (CLC) teachers who are actively involved in facilitating *isbat nikah* in the worker villages of the palm oil plantations. One teacher stated, "People here don't care about documents. What matters to them is being able to work and earn money. Without complete documentation, they are still able to work on the palm oil plantations. Having proper documentation is not directly related to their work. So, many of them do not have documents." Therefore, it is not surprising that in the context of marriage, village marriages are common among Indonesian migrant workers in the palm oil plantation worker villages.

Isbat Nikah: State Policy, Institutional Roles, and Pragmatic Interests

The Menikum program, through the implementation of *isbat nikah* for Indonesian migrant workers abroad, has provided family and citizenship documentation to thousands of individuals. According to the website of the

²⁷ Interview with Nurdin, October 2024.

Directorate of Islamic Court (Badilag), more than five thousand couples have received family documents since the program began (from 2011 to 2023). Why do these migrant workers participate in the *isbat nikah* program? This section will explain the structures involved in the implementation of *isbat nikah* for Indonesian migrant workers in Sabah, Malaysia. Several structures, including political, legal, social, economic, and cultural factors, play a role in compelling Indonesian migrant workers to participate in *isbat nikah*.

The implementation of *isbat nikah* in the Menikum program cannot be separated from the bilateral agreement between the Indonesian and Malaysian governments to address the large number of undocumented migrant workers, particularly from Sulawesi, employed in the palm oil plantations in Sabah. From the perspective of population administration, the existence of undocumented migrant workers poses significant issues, as the Indonesian government cannot accurately record the number of Indonesian migrant workers in Sabah, thereby hindering its ability to provide optimal legal protection and facilitate access to public services, particularly in education and healthcare. On the other hand, from the Malaysian government's perspective, the presence of undocumented migrant workers can lead to negative social impacts, such as labor exploitation, inadequate protection from employers, and even social crimes. To address these administrative challenges, the *isbat nikah* program was implemented at the Indonesian Consulate General in Kota Kinabalu.

Since the *isbat nikah* is part of a bilateral agreement between the governments of Indonesia and Malaysia, its implementation involves not only individual migrant workers and Indonesian government institutions such as the Ministry of Foreign Affairs, the Islamic Court (PA), the Civil Registration Agency (Dukcapil), and the Ministry of Religious Affairs, but also Malaysian institutions.

4. Conclusion

The practice of *kawin kampung* among Indonesian migrant workers in Sabah is shaped by a complex interplay of religious beliefs, state regulations, economic constraints, and social contexts. While these marriages may not adhere to formal legal frameworks, they are deeply embedded in the cultural and religious practices of the migrant worker community, making them an enduring aspect of their social lives. In her study, Eva emphasizes the religious dimension, particularly the role of religious belief and conservatism, as well as the position of religious leaders as intermediaries between society and the state. This perspective highlights the function of religious leaders as actors who bridge formal authority and community needs, thereby situating religious practice within broader socio-political relations. By contrast, this paper focuses on the dimension of social and religious services carried out by imams in everyday life. *Imams* are not only spiritual figures but also take over certain administrative functions of the state. This can be observed, for instance, in the organization of short marriage courses

and their involvement as guardians (*wali*) in marriage ceremonies. Thus, the role of the *imam* extends beyond religious leadership to include responsibilities that effectively provide public services which, in principle, should fall under the purview of government institutions. Furthermore, a distinction emerges in relation to pragmatic considerations. Eva underscores the issue of marriage registration fees as the primary motivation behind non-state marriage practices. This paper, however, supplements that perspective by adding another layer of analysis, namely the community's pursuit of access to educational facilities and other civil rights. For many couples, the legalization of marriage is not only about avoiding financial burdens but also about securing their children's rights within the formal education system. In this sense, the analysis contributes to a broader understanding of the factors driving communities to opt for non-state marriages, while at the same time demonstrating the complex interaction between religious, pragmatic, and administrative considerations.

5. Acknowledgements

This research was supported by the Research Centre (LPPM) of State Islamic University Sunan Kalijaga Yogyakarta under the cluster of International Collaborative Research (2024). We thank all our friends in Sabah and the related parties who offered us helpful support throughout our journey and during our stay in the palm oil plantation area.

References

- Allerton, Catherine, 'Contested Statelessness in Sabah, Malaysia: Irregularity and the Politics of Recognition', *Journal of Immigrant & Refugee Studies*, 15.3 (2017), 250–68 <https://doi.org/10.1080/15562948.2017.1283457>
- , 'Impossible Children: Illegality and Excluded Belonging among Children of Migrants in Sabah, East Malaysia', *Journal of Ethnic and Migration Studies*, 44.7 (2018), 1081–97 <https://doi.org/10.1080/1369183X.2017.1357464>
- , 'Statelessness and the Lives of the Children of Migrants in Sabah, East Malaysia', *Tilburg Law Review*, 19.1–2 (2014), 26–34 <https://doi.org/10.1163/22112596-01902004>
- , 'Stuck in the Short Term: Immobility and Temporalities of Care among Florenese Migrants in Sabah, Malaysia', *Ethnos*, 85.2 (2020), 208–23 <https://doi.org/10.1080/00141844.2018.1543338>
- Amster, Matthew H, and Johan Lindquist, 'Frontiers, Sovereignty, and Marital Tactics: Comparisons from the Borneo Highlands and the Indonesia-Malaysia-Singapore Growth Triangle', *The Asia Pacific Journal of Anthropology*, 6.1 (2005), 1–17 <https://doi.org/10.1080/14442210500074846>

- Anderson, Bridget, and Martin Ruhs, 'Migrant Workers: Who Needs Them? A Framework for the Analysis of Staff Shortages, Immigration, and Public Policy', in *Who Needs Migrant Workers? Labour Shortages, Immigration, and Public Policy* (Oxford University Press Oxford), pp. 15–52
<https://doi.org/10.1093/acprof:oso/9780199580590.003.0002>
- Arisman, Arisman, and Ratnawati Kusuma Jaya, 'Labour Migration in ASEAN: Indonesian Migrant Workers in Johor Bahru, Malaysia', *Asian Education and Development Studies*, 10.1 (2020), 27–39 <https://doi.org/10.1108/AEDS-02-2019-0034>
- Au, Wee Chan, Uracha Chatrakul Na Ayudhya, Yan Soon Tan, and Pervaiz K Ahmed, 'The Work-Life Experiences of an Invisible Workforce: The Case of Live-in Women Migrant Domestic Workers in Malaysia', *Equality, Diversity and Inclusion: An International Journal*, 39.5 (2020), 567–83
<https://doi.org/10.1108/EDI-02-2019-0059>
- Coutin, Susan Bibler, 'Contesting Criminality: Illegal Immigration and the Spatialization of Legality', *Theoretical Criminology*, 9.1 (2005), 5–33
<https://doi.org/10.1177/1362480605046>
- Faizin, Afwan, Alfitra Alfitra, and Ali Mansur, 'Legalizing Unofficial Marriage For Indonesian Migrant Workers In Malaysia', *Jurnal Cita Hukum*, 7.1 (2019), 85–100
<https://doi.org/10.15408/jch.v7i1.10341>
- Freeman, Caren, 'Making and Faking Kinship: Marriage and Labor Migration between China and South Korea', in *Making and Faking Kinship* (Cornell University Press, 2011) <https://doi.org/10.7591/9780801462818>
- De Genova, Nicholas P, 'Migrant "Illegality" and Deportability in Everyday Life', *Annual Review of Anthropology*, 31.1 (2002), 419–47
<https://doi.org/10.1146/annurev.anthro.31.040402.085432>
- Giddens, Anthony, *The Constitution of Society: Outline of the Theory of Structuration* (Univ of California Press, 1984)
- Goldring, Luin, Carolina Berinstein, and Judith K Bernhard, 'Institutionalizing Precarious Migratory Status in Canada', *Citizenship Studies*, 13.3 (2009), 239–65
<https://doi.org/10.1080/13621020902850643>
- Horstmann, Alexander, 'States, Peoples, and Borders in Southeast Asia', *Kyoto Review of Southeast Asia*, 7 (2006), 1–6 <https://kyotoreview.org/issue-7/states-peoples-and-borders-in-southeast-asia/>
- Hugo, Graeme, 'Indonesian Labour Migration to Malaysia: Trends and Policy Implications', *Southeast Asian Journal of Social Science*, 21.1 (1993), 36–70
<https://doi.org/10.1163/030382493X00035>
- Janah, Miftahul, 'The Practice of Sirri Marriage in Malaysia: Case Study of Indonesian Migrant Workers (TKI) in Selangor State of Malaysia' (Universitas Islam Negeri Maulana Malik Ibrahim, 2014) <http://etheses.uin-malang.ac.id/529/>
- Leng, Chee Heng, 'International Marriages in Malaysia: Issues Arising from State Policies and Processes', in *Changing Marriage Patterns in Southeast Asia* (Routledge, 2015), pp. 185–201 <https://doi.org/10.15408/jch.v7i1.10341>
- Leng, Chee Heng, Brenda S A Yeoh, and Rashidah Shuib, 'Circuitous Pathways:

- Marriage as a Route toward (II) Legality for Indonesian Migrant Workers in Malaysia', *Asian and Pacific Migration Journal*, 21.3 (2012), 317–44
<https://doi.org/10.1177/011719681202100>
- , 'In-between (II) Legality and Legitimacy: Marriages between Foreign Workers and Citizens in Malaysia' <https://d1wqtxts1xzle7.cloudfront.net/>
- Low, Choo Chin, 'Legal Reforms in Protecting Migrant Workers' Welfare in Malaysia: Labor Law and Social Security', *Advances in Southeast Asian Studies*, 14.1 (2021), 59–80 <https://doi.org/10.14764/10.ASEAS-0048>
- Lumayag, Linda A, 'Marriage 'During' Work Migration: Lived Experiences of Filipinos Marriage Migrants in Malaysia', *Marriage Migration in Asia: Emerging Minorities at the Frontiers of Nation-States*, 16 (2016), 73
<https://books.google.co.id/>
- Lyons, Lenore, and Michele Ford, 'Love, Sex and the Spaces in-between: Kepri Wives and Their Cross-Border Husbands', *Citizenship Studies*, 12.1 (2008), 55–72
<https://doi.org/10.1080/13621020701794182>
- McKay, Deirdre, 'Filipinas in Canada - De-Skilling as a Push toward Marriage', in *Wife or Worker?: Asian Women and Migration*, ed. by Nicola Piper and Mina Roces (Rowman & Littlefield Publishers, 2003), pp. 23–51
<http://hdl.handle.net/1885/85786>
- Mix, Prapairat R, and Nicola Piper, 'Does Marriage "Liberate" Women from Sex Work? Thai Women in Germany', *Wife or Worker? Asian Women and Migration*, 2003, 53–72 <http://hdl.handle.net/1885/85786>
- Nisa, Eva F, 'Unregistered Marriages of Indonesian Migrant Workers in Malaysia: Contrasting Positions of State Agents', *Sociology of Islam*, 6.3 (2018), 338–58
<https://doi.org/10.1163/22131418-00603005>
- Piper, Nicola, and Mina Roces, *Wife or Worker?: Asian Women and Migration* (Bloomsbury Publishing USA, 2004) <https://doi.org/10.1002/ijpg.309>
- Roll, Samuel, 'Cross-Cultural Considerations in Custody and Parenting Plans', *Child and Adolescent Psychiatric Clinics*, 7.2 (1998), 445–54
[https://doi.org/10.1016/S1056-4993\(18\)30251-7](https://doi.org/10.1016/S1056-4993(18)30251-7)
- Ruhs, Martin, and Bridget Anderson, *Who Needs Migrant Workers?: Labour Shortages, Immigration, and Public Policy* (Oxford University Press, 2012)
<https://doi.org/10.1093/acprof:oso/9780199580590.001.0001>
- Sa, Thamrin, 'A Study of Legal and Illegal Indonesian Migrant Workers in Malaysia and Their Problems: Finding a Solution from the Violence and Protecting Their Rights', *International Journal of Innovation, Creativity and Change*, 6.11 (2019), 133–49
https://www.ijicc.net/images/vol6iss11/61109_Thamrin_2019_TD_R.pdf
- Sadiq, Kamal, *Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries* (Oxford University Press, 2008)
<https://doi.org/10.1093/acprof:oso/9780195371222.002.0003>
- Suharto, Rahcmad Budi, *Ekonomi Sumber Daya Manusia* (RV Pustaka Horizon Anggota Ikapi, 2021)
- Whelan, Jennifer, Rohaida Nordin, Ma Kalthum Ishak, Nursyuhada Matwi, Siti

Nurimani Zahari, Nicole Mekier, and others, 'Abused and Alone: Legal Redress for Migrant Domestic Workers in Malaysia', *Indon. L. Rev.*, 6.1 (2016), 1
<https://doi.org/10.15742/ilrev.v6n1.171>

Wong, Diana, 'The Recruitment of Foreign Labour in Malaysia: From Migration System to Guest Worker Regime', in *Mobility, Labour Migration and Border Controls in Asia* (Springer, 2006), pp. 213–27
https://doi.org/10.1057/9780230503465_11