



How Does the State Regulate the Administration of Unregistered Marriages in Muslim Minority Communities? The Practice of Mass Weddings in Jayapura City

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ABSTRACT

This study aims to analyze how the state regulates the administration of unregistered marriages (nikah sirri) in Muslim minority communities in Jayapura City, with a focus on the practice of mass weddings organized to facilitate the registration of marriages. Unregistered marriages, which are not recorded by the state, are still found among Muslim minorities in Jayapura. Factors influencing the practice of unregistered marriages include economic limitations, lack of awareness about administrative procedures, and difficulty in accessing official marriage registration services. To address these issues, the Jayapura City government, through the Religious Affairs Office (KUA), the Religious Court (PA), and the Directorate General of Population and Civil Registration (DUKCAPIL), has initiated a mass wedding program aimed at simplifying the legalization process for couples who have not yet registered their marriages. This research uses a qualitative approach with interviews and observations of couples participating in the mass wedding program. The findings indicate that this program is effective in raising public awareness about the importance of marriage registration. However, challenges remain in terms of legal understanding and the readiness of couples to comply with the applicable administrative procedures. The study suggests the need for increased education about the importance of marriage administration and strengthening access to marriage registration services to reduce the practice of unregistered marriages. With the mass wedding program, it is hoped that all marriages in Jayapura City can be legally registered according to state law, providing optimal legal protection for married couples.

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1. INTRODUCTION

This phenomenon is faced by many countries with a Muslim majority (Djawas et al. 2022; Ahyani et al. 2022; Abubakar, Saadah, and Na'mah 2023; Beddu et al. 2024; Daniela et al. 2024; Solehudin, Ahyani, et al. 2024; Widianingsih 2024; Surasa 2024). It arises when marriages are conducted without being registered with the state institutions or legitimate legal authorities, leading to various legal and social issues (Djawas et al. 2021; Fadhilah et al. 2023; Fithriani et al. 2024). Several factors driving unregistered marriages (*nikah sirri*) include economic inability, social norms, and a lack of awareness about the importance of official marriage administration (Faisol et al. 2024; Haq et al. 2024; Solehudin et al. 2024). In some Muslim-majority countries, such as those in the Middle East and South Asia, unregistered marriages are often seen as a solution to social and economic problems, although they do not provide legal protection for the couples and children born from these marriages. The legal uncertainty surrounding such marriages also affects the couples' rights, child custody, and inheritance distribution, which often disadvantages women and children in the long term.

In Indonesia, although the national legal system generally provides clear regulations on legally recognized marriages, the phenomenon of *nikah sirri* continues, especially in regions still strongly influenced by tradition and religious norms (Harahap, Putra, and Ahyani 2024; Insani et al. 2024). *Nikah sirri* often occurs because couples lack access to or cannot meet the administrative requirements for legal marriage, or due to cultural reasons that prioritize religious validity over legal marital status (Irawati, Andiani, and Wijaya 2024; Jumarim, Muhsin, and Huda 2024). In Papua, particularly in Jayapura City, this issue becomes even more complex due to the socio-economic gap influencing the decision to marry without legal recognition. In response to this problem, the Jayapura City Government has taken steps through a mass wedding program to provide legal recognition for couples who marry without official registration (Biga 2024; Cepos 2024; Fajar Papua 2024; Jubi and Ramadhani 2024). This program aims not only to reduce the practice of *nikah sirri* but also to provide legal certainty for couples and protect the rights of children born from these marriages, such as inheritance rights and clear legal status (Adriana 2024; Anggriani 2024).

Various studies related to unregistered marriages and *nikah sirri* have been conducted, both in global and local contexts. A study by Retnowulandari et al. (2024) shows that child marriage and unregistered marriages in Indonesia are influenced by cultural factors, economic conditions, and low levels of education. Additionally, research by Suyanto et al. (2023) and Samosir et al. (2024) focuses on the socio-economic impacts of early marriage in East Java, while Sopyan et al. (2023) examines child exploitation in early marriages in Cianjur. Meanwhile, a study by Martitah et al. (2024) investigates domestic violence (KDRT) and how the Indonesian legal system addresses this issue (Martitah et al. 2021). However, despite the abundance of research on the social and economic impacts of unregistered marriages, few studies examine how Islamic law can be adapted in regions with minority Muslim populations, such as Jayapura. Therefore, this research offers a theoretical contribution by utilizing the approach of *fiqh al-aqalliyat*, which focuses on the adaptation of Islamic law in minority areas, as well as *maqashid syariah* as a framework to evaluate and formulate just and contextual solutions to these issues.

This study aims to address the main research question: how can the application of Islamic family law, specifically *fiqh al-aqalliyat* and *maqashid syariah*, provide solutions to the problems of *nikah*

sirri, unregistered marriages, and uncertainty regarding child custody rights in Jayapura? In this regard, it is important to understand how *fiqh al-aqalliyat*, which accommodates the social, cultural, and economic conditions of minority regions, can be adapted to address Islamic family law issues in this area. The objective of this research is to explore legal solutions that are more responsive to the social context of Jayapura, as well as to provide practical recommendations for the development of more inclusive, just, and *maqashid syariah*-compliant Islamic family law. Through this approach, it is hoped that a more harmonious legal system can be created that prioritizes the protection of family, women's, and children's rights, and that can reduce early marriages and domestic violence in minority regions such as Jayapura.

2. METHODS

This study uses a qualitative approach with a descriptive research type to analyze the implementation of Islamic family law, particularly *fiqh al-aqalliyat*, in addressing family issues in Jayapura. The qualitative approach was chosen because the study aims to explore the understanding, views, and experiences of stakeholders regarding the application of Islamic family law in the local socio-cultural context (Ahyani, Slamet, and Tobroni 2021; Abiddin and Akinyemi 2024; Abobaker 2024). This approach allows for the exploration of complex issues that cannot be measured using quantitative methods, such as public perceptions of *fiqh al-aqalliyat* and *maqashid syariah* in daily life. Therefore, this research will provide an in-depth picture of the social (Aboelazm et al. 2024; Ahyani, Harahap, et al. 2024), cultural, and economic dynamics that influence the implementation of Islamic family law, especially in minority Muslim areas such as Jayapura.

The data sources in this study consist of primary and secondary data. Primary data is collected through in-depth interviews with key informants who are selected purposively (Loures et al. 2019; Lousada et al. 2019; Vulevic et al. 2021; Lousada et al. 2022; Lousada and Castanho 2022). The key informants include various stakeholders who have knowledge or direct involvement in Islamic family law issues in Jayapura. A total of approximately 20 informants participated in the interviews, including religious leaders, government officials, members of the religious courts, and members of the community involved in family law matters. The religious leaders involved in this study include ulemas, religious figures, or imams who provide religious guidance or fatwas regarding early marriage, *nikah sirri*, and other family-related issues. Government officials interviewed came from the Department of Women's Empowerment and Child Protection (DPPPA), the Population and Civil Registration Office (Disdukcapil), and other governmental institutions involved in marriage and family protection policies. Additionally, members of the religious court who handle family law cases and community members involved in family law issues were also interviewed to gain perspectives on the implementation of Islamic family law in Jayapura.

The main data collection technique used is semi-structured interviews (Darmalaksana 2022; Ahyani, Mutmainah, et al. 2024; Adnan et al. 2024; Bhatti, Maulana, and Hamzah 2024; Lathif, Kotyazhov, and Shapiulaevna 2024; Mutmainah, Muharir, et al. 2024; Mutmainah, Rahman, et al. 2024; Triswandani and Muhammad 2024), which provides flexibility to delve deeper into the views and experiences of informants regarding the application of Islamic family law, especially *fiqh al-aqalliyat* and *maqashid syariah*. The interview guide was developed based on the theories of *fiqh al-aqalliyat* and *maqashid syariah*, with open-ended questions that allow for broader and deeper

discussion. To ensure the relevance and sensitivity of the questions to the local social and cultural context, the interview guide was developed through consultations with Islamic law experts and local religious leaders. A pilot test of the interview was conducted with two informants who were not involved in the main research to ensure that the questions were clear and could elicit the necessary information. Secondary data will be obtained through a literature review, which includes legal documents, official reports, and previous research relevant to this topic.

The data obtained from the interviews will be analyzed using thematic analysis techniques (Harisudin 2021; Fikri et al. 2023; Insani et al. 2024). The analysis process begins with transcribing the interviews, followed by grouping the data based on key themes that emerge from the informants' conversations. Data coding is done inductively to identify patterns and themes relevant to the implementation of *fiqh al-aqalliyat* and *maqashid syariah* in the context of family issues in Jayapura. The *maqashid syariah* theory framework (Auda 2008; Tauda, Omara, and Arnone 2023; Kustiana et al. 2024) will be used to assess the extent to which the application of Islamic family law can create welfare and social justice in the multicultural society of Jayapura. To ensure the validity and reliability of the data, this study will use triangulation techniques. The researcher will compare the findings from the interviews with secondary data collected from literature reviews, legal documents, and official reports (Misnawati and Elatrash 2022; Rodliyya et al. 2024). Furthermore, source triangulation will be done by comparing the findings from informants with different backgrounds, such as religious leaders, government officials, and community members involved directly in family law issues. Investigator triangulation will also be conducted by asking some informants to review the interview transcripts and the analysis that has been conducted to ensure that the findings align with their views. This research will be conducted over a one-month period, from September to October 2024, in Jayapura. Although the research duration is relatively short, the data collection process is carefully designed to obtain sufficient in-depth and comprehensive information, with flexible interview scheduling to accommodate the availability of informants.

3. RESULTS AND DISCUSSION

Nikah Sirri and Marriage Registration in the Perspective of State Law

Nikah sirri refers to marriages conducted according to religious provisions but not officially registered with the state authorities (Ramadhita, Sudirman, and Bachri 2022; Salenda and Sudirman 2022; Fakhruddin et al. 2024; Khairuddin et al. 2024; Rasmuddin et al. 2024). Under Indonesia's legal system, marriage registration with the civil registry office is a mandatory requirement regulated under Law No. 1 of 1974 on Marriage. This registration is not merely a formality; it serves to provide the legal status for the married couple, including rights related to inheritance, property ownership, and the status of children (Mansur et al. 2024). Although *nikah sirri* is recognized religiously, it does not provide legal protection before the state (Mandibondibo 2024).

The practice of *nikah sirri* carries serious legal implications. Couples married through *nikah sirri* cannot access certain rights granted by the state, such as inheritance rights, civil documentation rights, and child custody. Children born from *nikah sirri* marriages also face issues regarding their birth certificates and legal status. Religiously, there is no obstacle, but in social and administrative practice, *nikah sirri* can create various problems, especially concerning social status and legal rights for the parties involved (Martitah et al. 2024; Muljan et al. 2024; Musarrofa, Muttaqin, and Amaliyah 2024).

Furthermore, state law aims to protect the interests of the broader society, including administrative order and legal certainty for each individual (Nadiyah, Rahmi, and Hafidzi 2024). Marriage registration becomes one of the instruments to achieve this goal, as registering a marriage ensures the protection of the rights and obligations of the couple and the children born from the marriage. Without official registration, many legal aspects of marriage cannot be accessed or protected by the state. Therefore, the state encourages all marriages, whether conducted according to religious or state law, to be registered (Putra et al. 2023; Noviati et al. 2024; Naisabur et al. 2024).

However, there are challenges in encouraging the public to register their marriages. Some couples feel satisfied with a religious marriage and consider administrative registration to be of lesser importance (Musarrofa and Sa'adah 2023). This is often the case in areas with limited access to administrative services or communities that still strongly believe that the validity of a marriage is determined solely by religious aspects. Nevertheless, it is important to realize that marriage registration with the state also provides broader legal guarantees, which can protect the family's rights in daily life (Mano 2024).

On the other hand, the state needs to adopt a more inclusive and educational approach regarding the importance of legal marriage registration. By increasing understanding, accessibility, and support for the marriage registration process, the public can gain a better understanding of the legal implications of unregistered marriages. This will help prevent potential legal issues in the future for couples and their children and ensure that every individual's rights are fully protected by the state.

Minority Muslims in Jayapura and Their Reasons for Practicing Nikah Sirri

Jayapura has a relatively small but significant Muslim community within the city's social dynamics. As a minority group, Muslims in Jayapura face challenges in practicing their religious traditions, especially regarding marriage (Palen 2024). In this context, *nikah sirri* is often chosen by some Muslim couples because it is perceived as simpler and does not require following the complex or burdensome administrative procedures of the state. Several couples opt for *nikah sirri* due to difficulties in accessing the necessary facilities to register their marriage legally, particularly due to geographical factors and limited infrastructure (Parapatv.id 2024).

In addition, some Muslim couples in Jayapura choose to marry through *nikah sirri* due to economic and social factors (Irfan 2024). In a society where marriage is still regarded as a social and religious obligation, the pressure to marry can be intense (Rollo 2024). However, not all couples can afford the administrative costs or legal procedures required for an official marriage according to state law. This becomes one of the main reasons why *nikah sirri* is seen as a practical solution for couples with financial limitations (Sa'adah and Sairazi 2024).

Cultural factors and religious views also influence the practice of *nikah sirri* in Jayapura (Soumilena 2024). Many couples feel that a religious marriage is already valid and that administrative registration is not a priority (Suebu 2024). For them, the most important thing is the validity of the marriage contract according to religious law, so they do not feel the need to follow state legal procedures. This understanding often arises from a lack of information about the administrative benefits of marriage registration and a lack of awareness about the legal risks that might arise from an unregistered marriage (Teraspaua 2024).

However, the practice of *nikah sirri* within this Muslim community carries serious consequences, particularly for children born from such marriages. Children born from *nikah sirri* often struggle to obtain a valid birth certificate, which can affect their legal status in matters like education, citizenship, or inheritance rights (Setiyanto et al. 2024). Therefore, it is important to understand that although *nikah sirri* is performed with good intentions and is valid religiously, its social and administrative impacts can lead to more significant problems later on.

Understanding and awareness of the importance of marriage registration are crucial in reducing the practice of *nikah sirri*. By providing education about the administrative benefits of marriage and the importance of legal recognition according to state law, it is hoped that reliance on *nikah sirri* can be reduced. Additionally, the government and religious institutions need to collaborate to provide a deeper understanding of the distinction between a marriage valid under religious law and one that is legally valid under state law.

Mass Wedding Practices: KUA, PA, and DUKCAPIL

To address the issue of *nikah sirri* and ensure the legality of marriages, the city government of Jayapura has initiated a mass wedding program (Mandibondibo 2024). This program involves several relevant institutions, such as the Office of Religious Affairs (KUA), the Religious Court (PA), and the Directorate General of Civil Registration (DUKCAPIL), with the goal of assisting couples who have not registered their marriages to obtain legal status. The mass wedding program is designed to ease the process for couples who face challenges in navigating the administrative procedures for marriage, particularly those related to economic constraints, accessibility, or lack of knowledge about the necessary administrative steps (Pekey 2024).

The mass wedding program serves as a practical solution for couples who wish to have a legally recognized marriage but are unable to go through the required administrative procedures. In these mass wedding events, KUA acts as the organizer of religious ceremonies, while PA handles the legal administrative processes, and DUKCAPIL is responsible for issuing marriage certificates (Umasugi 2023; Palen 2024). The collaboration between these institutions aims to streamline access to legitimate marriage services and reduce the prevalence of *nikah sirri* in the community. Additionally, mass weddings help ensure that couples receive their legal rights in accordance with the state's provisions.

However, despite the ease provided by the mass wedding program, the main challenge in its implementation is the limited public understanding of the procedures and benefits of marriage registration. Many couples believe their marriages are already valid according to religious law and do not see the urgency of handling administrative matters with the state (Pekey 2024). Therefore, increasing public awareness about the importance of legitimate marriage registration is crucial to encourage more couples to participate in the mass wedding program.

Moreover, there are challenges regarding the perception that mass weddings are merely an instant solution, which does not address the deeper issue of legal awareness within the community (Mandibondibo 2024). Therefore, the success of the mass wedding program depends not only on administrative convenience but also on continuous legal education efforts to the public. The government, together with religious institutions and communities, must work together to ensure that this process is not just a formality but also enhances the public's understanding of the importance of marriage registration.

The government must also ensure that mass weddings are not seen as ceremonial events only but as part of a long-term effort to improve family welfare and protect the rights of both the couples and the children born from these marriages. With effective collaboration between KUA, PA, DUKCAPIL, and the public, the mass wedding program can have a broader impact by reducing the occurrence of *nikah sirri* and strengthening legal protection for families in Jayapura.

Mass Weddings and Marriage Administration

In Jayapura, the mass wedding program aims not only to provide administrative ease but also to improve public awareness about the importance of legally registering marriages (Mandibondibo 2024). By officially registering their marriages, couples can obtain the rights granted by national law, including inheritance rights, child custody rights, and other legal protections. However, the main challenge in implementing this program is the low public understanding of the benefits of marriage registration. Many couples feel that the marriage registration process is unnecessary, even though they acknowledge the importance of having a marriage that is valid according to religious law.

Many couples who marry in Jayapura may not realize that the marriage administration process in the country involves more than just the religious wedding ceremony (Mandibondibo 2024). This process ensures that their marriage is recognized by the state and that they have legitimate rights. Unfortunately, public awareness of the marriage registration procedures remains low, which causes many couples to choose *nikah sirri* or fail to handle the administrative process altogether. In this context, the mass wedding program serves as an effective solution to introduce and simplify the marriage registration process.

Although the mass wedding program can expedite the administrative process, the success of this initiative greatly depends on effective public outreach (Deda 2024). Without a clear understanding of the importance of legal marriage registration, many couples will continue to view religious marriage as sufficient and feel no need to register it with the civil registry office. Therefore, it is essential to increase public awareness about the significance of registering marriages with the state institution, which will provide legal protection for families.

Through the mass wedding program, the government also seeks to address legal issues arising from unregistered marriages, particularly those related to the rights of children and spouses (Pekey 2024). By ensuring that all marriages are officially recorded, the legal rights of the couples and children born from these marriages can be safeguarded. This program is an important step toward creating a more legally aware society, where every individual can access their rights according to applicable laws.

Overall, mass weddings and marriage administration are part of the government's efforts to ensure legal protection for society while enhancing legal awareness among couples. Through this initiative, it is hoped that a more orderly and administratively compliant society will emerge, where individuals' rights are guaranteed by the state, without disregarding the religious values upheld by the community.

4. CONCLUSION

Based on the research findings, the practice of nikah sirri among the Muslim minority in Jayapura still occurs due to factors such as economic limitations, difficulties in accessing administrative services, and a lack of understanding about the importance of marriage registration according to state law. However, the mass wedding program facilitated by the Jayapura city government, in collaboration with KUA, PA, and DUKCAPIL, can serve as a solution to regularize the administration of nikah sirri. This program provides an opportunity for couples who have not registered their marriages to obtain legal status and social protection in accordance with the law.

Nevertheless, the success of this program relies on the level of public awareness and understanding of the importance of marriage registration. Therefore, the government needs to continuously educate and raise awareness about the importance of legitimate marriage administration so that all couples can access their legal rights and protection, without having to compromise their religious beliefs. Through this approach, it is hoped that the practice of nikah sirri can be reduced, and that every marriage will be legally recognized both in religious and state law.

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