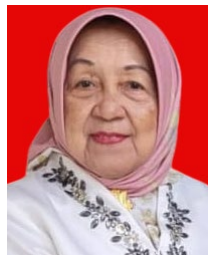




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LEGAL ASSISTANCE TO ENSURE LEGAL CERTAINTY FOR COUPLES IN UNREGISTERED MARRIAGES IN CIREBON

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Abstract

Background. Unregistered marriages remain widespread, creating legal issues for both couples and their children.

Aims. The objective of this community service program is to provide assistance in the itsbat nikah process at the Religious Court, enabling couples to obtain legal certainty. The implementation methods included socialization, legal counseling, and direct assistance up to the issuance of the court's decision.

Methods. The socialization activities demonstrated an increased awareness among participants regarding the importance of marriage registration. Counseling activities resulted in a deeper understanding of the consequences of marriage. Assistance activities helped participants prepare documents and face the court proceedings.

Conclusion. Of the 32 couples who registered, 24 passed the administrative verification to participate in the hearing, and 23 obtained itsbat nikah decrees, while one case was rejected due to age verification issues.

Implementation. By obtaining an itsbat nikah decree, couples could proceed to the Office of Religious Affairs to have a marriage certificate issued.

Keywords: Itsbat Nikah, Legal Certainty, Marriage Certificate, Siri, Unregistered Marriage.

INTRODUCTION

Marriage is one of the phases in the human life journey. It is a physical and spiritual bond that unites a man and a woman within a family (Subeitani, 2022). This bond, according to religious teachings, is imbued with spiritual, devotional, and moral values (Adharsyah et al., 2024). Therefore, marriage must also take into account the applicable legal provisions to ensure public welfare (Ali et al., 2020).

Islam views marriage as a binding contract (*mitsaqan ghalizhan*). The binding force of the contract arises when it is conducted lawfully, thereby generating legal consequences (Khusairi & Mandala, 2022). The legal consequences extend not only to the spouses but also to their property and the legal status of any children born from the marriage (Rhassely Adi Pratama et al., 2025). The validity of a marriage according to Islamic teachings must fulfill the conditions and pillars prescribed by Sharia (Djuariah et al., 2022).

However, in Cirebon City, the number of officially registered marriages has declined, with only 1,962 marriages recorded throughout 2024, down from 2,186 in 2023 (Fahmi Labibinajib, 2025). Data from the Population and Civil Registration Office (Disdukcapil) of Cirebon City also confirms a gap between the number of registered families and the number of officially recorded marriages. Based on an interview with a Disdukcapil officer in Cirebon City in July 2025, it is estimated that there are still couples whose marriages have not been officially



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registered, even though they are listed in the Family Card. This situation indicates a tendency among certain segments of the community, particularly Muslims, to opt for unregistered marriages (*siri*).

Unregistered marriages remain a widespread phenomenon and are deeply rooted in many regions, including Cirebon City. A *siri* marriage occurs when a marriage is conducted according to religious law but is not reported to the Office of Religious Affairs (Ratnawaty, 2015). This practice is often viewed as simpler, requiring lower costs, minimal bureaucracy, and is considered sufficiently valid from a religious perspective (Gunawan, 2024). The tradition of unregistered marriage is deeply rooted in certain communities and is often regarded as customary (Ahmad Abdul Bari Muhammad & Sukardi, 2022). However, this practice raises serious issues because it is not recognized by the state. National law, through Law Number 1 of 1974 concerning Marriage, affirms that every marriage must be registered to prevent harm (Bariah, 2015). Many couples still marry without official registration because they consider marriage registration not to be a requirement under religious law (Mulya & Elimartati, 2022).

A lack of understanding regarding administrative obligations results in couples in unregistered marriages not possessing a marriage certificate. This situation creates legal vulnerability, particularly for women and children born from such marriages, with respect to their civil rights (Latupono, 2018). Particularly, children born from unregistered marriages are often considered to have no legal relationship with their biological father (Hornstra et al., 2020). This is evident in birth certificates that list only the mother's name (Azizi et al., 2020). It is clear that the state has determined that, without marriage registration, the marriage is considered never to have legally existed (Harisudin & Choriri, 2021).

This situation has prompted the state to provide a legal mechanism to ensure certainty and protection for couples in unregistered marriages, namely through *itsbat nikah* (marriage legalization). *Itsbat nikah* is a legal effort in the form of marriage registration that has already taken place, aimed at providing legal certainty and protection as well as preventing abuse or misuse of the marriage institution (Zainuddin & Ulya, 2021). *Itsbat nikah* serves as a legal recourse for couples in unregistered marriages to obtain official recognition from the state (Harwati et al., 2016). Through *itsbat nikah*, couples in unregistered marriages can obtain a marriage certificate as proof that the state has officially recognized their previously unregistered marriage (Zubaidah, 2019). The legal certainty and protection provided by *itsbat nikah* include matters such as inheritance, the legal status of children, and divorce (Faishol, 2019).

This issue indicates that, in addition to the legal mechanism of *itsbat nikah*, the community also requires assistance to access the procedure more easily. At this point, the Community Service (PkM) activity plays a crucial role. As a lecturer at the Faculty of Law and a doctoral student in Law, the author, together with the Bhakti Perempuan Purna Karya Graje Association (BPPKG) of Cirebon City and Ladies PPC (Retired Civil Servants of Cirebon City), collaborated to support the *itsbat nikah* program organized by the Cirebon City Religious Court.

The Cirebon City Religious Court organizes a mass *itsbat nikah* program as a legal solution for couples in unregistered marriages to obtain legal certainty and protection. The program is more effective when the public understands the procedures and is able to prepare the required administrative documents. To support this, the PkM activity was implemented through collaboration between lecturers from the UGJ Faculty of Law, doctoral students in Law at UGJ, BPPKG, and Ladies PPC. The activities included socialization regarding the *itsbat nikah* program, legal counseling for the community, and assistance to both organizations in collecting data on couples in unregistered marriages across several villages and preparing the required documents. This collaboration reflects an effort to empower the community to access their legal rights more fairly and securely.

This PkM activity aims to assist couples in unregistered marriages in obtaining legal certainty through the *itsbat nikah* program. Another objective is to enhance public understanding of the obligation to register marriages as part of conducting marriages that are valid both religiously and legally. The program is expected to encourage greater compliance with marriage laws. Article 66 of the Marriage Law affirms that, since the enactment of the Marriage Law, all previous provisions regarding marriage in the Civil Code, the Christian Marriage Ordinance, the Mixed Marriage Regulation, and other regulations are no longer valid insofar as they are covered by this law. This means that the public must understand that marriages conducted after the enactment of the Marriage Law are required to comply with its provisions (Andri et al., 2024). Through this community service, academics contribute to the creation of families that are better legally protected. This aligns with the spirit of the Tri Dharma of Higher Education, which emphasizes the importance of applying knowledge for the benefit of the broader community.

METHOD

This community service program was implemented in three villages in Cirebon City, with Argasunya Village as the central location due to the high number of couples conducting unregistered marriages without marriage certificates. The program was linked to the mass *itsbat nikah* agenda organized by the Cirebon City Religious Court in July–August 2025, targeting 30 couples to obtain legal recognition of their marriages through *itsbat* hearings. The service team acted as partners to support couples in fulfilling administrative requirements while also understanding the applicable legal provisions.

The planning process was conducted participatively, or as a joint community action planning, through initial coordination between the team of lecturers and students from the Faculty of Law, Swadaya Gunung Jati University (UGJ), and BPPKG, Ladies PPC, village officials, and prospective *itsbat nikah* participants. In these meetings, community members and partner organizations helped identify the problems faced by couples in unregistered marriages, agreed on the objectives of the activities, and formulated assistance strategies tailored to their needs (Afni Khafsoh & Riani, 2024). Thus, from the outset, this program positioned the community not merely as an object but as a subject actively involved in the planning process.

The approach methods used consisted of socialization, counseling, and assistance. Socialization was conducted through lectures and group discussions to raise awareness about the importance of marriage registration, particularly regarding the status of children (Ardani & Suhadi, 2024). Counseling was conducted by providing materials on marriage law, relevant legislation, and *itsbat nikah* procedures. Participants were given the opportunity to ask questions to address confusion regarding the requirements and legal consequences of unregistered marriages. Assistance was provided through direct support, both in administrative preparation and during court hearings.

The implementation stages of the activities consisted of:

1. Preparation → coordination with the village office and the Religious Court, data collection of prospective participants, and planning meetings with community partners.
2. Implementation → socialization, counseling, and administrative assistance up to the *itsbat nikah* hearing.
3. Evaluation → assessing the achievement of target couples, joint reflection with partners, and documentation of activities for future improvements.

The roles of each party were assigned according to their competencies. Lecturers were responsible for preparing legal materials, providing counseling, and offering official assistance

during hearings. Students assisted with data collection, preparing administrative documents, and providing technical support. Village officials supplied information on residents eligible to participate in the program, provided data on couples in unregistered marriages, and supported the counseling sessions. BPPKG and Ladies PPC played an active role in contacting couples, organizing groups, and ensuring maximum community engagement.

The success of the program was determined based on indicators for each stage of the activities. The success of socialization was measured by the level of community participation and improvement in basic understanding. The success of counseling was assessed by participants' ability to accurately explain the *itsbat nikah* procedures. The success of assistance was marked by the completeness of administrative documents, the smooth conduct of hearings, and the issuance of decrees providing legal certainty. Participant testimonials and field documentation served as additional evidence of the direct benefits of the activities.

As a complement, the activity flow is visualized in the following flowchart:

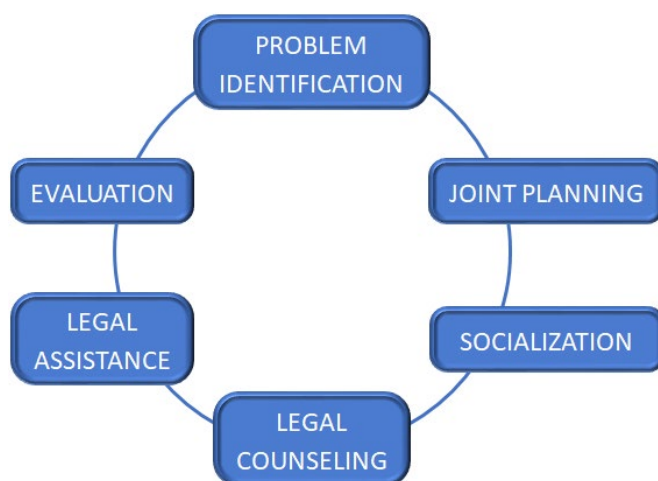


Figure 1. Community Service Activity Flowchart

RESULT

Activity planning began with meetings involving local partners: BPPKG, Ladies PPC, and representatives of village officials. In these planning meetings, partners actively assisted in identifying couples in unregistered marriages, agreeing on intervention locations, and developing schedules for socialization and data collection mechanisms. Argasunya Village was chosen as the central location due to its relatively high concentration of *siri* marriage cases, while two other villages were selected for comparative implementation. Initial data collection showed that 32 couples were willing to register as prospective participants in the mass *itsbat*

nikah program. This joint planning strengthened community ownership of the program and facilitated coordination among field implementers.

The socialization activities were conducted according to schedule at the Argasunya Village Office and attended by prospective couples as well as local community leaders. The socialization material was presented in simple and systematic language, making it accessible to participants from diverse socio-economic backgrounds. During the sessions, many residents who were previously hesitant became more open and expressed willingness to provide personal data for the legalization process. Attendance rates were relatively high in each session, indicating that the issue of legal certainty in marriage is relevant to the community. Furthermore, local leaders helped encourage community participation, allowing information dissemination to occur organically.



Figure 2. Socialization of the Marriage Legalization (*Itsbat Nikah*) Program

More in-depth legal counseling was subsequently provided to explain regulatory aspects and administrative implications. Participants received explanations regarding the Marriage Law, the Compilation of Islamic Law, and the documents required for filing an *itsbat nikah* application. The question-and-answer session was an important moment, as concrete questions arose concerning children's birth certificates, marriage evidence, and court procedures. Some participants were able to accurately reiterate the main requirements after the counseling, indicating their understanding. The interactive approach proved effective in reducing confusion and building administrative preparedness.



Figure 3. Legal Counseling on National Marriage Law

Administrative assistance was conducted intensively and required meticulous technical work by the team of students and partner volunteers. The team helped collect documents, complete forms, and trace supporting evidence such as certificates from the Neighborhood Unit (RT-Rukun Tetangga) and Community Unit (RW-Rukun Warga) or copies of lost identification. In some cases, practical obstacles were encountered, such as missing documents or errors in name spelling, which required clarification and time to correct the data. Village officials and partner organizations facilitated the issuance of local certificates so that the process could continue. Through this assistance, many administrative barriers that would normally hinder residents were gradually resolved.

The *itsbat nikah* hearing at the Religious Court represents the final phase that determines the validity of marriage registration applications, as the judge assesses the completeness of administrative documents and the legal facts presented. Of the 32 couples who registered, 24 passed administrative verification to proceed to the hearing; on the hearing day, the assistance team accompanied all of these couples. The examination process ran smoothly and relatively efficiently due to the preparedness of documents and coordination with partners, with the judge collectively reviewing the evidence on the scheduled day. The hearing results showed that 23 couples obtained *itsbat nikah* decrees, while one case was not granted due to age verification issues. This decision reflects the success of administrative preparation measures and the active role of partners in facilitating the process.



Figure 4. Assistance in Filing Marriage Legalization (*Itsbat Nikah*) Applications

The program's achievements are measured not only by the number of couples obtaining *itsbat* decrees but also by the direct benefits experienced by participants. Couples who successfully obtained legal recognition proceeded with the issuance of marriage certificates at the Office of Religious Affairs and the registration of their children's birth certificates, including the father's identity. Participant testimonials indicate both administrative and psychosocial benefits, such as reduced anxiety regarding the child's status and certainty of inheritance rights. This confirms that the PkM program has successfully provided tangible legal certainty that can be directly experienced by the target community.



Figure 5. Post-Marriage Legalization (*Itsbat Nikah*) Hearing

In addition to providing administrative benefits, this activity also generated changes in the legal awareness of the community and local partners. Participants who previously considered unregistered marriages sufficient under religious law began to recognize the importance of marriage registration in protecting the rights of children and families. Local

partners, namely BPPKG and Ladies PPC, became more actively involved in assisting with data collection and accompanying couples throughout the administrative process, thereby enhancing their recognition within the community. Although this involvement remains limited to the implementation of the free marriage legalization program, the experience opens opportunities for partners and the community to serve as initial references for other citizens facing similar issues. This demonstrates that the PkM intervention not only addresses short-term legal issues but also fosters social awareness that can serve as a foundation for future marriage legalization efforts.

DISCUSSION

The free marriage legalization (*itsbat nikah*) program organized by the Religious Court of Cirebon City needs to be socialized so that the community is aware of the opportunity to legalize their marriages officially. Without adequate information, many couples would not take advantage of the program. Through effective dissemination of information, participation potential increases, and the program's objective—providing legal certainty for couples in unregistered marriages—is expected to be achieved. Socialization is not merely the transmission of information but an effort to broaden the community's understanding of the obligation to register marriages as a form of legal certainty and protection (Prima et al., 2022).

This aligns with the concept of legal consciousness, which concerns how law is perceived and practiced by society in daily life (Horák et al., 2021). The socialization of this program provides couples in unregistered marriages with an understanding of the legal consequences of their marital status. As a result, it positions the community as subjects capable of comprehending and internalizing legal rules, rather than merely as passive recipients of information. Without initial understanding, the community's opportunity to access their legal rights would remain constrained.

The effectiveness of socialization can also be analyzed through the principle of access to justice, which emphasizes the importance of information as a preliminary prerequisite for legal protection (Cappelletti & Garth, 1978). According to research by Disantara, the gap in access to justice in Indonesia remains a significant challenge, even though the principle of equality before the law is guaranteed in the constitution (Disantara, 2024). Therefore, couples who have been educated on the importance of marriage registration are better able to assess the legal consequences of unregistered marriages (Latifiani, 2014). From this perspective, socialization provides a foundation for citizens to move from legal ignorance toward legal

awareness. Although this change has not yet produced structural transformation, it represents a significant starting point in shaping the community's orientation toward legal certainty.

The legal counseling provided further deepened the community's understanding of the substantive law of marriage, emphasizing the importance of legal certainty in marriages that have traditionally been conducted based on custom, belief, or religion (Sadat et al., 2023). Accordingly, the counseling material explained the provisions of Article 2, paragraphs 1 and 2 of the Marriage Law. These provisions are cumulative, complementary, and inseparable (Yusriyah, 2020). Participants not only learned about the obligation of registration but also understood the administrative requirements and legal implications. The concept of legal literacy illustrates that legal literacy strengthens citizens' positions in navigating social dynamics and bureaucracy. With increased legal literacy, citizens can evaluate marriage not only from a religious perspective but also from the standpoint of state legality in protecting individual rights under the law (Jamaluddin & Amalia, 2016).

This illustrates that Indonesia is a state based on law, rather than a state based on religion (Banda, 2019). This does not imply that religious law is disregarded. Religious law is still respected as a spiritual foundation; however, legal certainty remains under the authority of the state. In principle, the legal authority of the state supersedes that of religion or customary law, as Indonesia is a law-based state (Sutrisno & Sugiarti, 2021). Accordingly, legal counseling provides an understanding of the public's obligation to comply with the Marriage Law. Any marriage that is not registered will not be recognized by the state. Consequently, the couple lacks legal standing to assert their rights. This explanation encourages greater compliance with legal regulations, and the resulting legal awareness reinforces administrative order.

Dialog-based legal counseling allows participants to express their confusion while receiving direct clarification from resource persons. This aligns with John Rawls' notion of justice as fairness, whereby everyone is entitled to equal opportunities to access information and understand legal rules (Lisma & Rouf, 2022). Counseling provides an equitable participatory space, enabling participants from diverse social backgrounds to access legal information fairly. The success of this approach lies not only in the increased understanding but also in the growth of participants' confidence to engage in administrative processes (Nelli, 2022).

Administrative assistance plays a different role from socialization and legal counseling, as it is more technical and directly addresses the practical needs of the community. Many

couples face obstacles such as lost documents, discrepancies in identity data, or limited ability to complete forms. Without such assistance, these barriers often cause couples to give up before reaching the court. With the support provided, couples are able to overcome administrative hurdles that have long served as impediments. This demonstrates that assistance is an integral part of community legal empowerment.

The concept of legal empowerment can be used to explain the importance of this assistance. Legal empowerment is a community-based approach that emphasizes strengthening individuals' capacity to understand, utilize, and assert their own rights. Through this process, groups affected by injustice gain a more equal position to influence decisions impacting their lives (Akses & Keadilan, 2025). Thus, legal empowerment highlights that vulnerable communities require support to comprehend and apply the law in protecting their rights. The administrative assistance provided by the PkM team aligns with this idea, as it enables couples who were initially powerless in navigating bureaucracy to obtain legitimate legal status. Rawls' concept of distributive justice is reflected in this effort, as it provides equal opportunities for vulnerable groups to enjoy the benefits of the law.

The marriage legalization hearing at the Religious Court represents the culmination of the entire series of activities. At this stage, the judge assesses the completeness of the documents, hears the statements of the parties, and decides on the validity of the application. From Hans Kelsen's perspective, legal certainty emerges when abstract legal norms are realized in concrete judicial decisions (Asshiddiqie & Safa'at, 2006). The itsbat decree confers a new legal status on the couple, transforming previously unregistered marriages into ones recognized as valid by the state. Thus, law functions as it should, serving as a system of norms that is generally applicable and binding (Samekto, 2019).

Legal certainty achieved through marriage legalization proceedings can also be interpreted through the lens of Gustav Radbruch. According to him, the purpose of law must not only be certain but also just and beneficial (Afifah & Warjiyati, 2024). Certainty is reflected in the issuance of marriage certificates as valid proof of marriage, justice is evident in the protection of women and children, while utility is experienced by the community through easier access to administrative services. Radbruch's triad of fundamental legal values helps explain that marriage legalization is not merely a formal legal procedure but an instrument that ensures the realization of substantive justice.

The application of Radbruch's theory demonstrates that the PkM program has contributed to the fulfillment of legal values more comprehensively. Administrative certainty

alone is insufficient if it does not provide a sense of justice for the parties involved. By obtaining marriage certificates, children of unregistered marriages can be legally recognized, and women gain certainty regarding inheritance and divorce matters. In other words, substantive justice is achieved as the law acts to correct disparities arising from social realities within the community (Satjipto Rahardjo, 2012). The utility of the program is also extended, as its outcomes are directly experienced by the participants and their families.

Further reflection indicates a shift in legal awareness among participants after undergoing the processes of socialization, legal counseling, assistance, and court proceedings. Those who previously regarded registration merely as a formality now understand that official documents have broad implications for the family's future. Mochtar Kusumaatmadja describes law as a tool of social engineering (Lilik Mulyadi, 2019). The results of this PkM support this notion, as law is no longer perceived as distant from society but rather manifests concretely as a solution. Although this shift remains limited, its impact is significant within the community.

The shift in legal awareness was experienced not only by the participants but also by the local partners involved. BPPKG and Ladies PPC gained firsthand experience in assisting residents with document processing and court accompaniment. Although their role is not that of a formal legal institution, this involvement enhanced their confidence as intermediaries between the community and the legal system. This potential is important in recognizing that the sustainability of legal awareness does not necessarily depend solely on state institutions, but can also be facilitated by local communities. Nevertheless, this remains potential in nature and cannot yet be considered permanent institutionalization.

On the other hand, the limitations of this program must be acknowledged honestly. This PkM was implemented due to the free marriage legalization program provided by the Religious Court, making its sustainability highly dependent on the Court's initiative. Hans Kelsen's *Stufenbau* theory reminds us that legal norms must be consistently derived from the abstract to the concrete level to ensure continuity (Asshiddiqie & Safa'at, 2006). Without the support of formal institutions, the changes achieved remain incidental. This underscores that the PkM program has limited reach if not accompanied by continuous legal policy.

Another limitation is evident in the fact that unregistered marriages are likely to continue due to cultural, economic, and religious perception factors. While the PkM has succeeded in reducing administrative barriers, it does not automatically eliminate the practice of unregistered marriages within society. This illustrates the challenge of law as an instrument of social engineering. The PkM program can act as a catalyst for awareness, but it requires

synergy with local government policies, religious leaders, and public legal education systems to achieve broader change. Without such synergy, the outcomes remain short-term in nature.

Despite its limitations, the academic value of this community service program remains significant. The results demonstrate that Kelsen's theory of legal certainty, Radbruch's fundamental legal values, Rawls' concept of distributive justice, and Mochtar Kusumaatmadja's idea of social engineering are relevant to the practice of marriage legalization. The success in obtaining court decrees of marriage legalization underscores the importance of written legal norms, while the shift in participants' legal awareness indicates that law can drive social change, even on a limited scale. Accordingly, this activity contributes not only to the beneficiary community but also to the enrichment of legal theory through practical community service.

CONCLUSION

The implementation of community service activities through the marriage legalization (*itsbat nikah*) program in Cirebon City successfully achieved the majority of its established objectives. Of the 32 prospective couples, 24 passed administrative verification, and 23 obtained a court decree of marriage legalization. This success provided immediate benefits, including the issuance of valid marriage certificates and children's birth certificates, legal certainty of inheritance rights, and legal protection for women and children. Psychosocially, participants reported a reduction in anxiety concerning family status and an increase in self-confidence. These outcomes confirm that the objectives of the community service program—namely, to provide legal certainty for couples in unregistered marriages and to enhance public understanding of marriage registration obligations—were significantly attained.

Theoretical reflection indicates that this program promotes a shift in public legal awareness, in line with the concepts of legal consciousness and legal literacy. Through socialization, legal counseling, and administrative assistance, communities that previously recognized marriage only from a religious perspective are now able to assess legal consequences, internalize regulations, and make more empowered decisions. Intensive assistance implements the principle of legal empowerment, whereby vulnerable individuals acquire the capacity to understand, utilize, and assert their own rights, thus becoming active subjects in accessing justice.

Moreover, this activity underscores the practical relevance of legal theory. Legal certainty, as articulated by Hans Kelsen, is realized through court decrees of marriage

legalization, which render previously unregistered marriages valid in the eyes of the state. Radbruch's three principles of law—certainty, justice, and utility—are fulfilled through the protection of the rights of children and women, as well as the administrative benefits for the community. Rawls' concept of distributive justice is reflected in the equal opportunities provided to vulnerable groups, while Mochtar Kusumaatmadja's idea of social engineering is evident in the enhancement of legal awareness within the community, even though the changes are preliminary and still limited.

Based on these findings, it is recommended that the sustainability of the program be supported by strengthening formal institutions, fostering synergy with the government, religious leaders, and public legal education, as well as empowering local partners such as BPPKG and Ladies PPC. This community service model can be replicated and expanded to other areas with a high prevalence of unregistered (*siri*) marriages. Furthermore, couples whose applications are rejected or who do not proceed to court should receive special guidance to remain within legitimate legal and religious frameworks, by conducting remarriage to avoid engaging in practices that violate the law or religious norms. It is also advisable to submit petitions for the determination of a child's parentage for children born to couples in unregistered marriages if the marriage legalization is denied. In this way, the community service program not only provides short-term legal certainty but also fosters sustainable awareness, capacity, and protection for the entire target community.

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