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Paralegal Facilitation Through Participatory Action Research: Restoring Civil Rights for Vulnerable Families in Unregistered Marriages

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ABSTRACT
Background: Unregistered marriages (Nikah Siri) remain a persistent social reality in many parts of Indonesia, particularly in transmigration areas where geographic isolation, limited legal literacy, and bureaucratic distrust intersect. In Dharmasraya Regency, West Sumatra, this phenomenon is far from marginal — court records from the Pulau Punjung Religious Court document a sharp rise in itsbat Nikah (marriage legalization) petitions: 158 cases in 2023, climbing to 264 in 2024, and reaching 291 by 2025. Without official marriage registration, wives lose their legal standing to claim inheritance or alimony, while children born from such unions face systematic barriers to birth certificates, subsidized healthcare, and formal education — a condition aptly described as structured "administrative violence" against the family's most vulnerable members.
Purpose of the Study: This study examines a community-driven action model designed to overcome bureaucratic apathy, eliminate social stigma, and restore civil rights for undocumented households in Dharmasraya Regency.
Methods: Adopting a Participatory Action Research (PAR) framework structured across Look (preliminary social mapping), Think (collaborative legal reflection), and Act (establishing community-managed paralegal clinics) cycles, the intervention actively engaged 85 vulnerable households alongside religious judges, local registrars (KUA), traditional leaders (Niniak Mamak), and trained student paralegals.
Results: The intervention successfully dissolved deep-seated cultural stigma and administrative skepticism surrounding Nikah Siri Participating families obtained legally recognized marriage documents, restoring children's civil relationships with both parents and unlocking their access to social services. The process also uncovered and mitigated attempts to exploit itsbat Nikah for undisclosed polygamy, demonstrating the programs value as both a restorative and preventive legal mechanism.

Keywords
Isbat Nikah; Legal Certainty; Child Protection; Family Welfare

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Introduction

Marriage is the most fundamental social and legal institution in human life. It is not only a contract that legalizes the relationship between a man and a woman, but an agreement that gives birth to rights, obligations, and responsibilities that are recognized, protected, and guaranteed by state law (Ali et. al., 2026). Within the framework of Indonesian law, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 emphasizes that marriage is valid if it is carried out in accordance with the laws of each religion and belief, and recorded in accordance with the applicable laws and regulations. With these two conditions, namely the validity of marriage according to religious law (sharia) and its registration in state law, are two foundations that must stand firm together so that marriage gets perfect legal protection (Sulfian, 2023; Waluyo, 2020).

However, the sociological reality in Indonesian society captures the sharp discrepancy between these normative-juridical ideals and the facts on the ground. The practice of underhand marriage—or popularly known as Nikah Siri—is still rampant. Materially-theologically, this marriage is valid because it has fulfilled the harmony and conditions according to religious law, but formally-administratively it is seen as invalid and has no legal binding force in the eyes of the state because it deliberately or inadvertently ignores the involvement of the Marriage Registrar (PPN) at the Office of Religious Affairs (KUA). This phenomenon of legal vulnerability is vividly illustrated in Dharmasraya Regency, West Sumatra Province. As an area with the geographical characteristics of a transmigration area, Dharmasraya Regency still faces complex sociological structural obstacles related to the arrangement of population administration, the problem of unrecorded marriage does not escape the social community. Based on secondary data from the Punjung Island Religious Court, there are strong indications of the high number of unregistered serial marriages in this region. This is reflected in the surge in marriage (Aziz et al., 2024; Hasbiyalla, n.d.) *itsbat applications* that have entered the judicial table. Based on data collected from the Punjung Island Religious Court, it shows that marriage isbat applications that enter the Dharmasraya Religious Court from year to year continue to experience significant fluctuations. This can be seen in the table below:

Table 1. Contents of the Isbat Marriage Session in Dharmasraya Regency

Year	Log in	Granted
2023	158	152
2024	264	260
2025	291	278

This condition reflects how complex the problem of unrecorded marriage is in Dharmasraya Regency and how much the community needs a mechanism for legalizing marriage. But behind these numbers, there is a deeper problem that needs to be studied comprehensively: However, behind these numbers lies a deeper problem that requires a comprehensive examination. Significant fluctuations and spikes in applications—especially from 2023 to 2024—are not just formal judicial statistics, but rather sociological indicators of the urgency to fulfill long-overdue public legal rights. In this context, marriage validation should not be seen solely as an administrative procedure, but as a key means of achieving legal certainty, child protection, and family welfare in Dharmasraya Regency. The existence of this trend of increasing cases confirms that the root causes of the problem—such as low legal literacy, economic limitations, geographical reach to public service centers, and strong domestic traditions that view civil registration as a secondary formality—still hold firmly on the local community (Aziz et al., 2024; Mufidah et al., 2025).

More specifically, this portrait of legal contradiction is manifested in Koto Besar District, an ex-transmigration area dominated by agricultural workers. An initial social mapping conducted

through a Focus Group Discussion (FGD) involving 85 participants revealed that the persistence of unregistered marriage was shaped not only by geographic isolation and financial constraints but also by strong socio-cultural apprehension surrounding public disclosure of marital status. Among the FGD participants, 68.2% (n = 58) expressed the view that openly discussing or questioning an unregistered marriage could expose the family to social embarrassment or "family disgrace" (aib keluarga), particularly because it might invite accusations of religious non-compliance, illicit cohabitation, or other negative social labeling. Participants described such concerns as a reason for avoiding public discussion of their marital status and for remaining reluctant to engage with formal administrative procedures. In addition, 74.1% of participants (n = 63) expressed skepticism toward state administrative channels, which they perceived as complicated, inaccessible, and potentially punitive. These initial findings suggest that administrative non-registration was reinforced by a combination of institutional distrust and fear of social stigma, thereby contributing to structural vulnerability for women and children in unregistered marriages, particularly in relation to inheritance rights and the formal recognition of paternal affiliation on birth certificates. This finding was further corroborated by an FGD participant, Mr. Heriyanto, an official at the Office of Religious Affairs (KUA) "he acknowledged the existence of negative perceptions regarding *nikah siri* (unregistered marriage)— which may limit access to formal legal protection and administrative remedies. In addition, participants expressed skepticism toward state administrative procedures in the form of sociological trauma to the state's legalistic bureaucracy which is perceived as complicated, expensive, and constrained by the geographical distance of Koto Besar District which is quite far from the district administrative center on Punjung Island (Barnes & Henly, 2018; Tedo Hindami Guna, 2024).

The absence of an authentic marriage certificate as a result of serial marriage triggers a series of multidimensional legal problems that are chronic. The most fatal legal consequence of this phenomenon is the birth of structured "administrative violence" against vulnerable groups, namely women (*wives*) and children. On the one hand, a wife loses her legal right to claim alimony, inheritance, and the division of joint property due to the absence of evidence of a state-recognized civil relationship. On the other hand, the legal status of children born from serial marriages becomes operationally invalid in the eyes of positive law; His civil relationship is automatically limited to only his mother and his mother's family. The concrete implication is that these children experience systematic obstacles in the issuance of birth certificates. Without a birth certificate that legally lists the father's name, children's civil rights—from social protection guarantees, to subsidized health services, to access to proper formal education—are slowly being eliminated. In order to unravel the tangled thread of legal uncertainty, family law in Indonesia provides corrective instruments through the mechanism *of marriage in* the Religious Court (Basuki Prasetyo, 2020; Hasbiyalla, n.d.; Ridhanti et al., 2022; Warisni et al., 2023; Abdul Azis & Ali Mutakin, 2024)

The practice of itsbat Nikah emerged as a concrete solution to overcome the problem of unrecorded marriage, which often occurs due to various economic reasons, ignorance of the law, or social pressure. Through the itsbat Nikah mechanism, married couples can obtain legal certainty over their marital status and the protection of their civil rights, including alimony, inheritance, and child status more clearly. Thus, itsbat Nikah not only functions as a formal legitimacy, but is an important instrument in realizing a prosperous and prosperous family with a strong foundation of legal certainty, The implementation of itsbat Nikah also faces various administrative and social obstacles, as well as limited access to legal services and e-Court technology, where itsbat Nikah applications are often submitted reactively for administrative purposes, The cost is sometimes still considered high, and the lack of understanding of the itsbat Nikah procedure among the community is a real obstacle that prevents people from using this mechanism. The social stigma that still exists against Nikah Siri makes some couples hesitate to apply for itsbat Nikah for fear of being exposed to negative social issues. Other socio-cultural factors such as local traditions, economic pressures, and the influence of religious leaders in the community also influence the

couple's decision to have a registered marriage or not (Aziz et al., 2024; Wazzan et al., 2024; Sulfian, 2023; Arsal, 2014; Simbolon & Ridwan, 2025).

This situation is exacerbated by the lack of regulation and proactive measures from local governments to reduce the increasing number of new marriages that are not registered in the community. Governments tend to adopt a passive and reactive approach, focusing only on resolving cases that have already occurred, without formulating systematic prevention strategies to address the root causes of problems. Weak oversight of informal marriage institutions and a widespread lack of legal education at the village level have allowed the phenomenon of unregistered marriages to perpetuate itself. Failure to mitigate this problem has direct implications for the emergence of "administrative violence" against children in Dharmasraya District, who struggle to obtain birth certificates and lose their rights to social security and access to a decent formal education (Nofitasari, 2022; Rosyadi et al., 2025; Soraya et al., 2025; Windani et al., 2025).

Juridically, the authority of the Religious Court in examining and deciding the application for itsbat Nikah is based on Article 49 of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Religious Courts jo. Article 7 paragraphs (2) and (3) of the Preparation of Islamic Law (KHI). The determination of the marriage isbat issued by the Religious Court then became the legal basis for the Marriage Registrar (PPN) at the KUA to issue a marriage book, which then became a primary document in the management of various other population documents. Theoretically, the study of itsbat Nikah comes into contact with several fundamental legal theories. Gustav Radbruch's theory of legal certainty emphasizes that one of the purposes of law is to provide certainty for everyone in determining his rights and obligations. In the context of isbat nikah, legal certainty is realized by the determination of a court that declares the validity of the marriage that has taken place, thereby eliminating *the legal uncertainty* that has occurred around marriage. Meanwhile, in the theory of legal protection developed by Philipus M. Hadjon, it provides the basis that the state has an obligation to provide legal protection for its citizens in need, including women and children who are vulnerable due to unregistered marriages (Pardamean Harahap, 2025; Jusak Sindar, 2026).

From the perspective *of maqasyid al-syariah* (the purpose of sharia), itsbat Nikah can be understood as a tool to realize benefits (*mashlahah*) which includes the protection of offspring (*hifzh al-nasl*), the protection of the soul (*hifzh al-nafs*), the protection of property (*hifzh al-mal*), and the protection of reason (*hifzh al-'aql*). By legalizing the status of marriage and the children born from it, itsbat Nikah essentially embodies the most basic purpose of sharia within a positive state legal framework. Therefore, marriage registration not only fulfills the formal legal aspect, but is a concrete reflection of (Rani et al., 2025a) *maqashid al-syariah* in the modern context. Marriage registration, although not explicitly referred to as a rukun or legal condition in nash, is a tangible implementation of the principles of *maqasyid al-syariah*. This recording aims to protect five fundamental things from the sharia. First, it maintains religion by enforcing legal marriage. Second, protecting lives by providing legal certainty for family members. Third, maintain reason by instilling a rational understanding of the law. Fourth, preserving offspring through the determination of children's status and rights. Finally, maintaining assets by establishing legal certainty of inheritances and joint assets. So, marriage registration is very important for the good of the individual and the wider community (Rani et al., 2025b).

The authority of the Religious Court to examine and decide on the application for marriage ratification is based on Article 49 of Law No. 3 of 2006 Amendment to Law No. 7 of 1989 concerning Religious Courts, in conjunction with Articles 7 (2) and (3) of the Preparation of Islamic Law (KHI). The legalization of marriage issued by the Religious Court then became the legal basis for the Marriage Registrar (PPN) of the Religious Office (KUA) to issue a marriage certificate, which then became the main document for the administration of various other civil registration documents. In the context of current local governance, this theoretical framework is very important in Dharmasraya Regency. The sociological reality in Dharmasraya shows that

unregistered marriages (Nikah Siri) often result in families being marginalized from the state's administrative network. Without a valid marriage certificate, mothers face significant difficulties in obtaining birth certificates for their children, which in turn limits these children's access to formal education, subsidized health services, and social welfare programs. Therefore, itsbat Nikah serves as a progressive judicial breakthrough in Dharmasraya Regency to bridge the gap between customary-religious practices and state administration, as well as to transform the informal marriage bond into a legally recognized household.

In the end, the recognition of marriage law through itsbat Nikah is the foundation for building a prosperous family (*sakinah, mawaddah wa rahmah*) in Dharmasraya Regency. Family well-being cannot be measured by economic indicators alone; It is basically rooted in psychological peace and legal security. When a family in Dharmasraya gets legal recognition, the psychological anxiety caused by social stigma disappears, and legal protection for children is guaranteed. This legal stability creates a supportive environment that allows family units to thrive, break the cycle of vulnerability, and actively participate in the development of Dharmasraya Regency. Based on the background, the purpose of holding this community service is to assess the extent to which the processed marriage isbat really has a real impact on child protection, legal certainty, and the welfare of the family concerned? Through the integration of the PAR method, the targeted discussion forum (FGD), as well as providing insight to the community and especially for Sharia Economic Law students should be able to prevent the practice of legal smuggling (secret polygamy, this PKM program seeks to reconcile sectoral egos and regulatory tensions).

Method

This community service program used a participatory, educational approach grounded in the Participatory Action Research (PAR) framework. The PAR process was structured not only to document the legal and social issues linked to unregistered marriage, but also to engage community members and relevant stakeholders in problem identification, solution formulation, intervention implementation, and outcome reflection. Focus Group Discussions (FGDs) functioned as a key dialogical tool, bringing together affected families, community leaders, Niniak Mamak, Jorong representatives, KUA officers, representatives of the Religious Court, and students from the Sharia Economic Law Study Program. The accompaniment process was carried out through a sequential set of stages: starting with social mapping and incubation, then moving to consolidation and critical awareness, active participation and emotional involvement, rational consensus and conflict resolution, and finally evaluation of the intervention outcomes. This staged procedure allowed the team to gradually recognize community needs, overcome social and administrative obstacles, support access to marriage legalization, and evaluate the changes produced by the intervention. The overall flow of the accompaniment process is shown in Figure 1.

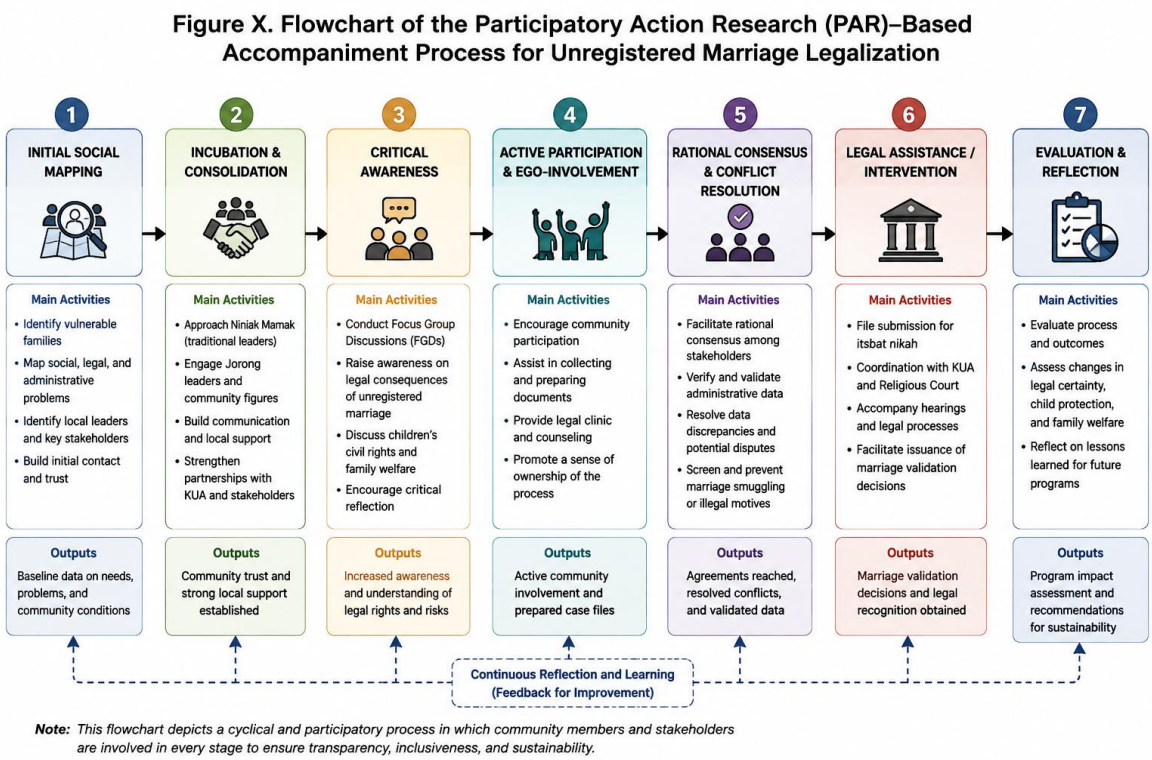


Figure 1. Flowchart of the Participatory Action Research (PAR)-Based Accompaniment Process for Unregistered Marriage Legalization

The implementation of FGDs is strategically positioned to transform the role of participants; they are not simply placed as objects of unidirectional information recipients, but as active subjects who initiate the identification of problems and formulate solutions independently. The FGD instrument is considered the right step based on several substantial considerations. *First*, the issue of itsbat Nikah is rooted in sensitive legal, social, and theological domains, so it requires an inclusive but still directed dialectical space. *Second*, the target community factually has an attachment of experience, both direct and indirect, to the practice of marriage that has not been recorded by the state. *Third*, this method opens up space for facilitators to explore perceptions, structural barriers, and real legal needs of the community more comprehensively than the conventional socialization model. In the final stage, the outputs of this FGD are constructed as the basis for the preparation of policy recommendations addressed to relevant authorities, including the Religious Court, the Office of Religious Affairs (KUA), and the Dharmasraya Regency Government. The subject of assistance or partners in *the community organizing* (CO) movement involves 85 individuals who are gathered in an organized manner from the village level. The determination and screening of service partners is based on the results of *social mapping* that is prioritized to identify vulnerable families who experience marginalization or *administrative violence* due to the derivative impact of marriages that are not legally registered. To ensure accountability for implementation, a series of processes are operationalized through the following systematic stages:

Incubation, Consolidation, and Critical Awareness Stages

Efforts to break the legal access impasse in the transmigration area of Dharmasraya Regency are not mobilized through top-down bureaucratic instructions, but are initiated through the social mapping method. In the initial phase of sharpening the program, a team consisting of lecturers and students identified and approached key local champions, such as Niniak Mamak (*traditional leaders*), the Head of Jorong, and the community and involved students of the Sharia

Economic Law study program. This persuasive step is crucial considering that the issue of unregistered marriage (*Nikah Siri*) has a high cultural sensitivity in society.

In this incubation phase, the team faced quite thick psychological and social resistance from local residents. The barrier appears in two main forms:

1. **Negative Cultural Stigma:** Initial social mapping through an FGD involving 85 participants indicated that social stigma was a significant barrier to discussing unregistered marriage openly. Among the participants, 58 (68.2%) expressed concerns that public discussion or questioning of an unregistered marriage could expose their families to social embarrassment or 'family disgrace'. Participants associated such disclosure with the risk of negative social labeling, including accusations of religious non-compliance, illicit cohabitation, or attempts to circumvent marriage regulations..
2. **Administrative Skepticism:** There is a sociological trauma to legalistic bureaucracy that is perceived as complicated, expensive, and constrained by the geographical distance from the district administrative center.

To break down the wall of resistance, the team used the basis of Paulo Freire's theory of consciousnessization. The dialectical approach is carried out by changing the perspective of community leaders: from a naive awareness that considers the legality of the state to be unimportant as long as marriage is religiously valid, to a critical awareness that sees the absence of identity documents as a form of structural "*administrative violence*" that raises legal implications in the form of structural non-fulfillment of the civil rights of children and wives. Through this paradigm transformation, local mobilization leaders shift their function from rejecting the program to being the main facilitators who guarantee the social legitimacy of activities at the grassroots level (Margana, 2024; Amie Primarni & Khairunnas, 2013; Syukurman, 2020).

Stages of Active Participation and Emotional Attachment (Ego-Involvement)

The success of the critical awareness phase triggers a shift in the behavior of the mentoring partner, from a passive position as an object of receiving information to a subject who has *a deep ego-involvement* in the program. The manifestation of emotional involvement was empirically observed during the implementation of a focused discussion forum. When the adverse impact of the absence of a marriage certificate on a child's future is exposed—particularly the barriers to accessing scholarships, education and social security—the dynamics of the forum turn into an emotional space for reflection. Awareness of their children's legal vulnerabilities triggers a collective drive to move independently. A tangible indicator of the strength of this active participation is shown through the contribution of material and non-material self-help from the STITNU Sakinah Dharmasraya Campus:

The Stage of Rational Consensus and Conflict Resolution

Adopting the *Locality Development model* from Jack Rothman, the organizing process is not spared from conflicts and tough argumentation dynamics, especially at the stage of validation of administrative files at the Punjung Island Religious Court. Sociological tensions come to the surface when sectoral egos between the interests of citizens' legal protection clash directly with the rigidity of formalistic rules from the officers of the Office of Religious Affairs (KUA) and the Religious Court. The instructive debates that took place in the field and in the group discussion forum covered two clusters of fundamental problems (Marie Weil, 2014):

1. **Chronic Data Synchronization:** Many extreme discrepancy or inconsistencies were found between the identity on the resident's old ID card/family card and the name listed

on the marriage certificate under hand. The data alignment process requires comprehensive and gradual document verification.

2. **Mitigation of Legal Smuggling:** The accompanying team (including Sharia Economic Law students) found several cases where the applicant tried to take advantage of some local community leaders and clerics to legalize the practice of secret polygamy without the permission of the first wife.

The team took on the role of a neutral mediator who bridged communication between the judges of the Religious Court, KUA officers in Dharmasraya sub-district, students of the Sharia Economic Law Study Program and the community. Through rational consensus, strict limits of legal discretion were agreed: the isbat program was given full priority to the fulfillment of the rights of children from monogamous marriage, while applications that were indicated to violate the legal principles of marriage were directed to special mediation channels. This tactical step succeeded in maintaining legal integrity while maintaining public trust in the mentoring program.

Subject and Mapping of Service Partners

The subjects of mentoring or partners in the community organizing (CO) movement involved 85 individuals who were gathered in an organized manner from the Jorong level. The determination and screening of partners is based on the results of social mapping. Screening priorities are directed at identifying vulnerable families who experience marginalization or '*administrative violence*' due to the derivative effects of legally unregistered marriages.

Result

Program Intervention Dynamics: Legal Clinic Construction and Social Transformation

The implementation of community service in the ex-transmigration area of Dharmasraya Regency is realized through *the Participatory Action Research* (PAR) method by holding a multi-stakeholder **Focus Group Discussion** (FGD). This approach succeeded in becoming an agent of change with 85 individual mentoring partners from mere passive information recipients to active subjects who were able to identify structural barriers independently. Real intervention is carried out through the establishment of a Legal Clinic in the STITNU Sadhar Hall, which is provided independently by the Campus without charging rental fees.

The community organizing process runs gradually and systematically through three main phases:

- **Incubation and Critical Awareness Phase:** In the initial stage, the PKM team together with students of the Sharia Economic Law study program conducted social *mapping* to approach key local champions, such as *Niniak Mamak* (*traditional leader*) and the Head of Jorong as well as the ustadz. This approach based on Paulo Freire's theory succeeded in breaking through the psychological resistance of the community who initially considered the discussion of serial marriage as an act of "**disgrace to the family**" (cultural stigma) and considered legalistic bureaucracy complicated and expensive (administrative skepticism). This paradigm transformation changes the naïve awareness of community leaders into critical awareness, so that they switch functions to become the main facilitators of activities.
- ***Ego-Involvement*:** Shifts in consciousness trigger active participation and deep emotional attachment (*ego-involvement*). When the adverse impact of the absence of a marriage certificate on the future of children is presented in the FGD—especially regarding the loss of the right to scholarships and social security—the dynamics of the forum transform into a space for emotional collective reflection. This triggered an independent push from residents to collect documents and contribute independently.

- **Rational Consensus and Conflict Resolution Phase:** Adopting Jack Rothman's Locality Development model, the process of validating administrative files at the Punjung Island Religious Court had triggered sociological tensions due to the clash between the interests of legal protection of citizens and the rigid formalistic rules of KUA officers and the Religious Court.

Juridical Conflict Resolution and Legal Smuggling Mitigation

In the rational consensus stage, two clusters of fundamental problems in the field were found that were successfully described by the service team:

Table 2. Juridical Conflict Resolution and Legal Mitigation

Problem Clusters	Facts on the Ground	PAR Solutions and Interventions
Chronic Data Synchronization	There is an extreme discrepancy between the identity on the resident's old ID card/KK and the name on the marriage certificate under hand.	Document verification comprehensively, gradually, and systematically with Sharia Economic Law students.
Mitigating Legal Smuggling	There are efforts from several applicants who use local community leaders/scholars to legalize the practice of secret polygamy without the permission of the first wife.	The team acts as a neutral mediator between the Judge of the Religious Court, Koto Besar District KUA officers, students, and the community.

Through an inclusive dialectical space, a **rational consensus** was reached in the form of strict legal discretionary restrictions: the mass marriage isbat program is fully prioritized for the fulfillment of the rights of children from monogamous marriage. Meanwhile, applications that are indicated to violate the principle of marriage law (secret polygamy) are immediately transferred to a special mediation channel. This tactical step has proven effective in maintaining legal integrity, educating Sharia Economic Law students to be sensitive to legal smuggling, and maintaining public trust in mentoring programs.

The Impact of Itsbat Nikah on Legal Certainty, Child Protection, and Family Welfare

This community service succeeded in answering the main question about the real impact of marriage isbat on the three vertical pillars of community life in Dharmasraya Regency:

The Realization of Legal Certainty (Legal Analysis)

Juridically, legal certainty is realized through the official determination of the Punjung Island Religious Court based on Article 49 of Law No. 3 of 2006 jo. Article 7 paragraphs (2) and (3) of the Compilation of Islamic Law (KHI). This determination eliminates the legal uncertainty (*rechtsonzekerheid*) that has been surrounding the marriage relationship of ex-transmigration people. The court decision is the legal-formal basis for Marriage Registrar Employees (PPN) at KUA to issue Marriage Books as a primary document. The need for legal certainty is implied from how itsbat Nikah provides concrete solutions to the uncertainties faced by married couples. Before getting the determination of isbat nikah, their marital status remained in the legal gray area, where it is religiously considered legal but does not have legal force according to the positive law of the state. This uncertainty creates various practical problems in daily life, ranging from difficulties in accessing public services to the threat of denial of basic rights as citizens. Therefore, itsbat Nikah is an important bridge that connects the validity of religion with the validity of state law, creates comprehensive legal certainty and can provide real protection for all parties. The integrated marriage isbat program that has been implemented in various regions shows the effectiveness of this mechanism in providing legal certainty

Manifestations of Child and Girl Protection

Before the intervention, the absence of an authentic marriage certificate gave birth to structured "*administrative violence*". Women lose their right to claim alimony and inheritance, while children face systematic obstacles in the issuance of birth certificates that include the father's name. As a result, children's civil rights to social security, subsidized health services, and access to formal education are eliminated. The most significant impact of the legalization of marriage is the protection afforded to children born of unregistered marriages. Children born of illegitimate marriages face serious legal problems, including difficulties in obtaining birth certificates, unclear ancestral status, and loss of basic civil rights such as maintenance and inheritance. With the legalization of marriage, their legal status becomes clearer and more protected, allowing them to access a wide range of public services as well as the civil rights they should be able to enjoy as citizens

Through marriage validation, the state plays a role in fulfilling its obligation to provide legal protection. Following the court's decision, the children of legally married couples now have a civil legal relationship with their parents, thereby breaking the cycle of administrative marginalization and restoring their constitutional rights as citizens. Through the Constitutional Court Decision No. 46/PUU-VIII/2010 is an important step in child protection in Indonesia, because it opens up opportunities for children born from unregistered marriages to have a civil relationship with their biological father if it can be legally proven. Although this ruling provides additional protections for children, its implementation still faces a variety of practical challenges, including difficulties in obtaining scientific evidence such as DNA testing and ongoing social stigma. In this context, the legalization of marriage is an alternative mechanism that is more accessible to provide legal protection to children, because through the legalization of marriage, the status of children can be directly recognized legally without the need for complicated scientific evidence. The protection of children through the legalization of marriage is also reflected in efforts to maintain the clarity of the child's lineage, which is one of the main goals in Islamic law. Legal education and community empowerment programs related to the legalization of marriage also show the government's and related institutions' commitment to making children's best interests the top priority in implementing family law policies (Robert Libra & Jumni Nelli, 2024).

The Transformation of Family Welfare: Empirical Changes Following Itsbat Nikah

At the family level, the FGD identified several administrative and legal challenges faced by families whose marriages had not been formally registered. Participants discussed obstacles connected with the recognition of marital status, the availability of family documentation, and the administrative status of children. These concerns then served as the foundation for the subsequent provision of legal assistance and the itsbat nikah process. The FGD also recorded changes that occurred after the intervention. Families that completed the itsbat nikah process received formal recognition of their marital status through determinations issued by the Religious Court and the subsequent registration of the marriage. The resulting documentation created a legal basis for later administrative procedures. Program documentation further suggests that legal recognition of marriage helped establish clearer civil relations between children and both parents and improved access to relevant social services.

The FGD further showed changes in the role played by local community actors. Niniak Mamak, heads of Jorong, and other local stakeholders became more involved in identifying families affected by unregistered marriage and in facilitating communication with legal institutions. These actors also took part in promoting lawful marriage registration and in addressing potential legal issues linked to non-compliant marriages.

The FGD evidence therefore indicates that the intervention produced observable changes

in four areas: (1) formal recognition of marital status, (2) access to administrative documentation related to families and children, (3) participation in formal legal institutions, and (4) increased involvement of local community actors in addressing unregistered marriageIn general, legal stability at the family level creates a healthy social environment, breaks the cycle of multidimensional poverty, and encourages people in Koto Besar District and in all sub-districts of Dharmasraya district to actively participate in community development. In the final stage, the output of the PAR movement is constructed as the basis for the preparation of tactical and proactive policy recommendations addressed to the Religious Court, KUA, and the Dharmasraya Regency Government so that they no longer adopt a passive-reactive approach in mitigating unrecorded marriages in the future.

Discussion

Initiation of Movements and Theorization of Social Change: Unraveling the Chain of "Administrative Violence"

The success of *Participatory Action Research* (PAR)-based interventions through the establishment of a Legal Clinic at the STITNU Sakinah Campus, Dharmasraya Regency, proves that the solution to the problem of serial marriage cannot be solved through a positivistic top-down approach. Field findings show that the main obstacle to ex-transmigration communities in accessing the legality of marriage is not just an economic factor, but a geographical and psychological alienation of state institutions.

The process of social transformation in this service can be authorized through sociological stages structured as follows:

1. **Initiation Stage (Initial Condition):** The community is trapped in bureaucratic apathy and cultural stigma. Nikah Siri is considered a pragmatic shortcut to avoid the complications of marriage administration. The absence of these documents triggers what is called in legal sociology as "*administrative violence*", in which the state indirectly denies the civil rights of its citizens due to the absence of an authentic piece of paper.
2. **Mediation Contact Stage (Intervention):** The establishment of a Portable Legal Clinic and the implementation of an inclusive FGD act as *a buffer zone* that bridges the gap between marginalized communities and legal authorities (KUA and Religious Courts). The involvement of Sharia Economic Law students as administrative facilitators accelerates the process of information assimilation.
3. **Strategic Alliance Stage & Behavior Transformation:** The emergence *of local champions* from *Niniak Mamak* and the Head of Jorong who now have a new legal awareness. They shift their role from initially permissive to marriage under the hand, to a driving force that actively rejects the practice of non-procedural marriage in their territory. Informal institutions at the jorong level are transformed into preventive supervisors against potential legal smuggling (such as secret polygamy).

Scientific Interpretation of Findings: Answering the Aspects of Justice, Protection, and Benefit

Why Does Itsbat Nikah Establish Legal Certainty? (Legal Analysis)

From the perspective of Gustav Radbruch's theory of the three basic legal values, unregistered marriage in Dharmasraya reflects a tension between legal justice, understood by couples as religiously valid marriage, and legal certainty, which requires formal recognition by the state. The itsbat nikah process addresses this tension by transforming a marriage that is socially and religiously recognized but administratively undocumented into a marriage with formal legal

recognition. In this sense, the legal determination issued by the Religious Court provides more than procedural documentation; it establishes a legal basis for the civil status of spouses and children and strengthens their access to rights associated with formal marriage. This conclusion aligns with Wazzan et al. and Fakhria, who highlight the importance of marriage registration for legal certainty and the safeguarding of family rights. Nevertheless, the present study builds on this body of work by assessing not only the legal relevance of registration but also the participatory pathway through which vulnerable families were brought into contact with the registration process. Whereas earlier research mainly underscores the protective and legal effects of registration, this study shows how social mapping, structured group deliberation through FGD, the involvement of Niniak Mamak and Heads of Jorong, and legal support operated as intermediary mechanisms between the community and formal legal institutions.

This differentiation is especially significant in the transmigration setting of Koto Besar, where access to formal legal procedures cannot be interpreted solely as a function of legal availability. The findings indicate that the presence of a formal legal mechanism does not automatically ensure that socially vulnerable families can access it in practice. The PAR approach addressed this gap by starting with community-level identification of problems, engaging local actors who were trusted within the community, and then connecting families to the Religious Court and KUA. Accordingly, PAR's contribution was not limited to providing legal information; it involved constructing a participatory route from problem identification to legal recognition.

Therefore, the effectiveness of this mechanism should not be read as proof that PAR universally surpasses top-down legal services. Instead, within the transmigration context investigated in this study, PAR seems to have overcome social, informational, and institutional barriers that a purely service-delivery approach may not capture adequately. Its distinguishing value rests in linking community participation with formal legal institutions, thereby increasing the accessibility of an existing legal remedy for families who had previously remained outside the formal registration system (Fakhria, 2017; Wazzan et al., 2024; Abdul Azis & Ali Mutakin, 2024).

Why is Itsbat Nikah Essential for Child Protection? (Legal Analysis)

The findings of the study confirm that children are the most vulnerable victims of serial marriage practices. Using the legal protection theory of Philipus M. Hadjon, repressive legal protection provided after marriage in the form of the issuance of a birth certificate by including the name of the biological father is a crucial step to break the marginalization of children's rights. Scientifically, this legality restores the child's civil rights to alimony, inheritance rights, and the right to legal identity guaranteed by Article 28b paragraph (2) of the 1945 Constitution. Without a parent's marriage certificate, children experience layered barriers to accessing national health insurance and educational scholarships, which sociologically locks them in a cycle of structural poverty (Robert Libra & Jumni Nelli, 2024; Warisni et al., 2023).

Reconstruction of Family Welfare in the Framework of Maqashid al-Syariah

Theologically-empirically, this devotion proves that the isbat of mass marriage is a real manifestation of the maintenance of the benefit of the ummah (*al-mashlahah al-mursalah*). Findings in the field show that there has been a significant increase in the psychological stability of the fostered partner's families after obtaining the Marriage Book. In the context of *Maqashid al-Sharia*, this intervention simultaneously protects *Hifzh al-Nasl* (safeguarding the purity and clarity of offspring) and *Hifzh al-Mal* (protecting the economic rights of women and children from potential neglect). Family welfare (*welfare*) is realized when the certainty of state law synergizes with religious spiritual peace.

Contextualization with Previous Studies

The results of this community service are in line with previous research conducted by (Abdul Azis & Ali Mutakin, 2024; Aziz et al., 2024; Sulistiani, 2018) which stated that the main obstacles to access to justice for rural communities are the factor of geographical distance and limited logistics costs to the court. The Portable Legal Clinic model used in this activity supports the argument that mobile services effectively increase the community's access to civil rights.

However, there is a **significant difference (contrast)** between the findings of this service and the study written by (Simbolon & Ridwan, 2025) If previous research tended to see pure series marriage as a problem of low legal literacy and economic factors, this service found a **sociological anomaly** in Koto Besar District. In this region, some of the practice of serial marriage is actually triggered by "socio-cultural pressure" to immediately formalize the relationship without going through bureaucratic procedures that are considered rigid, as well as indications of the use of serial marriage by certain actors to carry out legal smuggling in the form of secret polygamy. The discovery of this legal smuggling cluster is a new theoretical contribution that distinguishes this service activity from conventional mass marriage isbat programs that often fail to conduct *preventive screening* for the protection of the rights of the first wife.

Contemporary Implications and Future Research Directions Broad Implications (Policy and Academic)

Overall, the results of this service have broad policy implications for the Dharmasraya Regency Government, the Ministry of Religion (KUA), and the Supreme Court (Religious Court). The pattern of tripartite collaboration between academics (Higher Education), juridical authorities (Religious Courts), and religious institutions (KUA) that was tested in the PAR movement can be used as a national standard model (*blueprint*) for alleviating the problem of unrecorded marriage in ex-transmigration areas or other suburban areas in Indonesia. Academically, this action research proves that Sharia Economic Law students can be integrated as effective paralegals in accelerating bureaucratic reform at the village level to the district.

Limitations and Future Research Directions

Although this program has succeeded in facilitating the legality of family groups in Koto Besar District, this service has a limited scope that only focuses on the aspect of post-marriage settlement (curative). This activity has not touched the upstream roots of the survival of the tradition of Nikah Siri in the younger generation. Therefore, the direction of research and service in the future needs to be directed to the development of preventive intervention models. An in-depth study is needed on the digitization of application-based pre-marriage services at the village level, as well as the effectiveness of reproductive law education and child protection targeting the adolescent community in Dharmasraya Regency to prevent unrecorded marriages from the upstream

Conclusion

The implementation of community service programs through *Participatory Action Research* (PAR)-based Legal Clinics in Dharmasraya Regency empirically answers the urgency of fulfilling legal certainty, protecting children's civil rights, and reconstructing family welfare. The results of this action research prove that the integration of integrated services between the Pulau Punjung Religious Court and the Office of Religious Affairs (KUA) is able to eliminate legal uncertainty (*rechtsonzekerheid*) for 85 FGD discussion participants through the issuance of authentic state

documents. The theoretical reflection of these findings confirms that the completion of unregistered marriages (*Nikah Siri*) in marginal areas cannot be resolved through a purely positivistic-formal legal approach, but requires a dialectical deconstruction of people's legal consciousness. The presence *of local champions* and the active involvement of Sharia Economic Law students are crucial in shifting the grassroots fatalistic paradigm towards critical awareness, as well as becoming an effective screening instrument to mitigate the risk of legal smuggling in the form of secret polygamy. Social transformation, which was initially only expected, is factually realized through the birth of local independent agencies capable of breaking the chain of structural "administrative violence", so that children's civil rights to civil identity, access to education, and health insurance can be legally restored.

The theoretical implications of this service process suggest that an inclusive tripartite institutional synergy can serve as a custodian of the public benefit (al-mashlahah al-mursalah), preserving the essence *of Hifzh al-Nasl* (protection of posterity) and *Hifzh al-Mal* (protection of property). Based on these findings, it is recommended that the Dharmasraya Regency Government, together with relevant judicial and religious authorities, adopt this draft as a proactive regional strategic policy (blueprint), not a reactive one. Authorities are advised to stop adopting a passive approach of waiting for citizens' requests and instead implement a periodic pick-up system in ex-transmigration areas. In addition, to ensure the sustainability of social transformation, the next policy direction must shift the focus from the curative area (itsbat Nikah massal) to the upstream preventive domain. This can be realized through the digitization of premarital services at the village level and the strengthening of reproductive law education and child protection involving higher education institutions, so that the potential for the emergence of unrecorded marriages in the younger generation can be mitigated from the beginning

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Conflicts of Interest

The authors declare no conflict of interest.

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