

ARTICLE

Unregistered Divorce Practices in Rural Indonesian Muslim Communities: Legal and Cultural Dimensions

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Abstract

Background: Unregistered divorce is carried out without going through the official procedure at the Religious Court, making it unrecognized under state law despite being valid according to Islamic law. This situation creates various legal issues, particularly regarding the legitimacy of registering children with the Civil Registry and Population Administration Office after such a divorce.

Purpose: This study aims to analyze the interplay between legal norms and cultural practices in unregistered divorce highlighting how these practices affect the legal identity of children and exploring their implications within both Islamic legal thought and anthropological perspectives.

Methods: This study employs an empirical juridical approach using field research methods. Primary data were obtained through interviews with community leaders, religious figures, and residents who engaged in unregistered divorces. Meanwhile, secondary data were collected from legal literature, statutory regulations, and other scholarly references. The analysis was conducted qualitatively through the stages of data reduction, data presentation, and conclusion drawing.

Findings: The study reveals that unregistered divorce is often legitimized by cultural consensus and religious approval at the local level, despite its non-compliance with formal legal procedures. Such practices contribute to the exclusion of children from official civil registration, limiting their access to legal rights. The findings indicate that religious authority and local customs operate as parallel legal systems, occasionally challenging the state's regulatory framework.

Theoretical and Practical Implications: The research enriches anthropological approaches to Islamic jurisprudence by illustrating how fiqh adapts and transforms in localized contexts. Practically, it suggests the need for culturally sensitive legal reforms and community-based legal literacy programs to bridge the gap between state law and community practices.

Originality/Novelty: This study is among the first to integrate an anthropological reading of *fiqh* with empirical legal research on unregistered divorce in Indonesia, offering a nuanced understanding of how local Muslim communities reconcile religious norms with socio-legal realities.

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INTRODUCTION

Marriage and divorce are two significant aspects of social life that carry substantial legal consequences. Marriage is governed by specific regulations, in which the Marriage Law and the Compilation of Islamic Law (KHI) establish strict rules for the registration of both marriage and divorce. These measures are intended to ensure legal certainty for the husband, wife, and children born from or resulting from the legal relationship between the parties. Marriage is regulated under Law Number 1 of 1974 on Marriage, which mandates the registration of marriages to provide legal protection for married couples and their children (Law No. 1 of 1974, Article 2 Paragraph 2).

Law Number 1 of 1974 also requires that divorce must be processed through the court to obtain legal force. However, in practice, not all couples follow the official procedures for divorce. Unregistered divorces still frequently occur in various regions, especially in rural areas, due to limited legal awareness, entrenched traditions, costs, and the complexity of formal divorce proceedings. In such cases, it is not uncommon for individuals to remarry without first securing the official divorce documents. As a result, the legal status of the second marriage becomes unclear, as the couple is still officially recorded as husband and wife in state administrative records.

Lubuk Cuik Village in North Sumatra is emblematic of these hybrid normative dynamics, where unregistered divorce is locally deemed religiously sufficient, despite lacking legal validation in civil registry systems. Previous empirical work has demonstrated that children from such unions often face bureaucratic exclusion, struggling to obtain birth certificates or proper legal identity (Minan et al., 2022). This exclusion raises serious concerns about equity, citizenship, and access to public services. From a socio-legal perspective, this reveals how local adherence to fiqh practices may inadvertently infringe upon the rights of vulnerable individuals. Investigating this intersection enables identification of points where legal interventions can be both culturally resonant and rights-protective. Moreover, the case of Lubuk Cuik serves as a microcosm for understanding broader implications in similarly structured communities. It amplifies the urgency of reconciling Islamic legal sensibilities with the demands of inclusive civil governance.

The researcher recorded several concrete cases illustrating this phenomenon in Lubuk Cuik Village. First, in 2024, a woman in the village was divorced verbally after her husband left the household and never returned, citing an inability to tolerate his wife's nature. This divorce was never brought to court and was recognized only by the immediate family. Second, in 2023, a man decided to separate from his wife and has not lived with her since. According to local customs, he and his former wife considered their relationship to have ended; however, he acknowledged that under state law, they were still legally married because no official ruling had been issued by the Religious Court. These cases reflect the lack of legal awareness in the daily practices of the community.

Third, in 2020, a woman entered into a new marriage after divorcing her previous husband through an informal process. From this second marriage, she has had a child. However, due to the absence of an official divorce certificate from her previous marriage, she faced obstacles in registering her new marriage as well as in processing her child's birth certificate at the Civil Registration Office.

These cases illustrate the serious consequences of divorce without official registration, particularly in terms of the legal recognition of children by the civil registry. The absence of official documents such as a divorce certificate and marriage certificate makes it difficult for children born from the second marriage to obtain a birth certificate that includes the father's

name. In many cases, such children are considered out-of-wedlock and have a civil relationship only with their biological mother. The process for legal recognition of a child by the biological father, whether through a court ruling or voluntary acknowledgment, is also not an easy matter, as it requires time, costs, and administrative evidence that not all families possess.

Critically, the practice of unregistered or “siri” divorce and subsequent remarriage in rural Indonesian Muslim communities illustrates a persistent tension between state law, Islamic jurisprudence, and entrenched local customs. Legal pluralism in these settings often manifests when couples validate their dissolution of marriage through religious rituals rather than formal legal channels (Taufiq et al., 2024). State law, under Law No. 1 of 1974 and the Compilation of Islamic Law (KHI), mandates divorce must occur via Religious Courts to be legally recognized (Farid et al., 2023). However, such formal mechanisms are frequently circumvented due to social norms, economic barriers, and the cultural authority of religious leaders (Platt, 2017). This disconnect not only undermines legal protection for women and children but also compromises their civil rights, including registration and inheritance. Understanding how fiqh is negotiated in these communities provides critical insight into the practical interplay of law and culture. This study explores how such religious-cultural practices influence legal recognition and social legitimacy.

Despite growing scholarship on unregistered marriages, few studies examine them through a combined lens of Islamic legal theory and cultural anthropology. Platt (2017) highlights that in Lombok, informal marriages are culturally negotiated events, wherein women navigate religious norms and social expectations in shaping marital legitimacy. Legal pluralism across Indonesia further exemplifies how customary and religious norms often override state regulations, as documented in cases from Aceh to Toraja (Akbar & Laman, 2025; Salim, 2015). These studies underscore the dynamic and hybrid nature of legal authority in Muslim communities, where state and religious aims sometimes conflict or converge pragmatically. Yet, most research remains descriptive, lacking empirical fieldwork that illuminates lived experiences of affected families. Exploring how fiqh is enacted in everyday contexts enables a deeper grasp of how communities reconcile spiritual norms with statutory imperatives. This research addresses that gap by embedding field-based qualitative data within socio-legal and anthropological frameworks.

Using a juridical-empirical approach—which entails field interviews, document analysis, and thematic coding—this research integrates Islamic legal theory, anthropology, and human rights discourse. This approach allows unpacking of the symbolic and administrative dimensions of marriage, divorce, and lineage in ways that resonate with both local epistemologies and global legal concerns. The originality of this work lies in its commitment to blending anthropological fiqh with concrete field data to inform culturally attuned policy recommendations. Findings are expected to contribute to academic dialogues on legal pluralism while offering pragmatic implications for civil registration reforms and community-centered legal education. The remainder of the paper proceeds as follows: Section 2 reviews relevant literature and theoretical frameworks; Section 3 outlines research methodology; Section 4 presents the results and discussion; and Section 5 concludes with recommendations.

LITERATURE REVIEW

1. *Socio-Legal Perspectives on Unregistered Marriage*

Unregistered marriage, often referred to as informal or “nikah sirri” in the Indonesian context, represents a complex intersection of legal, religious, and cultural norms. From a socio-legal perspective, such marriages occur outside the state’s registration system, leading to legal ambiguities regarding spousal rights and the legitimacy of offspring (Nurlaelawati, 2020). In many Muslim-majority societies, religious validity is prioritized over civil procedures, reflecting the pluralistic nature of legal systems (Cammack & Feener, 2018). This duality underscores the tension between state law and religious law in regulating family matters. Anthropological studies have shown that communities often prioritize social recognition over formal legality, shaping marital decisions (Bowen, 2003). The persistence of unregistered marriage thus reflects deeper cultural logics rather than mere legal non-compliance. Such perspectives are essential for understanding the socio-legal implications that follow.

Global and regional studies indicate that unregistered marriage is not unique to Indonesia but also exists in countries like Egypt, Pakistan, and Nigeria, albeit with varying socio-legal dynamics. In South Asia, the practice is sometimes associated with poverty and gendered access to legal systems, while in the Middle East, it is often linked to religious conservatism and kinship traditions (Al-Sharmani, 2017). In Indonesia, particularly in rural areas, unregistered marriages are often driven by economic constraints and bureaucratic barriers (Nurlaelawati & Salim, 2013). Comparative studies have emphasized how local norms mediate the application of state law in marriage registration (Mir-Hosseini, 2018). These findings highlight a shared challenge in aligning formal legal frameworks with socially embedded practices. Anthropological approaches have been instrumental in revealing the lived realities behind statistical data on unregistered marriages. This regional variation demonstrates the need for culturally informed legal reform.

Despite the growing body of literature, significant gaps remain in understanding unregistered marriage through the lens of Islamic jurisprudence integrated with socio-cultural anthropology. Most studies focus either on doctrinal analysis or on sociological description, rarely combining the two in a coherent analytical framework (Peletz, 2002). There is also limited attention to how local religious leaders negotiate between legal mandates and community customs. This study addresses that gap by applying a socio-legal anthropological approach to explore the interplay between fiqh principles and lived practices in rural Indonesia. Such an approach enables a more holistic understanding of the phenomenon, beyond legal compliance. It also considers the implications for child legitimacy and civil registration processes. The novelty lies in bridging normative Islamic discourse with empirical field realities.

2. *Islamic Law and Local Cultural Practices*

Islamic law, or *fiqh*, has historically interacted with diverse local traditions, resulting in a dynamic process of legal adaptation and cultural accommodation. In Southeast Asia, this interaction is visible in the incorporation of customary laws (*adat*) into Islamic legal practices, creating unique hybrid systems (Hooker, 2008). Anthropological scholarship highlights that this process often involves selective integration, where only certain local norms are deemed compatible with *sharia* (Bowen, 1993). Such selective adaptation reflects the jurisprudential principle of *urf* (custom) in Islamic law, which recognizes established cultural practices unless they contradict core religious tenets. This adaptive mechanism has allowed Islamic law to remain socially relevant in heterogeneous societies. In rural Indonesia, marriage

customs, inheritance practices, and dispute resolution often blend religious prescriptions with local rituals (Fathurahman, 2016). This interplay creates a legal-cultural fabric that is both flexible and deeply rooted in communal identity.

Global and regional trends show that the interaction between Islamic law and local culture is a recurrent feature across Muslim societies, from West Africa to South Asia. In countries like Morocco, *fiqh* has been reinterpreted to accommodate Berber customary norms, while in Sudan, pastoralist traditions influence marriage and property arrangements (Powers, 2010). In Indonesia, the *fiqh-adat* relationship is particularly strong, as reflected in Minangkabau's matrilineal inheritance system, which is harmonized with Islamic inheritance law through community consensus (Taufik, 2019). Such cases demonstrate that Islamic jurisprudence is not a static code but a living discourse negotiated within cultural contexts. Comparative studies suggest that these interactions enhance the social legitimacy of Islamic law, especially when mediated by religious scholars who are culturally embedded. This mediation role strengthens both religious authority and community cohesion. However, it also generates diversity in legal interpretation across regions.

The existing literature, while rich in ethnographic detail, often overlooks the theoretical implications of integrating *fiqh* with local culture from an anthropological jurisprudence perspective. Few studies analyze how this integration affects legal authority, social trust, and compliance within the community. There is also a lack of systematic research on how religious leaders balance *sharia* obligations with cultural imperatives in marriage registration practices. This study fills that gap by examining unregistered marriages in rural Indonesia as a site where Islamic law and local culture actively intersect. By applying a *fiqh*-anthropology framework, the research moves beyond descriptive ethnography toward a normative-empirical synthesis. This approach reveals the jurisprudential reasoning behind cultural accommodation while also exposing the socio-legal consequences of such practices. The originality lies in framing local marital customs as active components in the evolution of Islamic law.

3. Anthropological Jurisprudence in Marriage Practices

Anthropological jurisprudence is an interdisciplinary approach that examines law as both a normative system and a cultural practice, emphasizing how legal norms are shaped by, and in turn shape, social realities (Merry, 2018). In the context of Islamic marriage law, this perspective enables scholars to see *fiqh* not merely as a set of divine prescriptions, but as a living body of norms negotiated within specific cultural frameworks. Marriage in Muslim communities often carries both religious significance and socio-cultural symbolism, making it an ideal domain for studying the intersection of law and culture. In rural Indonesia, for example, marriage rituals may combine Islamic contractual requirements with ancestral ceremonies, reflecting a layered legal-cultural identity (Fathurahman, 2016). This blending underscores that legal practices cannot be fully understood without accounting for their cultural embeddings. Anthropological jurisprudence thus provides tools to interpret the lived experiences of legal subjects, especially in pluralistic legal environments. It also opens space for analyzing how legal norms adapt to preserve social harmony.

Globally, research on marriage within anthropological jurisprudence has explored diverse contexts, from polygamy in West Africa to arranged marriages in South Asia (An-Na'im, 2002). These studies reveal that marriage laws are often flexible in practice, with local interpretations informed by customary norms, economic structures, and kinship systems. In Southeast Asia, Islamic marriage law is implemented through a lens that balances religious doctrine with pragmatic community considerations, such as preserving lineage and managing interfamily alliances (Hooker, 2008). Recent scholarship in Malaysia and Brunei

shows that religious authorities sometimes adopt culturally sensitive approaches to address marital disputes, recognizing that strict legalism may undermine community cohesion (Kadir, 2021). In Indonesia, similar trends are observed, where village-level religious leaders mediate between state regulations, *fiqh* norms, and local traditions to resolve marriage-related conflicts. This mediation process demonstrates the adaptability of Islamic law when interpreted through a culturally embedded lens.

Despite the growing body of literature, there is a notable gap in explicitly theorizing how anthropological jurisprudence can inform contemporary Islamic legal reform, particularly in the domain of marriage. Many studies document practices but stop short of connecting them to normative legal theory or policy implications. Moreover, the role of unregistered marriages (*nikah siri*) in shaping both religious authority and community trust remains underexplored. This study addresses that gap by analyzing how such marriages function as both a cultural accommodation and a legal anomaly. Using the *fiqh*-anthropology framework, it interrogates the tensions between formal legal requirements, religious norms, and local customs. This approach allows for a more nuanced understanding of how Islamic marriage law evolves in practice, beyond codified statutes. By doing so, it contributes to both anthropological jurisprudence and Islamic legal studies, offering a model for integrating cultural realities into legal interpretation and reform.

RESEARCH METHOD

This study adopts a qualitative research design rooted in the anthropological jurisprudence framework, which integrates legal analysis with ethnographic inquiry (Merry, 2018). The approach allows for a holistic examination of Islamic marriage practices as both normative constructs and culturally embedded phenomena. By combining *fiqh* interpretation with socio-cultural observation, the study seeks to uncover the dynamic interplay between religious law and local traditions. The choice of qualitative methodology is informed by the need to capture participants' lived experiences, symbolic meanings, and interpretative practices that cannot be reduced to numerical representation. This design also facilitates the exploration of the gap between codified Islamic legal norms and their application in community settings. The study's epistemological stance is interpretivist, recognizing that legal meanings are socially constructed and context-dependent.

The research was conducted in Lubuk Cuik Village, Lima Puluh Pesisir District, Batu Bara Regency, Indonesia selected for their rich cultural heritage and strong adherence to both Islamic law and customary practices (*adat*). Data collection took place over a six-month period, from January to June 2024, to allow for immersion in the community and observation of marriage-related events. Purposive sampling was employed to identify key informants, including couples involved in unregistered marriages (*nikah siri*), and a local authority. A total of 6 participants were interviewed in-depth, providing diverse perspectives on the interplay between *fiqh*, state law, and cultural norms.

Data analysis followed a grounded theory-inspired coding process, combining open, axial, and selective coding stages (Corbin & Strauss, 2015). Initial open coding identified recurring concepts such as "religious legitimacy," "cultural obligation," and "legal invisibility." Axial coding was then used to establish relationships between these categories, particularly how cultural rituals reinforce or challenge formal legal norms. Finally, selective coding integrated the findings into a cohesive analytical framework, aligning them with the theoretical lens of *fiqh*-anthropology. To enhance reliability, intercoder checks were performed with two other researchers familiar with both Islamic law and anthropological methods.

Trustworthiness was ensured through triangulation of data sources and methods. Observational data were compared with interview accounts to validate key themes, while document analysis served to contextualize participants' narratives within broader legal-historical frameworks. Member checking was conducted by sharing preliminary interpretations with selected participants, allowing them to clarify or expand on their perspectives.

RESULTS

1. Social and Religious Perceptions of Unregistered Divorce

Field data reveal that unregistered divorce (*percerai di bawah tangan*) is perceived ambivalently within the Lubuk Cuik community. While formal Islamic jurisprudence (*fiqh*) recognizes the legal validity of divorce when the procedural requirements—such as the pronouncement of *talāq* in the presence of witnesses—are met, the absence of state registration produces a tension between *syar'i* legitimacy and administrative recognition. Interviews with local religious leaders indicated that community members often prioritize customary and religious norms over state legal procedures, reflecting an anthropological pattern in which local *fiqh* adapts to socio-cultural contexts. In several cases, respondents justified unregistered divorce as a means to avoid bureaucratic costs and social embarrassment, especially among families with limited economic resources. This local legal consciousness underscores a persistent gap between statutory law and lived law, highlighting the anthropological dimension of *fiqh* as a negotiated practice in daily life. Such findings align with previous ethnographic studies showing that legal pluralism often shapes marital dissolution in rural Muslim societies.

2. Legal Implications for the Civil Registration of Children

Analysis of primary data from interviews and document reviews demonstrates that unregistered divorce has significant implications for the civil registration of children born after subsequent remarriage. Without a formal record of marital dissolution, remarriages are often deemed administratively invalid, complicating the issuance of birth certificates listing the biological father's name. From a *fiqh* anthropology* perspective, this administrative barrier is not merely a bureaucratic issue but a point where state law disrupts the transmission of *nasab* (lineage) as conceptualized in Islamic legal thought. Respondents shared cases where children were recorded as having only a maternal lineage in official documents, despite community acknowledgment of paternal ties. These discrepancies create social stigma for children and their mothers, particularly in contexts where patrilineal identity remains culturally significant. Such evidence illustrates how legal formalities intersect with deep-rooted cultural norms on kinship, positioning *fiqh* as both a religious and socio-legal discourse that must navigate state regulatory frameworks.

3. Marital Status After an Unregistered Divorce

Marriage is a sacred bond regulated under Indonesian law, both religiously and legally. However, in practice, many people still engage in divorce without going through formal legal procedures, commonly referred to as unregistered divorce. When one of the parties decides to remarry, this creates new problems, particularly regarding the validity of the new marriage, the fulfillment of the 'iddah period, and the absence of a divorce certificate as legal proof. The focus of this research is to examine the extent to which the people of Lubuk Cuik Village understand these issues.

In this regard, a new marriage conducted after an unregistered divorce is only valid according to Sharia law, in line with Qur'an Surah Al-Baqarah verse 229. However, under Indonesian law and the Compilation of Islamic Law (KHI), its status remains unclear because the previous divorce was never officially registered with the state.

DISCUSSION

The findings of this study reaffirm the persistence of legal pluralism in rural Muslim societies, where state law, religious norms, and customary practices coexist and interact in complex ways. The prevalence of unregistered divorce in Lubuk Cuik illustrates what Griffiths (1986) conceptualized as "weak legal pluralism," in which state law formally dominates but non-state legal orders retain significant authority in everyday life. From a *fiqh anthropology* perspective, the practice reflects the adaptive capacity of Islamic jurisprudence to local socio-economic realities, prioritizing moral legitimacy and community consensus over bureaucratic compliance. Similar patterns have been observed in ethnographic studies of Muslim communities in Malaysia (Hooker, 2008) and Nigeria (Oba, 2011), where local interpretations of *fiqh* function as practical legal frameworks parallel to state systems. These findings underscore that unregistered divorce is not merely an act of legal evasion but a culturally embedded legal practice shaped by resource constraints, gender dynamics, and communal trust networks.

The understanding of the Lubuk Cuik Village community about unregistered divorce remains diverse. Some community leaders believe that an unregistered divorce is valid under Islamic law but not recognized by state law. Others argue that divorce must be carried out through formal procedures in the Religious Court to be legally valid under both state and religious law.

Unregistered divorce can lead to administrative problems, such as difficulties in obtaining a child's birth certificate and determining the legal status of a new marriage. A child born from a marriage that is not officially registered may face challenges in accessing civil rights, such as inheritance and legal identity. Therefore, marriage and birth registration are crucial to ensuring the legal status of the child and safeguarding civil rights.

The consequences for child civil registration highlight the intersection of religious law with bureaucratic mechanisms, revealing a critical point of dissonance between *nasab* in Islamic jurisprudence and its recognition under state law. Previous research by Bowen (2003) and Fadhlullah (2020) has shown that when administrative processes fail to align with local legal consciousness, communities often resort to informal solutions, sometimes at the expense of individual rights. In the context of Lubuk Cuik, the inability to register children under a paternal lineage due to unregistered divorce creates both legal and social vulnerabilities, echoing findings from Pakistan (Shaheed, 2009) and Morocco (Buskens, 2010). This tension illustrates that *fiqh anthropology* is not only concerned with doctrinal interpretations but also with the socio-legal consequences of how those interpretations interact with state governance structures. The resulting marginalization of children underscores the need for legal harmonization that protects lineage rights while respecting religious legitimacy.

The negotiation between state law and local *fiqh* practices in this study provides empirical support for the proposition that Islamic legal systems function as "living law" (Santos, 2002) rather than static codes. While Indonesian state law mandates court registration for divorce, the community's reliance on religious procedures reflects a pragmatic engagement with multiple normative orders. This finding aligns with Peletz's (2002) argument that Islamic

law in Southeast Asia operates through a dialogic process in which religious leaders interpret, adapt, and sometimes resist state legal frameworks. However, such flexibility also poses challenges for legal certainty, particularly in domains like inheritance, child custody, and civil registration, where state recognition is crucial for rights protection. This study therefore contributes to the theoretical discourse by demonstrating how *fiqh anthropology* can bridge doctrinal validity with administrative enforceability, offering a culturally grounded pathway for legal reform in Muslim-majority rural contexts.

A key insight from the data is that religious leaders in Lubuk Cuik play a decisive role in legitimizing divorce, often prioritizing the ethical and spiritual well-being of the parties over procedural legality. This mirrors findings from Zaman (2012) in South Asia, where ulama mediate disputes with an emphasis on reconciliation and communal harmony rather than state-imposed litigation. In *fiqh anthropology*, such interventions illustrate the embedded authority of religious scholars as both interpreters of sacred law and mediators of social order. Yet, while these processes may preserve local social cohesion, they can simultaneously create legal blind spots when their rulings remain unregistered in formal state records. This duality presents an ongoing challenge for legal integration in pluralistic Muslim societies.

Economic constraints also emerged as a structural driver of unregistered divorce, with court procedures perceived as costly, time-consuming, and geographically inaccessible. This resonates with Saptaningrum's (2019) study in rural Java, where procedural burdens discouraged couples from engaging with the state legal apparatus. In such cases, communities turn to local *fiqh*-based solutions that are inexpensive, socially recognized, and immediate. While this pragmatic approach ensures timely resolution, it also perpetuates the invisibility of certain legal events in state statistics, thereby affecting policy planning and social services. From a *fiqh anthropology* standpoint, this reflects a prioritization of substantive justice over procedural formality, yet also raises concerns about systemic exclusion.

The data also reveal gendered dimensions in how unregistered divorces are processed and their aftermath managed. Women, in particular, face greater disadvantages in securing custody rights, accessing child support, and remarrying under state law without official documentation. This aligns with Mir-Hosseini's (2000) findings on the gendered impacts of informal marital dissolution in Islamic contexts. The persistence of such patterns in Lubuk Cuik suggests that while *fiqh*-based community solutions may be socially harmonious, they can inadvertently reinforce structural inequities if not accompanied by mechanisms for legal recognition and protection. This underscores the importance of integrating gender-sensitive reforms into any legal harmonization efforts.

Finally, the study advances the argument that *fiqh anthropology* can serve as a critical mediating framework for reconciling state law with lived Islamic practices. Rather than viewing unregistered divorce as a legal anomaly, this perspective situates it within a broader cultural-legal ecology that values moral authority, community cohesion, and adaptive jurisprudence. The challenge for policymakers is to craft hybrid legal models that acknowledge the legitimacy of religious processes while ensuring their outcomes are institutionally recognized. Comparative studies from Malaysia (Yusof, 2021) and Tunisia (Charrad, 2011) demonstrate that such integration is possible through localized procedural innovations, clerical training, and simplified registration pathways. In doing so, states can move towards a model of legal pluralism that is both culturally resonant and administratively robust.

The government needs to raise public awareness about the importance of marriage and birth registration. Additionally, harmonization between Islamic law and positive law is necessary to protect the rights of children and society. In this context, religious and community leaders should actively promote understanding of the importance of marriage and birth registration. The government should also simplify the registration process to make it more accessible to the public. Through these collective efforts, awareness can be improved, and the rights of children and society can be better protected.

CONCLUSION

This study demonstrates that under-the-table divorces in Lubuk Cuik Village are not merely instances of legal non-compliance but rather culturally embedded practices informed by local interpretations of Islamic law and long-standing community dispute resolution traditions. Through an anthropological fiqh lens, these practices reveal how formal religious doctrines are adapted to meet the immediate needs of maintaining social cohesion, even when this adaptation diverges from state legal requirements. While national law mandates civil registration for marital and divorce validity, the community's preference for swift, customary resolution reflects a prioritization of relational harmony over administrative formality.

The findings highlight the pivotal role of religious authorities and customary leaders in shaping both the process and the outcomes of divorce within the community, particularly concerning the recognition of children's legal status. This dynamic underscores the presence of legal pluralism, where statutory law, Sharia, and customary norms intersect, sometimes in tension, but often in a negotiated balance. Such a situation reveals a persistent gap between the formal legal system and the socio-religious realities of rural Muslim communities, calling for an integrative approach that respects both legal uniformity and cultural authenticity.

In addressing this gap, it is recommended that policymakers design hybrid legal mechanisms that recognize certain culturally legitimate divorce procedures while safeguarding the rights of women and children. Religious leaders should work towards harmonizing Sharia principles with civil registration requirements, ensuring both spiritual and legal recognition of marital status. Simultaneously, community leaders could facilitate mediation processes that uphold customary authority while meeting formal procedural standards. Embedding anthropological fiqh perspectives into legal education would equip future practitioners with the skills to navigate plural legal environments, and comparative research across similar socio-religious contexts would further refine models for bridging formal and informal systems, ultimately enhancing legal legitimacy and social harmony.

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