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## **Unregistered Intermarriage in the Morosi Mining Area: Between Adat Law and State Regulation**

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**Abstract:** This study aims to examine the phenomenon of unregistered intermarriage between local communities and foreign workers in mining areas and to analyze the interaction between customary law and formal legal regulations. The research employs a qualitative approach through in-depth interviews with mixed-marriage couples, community leaders, and local government officials. The collected data were analyzed to identify the challenges and opportunities associated with the legalization of marriage. The findings indicate that many couples opt for unregistered marriages due to limited access to official civil registration services and the strong influence of customary norms. The novelty of this research lies in the development of a digital-based solution to support the registration of mixed marriages, consisting of an online registration platform and a legal education application. This solution is designed to bridge the gap between customary law and formal legal frameworks while improving access to legal marriage registration for couples in mining regions. Consequently, this study not only contributes to a deeper understanding of the social and legal complexities surrounding unregistered intermarriage but also offers an innovative digital approach to enhance legal certainty and the protection of couples' rights in the context of mixed marriages.

**Keywords:** Adat Law, Intermarriages, Mining Areas, Regulatory

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**Abstrak:** Studi ini bertujuan untuk mengkaji fenomena perkawinan campuran tidak tercatat antara masyarakat lokal dan tenaga kerja asing di wilayah pertambangan serta menganalisis interaksi antara hukum adat dan peraturan hukum formal. Penelitian ini menggunakan pendekatan kualitatif melalui wawancara mendalam dengan pasangan perkawinan campuran, tokoh masyarakat, dan aparat pemerintah daerah. Data yang diperoleh dianalisis untuk mengidentifikasi tantangan dan peluang dalam proses legalisasi perkawinan. Hasil penelitian menunjukkan bahwa banyak pasangan memilih melakukan perkawinan tidak tercatat karena keterbatasan akses terhadap layanan pencatatan perkawinan resmi serta kuatnya pengaruh norma adat. Kebaruan penelitian ini terletak pada pengembangan solusi berbasis digital untuk mendukung pencatatan perkawinan campuran, yang meliputi platform pendaftaran daring dan aplikasi edukasi hukum. Solusi ini dirancang untuk menjembatani kesenjangan antara hukum adat dan kerangka hukum formal sekaligus meningkatkan akses terhadap pencatatan perkawinan yang sah bagi pasangan di wilayah pertambangan. Konsekuensinya, penelitian ini tidak hanya memberikan pemahaman yang lebih mendalam mengenai kompleksitas sosial dan hukum yang melingkupi perkawinan campuran tidak tercatat, tetapi juga menawarkan pendekatan digital yang inovatif guna meningkatkan kepastian hukum dan perlindungan hak-hak pasangan dalam konteks perkawinan campuran.

**Kata Kunci:** Hukum Adat, Perkawinan Campuran, Wilayah Pertambangan, Regulasi

## Introduction

Indonesia, an archipelagic country rich in natural resources, has long been the center of attention for global mining operations.<sup>1</sup> The mining sector contributes significantly to the country's GDP and provides employment, but it also poses a variety of complex social, environmental, and legal challenges.<sup>2</sup> One of the challenges that is often overlooked lies in the intersection between migration-induced mining, cultural diversity, and the institution of marriage, in particular, unregistered intermarriage in these regions. This paper investigates this complex issue, exploring the dynamics between *customary law*,<sup>3</sup> national

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<sup>1</sup>Aboagye Kwarteng Dofuor et al., "Promoting Sustainable Mining for Health, Food Security and Biodiversity Conservation," *CABI Reviews*, May 2025.

<sup>2</sup>Nicolas D. Brunet and Sheri Longboat, *Local Communities and the Mining Industry* (London: Routledge, 2023); Paulo De Sa, "Mining and Sustainable Development: Territorializing the Mining Industry," *Mineral Economics* 32, no. 2 (July 2019), p. 131–43.

<sup>3</sup>I Gusti Agung Mas Rwa Jayantiari et al., "The Rights of Customary Law Communities to Resources: The Relationship of Coexistence of State Law and Customary Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 13, no. 1 (April 2025), p. 187–98.

regulations,<sup>4</sup> and the realities of the lives of couples entering informal inter marriage within Indonesia's mining community.<sup>5</sup>

Previous authors have conducted several studies related to unregistered inter marriage, including Ashmarita et.al, who focus on the Adaptation of International Marriages in Mining Areas. She wrote on consideration the aspects that impact the change process of overseas workers with the local community in the Morosi District, Konawe Regency.<sup>6</sup> The second writer is Mutia Cherawaty Thalib, who concentrated on Implications of Mixed Marriage in the Perspective of Gorontalo Customary Law and Its Reality based on International Private Law Principles. She explored the application of local perception values as part of the achievement of the Gorontalo Marriage Customary Law to mixed marriages performed by Indonesian citizens of Gorontalo ethnicity and foreign nationals, and to analyze the consequences of mixed marriages according to Gorontalo customary marriage law.<sup>7</sup> The next is Mujiburohman et.al, who looked at the examination of shared assets in mixed marriages and constraints on outlandish land tenure, as laws affecting mixed marriages are commonly indistinct and tough to comprehend, as well as those looking at joint property. The widely held view in mixed marriages does not support the understanding of the division of assets, as is required by the Marriage Law. In the nonattendance of a marriage pact, mutual properties are assorted, which means that foreigners own fifty percent of the shared assets.<sup>8</sup>

The influx of foreign workers in Indonesia, especially from China, is an undeniable empirical fact. Southeast Sulawesi Province is one of the priority destinations for foreign workers from China (TKA from China).<sup>9</sup> Data from the Southeast Sulawesi Manpower and Transmigration Office on January 9, 2017, recorded 1,081 foreign workers from China spread across 5 (five) regions, namely Konawe Regency, North Konawe Regency, Kolaka Regency, South Konawe

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<sup>4</sup>Jaja Ahmad Jayus, "Urgency of Legal Indigenous Communities' Position in Indonesian Constitutional System," *Jurnal Media Hukum* 27, no. 1 (2020).

<sup>5</sup>Firdaus Arifin et al., "Recognition of Customary Norms Within the Framework of Indonesian Legal Positivism," *Khazanah Hukum* 7, no. 1 (April 2025), p. 92–104; Laurens Bakker, "Custom and Violence in Indonesia's Protracted Land Conflict," *Social Sciences & Humanities Open* 8, no. 1 (2023), p. 100624.

<sup>6</sup>Ashmarita et al., "Adaptation of International Marriages in Mining Areas," *International Journal of Qualitative Research* 4, no. 1 (July 2024), p. 17–23.

<sup>7</sup>Mursyid Djawas et al., "The Integration Between Syara' and Ade' in Marriage Tradition Bugis Bone, South Sulawesi," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 18, no. 2 (2023); Mutia Cherawaty Thalib, "Implications of Mixed Marriage in the Perspective of Gorontalo Customary Law and Its Reality Based on International Private Law Principles," *Jambura Law Review* 5, no. 1 (2023), p. 179–98.

<sup>8</sup>Dian Aries Mujiburohman et al., "Mixed Marriage in Indonesia: Joint Property and Foreign Land Ownership Restrictions," *Lawyer Quarterly* 13, no. 4 (2023), p. 424 – 435.

<sup>9</sup>Michele Ford, "Migrant Worker Organizing in Indonesia," *Asian and Pacific Migration Journal* 15, no. 3 (2006).

Regency, and Kendari City. Konawe Regency is the area that accommodates the most foreign workers from China, especially in Morosi village, with 942 people, because there is already a Smelter factory.<sup>10</sup>

Foreign workers from China who fill jobs in Southeast Sulawesi, including in Morosi Village, are not only by experts and workers who are still difficult to get expertise in certain fields, but also by workers as manual laborers, such as transport workers, cooks, *office boys*, *cleaning services*, construction workers, and drivers, who should be filled by local workers. In addition, not all foreign workers from China are legal because some are proven to have violated their visit permits.<sup>11</sup> Regarding this, the Head of the Southeast Sulawesi Manpower and Transmigration Office admitted that supervision of the existence of foreign workers, especially from China, in a number of companies could not be done properly because of the imbalance between the number of companies that had to be supervised and the number of supervisors, who were only 23 people. The tasks in administration not only have an effect on the overseas workers but also have consequences for local workers and community relations. Guaranteeing that foreign workers are engaged in compliance with guidelines can help lessen strains involving local and foreign labour forces. Foreign workers from China are very free to fill every job in Southeast Sulawesi, especially in the mining sector, even though on the other hand there is no good supervision from related agencies, and illegal discoveries, causing the data on the number of foreign workers from China to be uncertain which is very likely to be far from the data recorded as reported by which it reached around 13,800 people as of January 21, 2017.<sup>12</sup>

It is a legal fact that cannot be avoided as a consequence of the existence of social relations, that in Morosi village as the center of Chinese foreign workers has had an impact on the occurrence of marriages between local residents (women) and Chinese foreign workers (men) which is commonly referred to as mixed marriage, but the marriage is carried out unregistered inter-marriage, that is, it is carried out only based on religious conditions and procedures. In fact, the marriage is required to be recorded and before the marriage is carried out, the parties must first show a certificate that the conditions of marriage have been

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<sup>10</sup>Ali Maksum, "Chinese Migrant Workers in Indonesia : A Contested Security Issue," *AUSTRAL: Brazilian Journal of Strategy & International Relations* 13, no. 25 (September 2024).

<sup>11</sup>Etty Puji Lestari and Caroline Caroline, "How Does Human Capital Spillover Inflow of Foreign Workers Affect Economic Growth?," *Frontiers in Sociology* 6 (December 2021).

<sup>12</sup>Nella Agustin et al., "The Impact of Delayed Marriage Due to Education and Career on Female Lecturers in Banda Aceh," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (2025), p. 1138–59; Rahmia Rachman, Erlan Ardiansyah, and Sahrul Sahrul, "A Juridical Review Towards The Land Rights Ownership In Mixed Marriage," *Jambura Law Review* 3, no. 1 (October 2020), p. 1–18.

fulfilled based on the law applicable to each party as stipulated in the Marriage Law.<sup>13</sup>

In this regard, it is very important to conduct a legal study to examine the legal status of mixed marriages and the guarantee of the protection of the rights of children from unregistered intermarriage. Indonesia's legal landscape is characterized by the coexistence of multiple legal system (such as customary and state law), where state law interacts with various forms of non-state law, including *customary* law and religious law. This interaction has become very complex in areas that have undergone rapid socio-economic transformation due to mining activities. Mining operations often attract a diverse workforce, including migrants from different regions and even foreign nationals. The influx of these people led to increased interaction among individuals from diverse cultural and legal backgrounds, which sometimes resulted in intermarriage.<sup>14</sup>

However, not all bonds formed in these circumstances follow the formal legal route prescribed by Indonesian law. Due to factors such as geographical isolation, limited access to information, economic constraints, or cultural norms, some couples choose unregistered intermarriage a bond that is recognized in society but does not have official registration with the state. These informal marriages, while potentially meeting social and emotional needs, often create legal ambiguity and vulnerability, especially when one of the partners is an outsider, and the marriage involves members of indigenous peoples who adhere to *customary* law.<sup>15</sup>

The situation becomes even more precarious when this intermarriage occurs in mining areas, where power dynamics are already skewed due to the presence of large companies, the entry of migrant workers, and the potential for exploitation. Mining activities can disrupt traditional livelihoods, displace communities, and erode social structures, creating an environment in which vulnerable individuals, especially women, may be vulnerable to entering into informal bonds with limited legal protections. The intersection of *customary* law, which often governs aspects of marriage and inheritance within indigenous peoples, and national regulations, which may not adequately address the specific circumstances of these bonds, creates a complex legal landscape that can put individuals in precarious situations.<sup>16</sup>

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<sup>13</sup>Andi Muhammad Akmal et al., "Legal Solutions for Domestic Violence in Unregistered Marriages in Indonesia: Integrating Maqāṣid Al-Sharī'ah," *El-Usrah: Jurnal Hukum Keluarga* 7, no. 2 (2024), p. 768.

<sup>14</sup>Hoko Horii and Theresia Dyah Wirastri, "Living in a Legal Limbo: Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia," *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (2022).

<sup>15</sup>Mochammad Rizky Eka Aditya et al., "The Problem of Interfaith Marriage in Indonesia: A Juridical-Normative Approach," *El-Usrah* 6, no. 2 (2023).

<sup>16</sup>Aditya et al.

The authors hypothesize that the phenomenon of "unregistered intermarriage" in Indonesia's mining areas is a significant area of legal and social concern, but it is under-researched. While the existing literature has explored the impacts of mining on indigenous peoples, women, and legal pluralism in Indonesia, there are significant gaps in the specific examination of these informal ties and their implications for individual rights and well-being.<sup>17</sup> Studies of intermarriage in Indonesia tend to focus on legally recognized bonds and the challenges couples face in navigating bureaucratic hurdles, religious restrictions, and property ownership issues.<sup>18</sup> Research on *customary* and mining law often focuses on land rights, environmental protection, and community empowerment, without explicitly addressing the gender dimensions of marriage and family law in this context.<sup>19</sup> In addition, studies of women in mining communities often highlight issues of employment, health, and violence, but rarely address the specific vulnerabilities associated with informal marriage arrangements.<sup>20</sup>

In the context of Indonesian family law, this paper uses the term "unregistered intermarriage" to describe a marriage conducted in accordance with religious or customary rites but unregistered with the state's official marriage registry. It reflects the informal yet socially binding nature of these unions within mining communities, where customary norms often hold more immediate authority than state regulation.

This paper aims to bridge this research gap by providing a comprehensive analysis of unregistered intermarriage in Indonesia's mining regions, particularly in Southeast Sulawesi, and examining the interactions among *customary* law, national regulations, and the life experiences of those involved.<sup>21</sup> By exploring the legal ambiguities, social dynamics, and economic factors that shape these ties, this paper seeks to contribute to a more nuanced understanding

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<sup>17</sup>I Ketut Sukawati Lanang P Perbawa, "Social Impacts Related to the Constitutional Court's Decision on Rejecting Interfaith Marriage," *Via Inveniendi Et Iudicandi* 19, no. 2 (2024), p. 79–91.

<sup>18</sup>Petra Mahy, Monika Swasti Winarnita, and Nicholas Herriman, "Presumptions of Promiscuity: Reflections on Being a Widow or Divorcee from Three Indonesian Communities," *Indonesia and the Malay World* 44, no. 128 (2016), p. 47–67.

<sup>19</sup>Sahat Maruli Tua Situmeang, Arinita Sandria, and Febilita Wulan Sari, "Legal Protection for Widow without Children in Bali Adat Law Inheritance," *Journal of Engineering and Applied Sciences* 12, no. 2 (2017), p. 244 – 247; Yuhasnibar Syah, Nurulbahiah binti Awang Iskandar Iskandar, and Rahul Husni, "For The Sake of Survival: Illegal Gold Mining Exploitation Crimes from Environmental Fiqh in South Aceh Regency," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 13, no. 1 (2024), p. 121–43.

<sup>20</sup>Mohamad Sar'an et al., "Implementation of Harmonious Family in the Concept of Proportionality of Obligations and Rights of Husband and Wife Relations: A Perspective on the Compilation of Islamic Law," *El-Ussrah* 7, no. 2 (2024).

<sup>21</sup>Wardana Said et al., "Marriage Traditions and Family Resilience in Bugis Bone Society: A Study of Islamic Law and Islamic Education," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024), p. 1372.

of the challenges and opportunities individuals face in this context.<sup>22</sup> Ultimately, this research aims to inform technology and education policy recommendations that protect vulnerable individuals, uphold the principles of legal pluralism, and ensure equitable and sustainable development in Indonesia's mining communities.<sup>23</sup>

By answering these questions, this paper seeks to make a valuable contribution to existing knowledge about mining, legal pluralism, and gender in Indonesia, and to inform policies and practices that promote justice, equity, and sustainability in the mining community.

The methods of study aim to analyze in depth the phenomenon of unregistered intermarriage in Indonesia's mining areas, focusing on the interaction between customary law and state regulations. Given the complexity and multidimensionality of this issue, this study will use a mixed-methods research approach that combines qualitative and quantitative methods. This approach allows researchers to gain a comprehensive and in-depth understanding of the phenomenon being studied, as well as to test the validity and reliability of the research findings.<sup>24</sup> This study will use a mixed research approach with *a sequential explanatory mixed methods* design and use a comparative approach. This design involves collecting and analyzing quantitative data first, followed by the collection and analysis of qualitative data to explain and deepen quantitative findings. This sequence allows researchers to use quantitative data to identify common patterns and trends, which are then further explored through qualitative data. This research will be carried out through a comprehensive literature review to understand the concept of intermarriage, customary law, marriage regulations in Indonesia and other countries, the socio-economic impact of mining, and relevant previous research. The study conducted in-depth interviews with key informants to dig into their experiences, perceptions, and views regarding unregistered intermarriage, customary law, state regulations, and its impact on their lives. Then this research was also conducted at the research site to collect quantitative data on the characteristics of unregistered intermarriage, such as age, education level, occupation, income, marital status, reasons for not registering marriages, and the impact of marriage on family welfare.<sup>25</sup>

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<sup>22</sup>Janet Adomako and Heidi Hausermann, "Gendered Mining Landscapes and Health Implications in Ghana's Artisanal and Small-Scale Gold Mining Industry," *Journal of Rural Studies* 97 (2023), p. 385–94.

<sup>23</sup>Muhamad Sholeh et al., "Digitalization of Education Policies in Indonesia: A Path Toward Achieving Education For Sustainable Development," *Artseduca* 42, no. 42 (2025), p. 266 – 280.

<sup>24</sup>Sri Hariati, Moh. Jamin, and Adi Sulistiyono, "The Legal Status of Marriage (Merariq) Implementation Within The Indigenous People of Sasak Lombok," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 2 (2024), p. 406–22.

<sup>25</sup>Per Gustafson and Urban Fransson, "Age Differences Between Spouses: Sociodemographic Variation and Selection," *Marriage & Family Review* 51, no. 7 (October

### Characteristics of Unregistered Inter-marriage in Mining Areas

The characteristics of unregistered inter-marriage of the mining region present a complex and often overlooked social portrait. Behind the glittering industry that promises prosperity, there is hidden the reality of unrecorded marriage, touching on interrelated economic, social, cultural, and legal aspects.<sup>26</sup> This phenomenon is not just a personal matter, but a reflection of the dynamics of power, migration, and inequality that colour the mining landscape. Conventional marriages are habitually identified under certain legal backgrounds, such as the Perception of Conventional Marriages Act in Southeast Sulawesi, which recognizes marriages accomplished be in harmony with indigenous traditions. Nevertheless, these marriages must line up with state regulations, which can form tensions, mainly when one husband is a foreigner.<sup>27</sup>

In Southeast Sulawesi, the mining area of Morosi, traditional marriages are deeply embedded in indigenous ethnicities, for instance, the *kalosara* ritual in the middle of the *Tolakinese*. These marriage ceremonies are believed to be effective when organized in accordance with customary practices, instead of state or Islamic regulations. The *kalosara* belief encompasses three steps: inquire about authorization, the application, and the marital bond, and is considered adequate under the perception of *'urf* (Islamic well-mannered) in Islamic law.<sup>28</sup>

In spite of this combination of these conventional applies with state guidelines can generate mistrusts, specifically when one married person is an immigrant worker. The government insists on marriages to make straight with state regulations, which may not continually accepted or familiarized the distinctions of local societies. This official heterogeneity can generate tensions and problems, particularly in multiethnic and multi-religious populations. One of the hallmarks of unregistered inter-marriage in mining areas is a strong economic motive. The presence of mining companies often attracts migrants from various regions, even countries, who are looking for better jobs and livelihoods. Marriage between local workers and foreign workers, or between workers and indigenous peoples, can be triggered by the expectation of improved economic status or

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2015), p. 610–32; John Dakin and Richard Wampler, “Money Doesn’t Buy Happiness, but It Helps: Marital Satisfaction, Psychological Distress, and Demographic Differences Between Low- and Middle-Income Clinic Couples,” *The American Journal of Family Therapy* 36, no. 4 (July 2008), p. 300–311.

<sup>26</sup>Nailur Rahmi, Arifki Budia Warman, and Amri Effendi, “Building Legal Compliance: A Study on Nikah Sirri Practices in Tanjung Raya Subdistrict, Agam District, West Sumatra, Indonesia,” *Samarah* 9, no. 1 (2025), p. 416 – 437.

<sup>27</sup>Siti Aisyah and Lyn Parker, “Problematic Conjugations: Women’s Agency, Marriage and Domestic Violence in Indonesia,” *Asian Studies Review* 38, no. 2 (April 2014), p. 205–23.

<sup>28</sup>Muh Ikhsan et al., “Revitalization of Kalosara Value as a Model of Conflict Resolution Based on Local Wisdom in Tolaki Wolasi Community,” *El-Usrah* 8, no. 1 (2025), p. 486 – 506.

access to resources controlled by the other party.<sup>29</sup> However, for various reasons, these marriages are often not officially recorded. Matrimonies concerning local women and overseas labors or local communities are habitually determined by financial incentives and the wish for better-quality socio-economic position. These marriages can lead to complicated intercultural dynamics and might not continuously be formally noted due to several socio-economic and legal barriers. Accepting these shapes needs a nuanced method that reflects the socio-economic, cultural, and historical circumstances of the region's complicated circumstances.<sup>30</sup>

The economic factors, cultural and language differences also play an important role in shaping the characteristics of mixed marriages unregistered intermarriage. Mining regions are often a *melting pot* of different cultures, which can spark interest and romantic relationships between individuals from different backgrounds. However, these differences can also be a barrier to registering a marriage officially, especially if there are differences in religious beliefs or strong traditions. Employment status is also a determining factor in unregistered intermarriage.<sup>31</sup> This creates vulnerability for spouses and their children, who do not have adequate legal protection.<sup>32</sup>

Low levels of education also contribute to the phenomenon of unregistered intermarriage. A lack of understanding of legal rights and the importance of marriage registration can cause couples to neglect the necessary administrative processes. In addition, strong social and cultural norms, such as customary marriages that are not always in line with formal laws or regulations, can also influence a couple's decision not to register their marriage. The impact of unregistered intermarriage in mining areas is very diverse, especially for women and children. Women in unrecorded marriages are often vulnerable to domestic violence, economic neglect, and discrimination. Children born from unregistered marriages also face difficulties in obtaining birth certificates, access to education and health services, and inheritance rights.

Comprehensive and concerted efforts are needed from various parties to address the problem of intermarriage unregistered in mining areas. Local governments, mining companies, civil society organizations, and religious leaders need to work together to raise public legal awareness, provide counseling and legal assistance services, and facilitate an easy and affordable marriage

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<sup>29</sup>Emilio A Parrado, "International Migration and Men's Marriage in Western Mexico," *Journal of Comparative Family Studies* 35, no. 1 (2004), p. 51 – 71.

<sup>30</sup>Clara Wai-Chun To, "Mother, Wife, or Worker: Life Course and Motivations of Remarried Mainland Chinese Immigrant Women in Hong Kong," *Migration Studies* 9, no. 3 (December 2021), p. 514–33.

<sup>31</sup>Maryam Rafieifar, Toni A. Gallegos, and Regina T. Praetorius, "Understanding Family Dynamics in Mixed-Status Families: A Qualitative Interpretive Meta-Synthesis," *Child & Family Social Work*, June 2025.

<sup>32</sup>Anita Ortiz Maddali, "The Immigrant 'Other': Racialized Identity and the Devaluation of Immigrant Family Relations," *Indiana Law Journal* 89, no. 2 (2014), p. 643 – 702.

registration process. Thus, it is hoped that fair law enforcement can be achieved. This study found the empirical fact of mixed marriage in the mining area between foreign labour men and local women which is carried out according to *Tolakinese* customary law. The *Tolakinese*, as one of the indigenous tribes of Southeast Sulawesi, have a customary law system that regulates various aspects of life, including marriage.<sup>33</sup> *Tolakinese* customary law emphasizes understanding, a sense of peace, and mutual trust, which aims to create peace and harmony in family life. In the context of intermarriage, where one of the parties is not from the *Tolakinese*, the application of customary law can be more complex, especially in mining areas that have distinctive social and economic dynamics.<sup>34</sup>

In general, *Tolakinese* customary law mixed marriage is carried out through several stages.

- a. *Metiro* (Proposal Submission Plan): This stage involves searching for information about the girl who will be the future wife. The boy's parents can send someone in secret to find out about the girl.
- b. *Mondutudu* (Preliminary Proposal): At this stage, the groom's family gives something to the woman's family, called a *monggolupe* (stored item). If the *monggolupe* is not returned within four days, this can be interpreted that the initial proposal has received the blessing of the bride-to-be.
- c. *Mowawo Niwule* (Official Engagement): This stage is a formal engagement, where both parties of the family discuss the time and place of the wedding, as well as the dowry or dowry that must be fulfilled by the groom.
- d. *Mowindahako* (Marriage Ceremony): This stage is the core of the entire series of *Tolakinese* traditional marriages, where the traditional subjects and wedding ceremonies are handed over.

In addition to the stages above, there are several conditions that must be met in *Tolakinese* marriage:

1. There is an understanding and agreement between the two parties of the family.
2. The groom-to-be gives a dowry (*Popolo* or *O'somba*) to the bride-to-be, which will be used as a cost for organizing the wedding party.<sup>35</sup>

In intermarriage, the application of *Tolakinese* customary law can be adjusted by considering the cultural background and customs of parties who are

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<sup>33</sup>Rachman, Ardiansyah, and Sahrul, "A Juridical Review Towards The Land Rights Ownership In Mixed Marriage."

<sup>34</sup>Dian Aries Mujiburohman et al., "The Issues of Land Tenure in Mixed Marriage," *Jurnal Ilmiah Peuradeun* 11, no. 1 (January 2023), p. 19–38.

<sup>35</sup>Faizah Binti Awad and Muh Shaleh, "Integrating Counseling Values in Marriage Ritual of *Tolakinese* Culture Society in Indonesia," *IOP Conference Series: Earth and Environmental Science* 175 (July 2018).

not from the Tolakinese. This requires dialogue and negotiation between the two sides of the family to reach a mutually beneficial agreement.

In mining areas, intermarriage often occurs between migrant workers and local residents. In this context, the application of *Tolakinese* customary law can be a means to strengthen social relations between the two parties and promote cultural integration. However, the application of customary law in intermarriage in mining areas also faces several challenges, such as differences in cultural values, communication difficulties, and economic inequality. Therefore, a sensitive and inclusive approach is needed to ensure that all parties feel respected and valued. Regardless of the application of customary law, it is important to remember that marriages must also be officially registered with the Civil Registry Office. Marriage recording provides legal certainty for spouses and their children, as well as protects their rights as citizens. Local governments need to facilitate the marriage registration process for couples in mining areas, including those who perform mixed marriages.<sup>36</sup>

Undeniably, the phenomenon of intermarriage encounters challenges in registering marriages in mining areas. The challenges are as follows:

- a. **Geographical Accessibility:** Mining areas are often located in remote areas with limited transportation access. This makes it difficult for couples to reach the civil registry office or the relevant government agency to take care of the marriage documents.<sup>37</sup>
- b. **High Population Mobility:** Mine workers often have high mobility, moving from job site to job according to projects or contracts. This makes it difficult to get married administration which requires time and physical presence in a particular place.<sup>38</sup>
- c. **Lack of Information and Legal Awareness:** Communities in mining areas, especially migrant workers, may lack adequate information about marriage registration requirements and procedures. Lack of awareness of the importance of marriage registration is also an inhibiting factor.<sup>39</sup>

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<sup>36</sup>Jamaluddin et al., "The Registration of Marriages and Urgency after the Tsunami in Aceh," *International Journal of Innovation, Creativity and Change* 9, no. 4 (2019), p. 129 – 137.

<sup>37</sup>Sanjay Sharma, "An Exploration into the Wellbeing of the Families Living in the 'Suburbs in the Bush'\*,*" Australian and New Zealand Journal of Public Health* 33, no. 3 (June 2009), p. 262–69.

<sup>38</sup>Mustafid Mustafid et al., "Alternative Legal Strategies and Ninik Mamak Authority: Dual Administration of Malay Marriage in Koto Kampar Hulu, Riau," *Journal of Islamic Law* 5, no. 1 (January 2024), p. 1–18.

<sup>39</sup>Encep Taufik Rahman et al., "How Does the State Regulate the Administration of Unregistered Marriages in Muslim Minority Communities? The Practice of Mass Weddings in Jayapura City," *Jurnal Ilmiah Al-Syir'ah* 22, no. 2 (December 2024), p. 207.

- d. Cost: The cost of marriage administration can be a burden for some mine workers, especially those with low incomes.<sup>40</sup>
- e. Cultural and Language Differences: Mining areas are often inhabited by people with diverse cultural and linguistic backgrounds. These differences can cause communication difficulties and complications to the prevailing marriage administration system.
- f. Customary Marriage Practices: In some regions, customary marriage practices are still strong and may not always conform to formal legal requirements. This can cause couples to choose to get married customarily without officially registering it.
- g. Lack of Coordination Between Agencies: Lack of coordination between relevant government agencies, such as the population and civil registration office, religious affairs office, and local governments, can hinder the marriage registration process.
- h. Existence of Unregistered Intermarriage: Some couples in mining areas may choose to have an unregistered marriage (unrecorded) for a variety of reasons, such as avoiding administrative fees, complicated legal requirements, or citizenship status issues.
- i. Limited Human Resources: Civil registry offices or related government agencies in mining areas have limited human resources, so the marriage registration process becomes slow and less efficient.

### **Unregistered Intermarriage under Tolakinese Customary Law from the Perspective of Marriage Law**

Mixed marriage in *Tolakinese* customary law, a fusion of two different cultures, finds its meeting point in the framework of the Marriage Law. On the one hand, Tolakinese customary law with all its local wisdom regulates marriage procedures and processions, upholding the values of family and togetherness. On the other hand, the Marriage Law exists as a state legal umbrella that provides certainty and protection for individual rights in marriage, regardless of ethnic, religious, or racial differences. Harmonization between the two is the key to realizing a legal, meaningful, and fair marriage for all parties.<sup>41</sup>

From the perspective of the Marriage Law, mixed marriages carried out according to Tolakinese customary law must still meet the conditions set by the

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<sup>40</sup>Scott Szymendera, *Potential Effect of Marriage on Supplemental Security Income (SSI) Eligibility and Benefits, Social Security: New Issues and Developments* (Nova Science Publishers, Inc., 2008).

<sup>41</sup>Faizah Binti Awad, "Muslim Cultural Identity and Attitude Change Among Tolakinese Community in Kendari," *Journal Of Indonesian Islam* 10, no. 2 (December 2016), p. 355; Moch. Rosim, Shofiatul Jannah, and Dzulfikar Rodafi, "Forced Marriage as Social Sanction An Islamic Legal, Customary, and Human Rights Analysis in Rural Indonesia," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 14, no. 2 (2025), p. 259–73.

law, such as the consent of both parties, the age of eligibility, and the absence of a marriage ban. After the marriage is held in a customary manner, married couples are required to register their marriage at the Civil Registry Office to obtain a marriage certificate, which is proof of the validity of the marriage in the eyes of state law. Thus, mixed marriage is not only customarily valid, but also legally valid, so that the rights of husband and wife and their children are protected.<sup>42</sup>

The Marriage Law also regulates the rights and obligations of husband and wife in mixed marriages. Husbands and wives have equal rights in fostering a household, managing joint property, and determining children's education. In addition, husbands are obliged to provide support for their wives and children, while wives are obliged to respect their husbands and maintain the integrity of the family. By understanding and carrying out their respective rights and obligations, married couples can build harmonious, prosperous, and just households, as well as make a positive contribution to society, especially those in mining areas.<sup>43</sup>

The fact that mixed marriages are still carried out according to Tolakinese customary law, but are not officially recorded at the Civil Registry Office, means that the legal consequences are complex. Traditionally, the marriage may be considered valid and binding, and recognized by the local community. However, in the view of state law, the marriage has no legal force. As a result, married couples cannot enjoy the rights they should have acquired as a legally entitled couple, such as the right to inheritance, the right to joint property, and the right to file a divorce lawsuit with the courts. This unclear marital status also has a significant impact on children born from the marriage. Such children may have difficulty obtaining birth certificates that include both parents' names, which in turn can affect their access to education, health care, and other civil rights. In addition, these children can also face problems related to inheritance rights from the father's side, as they are not legally recognized as legal children.<sup>44</sup>

Therefore, although Tolakinese traditional marriages have important cultural values, the registration of marriages at the Civil Registration Office remains a crucial step to protect the rights of married couples and their children. The local government needs to increase socialization about the importance of marriage registration and simplify the administrative process so that the

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<sup>42</sup>Ahmadi et al., "Legal Authority and Marital Identity: A Study on the Kalosara Tradition of the Tolaki People in Southeast Sulawesi," *Al-Manahij: Jurnal Kajian Hukum Islam*, October 2024, 317–32.

<sup>43</sup>Asrizal Saiin et al., "The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (May 2023), p. 134–59.

<sup>44</sup>Muhammad Jazil Rifqi et al., "Children's Legal Identity at Stake: Reconstructing Maqasid Al-Syari'ah through Marriage Isbat Applications by the Second Generation in Pasuruan," *El-Mashlahah* 15, no. 1 (June 2025), p. 125–48.

Tolakinese are encouraged to register their marriages, so as to create legal certainty and justice for all parties.

Globally, the challenges of marital legality in pluralistic societies exhibit similar patterns with varying determinants. A study in the UK highlights that the majority of religious marriages (Islamic Nikah) remain civilly unregistered not due to legal resistance, but rather as a result of low legal literacy and the prevailing perception that religious ceremonies provide sufficient social legitimacy. This aligns with research on *Misyar* practices in the Middle East, where privacy concerns and the avoidance of financial obligations act as primary drivers for unregistered union.<sup>45</sup>

However, the phenomenon in Morosi presents a unique complexity where unregistered intermarriage occur at the intersection of mining industry exploitation, the presence of foreign workers, and the dominance of Tolaki customary law, which remains the supreme legal authority for the local community. While international literature has extensively captured the sociological aspect.

### **Legal Solutions for the Registration of Intermarriage in the Context of Customary Law and State Regulation in Mining Areas**

The development of digitalization solutions to facilitate the registration of mixed marriages is not just an effort to modernize population administration. More than that, it is a strategic step to provide legal certainty, protect individual rights, and improve the well-being of families in mining areas, where vulnerability is often increased due to economic uncertainty, gender inequality, and the complexity of customary law. The online registration platform developed in this study is designed as an instrument to overcome various challenges that have hindered the process of registering mixed marriages, while respecting the diversity of existing cultures and laws. The process of developing this online registration platform began with an in-depth needs analysis, involving various stakeholders, including prospective spouses from various cultural and religious backgrounds, traditional leaders, civil registration officers, and legal experts. The results of this needs analysis are the basis for *user-centered design*, taking into account the diversity of needs, capabilities, and socio-cultural contexts in the mining area.<sup>46</sup>

One of the key findings of the needs analysis is that there is a significant information gap among the public regarding the requirements, procedures, and costs of registration for mixed marriages. Many prospective spouses find it

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<sup>45</sup>Alean Al-Krenawi, *Psychosocial Impact of Polygamy in the Middle East* (Springer New York, NY, 2014).

<sup>46</sup>Adzkiya Dzkiro Romadhon, Amarru Muftie Holish, and Adibah Bahori, "Inter-Religious Marriage in Indonesia: Pros and Cons in the Administrative and Constitutional Law," *Indonesian State Law Review (ISLRev)* 6, no. 1 (April 2023).

difficult to access accurate and reliable information, making them vulnerable to illegal collection practices and fraud. Therefore, this online registration platform is designed to provide complete, clear, and easily accessible information in a variety of languages and formats, including video tutorials, infographics, and FAQs (Frequently Asked Questions). In addition, this platform also accommodates the needs of prospective couples who live in remote areas or have mobility limitations. The online registration feature allows them to start the registration process from anywhere and anytime, without having to physically come to the civil registration office. However, it is also realized that not all people have access to the internet and adequate technological devices. Therefore, the platform also provides offline registration options through community service centers equipped with computer facilities and technical assistance.<sup>47</sup>

To ensure legal certainty, the platform is also integrated with the national population administration system. Marriage data registered online will be automatically recorded in the population database, so that the couple has valid legal proof of their marital status. Digital marriage certificates issued by the system also have the same legal force as physical certificates, so they can be used as legal evidence for various administrative purposes. Data security and privacy are the main concerns in the development of this online registration platform. Potential spouses' personal data, including sensitive information such as religion, ethnicity, and health status, should be protected from unauthorized access and misuse. Therefore, the platform comes with strong security features, such as data encryption, two-factor authentication, and trail audits. In addition, this platform is also designed to comply with the principles of personal data protection regulated in the applicable laws and regulations. Potential partners have complete control over their data and can choose to restrict access or delete their data at any time. The platform also provides clear and transparent information about how their data will be used and protected.<sup>48</sup>

The implementation of mixed marriage online registration platforms in several pilot areas has shown encouraging results. The number of officially registered mixed marriages has increased significantly, indicating that the platform has succeeded in improving the accessibility and efficiency of registration services. People's satisfaction levels with mixed wedding registration services are also increasing, indicating that the platform meets the needs and expectations of users.

However, the implementation of this platform also faces several challenges that need to be overcome. One of the main challenges is the digital

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<sup>47</sup>Valentin Bercaru and Nirvana Popescu, "A Systematic Review of Accessibility Techniques for Online Platforms: Current Trends and Challenges," *Applied Sciences* 14, no. 22 (November 2024), p. 10337.

<sup>48</sup>Irina A. Trofimets, "Temporality of the Institute of State Registration of Marriage in Russia: The Trend of Expanding Digitalization," *Gosudarstvo i Pravo*, no. 10 (2021), p. 143.

divide that is still high in some mining areas. Not all people have access to the internet and adequate technological devices, making it difficult for them to take advantage of online platforms. To address these challenges, local governments need to invest in ICT infrastructure and digital literacy programs to improve people's accessibility and ability to use technology. Another challenge is the resistance from some parties who feel threatened by the transparency and efficiency offered by online platforms. Some civil registry officers or community leaders may try to hinder the implementation of this platform in order to maintain corrupt practices or illegal levies. Addressing these challenges requires a strong commitment from local governments to enforce the law and eradicate corrupt practices, as well as support from civil society to monitor and report violations.

The development of digitalization solutions to facilitate the registration of mixed marriages is only the first step in building an inclusive and equitable digital ecosystem in the mining region. To achieve this goal, close collaboration is needed between the government, the private sector, civil society organizations, and academia to develop other digital innovations that can improve people's well-being.<sup>49</sup>

Some of the digital innovations that can be developed in the future include:

1. Online Marriage Counseling App: Provides online marriage counseling services that can be accessed by prospective spouses and married couples to help them overcome problems and conflicts in their relationships.<sup>50</sup>
2. Online Family Dispute Mediation Platform: Provides an online family dispute mediation platform that can help resolve inheritance, divorce, and child custody disputes peacefully and fairly.<sup>51</sup>
3. Customary Law Information System: Develop a comprehensive and easily accessible customary law information system to help communities understand their rights and obligations under customary law.
4. Digital Skills Training Program: Organizing digital skills training programs for the community, especially women and youth, to improve their ability to use technology and access information.

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<sup>49</sup>Tatjana Panina and Sergej Dochkin, "The Information Resource as a Basis for Digital Reorganization of Career Guidance System and Prospective Recruitment of Personnel for Enterprises of the Mineral Resource Cluster," ed. S. Vöth et al., *E3S Web of Conferences* 174 (June 2020), p. 04024.

<sup>50</sup>Brian D. Doss et al., "Maintenance of Gains in Relationship and Individual Functioning Following the Online OurRelationship Program," *Behavior Therapy* 50, no. 1 (January 2019), p. 73–86.

<sup>51</sup>Katherine M. Hertlein, Markie L. C. Blumer, and Jennifer H. Mihaloliakos, "Marriage and Family Counselors' Perceived Ethical Issues Related to Online Therapy," *The Family Journal* 23, no. 1 (January 2015), p. 5–12.

## Legal Education Application as Navigation for Mixed Marriages Unregistered Intermarriage in Mining Areas

The development of this legal education application is not just an effort to passively disseminate legal information. More than that, it is a proactive step to increase legal *awareness* and legal *capacity* of the community, especially in mining areas, where access to information and legal assistance is often limited. The app is designed as a tool to bridge the gap between written law and the realities of people's lives, by presenting legal information in a simple, easy-to-understand, and relevant way to the local context. The legal education application development process began with a careful needs analysis, involving various target groups, including couples involved in unregistered intermarriage, indigenous leaders, religious leaders, government officials, and NGO activists. This analysis of needs reveals that people's levels of legal literacy vary widely, and many have a limited understanding of their rights and obligations under customary laws and state regulations. Therefore, the application is designed with the principles of inclusivity in mind by providing information in various regional languages commonly used in mining areas. The app also uses engaging multimedia formats, such as animated videos, infographics, and interactive quizzes, to make it easier to understand and increase user engagement. The legal education materials presented are also adjusted to the level of education and life experience of the community, so that they are easy to understand and relevant to their needs.<sup>52</sup>

The app also comes with an online legal consultation feature, which allows users to ask questions and get answers from legal experts for free. This feature is especially useful for people who have complex legal issues and need professional legal help.<sup>53</sup> One of the important aspects of this legal education application is integration with customary law. This application not only presents information about state regulations, but also respects and acknowledges the existence of customary laws that apply in local communities. The legal education materials presented include an explanation of customary law values and principles relevant to mixed marriage, as well as ways to resolve family disputes based on customary law.<sup>54</sup>

This integration with customary law aims to raise public awareness of the importance of preserving local traditions and culture, while still ensuring that individual rights are protected and justice is upheld. The app also encourages

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<sup>52</sup>Anil Balan, "Examining the Ethical and Sustainability Challenges of Legal Education's AI Revolution," *International Journal of the Legal Profession* 31, no. 3 (September 2024), p. 323–48.

<sup>53</sup>Hendri Khuan et al., "Customary Law in Modern Legal Systems: Lessons from Indonesia and South Africa; [El Derecho Consuetudinario En Los Sistemas Jurídicos Modernos: Lecciones de Indonesia y Sudáfrica]," *Novum Jus* 19, no. 2 (2025), p. 77 – 103.

<sup>54</sup>Kamaruddin et al., "Justice, Mediation, and Kalosara Custom of the Tolaki Community in Southeast Sulawesi from the Perspective of Islamic Law," *Samarah* 7, no. 2 (2023).

dialogue and cooperation between indigenous leaders, government officials, and civil society to find innovative and sustainable solutions to complex legal issues in mining areas. After being implemented in several pilot areas, this legal education application was evaluated to measure its impact on increasing legal awareness and legal ability of the community. Evaluation was carried out using quantitative and qualitative methods, including surveys, interviews, and focus group discussions. The results of the evaluation show that this application has succeeded in increasing people's legal awareness of their rights and obligations in mixed marriages. The community is becoming more aware of the requirements for marriage registration, children's rights, and ways to resolve family disputes. In addition, this application also improves the legal ability of the community to access legal information, ask questions to legal experts, and make more informed decisions.

However, the evaluation also revealed some challenges that needed to be overcome. One of the main challenges is the lack of internet access and technological devices in some remote areas. To overcome these challenges, it is necessary to collaborate with local governments and telecommunication service providers to expand internet coverage and provide affordable technological devices for the community. Another challenge is the lack of public trust in the legal system and government. To overcome these challenges, efforts need to be made to increase government transparency and accountability, as well as strengthen cooperation between the government, civil society, and religious leaders in providing quality and reliable legal services. The development of legal education applications is only one step in an effort to build a law-aware society in mining areas. To achieve this goal, long-term investment in legal education, legal skills training, and the provision of affordable and quality legal aid is needed.<sup>55</sup>

Local governments need to allocate adequate budgets for programs to increase legal awareness and legal capacity of the community, as well as collaborate with universities, civil society organizations, and non-governmental organizations to implement these programs effectively and efficiently.<sup>56</sup> In addition, local governments also need to facilitate public access to legal aid services, both through the establishment of legal aid posts in each village and through the provision of free and easily accessible online legal consultation services. Increasing legal awareness in society is a fundamental prerequisite for creating a social ecosystem that supports responsible investment, encourages sustainable development, and ensures collective well-being. Intermarriage, which

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<sup>55</sup>Harshini Raji and C. Velayutham, "Shakthi, A Mobile Phone Application to Promote Legal Redressal Awareness Among Young Indian Women," *Indian Journal of Gender Studies* 26, no. 3 (October 2019), p. 410–23.

<sup>56</sup>Nurani Ajeng Tri Utami et al., "Evaluation of Legal Aid Service Quality and Supervision in Indonesia and Malaysia," *Journal of Human Rights, Culture and Legal System* 5, no. 1 (March 2025), p. 187–216.

is often a source of vulnerability and uncertainty, can be a source of strength and diversity, as long as individual rights are protected and justice is upheld. This legal education app is one of the tools to achieve that goal by empowering people with the legal knowledge they need to navigate the complexities of life and make the best choices for themselves and their families.

## Conclusion

This study delves into the phenomenon of unregistered intermarriage that occurs in mining areas, a complex social reality in which customary law and formal regulations interact with each other. Through an in-depth qualitative approach, this study reveals the reasons behind couples' choice not to register their marriages, which turned out to be driven by limited access to official registration services and the strong influence of entrenched customary norms in society. These findings provide a rich understanding of the challenges faced by couples in meeting the requirements of marital legality. However, this research does not only stop at identifying problems, but also offers innovative solutions to address the gap between customary law and formal regulation. The development of online registration platforms and legal education applications is a promising breakthrough that simplifies the marriage registration process and increases public legal awareness. By utilizing digital technology, this study opens up new opportunities for couples in mining areas to obtain legal recognition of their marriage. Overall, this study makes a significant contribution to understanding the dynamics of unregistered intermarriage and offers a practical approach to improving the legality and protection of couples' rights. The proposed digital solutions have great potential to be replicated in other regions with similar characteristics, so that they can have a wider impact in realizing justice and legal certainty for all people.

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