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MOBILE COURTS IN MARRIAGE VALIDATION (ITSBAT NIKAH) CASES AND THEIR CONTRIBUTION TO ACCESS TO JUSTICE AT THE SUNGGUMINASA RELIGIOUS COURT

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Abstract

There are still many married couples in Indonesia who have entered into marriage under Islamic law but have not officially registered their marriages and therefore lack legal certainty (nikah siri). This situation has led to a growing public need for the resolution of itsbat nikah (judicial marriage validation) cases through mobile court proceedings (sidang keliling) as a means of expanding access to justice. This study aims to analyze the mechanism for resolving itsbat nikah cases through mobile court proceedings at the Sungguminasa Religious Court, identify the factors that support and hinder their implementation, and analyze the role of mobile court proceedings in ensuring access to justice and legal certainty. This study employed a qualitative approach using field research. Data were collected through observations, interviews with judges, court clerks, and court staff, as well as document review, and were subsequently analyzed using descriptive qualitative methods. The findings indicate that the mechanism for resolving itsbat nikah cases through mobile court proceedings is implemented in accordance with the procedural law governing the Religious Courts, with the principal distinction being that the hearings are conducted outside the court building. The effectiveness of their implementation is supported by the availability of budgetary allocations, inter-agency coordination, the readiness of human resources, the utilization of the e-Court system, and increasing public legal awareness. Meanwhile, the main obstacles include geographical conditions, the absence of parties or witnesses, and incomplete administrative documents. These findings demonstrate that mobile court proceedings function not only as a mechanism for resolving itsbat nikah cases but also as an effective model of judicial service that expands access to justice and strengthens legal certainty through integrated institutional governance, inter-agency collaboration, and more accessible legal services for the community.

Keywords: *Isbat nikah; mobile court; access to justice; Religious Court.*

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Abstrak

Masih banyak pasangan suami istri di Indonesia yang telah melangsungkan perkawinan menurut hukum Islam, tetapi belum mencatatkan perkawinannya secara resmi sehingga belum memperoleh kepastian hukum (nikah siri). Kondisi tersebut mendorong meningkatnya kebutuhan masyarakat terhadap penyelesaian perkara itsbat nikah melalui sidang keliling sebagai salah satu bentuk perluasan akses terhadap keadilan. Penelitian ini bertujuan menganalisis mekanisme penyelesaian perkara itsbat nikah melalui sidang keliling pada Pengadilan Agama Sungguminasa, mengidentifikasi faktor-faktor yang mendukung dan menghambat pelaksanaannya, serta menganalisis peran sidang keliling dalam mewujudkan akses terhadap keadilan dan kepastian hukum. Penelitian ini menggunakan pendekatan kualitatif dengan jenis penelitian lapangan. Data diperoleh melalui observasi, wawancara dengan hakim, panitera, petugas pengadilan, serta studi dokumentasi, kemudian dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa mekanisme penyelesaian perkara itsbat nikah melalui sidang keliling dilaksanakan sesuai dengan hukum acara Peradilan Agama, dengan perbedaan utama hanya pada lokasi persidangan yang diselenggarakan di luar gedung pengadilan. Efektivitas pelaksanaannya didukung oleh ketersediaan anggaran, koordinasi lintas instansi, kesiapan sumber daya manusia, pemanfaatan sistem e-Court, serta meningkatnya kesadaran hukum masyarakat. Sedangkan hambatan utama meliputi kondisi geografis, ketidakhadiran para pihak atau saksi, dan ketidaklengkapan dokumen administrasi. Hal ini menunjukkan bahwa sidang keliling tidak hanya berfungsi sebagai mekanisme penyelesaian perkara itsbat nikah, tetapi juga sebagai model pelayanan peradilan yang efektif dalam memperluas akses terhadap keadilan dan memperkuat kepastian hukum melalui tata kelola kelembagaan yang terintegrasi, kolaborasi lintas instansi, serta pelayanan hukum yang lebih mudah dijangkau oleh masyarakat.

Kata kunci: isbat nikah; sidang keliling; akses keadilan; Pengadilan Agama.

INTRODUCTION

Marriage registration is one of the key instruments in Indonesia's family law system, as it serves to provide legal certainty and protection for husbands, wives, and children (Ayu Mihardi, 2022). Although Law No. 1 of 1974 on Marriage, as amended by Law No. 16 of 2019, requires every marriage to be registered in accordance with statutory provisions, the practice of unregistered marriages (*nikah siri*) is still widespread in various regions (Mardani et al., 2022). This phenomenon indicates that the administrative legality of marriage has not yet fully become part of the public's legal consciousness (Aulia et al., 2025).

The practice of *nikah siri* is generally influenced by various factors, such as low legal literacy (Ritonga & Hasanah, 2025), economic considerations, limited access to marriage registration services, cultural factors, and other administrative reasons (Aulia et al., 2025). Although such marriages are considered valid under religious law if they fulfill the essential elements and requirements of marriage (Surjasni & Akbar, 2025), the lack of registration means these marriages lack legal standing under state law. This situation gives rise to various problems, including a lack of legal certainty regarding marital status, weak protection of a wife's rights, difficulties in the division of joint property, inheritance issues, and limited legal recognition of children born from such marriages (Budiman, 2024).

The administrative impact of unregistered marriages is also increasingly evident in public services. Couples who do not possess an official marriage certificate often encounter difficulties in obtaining civil registration documents, such as their children's

birth certificates (Faiz & Slamet, 2025) and family cards (Basit & Sahrudin, 2024). This situation may also limit their access to various public services that require legal recognition of marriage, including health insurance and social security programs. Thus, marriage registration is not merely an administrative matter but also a form of protection for citizens' constitutional rights through legal certainty (Dalimunthe & Akbarizan, 2025).

As a nation governed by the rule of law, Indonesia treats marriage registration as part of the state's administrative system. Article 2, paragraph (2) of the Marriage Law stipulates that every marriage must be registered in accordance with applicable laws and regulations. For couples who have entered into a religious marriage but have not yet registered it, the law provides a resolution mechanism through a petition for *isbat nikah* (marriage validation) in the Religious Court. Through the issuance of an *isbat nikah* ruling, the marriage gains legal recognition, thereby serving as the basis for the issuance of a marriage certificate and various other administrative documents (Aulia et al., 2025).

However, public access to Religious Courts still faces various obstacles, particularly for people living in rural areas (Muyassar et al., 2024) or regions far from government centers. Factors such as distance, transportation costs, economic constraints, and a lack of legal understanding often cause people to be reluctant or unable to file for marriage validation (Zulfiani et al., 2025). These obstacles have the potential to prolong the legal uncertainty experienced by couples and their children.

To address this issue, the Supreme Court has developed a legal service policy through hearings conducted outside court buildings (*sidang keliling*). This program aims to bring judicial services closer to the public by applying the principles of simplicity, speed, and affordability. Through mobile court proceedings, the public can file applications for marriage validation without having to come directly to the court office, thereby making access to justice easier and more affordable. Within the jurisdiction of the Sungguminasa Religious Court, the public has taken advantage of these mobile court proceedings to obtain legal recognition of marriages that were previously valid only under religious law.

Although numerous studies have been conducted on marriage validation and mobile court proceedings (*sidang keliling*), most of them still focus on normative aspects such as the legal basis for marriage validation, the legal consequences of unregistered marriages (Bakar et al., 2025), or the effectiveness of mobile court services in general (Mustafa et al., 2023). Research that specifically examines how marriage validation cases are resolved through the mobile court mechanism (*sidang keliling*) mechanism at the Sungguminasa Religious Court—covering everything from resolution procedures and service implementation to the factors that support and hinder its effectiveness—remains relatively limited. Yet, the social characteristics of the community and the service patterns at each court can result in different case resolution practices.

Given this gap, this study aims to analyze the resolution of marriage validation cases through mobile court mobile court proceedings at the Sungguminasa Class IA Religious Court. This study is expected to contribute to the development of research on

Islamic family law, particularly regarding the expansion of access to justice, while also serving as a basis for evaluating efforts to strengthen judicial services for individuals facing obstacles in obtaining legal recognition of their marriages.

LITERATURE REVIEW

Research on marriage validation (*itsbat nikah*) and the implementation of mobile court proceedings (*sidang keliling*) has grown within the field of Islamic family law studies in Indonesia. Most studies view mobile court proceedings as a means of expanding public access to judicial services, particularly for groups facing geographical, economic, and administrative barriers. These studies indicate that mobile court proceedings embody the principles of simple, swift, and affordable justice while also serving as a means for the state to provide legal protection to couples whose marriages have not yet been registered.

A number of studies have focused on the effectiveness of mobile court proceedings in *itsbat nikah* cases. Sarwani (2022) study on the implementation of mobile courts proceedings at the Takengon Class IB Sharia Court indicates that while the mobile court program has increased the legalization of marriages among the public, its effectiveness remains suboptimal because there are still couples who have not applied for marriage registration through the *itsbat nikah* mechanism. These findings indicate that the success of mobile court proceedings is determined not only by the availability of judicial services but also by the public's level of legal awareness and the continuity of administrative processes following a court ruling.

Similar findings were reported by Wilda & Zainuddin (2021) in a study on the effectiveness of mobile courts proceedings at the Sawahlunto Class II Religious Court. The study explained that the effectiveness of mobile courts proceedings is influenced by program planning, public outreach, implementation procedures, and adequate budgetary support. Thus, the success of mobile court proceedings is viewed as the result of synergy between institutional management and community participation in utilizing the available legal services.

Another study conducted by Kusmayanti et al. (2024) examines the implementation of the mobile court policy in Indonesia's Religious Courts from the perspective of legal policy and access to justice. The study analyzes how mobile court services function as a judicial service innovation aimed at bringing courts closer to justice seekers, particularly those facing geographical, economic, and administrative barriers. The findings demonstrate that the successful implementation of mobile court proceedings depends not only on a sound legal framework but also on institutional commitment, adequate budgetary support, and effective coordination among relevant stakeholders to ensure broader and more equitable access to judicial services.

Based on these previous studies, it is evident that research on mobile court proceedings remains dominated by analyses of program effectiveness, the implementation of the principles of simplicity, speed, and low cost, and the resolution of divorce cases. Research specifically examining the resolution of marriage validation cases

through mobile court proceedings at the Sungguminasa Class IA Religious Court remains relatively limited. Furthermore, there has not been much research that comprehensively describes the case resolution mechanism—from the filing of a petition to the court's ruling—while also identifying the factors that support and hinder the implementation of mobile court proceedings in the local context of the Sungguminasa Religious Court.

Thus, this study takes a different approach from previous research. While previous studies have focused more on measuring the effectiveness of mobile court programs or the application of judicial principles, this study focuses on analyzing the process of resolving marriage validation cases through mobile courts proceedings, including case resolution procedures, service implementation, and the factors that support and hinder its implementation at the Sungguminasa Class IA Religious Court.

METHODS

This study employs a qualitative approach using field research to obtain an in-depth understanding of the resolution of *itsbat nikah* (judicial marriage validation) cases through mobile court proceedings (*sidang keliling*) at the Sungguminasa Religious Court Class IA. This approach was selected because it enables a comprehensive examination of case resolution processes, judicial service practices, and the factors influencing the implementation of mobile court hearings based on empirical realities observed in the field.

The research was conducted at the Sungguminasa Religious Court Class IA. The primary data were obtained through in-depth interviews with judges, court clerks, court personnel involved in the implementation of mobile court proceedings, and parties who had previously filed applications for *itsbat nikah*. Secondary data were collected from statutory regulations, court decisions, case administration records, reports on the implementation of mobile court proceedings, and scholarly literature relevant to Islamic family law and judicial service delivery.

Data were collected through observation, semi-structured interviews, and document analysis. The data were analyzed using a descriptive qualitative approach following the interactive analysis model, which consists of data reduction, data display, and conclusion drawing. To ensure the trustworthiness of the findings, this study employed both source triangulation and methodological triangulation by comparing evidence obtained from interviews, observations, and documentary sources.

RESULT AND DISCUSSION

Resolution of Itsbat Nikah Cases through Mobile Court Proceedings (Sidang Keliling) at the Sungguminasa Religious Court

The implementation of mobile court proceedings (*sidang keliling*) represents one of the public service innovations introduced by the Supreme Court of Indonesia to expand public access to justice. Through this mechanism, court hearings are conducted not only within court premises but also at locations that are more accessible to local communities. For the Religious Courts, this policy is particularly significant in the resolution of *itsbat nikah* (judicial marriage validation) cases, given that many marriages have been

solemnized in accordance with Islamic law but have not yet obtained legal recognition through official marriage registration (Zulfiani et al., 2025).

From a normative perspective, the implementation of mobile court proceedings (*sidang keliling*) was initially governed by Supreme Court Circular Letter (SEMA) No. 10 of 2010 concerning the Guidelines for the Provision of Legal Aid within the Judiciary. However, these provisions were subsequently superseded by Supreme Court Regulation (PERMA) No. 1 of 2014 concerning the Guidelines for the Provision of Legal Services to Indigent Persons in Courts (Noferi, 2019). This regulation provides the legal basis for courts to conduct hearings outside court premises as a form of judicial service for individuals who face geographical, economic, or transportation barriers in accessing the judiciary.

The findings indicate that the procedure for resolving *itsbat nikah* cases through mobile court proceedings at the Sungguminasa Religious Court is, in principle, identical to proceedings conducted at the court's permanent premises. The only distinction lies in the venue of the hearing, while all procedural stages—including case administration, judicial examination, evidentiary proceedings, and the issuance of the court's determination—are carried out in accordance with the applicable rules of civil procedural law.

According to an interview with Muhammad Arief Ridha, S.H., M.H., a Judge of the Sungguminasa Religious Court, the implementation of mobile court proceedings begins with the availability of budgetary allocations under the Budget Implementation List (Daftar Isian Pelaksanaan Anggaran/DIPA). The availability of such funding provides the basis for the Chief Judge to issue a formal decree authorizing hearings outside the court premises and establishing the mobile court implementation team. Subsequently, coordination is undertaken with the sub-district administration, village government, and the local Office of Religious Affairs (Kantor Urusan Agama/KUA) to determine the hearing venue and identify the cases to be heard. The subsequent stages include preparing the necessary judicial facilities and infrastructure, issuing official assignments to court personnel, conducting the hearings, and preparing an activity report as part of the court's administrative accountability requirements.

These findings demonstrate that mobile court proceedings are not conducted on an ad hoc basis but rather through a structured administrative mechanism. Such planning reflects a systematic institutional governance framework, ensuring that the implementation of mobile court proceedings not only enhances the delivery of judicial services but also complies with the principles of administrative accountability within the judiciary.

Similar findings emerged from an interview with Nasriah, S.H., M.H., the Court Clerk of the Sungguminasa Religious Court. She explained that mobile court proceedings at the Sungguminasa Religious Court are primarily dedicated to *itsbat nikah* (judicial marriage validation) cases. This policy is based on the nature of *itsbat nikah* proceedings, which can generally be concluded in a single hearing provided that all required documentary evidence and witness testimony satisfy the applicable legal requirements.

By contrast, contentious proceedings, such as divorce actions or disputes concerning matrimonial property, frequently require multiple hearings and are therefore less suitable for resolution through mobile court proceedings.

The interview findings indicate that the selection of cases to be heard through mobile court proceedings is not made arbitrarily but is based on considerations of procedural effectiveness and the efficient use of public funds. Accordingly, mobile court proceedings are designed to provide optimal judicial services without compromising the quality of judicial examination.

From the perspective of case administration, this study found that the case registration process follows the same registry procedures applicable to regular court proceedings. Salmiah, S.H., M.H., Junior Registrar for Non-Contentious Cases, explained that the implementation of mobile court proceedings is contingent upon the approval of budget allocations under the (DIPA). Once the hearing location has been determined based on geographical considerations, members of the public may file applications for *itsbat nikah* (judicial marriage validation) in accordance with the applicable administrative procedures. The applications are then officially registered and processed in the same manner as cases examined at the Religious Court's permanent premises.

This account was corroborated by Shafiyuddin, an officer of the Integrated One-Stop Service (Pelayanan Terpadu Satu Pintu/PTSP). According to the interview, case registration may be completed through several mechanisms, namely by filing directly at the court, through court personnel stationed at the mobile court venue, or electronically via the e-Court system. Where an application is submitted at the mobile court location, the responsible officer remains obliged to report the case to the Religious Court Registry to obtain an official case registration number before the hearing takes place. This demonstrates that greater flexibility in service delivery does not compromise the principle of orderly judicial case administration.

In addition to facilitating case registration, the mechanism for the payment of court fees has also been adapted to accommodate the circumstances of court users. Court fees may be paid through banking institutions, electronic fund transfers, or directly to authorized court personnel where banking facilities are unavailable at the mobile court venue. For economically disadvantaged litigants, fee-waived proceedings (*prodeo*) are available in accordance with the applicable regulations of the Supreme Court of Indonesia. These flexible arrangements demonstrate the commitment of the Sungguminasa Religious Court to removing administrative barriers that have traditionally impeded public access to judicial services.

This study further found that collaboration between the Religious Court, the Office of Religious Affairs (KUA), and village governments plays a pivotal role in the successful implementation of mobile court proceedings. According to an interview with Marwah, S.H., M.H., a Substitute Court Clerk, case files are received approximately two weeks prior to the scheduled hearing. During this period, coordination with the KUA constitutes an essential component of both administrative verification and the identification of prospective applicants. Such inter-institutional collaboration expedites the

administrative process while ensuring that cases satisfy all formal legal requirements before proceeding to judicial examination.

With respect to the conduct of the hearings, the findings indicate that the examination of *itsbat nikah* (judicial marriage validation) cases in mobile court proceedings does not differ from proceedings conducted at the Religious Court's permanent premises. Judges continue to verify the identities of the parties, examine documentary evidence, hear the testimony of at least two witnesses, and assess whether the essential requirements and pillars (*arkan*) of marriage under Islamic law have been fulfilled before issuing a judicial determination. Accordingly, the relocation of the hearing venue does not affect either the quality or the independence of judicial examination.

The effectiveness of mobile court proceedings is further reflected in the institutional performance of the Sungguminasa Religious Court. According to data provided by Habibie, S.Kom., M.H., the court's Information Technology Officer, the Sungguminasa Religious Court successfully resolved 263 *itsbat nikah* cases through mobile court proceedings during 2025, achieving a budget absorption rate of 100 percent. By the end of the first quarter of 2026, the court had resolved an additional 68 *itsbat nikah* cases across several villages in Gowa Regency. Furthermore, the 2024 mobile court implementation report indicates that the Sungguminasa Religious Court conducted 33 mobile court sessions, during which a total of 335 cases were adjudicated.

These empirical data demonstrate that mobile court proceedings have evolved into an important mechanism for the delivery of judicial services and have been utilized extensively by the public. The consistently high number of cases resolved each year indicates that public demand for the legal recognition of marriages through the *itsbat nikah* mechanism remains substantial. At the same time, the sustained implementation of mobile court proceedings reflects the institutional commitment of the Sungguminasa Religious Court to expanding public access to judicial services.

The findings of this study demonstrate that the successful resolution of *itsbat nikah* cases through mobile court proceedings is determined not only by compliance with the applicable rules of civil procedure but also by sound institutional governance, adequate budgetary support, effective inter-agency coordination, and the court's capacity to bring judicial services closer to the communities they serve. Consequently, mobile court proceedings should no longer be understood merely as the relocation of court hearings; rather, they constitute a public service strategy that advances the principles of a simple, expeditious, and cost-effective judiciary while simultaneously strengthening legal protection for individuals whose marriages have not yet obtained formal legal recognition.

Supporting and Inhibiting Factors in the Resolution of Itsbat Nikah Cases through Mobile Court Proceedings (Sidang Keliling) at the Sungguminasa Religious Court

The successful implementation of mobile court proceedings in resolving *itsbat nikah* (judicial marriage validation) cases is determined not only by compliance with applicable procedural law but also by a range of interrelated internal and external factors (Mansari et al., 2023). Based on observations, document analysis, and interviews with judges, court

clerks, substitute court clerks, administrative personnel, and the Information Technology Officer of the Sungguminasa Religious Court, this study found that the effectiveness of mobile court proceedings results from the synergy between institutional preparedness, stakeholder support, and community participation. At the same time, the implementation of mobile court proceedings continues to face several challenges that may affect the efficient resolution of cases.

1. Supporting Factors

The findings indicate that the primary supporting factor for the implementation of mobile court proceedings is the availability of budgetary (Jati et al., 2025) allocations through the Supreme Court's Daftar Isian Pelaksanaan Anggaran (DIPA). This funding provides the financial basis for the entire implementation process, including the establishment of the mobile court team, inter-agency coordination, the provision of hearing facilities, and the operational expenses of court personnel during the proceedings. With adequate financial support, the Sungguminasa Religious Court has been able to conduct mobile court proceedings consistently on an annual basis.

In addition to budgetary support, this study found that inter-agency collaboration constitutes another key determinant of the successful implementation of mobile court proceedings. The Sungguminasa Religious Court actively coordinates with the Office of Religious Affairs (KUA), sub-district administrations, village governments, and other relevant institutions in collecting community data, determining hearing locations, and providing the facilities required for court proceedings. This collaborative framework not only facilitates administrative processes but also accelerates the identification of community members who require *itsbat nikah* services.

The role of village governments emerged as another significant finding of this study. According to the interview data, village officials not only assist in disseminating information regarding mobile court proceedings to local communities but also provide hearing venues, supporting facilities, and administrative assistance for court participants. This level of involvement demonstrates that the success of mobile court proceedings is the product of collaborative efforts among multiple institutions pursuing a shared objective, namely enhancing public access to judicial services.

Another important supporting factor identified in this study is the availability of adequate facilities and infrastructure. The use of sub-district administrative offices, village halls, and Office of Religious Affairs (KUA) buildings as hearing venues enables judicial proceedings to be conducted in an orderly manner comparable to hearings held at the court's permanent premises. In addition, the utilization of information technology, particularly the e-Court system, contributes significantly to the efficiency of case administration. Through this system, case registration, court fee payments, and procedural administration are carried out in a more accessible, transparent, and efficient manner.

The findings further indicate that the strong level of community participation constitutes another highly significant supporting factor. Nearly every mobile court session is attended by a substantial number of applicants. This high level of public participation reflects growing legal awareness of the importance of marriage registration

as a foundation for the legal protection of spouses and children. At the same time, it demonstrates increasing public confidence in the judicial services provided by the Sungguminasa Religious Court.

Internal institutional support from court personnel also represents a crucial factor that cannot be overlooked. All personnel involved—including judges, court clerks, substitute court clerks, administrative staff, and the Information Technology Officer—performed their respective duties in accordance with their designated responsibilities, thereby ensuring that every stage of the proceedings was conducted effectively. Clearly defined roles and effective coordination among court personnel enabled cases to be resolved in a more systematic and timely manner.

Taken together, these factors complement one another in establishing an effective judicial service delivery system. Adequate budgetary support, inter-agency collaboration, the effective utilization of information technology, institutional readiness in terms of human resources, and the increasing legal awareness of the public collectively constitute the principal foundations for the successful implementation of mobile court proceedings at the Sungguminasa Religious Court.

2. Inhibiting Factors

Despite these supporting factors, the study also identified several challenges that continue to affect the implementation of mobile court proceedings. The first challenge relates to the geographical conditions of the areas in which the hearings are conducted. Several villages within the territorial jurisdiction of the Sungguminasa Religious Court are difficult to access, particularly during adverse weather conditions. The relatively long travel distances reduce the operational mobility of court personnel and may consequently affect the time efficiency of mobile court proceedings. Similar challenges also constitute inhibiting factors in several regions (Aulia et al., 2025).

Another significant challenge concerns the absence of the parties or witnesses at the scheduled hearing. In *itsbat nikah* (judicial marriage validation) proceedings, the attendance of the parties together with at least two witnesses constitutes an essential evidentiary requirement. The absence of any of these individuals prevents the court from proceeding with the examination of the case, resulting in the postponement of certain proceedings or, in some instances, requiring the case to be continued at the Religious Court's permanent premises.

The study further found that incomplete or inconsistent administrative documentation remains a recurring issue. In several cases, applications submitted through village governments contained discrepancies between the information recorded during the registration process and the documents presented at the hearing. Such inconsistencies required judges to undertake a more thorough examination and, in some cases, resulted in the rejection of the application due to the applicant's failure to satisfy the applicable evidentiary requirements.

Time constraints also constitute a significant challenge in the implementation of mobile court proceedings. Because hearings are conducted outside the court's permanent premises and often involve a substantial number of cases, judicial panels are required to complete all examinations within a predetermined timeframe. These circumstances

necessitate careful planning to ensure that all cases can be resolved efficiently without compromising the quality of judicial examination.

Nevertheless, the findings indicate that these challenges have not diminished the overall success of the program. The Sungguminasa Religious Court has undertaken various measures to mitigate these constraints, including strengthening coordination with village governments and the Office of Religious Affairs (KUA), conducting preliminary verification of administrative documents, and selecting mobile court venues based on community needs and the accessibility of transportation infrastructure. These measures demonstrate the institution's commitment to maintaining the quality of judicial services while simultaneously expanding their reach to underserved communities.

The effectiveness of these efforts is reflected in the institutional performance of the Sungguminasa Religious Court during 2024, when it conducted 33 mobile court sessions and successfully adjudicated a total of 335 cases. These data demonstrate that, despite facing various technical and administrative challenges, mobile court proceedings have continued to operate effectively and on a sustainable basis. Accordingly, the supporting factors available to the Sungguminasa Religious Court have proven to outweigh the existing constraints, thereby enabling the principal objective of mobile court proceedings – namely, expanding public access to justice – to be achieved effectively.

The findings of this study further demonstrate that the effectiveness of resolving *itsbat nikah* (judicial marriage validation) cases through mobile court proceedings depends not only on the existence of an adequate regulatory framework but also on institutional capacity, inter-agency collaboration, the readiness of human resources, and active community participation. Therefore, the long-term sustainability of the mobile court program requires strengthened institutional coordination, improved quality of administrative data management, and the optimization of information technology to ensure that judicial services become increasingly effective, inclusive, and accessible to communities residing in remote areas.

Analysis of the Settlement of Itsbat Nikah Cases through Mobile Court Proceedings (Sidang Keliling) in Realizing Access to Justice and Legal Certainty

The settlement of *itsbat nikah* (judicial marriage validation) cases through mobile court proceedings at the Sungguminasa Religious Court is not merely an administrative mechanism for legalizing previously unregistered marriages, but also serves as a legal service instrument that expands public access to justice. The mobile court program enables communities, particularly those in rural areas with economic and geographic limitations, to obtain judicial services without the need to appear directly at the court office (Rozikhin & Azmi, 2022). Consequently, the objective of organizing mobile court proceedings is not solely to adjudicate cases, but also to manifest the state's presence in providing accessible, expeditious, and low-cost legal protection.

The effectiveness of resolving *itsbat nikah* cases through mobile court proceedings can also be analyzed using Soerjono Soekanto's theory of legal effectiveness, which posits that the success of law enforcement is influenced by five factors: legal substance, law enforcement apparatus, facilities and infrastructure, community, and legal culture

(Soekanto, 2014). Based on the research findings, these five factors interact synergistically in determining the successful implementation of mobile court proceedings at the Sungguminasa Religious Court.

From the perspective of legal substance, the implementation of mobile court proceedings was initially governed by Supreme Court Circular Letter (SEMA) No. 10 of 2010 concerning the Guidelines for the Provision of Legal Aid within the Judiciary. As the regulatory framework evolved, these provisions were superseded by Supreme Court Regulation (PERMA) No. 1 of 2014 concerning the Guidelines for the Provision of Legal Services to Indigent Persons in Courts. In addition, the implementation of mobile court proceedings is also based on Law No. 7 of 1989 on the Religious Courts, as subsequently amended, most recently by Law No. 50 of 2009, as well as various technical regulations on judicial administration governing the conduct of hearings outside court premises. The clarity of this regulatory framework provides legal certainty throughout every stage of the resolution of *itsbat nikah* (judicial marriage validation) cases, from case registration and judicial examination to the issuance of a judicial determination serving as the legal basis for marriage registration at the Office of Religious Affairs (KUA).

In terms of law enforcement apparatus, this study demonstrates that the success of mobile court proceedings is supported by the professionalism of judges, registrars, deputy registrars, administrative officers, and computer system administrators, who perform their respective functions in an integrated manner. All personnel not only conduct case examinations in accordance with procedural law, but also establish intensive coordination with the Office of Religious Affairs, sub-district governments, and village governments. This synergy illustrates that the effectiveness of legal services does not depend solely on the quality of judicial decisions, but is also influenced by the institutional capacity to foster cross-sectoral collaboration.

Regarding facilities and infrastructure, this research finds that the availability of budget allocations through the State Budget Implementation List (DIPA), the provision of hearing facilities by regional governments, and the utilization of information technology through the e-Court system constitute factors that reinforce the effectiveness of case resolution. This infrastructure enables the administrative process of cases to remain orderly even when hearings are conducted outside the court building. This finding indicates that developments in information technology have made a significant contribution to enhancing the quality of public services within the religious court environment.

With respect to the community, the high number of *itsbat nikah* applications filed through mobile court proceedings reflects the growing legal awareness among the public regarding the importance of marriage registration. Communities have begun to understand that the legality of a marriage is not only relevant to its validity under Islamic law, but also to the protection of the civil rights of husbands, wives, and children—including legal status certainty, inheritance rights, rights to joint property, and access to various civil administration documents. Nevertheless, this study still identifies obstacles, including the non-attendance of parties or witnesses, and the incompleteness of

administrative documents, which have caused several applications to be postponed or referred for regular proceedings at the Religious Court office.

Meanwhile, from the aspect of legal culture, this research demonstrates a shift in public mindsets concerning the importance of marital legality. Whereas previously a portion of the community considered a marriage to be sufficiently valid based on religious law alone, a growing number of people now recognize that marriage registration constitutes a legal necessity inseparable from family life. This transformation in legal culture serves as an indicator that the implementation of mobile court proceedings does not only function as a case resolution mechanism, but also as a medium for legal education that fosters the development of public legal awareness.

Based on these overall findings, it can be understood that the mobile court program at the Sungguminasa Religious Court has functioned optimally as an instrument for expanding access to justice, while simultaneously serving as a means of legal protection for the community. This program not only accelerates the resolution of itsbat nikah cases, but also yields broader social impacts, including increased public legal awareness, guaranteed legal certainty for families, and greater public access to various public services that require proof of a valid marriage. Consequently, strengthening inter-agency coordination, enhancing the quality of administrative data management, and optimizing the utilization of information technology constitute strategic steps that must continue to be developed in order to further enhance the effectiveness of mobile court proceedings in the future.

CONCLUSION

The research findings indicate that the resolution of itsbat nikah (marriage ratification) cases through mobile court proceedings at the Sungguminasa Religious Court is conducted in accordance with the applicable procedural law within the Religious Court environment, encompassing the stages of case registration, administrative verification, evidentiary hearings, and the issuance of a judicial determination (*penetapan*), which subsequently serves as the basis for marriage registration at the Office of Religious Affairs (KUA). The distinction from regular proceedings lies solely in the venue, as hearings are conducted outside the court building in an effort to bring judicial services closer to the community. The findings demonstrate that this mechanism effectively expands public access to judicial services, particularly for those facing geographic, economic, and transportation constraints, thereby facilitating the acquisition of legal certainty for previously unregistered marriages.

This study also finds that the effectiveness of mobile court proceedings is supported by the synergy of multiple factors, namely budget availability, robust coordination among the Religious Court, the Office of Religious Affairs (KUA), sub-district governments, and village governments, human resource readiness, the availability of adequate facilities and infrastructure, the utilization of the e-Court system, and the increasing legal awareness among the public regarding the importance of marriage registration. On the other hand, the implementation of mobile court proceedings still faces several challenges, including geographic conditions that

complicate access to hearing locations, the non-attendance of parties or witnesses at the scheduled hearings, and the incompleteness of administrative documents. Nevertheless, these various constraints do not diminish the effectiveness of the mobile court program, as they can be minimized through strengthened inter-agency coordination, preliminary verification of administrative documents, and systematic planning of hearings.

This research affirms that mobile court proceedings function not only as a mechanism for resolving *itsbat nikah* cases but also as an integrated model of judicial service delivery in realizing access to justice and legal certainty for the community. The effectiveness of mobile court proceedings is not determined solely by adherence to procedural law but is also influenced by integrated institutional governance, effective inter-agency coordination, budgetary support, the utilization of information technology, and active community participation. The synergy of these factors enables the Sungguminasa Religious Court to implement mobile court proceedings on a sustainable basis while simultaneously expanding legal protection for couples who lack formal marital legal status and enhancing public access to various public services that require proof of a legally recognized marriage. Therefore, the sustainability and effectiveness of mobile court proceedings depend substantially on the synergy among judicial institutions, relevant government agencies, and community participation in delivering judicial services that are accessible, inclusive, and responsive to societal needs.

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