

From Custodians to Bystanders: *Tigo Tungku Sajarangan's* Responses to Unregistered Marriages Practices in Minangkabau

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ABSTRACT

The phenomenon of unregistered marriage in Tanah Datar, West Sumatra, reflects the complex interplay between customary traditions (*adat*), Islam, and the state within contemporary Minangkabau society. This article investigates how the traditional triadic authority—*Tungku Tigo Sajarangan*, consisting of *ninik mamak* (customary leaders), *alim ulama* (religious scholars), and *cadiak pandai* (intellectuals)—understands and responds to the increasing prevalence of unregistered marriage.

Employing a qualitative approach through in-depth interviews and field observations, the study reveals that unregistered marriage is perceived not merely as a bureaucratic irregularity due to its absence in the state legal registry, but also as a deviation from both communal norms and the socio-cultural structure of the Minangkabau. This practice signals a broader shift in societal authority, wherein the influence of *Tungku Tigo Sajarangan* has diminished amid the rise of individualistic religious interpretations, the pressures of modernity, and the weakening of customary mechanisms of social control. The article argues that unregistered marriage serves as an indicator of the delegitimation of local cultural values, contributing to social fragmentation within the community. Addressing this issue necessitates a revitalization of customary institutions to restore their mediating role in balancing customary norms, Islamic principles, and national legal frameworks. Reinforcing local authority is thus imperative to counteract social disintegration and reestablish harmony within the marital order of Minangkabau society.

[Fenomena nikah siri di Tanah Datar, Sumatera Barat, merupakan cerminan dari kompleksitas relasi antara adat, agama, dan negara dalam masyarakat Minangkabau kontemporer. Artikel ini mengeksplorasi bagaimana Tungku Tigo Sajarangan—yakni ninik mamak (pemimpin adat), alim ulama (otoritas agama), dan cadiak pandai (kaum intelektual)—memahami dan merespons praktik nikah siri yang kian marak. Penelitian ini menggunakan pendekatan kualitatif melalui wawancara mendalam dengan tokoh-tokoh adat dan observasi di lapangan. Hasil penelitian menunjukkan bahwa nikah siri tidak semata-mata dianggap sebagai pelanggaran administratif karena tidak dicatatkan dalam sistem hukum negara, melainkan juga sebagai bentuk penyimpangan terhadap norma adat dan struktur sosial komunal. Praktik ini menandai terjadinya pergeseran otoritas dalam masyarakat: peran Tungku Tigo Sajarangan semakin terpinggirkan akibat dominasi tafsir individual atas ajaran agama, pengaruh modernitas, serta melemahnya fungsi pengawasan sosial dari institusi adat. Lebih jauh, artikel ini mengemukakan bahwa nikah siri merupakan salah satu indikator delegitimasi terhadap nilai-nilai kultural lokal, yang berdampak pada disintegrasi sosial dalam komunitas Minangkabau. Situasi ini menuntut adanya revitalisasi peran lembaga adat agar dapat menjalankan fungsi mediasi antara kepentingan adat, syariat Islam, dan regulasi negara secara seimbang. Dengan demikian, penguatan otoritas lokal menjadi langkah strategis dalam menanggulangi fragmentasi sosial dan mengembalikan harmoni dalam tatanan perkawinan masyarakat Minangkabau.]

KEYWORDS

Unregistered marriage, Minangkabau, *Tungku Tigo Sajarangan*, customary authority, social disintegration

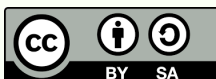
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Introduction

Despite the explicit regulation of marriage registration in Indonesia through Law No. 1 of 1974 on Marriage¹, the practice of unregistered marriage remains prevalent in society.² In Tanah Datar, West Sumatra, data reveal that 45.99% of the population lacks marriage certificates, while 62.6% do not possess divorce certificates. Additionally, there is a variety of birth certificate types, including standard birth certificates, those issued to children of single mothers, certificates for children born from unregistered marriages, and those with modified phrasing.³ Meanwhile, reports from the Batusangkar Religious Court indicate that in the past four years, there have been 305 cases of *isbat nikah* (marriage legalization applications). Of the total number of unregistered marriages (45.99%), only 1.8% of couples have applied for marriage legalization. The case outcomes include 243 granted (79.67%), 38 withdrawn (12.45%), 8 rejected (2.62%), 10 inadmissible (3.27%), 4 dismissed (1.31%), and 2 removed from the registry (0.65%). These statistics suggest that state regulations on marriage registration remain a low priority among the local populace.⁴

The practice of unregistered marriage not only contravenes state legal norms but also disrupts customary and religious norms.⁵ Historically, the Minangkabau region, including Tanah Datar, has upheld a customary institution known as *Tungku Tigo Sajarangan*, comprising the *ninik mamak* (customary leaders), *alim ulama* (religious scholars), and *cadiak pandai* (intellectuals).⁶ This tripartite institution has traditionally functioned as the guardian of harmony among customary laws, religious principles, and social norms.⁷ However, the rising incidence of unregistered marriages indicates a dysfunction in the roles of these traditional actors. The weakening authority of *ninik mamak*, *alim ulama*, and *cadiak pandai* in upholding social, customary, and legal norms reflects significant challenges in the context of modern societal transformations.

Previous studies on *nikah sirri* have predominantly focused on legal aspects, such as statutory provisions⁸, legal complications⁹, and consequences.¹⁰ However,

¹ Arifki Budia Warman et al., "Reforming Marriage Registration Policies in Malaysia and Indonesia," *Bestuur* 11, no. 1 (April 13, 2023): 61–74.

² Holilur Rohman et al., "The Phenomenon of Unregistered (Sirri) Marriages in Surabaya," *Hikmatuna : Journal for Integrative Islamic Studies* 10, no. 2 (December 31, 2024): 218–26; Nailur Rahmi, Arifki Budia Warman, and Amri Effendi, "Building Legal Compliance: A Study on the Practice of Unregistered Marriages in Tanjung Raya Subdistrict, Agam Regency, West Sumatra, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 9, no. 1 (2025): 416–37.

³ "https://Dukcapi.Tanahdatar.Go.Id," 2023.

⁴ "https://Www.Pa-Batusangkar.Go.Id," 2023.

⁵ Mariam Sheibani, "Deceptive Debauchery: Secret Marriage and the Challenge of Legalism in Muslim-Minority Communities," *Religions* 15, no. 1 (December 20, 2023): 10.

⁶ Ardiansyah Ardiansyah et al., "The Role of Tungku Tigo Sajarangan in The Community Development Planning of Minangkabau, Indonesia," *TRANSFORMASI: Jurnal Manajemen Pemerintahan* 12, no. 2 (December 25, 2020): 141–55.

⁷ Aria Zurnetti et al., "The Role of the Minangkabau Customary Law Tigo Tungku Sajarangan in Preventing Domestic Violence against Women and Children in West Sumatra, Indonesia," *Journal of the International Society for the Study of Vernacular Settlements* 10, no. 1 (2023): 229–37.

⁸ Bunyamin, Khoirul Abror, and Bunyana Solihin, "Islamic Law Views on Sirri Marriage," *Pranata Hukum* 16, no. 2 (2021): 185–96; Lathifah Munawaroh, Ahmad Munif, and Ahmad Rofiq, "Disharmony of Sirri Marriage Registration Regulation on the Family Card (Analyzing The Ministry of Interior Affairs'

comprehensive analyses of *nikah sirri* from the perspective of customary law remain scarce. Empirical investigations exploring the transformation of traditional leadership roles—especially the roles of *ninik mamak*, *alim ulama*, and *cadiak pandai* within Minangkabau communities—are also limited. This study seeks to fill that gap by examining the interactions between customary norms, religious values, and state law in the context of unregistered marriages. It offers a distinctive approach by integrating socio-legal and anthropological analyses to provide a holistic understanding of the institutional roles within the practice of unregistered marriages. Drawing on empirical data from Tanah Datar, the study not only seeks to comprehend local challenges but also contributes to broader international discourse on the transformation of traditional leadership in the modern era.

The primary aim of this research is to investigate the understanding and responses of the *Tungku Tigo Sajarangan*—*ninik mamak*, *alim ulama*, and *cadiak pandai*—towards the phenomenon of unregistered marriages in Tanah Datar, West Sumatra. The study assumes that the authority of these traditional leaders in enforcing customary, religious, and state norms is declining, as evidenced by the widespread occurrence of unregistered marriages, which violates not only state regulations but also established religious and customary norms. Furthermore, the study analyzes the social implications of the shifting roles of the *Tungku Tigo Sajarangan* on the sustainability of traditional norms and the social stability of Minangkabau society. Ultimately, this study endeavors to offer strategic recommendations for revitalizing the role of customary institutions in addressing contemporary social challenges. Hence, it contributes to the global literature on the transformation of traditional leadership in Southeast Asia, providing practical guidance for strengthening customary leadership and illustrating how customary norms can synergize with state and religious laws to promote social cohesion.

This research employs a qualitative approach, with in-depth interviews serving as the primary data collection method. Interviews were conducted with *ninik mamak*, *alim ulama*, and *cadiak pandai* from various districts in Tanah Datar. Respondents were selected based on their expertise, societal roles, and active involvement in addressing social issues related to unregistered marriages. Data were collected through semi-structured interviews, allowing for the exploration of

Regulation No. 9/2016),” *Fiat Justisia: Jurnal Ilmu Hukum* 17, no. 1 (March 29, 2023): 93–108; Ishaq Ishaq et al., “Siri Marriage In The Review of Islamic Law, Positive Law, Human Rights And Maqashid Al-Syari’ah,” *Studi Multidisipliner: Jurnal Kajian Keislaman* 10, no. 2 (December 9, 2023): 97–114.

⁹ Andi Zainuri, Ahmad Muslimin, and Ahmad Mukhlisin, “Problems of Sirri Marriage and Prisoners: A Case Study in Sukadana, East Lampung, Indonesia,” *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 2 (December 30, 2023): 335; Jumni Nelli, “The Problems of Siri Marriage for Women in Tambang District, Kampar Regency: A Gender Swot Analysis Study,” *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 553–78; Zainuddin Adam, Nasaruddin Nasaruddin, and Hilal Malarangan, “Problematic of Sirri Marriage in Banggai Islands District: The Case of Aliyan Imamullah’s Deviant Sect Marriage Central Peling District, Banggai Islands Regency,” *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY* 4, no. 2 (December 12, 2022): 50–62.

¹⁰ Anwar Hafidzi et al., “Sirri Marriage Celebration and Its Impact on Social Change in Banjarese Community, South Kalimantan,” *Al-Ahkam* 32, no. 2 (October 30, 2022): 153–68; Megawati Megawati, Sitti Nurkhaerah, and Andi Markarma, “Legal Analysis of the Impact of Unregistered Marriage on Voter Data in Palu City,” *INTERNATIONAL JOURNAL OF CONTEMPORARY ISLAMIC LAW AND SOCIETY* 5, no. 2 (December 29, 2023): 49–56.

individual perspectives and lived experiences concerning unregistered marriages and the respondents' roles in mitigating its impacts. Additionally, observations were made of customary meetings and religious gatherings to capture interactions among community leaders in handling this issue. Legal documents, including the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law, were also analyzed to contextualize state legal perspectives on *nikah sirri*. The collected data were examined using thematic analysis to identify key themes emerging from interviews and observations. These themes were categorized into cultural, religious, and legal dimensions.

Understanding of *Tungku Tigo Sajarangan* Regarding Unregistered Marriage

The concept of *Tungku Tigo Sajarangan* in Minangkabau society consists of three core pillars—*Ninik Mamak* (customary leaders), *Alim Ulama* (religious scholars), and *Cadiak Pandai* (intellectuals)—who collectively function to uphold social harmony and stability. Each pillar represents a source of normative authority: custom (*adat*), Islam, and the state, respectively. *Ninik mamak* derives authority from customary law, *alim ulama* from Islamic jurisprudence, and *cadiak pandai* from formal state regulations.¹¹ These three components play a crucial role in addressing social issues, such as unregistered marriage, which has become a complex and pervasive phenomenon within the Minangkabau community.¹² This practice encompasses not only legal and religious dimensions but also involves cultural and societal values embedded in the community.

This study reveals a significant erosion in the collective understanding of unregistered marriage among the members of *Tungku Tigo Sajarangan*. Informants from each group conveyed divergent interpretations of unregistered marriage, particularly concerning its relation to state regulations. *Ninik mamak* tend to rely solely on customary provisions, *alim ulama* focus on the religious validity of marriage, while *cadiak pandai* emphasize state administrative requirements. Consequently, none of the three groups demonstrates a comprehensive and integrative understanding of unregistered marriage.

Among the *ninik mamak*, there is notable inconsistency in defining unregistered marriage. Many fail to articulate the full scope of legal, customary, and religious implications. The majority simply define unregistered marriage as “a marriage not registered with the Office of Religious Affairs (KUA),” without addressing its legality, legal protections for women, or customary recognition. For instance, informants such as Dt. P, Dt. K, and Dt. B stated, “Unregistered marriage is a marriage conducted without the knowledge of or not officiated by KUA officials”.¹³ Such a viewpoint reduces unregistered marriage to an administrative

¹¹ Otong Sulaeman et al., “Negotiating Gender Justice in Minangkabau Marital Disputes: Between Adat, Islamic, and State Law,” *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 39–49.

¹² Aulia Permata Syukri and Sri Yunarti, “Dampak Pelaksanaan Permendagri Nomor 109 Tahun 2019 Terhadap Nikah Siri Di Kota Solok Perspektif Hukum Keluarga Islam,” *JISRAH: Jurnal Integrasi Ilmu Syariah* 4, no. 3 (December 30, 2023): 307.

¹³ Interview with Dt. P, Dt. K, and Dt. B, June 2023.

technicality, disregarding potential legal violations and its broader sociocultural ramifications.

Furthermore, some perceive unregistered marriage as clandestine marriages prompted by unresolved prior marital statuses—e.g., women remarrying religiously without an official divorce decree. One informant described this as a form of covert polyandry, a serious breach of Islamic family law, yet overlooked or tolerated by *ninik mamak*, whose role should be to safeguard both *adat* and *syarak* values.

The perception that unregistered marriage constitutes a hidden marriage—concealed from family or a first wife—was echoed by DT Is and Z Dt. R, who noted that men often enter second marriages covertly to avoid domestic conflict.¹⁴ Such marriages are typically conducted at home, without public announcement or traditional ceremony, signaling a shift toward permissiveness among *ninik mamak* in tolerating practices that contravene Minangkabau customs, where marriage is ideally a communal, celebrated event involving extended kin and society.

The erosion in understanding is also evident in the recognition that many unregistered marriages fail to meet the fundamental requirements of either Islamic or customary legality. MG remarked, “Unregistered marriage is invalid because it is officiated by someone who is neither a legitimate *wali nasab* nor a certified religious authority.”¹⁵ In many instances, such marriages are officiated by retired KUA personnel or informal religious figures lacking formal legal authority. Although some claim such marriages are valid in religious terms, they often violate both Islamic legal norms and customary expectations. Conversely, a few *ninik mamak* such as PT, Dt. S, and Dt. SM argue that unregistered marriage is invalid due to its clandestine nature and failure to fulfill legal procedures. This suggests confusion or a lack of legal literacy among *ninik mamak* concerning Islamic jurisprudence, which clearly stipulates the essential elements of a valid marriage.¹⁶

The *cadiak pandai*, traditionally regarded as the educated and rational actors within Minangkabau decision-making structures and simultaneously representative of the state, also demonstrate limited comprehension of unregistered marriage. Some adopt a strictly legalistic view, asserting that such marriages are invalid due to the absence of state registration.¹⁷ This position conflicts with that of *alim ulama*, exposing the dissonance in how various authorities conceptualize unregistered marriage. The lack of conceptual clarity reflects the declining capacity of *cadiak pandai* to provide intellectual and legal guidance concerning social norms and state obligations.

A similar trend is observable among *alim ulama*, who ideally should be the foremost interpreters of Islamic law. However, several informants in this category expressed tolerance toward unregistered marriage, provided that the basic religious requirements—such as the presence of a guardian (*wali*), two witnesses, and the marriage contract—are fulfilled. One informant stated, “Unregistered

¹⁴ Interview with DT Is and Z Dt. R, June 2023.

¹⁵ Interview with MG, July 2023.

¹⁶ Interview with PT, Dt. S, and Dt. SM, June 2023.

¹⁷ Interview with WN, July 2023

marriage is valid because it meets the *syar'i* requirements, even if not officially registered".¹⁸ Such perspectives neglect considerations of *maslahah* (public interest), women's legal protection, and the role of registration in Islamic family law within the Indonesian legal context.

When asked about cases involving women whose marital status remains unresolved due to the absence of an official divorce decree, some *alim ulama* maintained that the subsequent unregistered marriage is still valid.¹⁹ Although Islamic law allows remarriage after the *iddah* period, such views indicate a limited understanding of the state's legal provisions. A religious leader affirmed this stance: "Many people engage in unregistered marriage today, but that's not an issue—as long as it is *halal* in Islam. What matters is that they avoid *zina*".²⁰ This response reflects a lack of awareness regarding the social implications of marriage²¹, including the legal protection of women and children²² and the importance of communal legitimacy through customary processes. It also overlooks the necessity of obtaining approval from *ninik mamak* and engaging the kinship network as required in Minangkabau marital customs.

These varied interpretations—from those considering unregistered marriage as religiously valid but unregistered, to those categorically denying its legitimacy—highlight the fragmentation and conceptual incoherence within *Tungku Tigo Sajarangan*. They no longer serve as unified reference points for marriage matters and often allow unregistered marriage to persist without critique, regulation, or community education. Each group offers a partial perspective: *ninik mamak* focuses solely on adat, neglecting religious and legal aspects; *alim ulama* prioritize religious legality while disregarding socio-legal consequences; and *cadiak pandai* emphasize state law, lacking engagement with religious and customary dimensions. This fragmented understanding not only reveals deficiencies in legal-formal interpretation but also underscores the erosion of conceptual depth and moral responsibility among those entrusted with safeguarding Minangkabau's normative systems. Addressing this crisis in normative authority is vital for revitalizing the role of traditional institutions in upholding the sanctity and order of marriage in contemporary society.

Response of *Tungku Tigo Sajarangan* to Unregistered Marriage

Beyond the aspect of understanding, the diminishing role of *Tungku Tigo Sajarangan* is also evident in their oversight and problem-solving capacities. Based on research findings, all three pillars tend to be passive, permissive, and have lost the ability to position themselves as guardians of customary and religious values, especially in the practice of unregistered marriage.

¹⁸ Interview with AK, July 2023.

¹⁹ Interview with AK, July 2023.

²⁰ Interview with AB, July 2023.

²¹ Siti Zumrotun and Muhammad Yusril Muna, "Marriage Disrupted: A Sociological and Legal Examination of Women's Ascendance as Family Heads," *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 85–100.

²² Agustin Hanapi, Sarina Aini, and Cut Endang Puspa Sari, "Bridging Fiqh and Positive Law: A New Paradigm for Child Legality and the Best Interest of the Child in Indonesia," *Juris: Jurnal Ilmiah Syariah* 23, no. 2 (2024): 293–308.

1. *The Weakening Role of Ninik Mamak: From Custodians of Honor to Social Bystanders*

In the matrilineal system of Minangkabau, *ninik mamak* bear responsibility for their *kemenakan* (matrilineal descendants), particularly women.²³ However, the data show a disorientation in their role.²⁴ Many are neither involved in nor aware of their *kemenakan* entering into unregistered marriages. As Dt. P revealed: “Now many *kemenakan* get married directly, without asking permission from their *mamak*. We only find out when problems arise or after they have given birth.”²⁵ Similarly, Dt. B said: “Our *kemenakan* married in an unregistered way because the man’s family didn’t approve. We couldn’t do anything because she said it was already religiously valid.”²⁶

These findings indicate that their strategic position in marriage matters has weakened. They no longer hold the social authority to safeguard the marriage process in accordance with customary norms. Even when violations of marriage prerequisites are evident—such as the absence of a legitimate guardian or unclear divorce status—many *ninik mamak* remain silent. MG stated: “There was a woman who claimed to be divorced, but there was no document. According to *adat*, she was still someone’s wife. But she remarried. What else can we do? We were forced to remain silent and took no action regarding the case.”²⁷

2. *Alim Ulama: Formalistic Orientation and Lack of Social Education*

The role of *alim ulama* under the principle of *Adat Basandi Syarak, Syarak Basandi Kitabullah* is to bridge religious values into customary life. However, in the context of unregistered marriage, many religious scholars focus solely on the legal validity of marriage according to *fiqh*, disregarding its implications for social justice, legal protection, or administrative consequences. TS., a local scholar, explained: “If there’s a guardian, two witnesses, and the *ijab qabul*, then it’s valid. No need to go to the KUA. Registration is just an administrative matter.” Yet, when asked about cases where women remarry without proof of divorce from their first husband, he admitted it was problematic, but: “We can’t verify everything. They often say they’ve been separated for a long time. If we ask too much, they stop coming to us.”²⁸

This passive stance illustrates the reduction of religious scholars’ roles—from educators and moral guides to mere officiators of marriage contracts. The lack of preventive responses—such as sermons or community discussions about

²³ Dila Nabila, Eficandra Eficandra, and Zulkifli Zulkifli, “Customary Intervention in Marriage Prohibition: A Study of the Prohibition of Abstinence Marriages in Nagari Singkarak and Nagari Saniangbaka, X Koto Singkarak Subdistrict,” *JISRAH: Jurnal Integrasi Ilmu Syariah* 5, no. 3 (2024): 215–20.

²⁴ Arifki Budia Warman et al., “From Communal to Individual: Shifting Authorities of Family Dispute Resolution in Minangkabau Society,” *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 2 (2023): 161–84.

²⁵ Interview with As Dt. P, June 2023.

²⁶ Interview with Dt. B, June 2023.

²⁷ Interview with MG, July 2023.

²⁸ Interview with TS, July 2023.

the dangers of unregistered marriage—shows the absence of the educational role that scholars are expected to uphold in society.

3. *Cadiak Pandai: Educated Yet Disconnected from the Social Sphere*

As intellectuals, *cadiak pandai* are expected to unite *adat*, religion, and state law. However, in the issue of unregistered marriage, they appear hesitant and reluctant to take a firm stance. R. Dt., a *cadiak pandai*, stated: “We know unregistered marriage is dangerous, especially for women. But if we interfere, we’re called intolerant. They say it’s a personal right.”²⁹ S. Dt. S added: “People now trust the internet more than *cadiak pandai*. When we give advice, they think we’re outdated.”³⁰ These findings suggest that *cadiak pandai* have either lost their social legitimacy or have failed to actively uphold it. Yet, they hold the potential to draft *nagari* regulations, organize family law education, and collaborate with state institutions. Their disengagement creates a major gap in the Minangkabau social system.

The data confirm that *Tungku Tigo Sajarangan* has no collective response to unregistered marriage. There are no *adat* forums, *musyawarah nagari*, or locally issued fatwas addressing or discussing this phenomenon. Each component acts in isolation, with no intercommunication. Consequently, there is no strong moral or social pressure on those engaging in unregistered marriage. People feel free to marry secretly, without family approval, state registration, or fear of customary sanctions. This is further exacerbated by the absence of firm or updated *adat* norms to address contemporary challenges. As Dt. K stated: “In the past, if a *kemenakan* married without the consent of their *ninik mamak*, they could be fined or sanctioned under *adat*. But not anymore, because there is no collective agreement.”³¹

The minimal response and lack of solutions from *Tungku Tigo Sajarangan* regarding unregistered marriage not only weakens the social structure but also diminishes the legitimacy of customary institutions. When *ninik mamak*, *alim ulama*, and *cadiak pandai* fail to fulfill their respective roles, society begins to question their relevance and turns to informal channels considered more practical, albeit legally and socially risky. This phenomenon also risks producing a generation with unclear legal identities, without inheritance rights, and with women marginalized both legally and socially due to the absence of state recognition of their marriages.

This study concludes that the response of *Tungku Tigo Sajarangan* to unregistered marriage is not only minimal and non-solutive but also reflects a structural failure in sustaining the values of *Adat Basandi Syarak, Syarak Basandi Kitabullah* in a substantive way. The lack of decisiveness, weak understanding, and absence of collective effort in addressing this issue are evidence that the Minangkabau customary system is undergoing serious functional decline. If left unaddressed, unregistered marriage may become a crucial factor accelerating the

²⁹ Interview with R. Dt., July 2023.

³⁰ Interview with S. Dt. S, July 2023.

³¹ Interview with Dt. K, July 2023.

disintegration of the social and customary order that has long defined Minangkabau society.

Unregistered Marriage and Social Disintegration in Minangkabau: The Delegitimization of *Tungku Tigo Sajarangan* in Contemporary Society

The phenomenon of unregistered marriage (*nikah siri*) in Tanah Datar, West Sumatra, cannot merely be regarded as an individual religious practice. Rather, it constitutes a social symptom reflecting a dysfunction between ideal norms and practical realities in contemporary Minangkabau society. In the traditional Minangkabau social system, local power structures are represented by the triadic institution of *Tungku Tigo Sajarangan*—*ninik mamak* (maternal uncles/elders), *alim ulama* (religious scholars), and *cadiak pandai* (intellectuals)—who ideally function interdependently to provide social supervision, moral education, and normative articulation. These three pillars not only symbolize the normative framework of *Adat Basandi Syarak, Syarak Basandi Kitabullah* (custom based on Islamic law, Islamic law based on the Qur'an), but also serve as social institutions that generate and reproduce legitimacy within communal life.

However, field findings indicate that these pillars are currently undergoing structural and cultural delegitimization. The weakening of their roles is attributable not only to internal factors such as an inadequate adaptation to contemporary shifts but also to external pressures including modernization, the rise of individualism, and the penetration of religious and legal discourses through digital and state channels.

Ninik mamak, who function as social guardians for their matrilineal kin, are experiencing role dislocation. They are no longer perceived as key decision-makers within the family, especially in matters of marriage. This reflects a shift in authority from kin-based structures to individual autonomy, marking a substantive fragmentation of authority within Minangkabau families.³² The consequences are not merely symbolic but tangible. In the absence of *ninik mamak*, there exists no social mechanism to verify the legal status of prospective spouses, ensure the presence of a legitimate guardian (*wali*), or guarantee the social endorsement that provides customary legitimacy. In cases where women enter unregistered marriages under the claim of being divorced but lack legal proof, *ninik mamak* are rendered powerless. On one hand, custom demands status clarification; on the other, they lack the authority to enforce social sanctions. This illustrates the erosion of customary sanctions due to a lack of collective consensus among traditional authorities to revitalize them.

Alim ulama, as moral and spiritual actors within the ABS-SBK framework, have also undergone a reductionist transformation in their role. They tend to approach marriage from a legal-formal *fiqh* perspective, assessing the validity of marriage based solely on textual fulfillment of conditions and pillars. This

³² Warman et al.

approach neglects the civil and social dimensions of marriage³³, such as legal registration, the protection of spousal and child rights, and the societal impact of unguaranteed post-marital entitlements.³⁴ Their stance is confined to strategic rationality—focused on technical efficiency (i.e., the legality of the marriage)—without engaging communicative rationality that considers normative consequences and the intersubjective needs of the community.

Another evident shortcoming is the lack of educational initiatives by religious scholars to prevent unregistered marriages. Religious sermons and study circles seldom address themes such as the importance of marriage registration, the legal consequences of *nikah siri*, or the necessity of social consent in matrimony. This points to a disparity in the production of religious discourse, which tends to prioritize ritual observance over the socio-legal concerns of the community. Consequently, religion is narrowly interpreted by parts of the society: as long as it is legally valid according to *sharia*, issues of state or family can be negotiated or even disregarded.

As for the *cadiak pandai*, who serve as the educated elite and mediators among custom, religion, and state law, they appear to suffer from social detachment. Not only are they alienated from the social dynamics of the *nagari* (village), but they are also undergoing an epistemological crisis—manifested in the public's declining trust in their knowledge authority. Interviews with community figures reveal that people increasingly place their trust in information from social media or popular religious figures outside the *nagari* rather than in the counsel of *cadiak pandai*. This reflects their failure to build epistemic authority that is adaptive to the new communicative patterns of modern society. Furthermore, their role in legal advocacy and public education—such as drafting *nagari*-level regulations to prohibit *nikah siri* or organizing community discussions on family law integrating customary and state norms—has not been optimally fulfilled. Despite possessing symbolic and intellectual capital, they have not effectively enacted social interventions.

These three elements, which ideally function as checks and balances within the Minangkabau social system, now operate in isolation and lack coordination. No customary forums, collective *fatwas*, or joint strategies were identified to address the increasing prevalence of unregistered marriages. As a result, the ABS-SBK concept—long upheld as a foundation of normative integration—has become a symbolic slogan devoid of institutional strength. Without synergy among *ninik mamak*, *alim ulama*, and *cadiak pandai*, the absence of social control over *nikah siri* becomes inevitable.

In this context, unregistered marriage signifies social disintegration and the weakening of local authority structures. It also constitutes a site where women—the most vulnerable party—suffer multilayered legal, social, and economic harm. What is required, therefore, is not merely a reaffirmation of ABS-SBK values, but a

³³ Zelfeni Wimra et al., "The Living Fiqh: Anatomy, Philosophical Formulation, and Scope of Study," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 1 (June 2023): 185–98.

³⁴ Tuba Erkoc Baydar, "A Secret Marriage and Denied Rights: A Critique from an Islamic Law Perspective," *Religions* 14, no. 4 (March 30, 2023): 463.

structural reconstruction of how the *Tungku Tigo Sajarangan* can be functionally revitalized. This includes strengthening institutional capacities, reformulating customary norms to align with national legal frameworks, and developing social communication systems that are responsive to digital dynamics and urbanization.

This revitalization must be accompanied by an interdisciplinary approach—integrating perspectives from legal anthropology, sociology of religion, and gender studies—to craft customary and local policies that are grounded not only in traditional heritage but also in contemporary social realities and principles of substantive justice. In doing so, *Tungku Tigo Sajarangan* would no longer be a symbolic legacy of the past, but a living and relevant structure for value guardianship in the future.

The findings of this research make a significant theoretical contribution to the development of socio-legal studies, legal anthropology, and locality studies, particularly in examining the dynamic relationship between traditional structures and social change in matrilineal societies. In this context, the weakening role of *Tungku Tigo Sajarangan* in responding to *nikah siri* can be understood through Anthony Giddens' theory of disembedding, wherein social practices become disentangled from local contexts and traditional structures due to the forces of modernity.³⁵ Practices once rooted in community-based norms and values are now displaced into abstract systems detached from kinship relations and customary authority. Traditional religious and customary authority—once organic, relational, and internalized—has been supplanted by institutional state authority or the narratives of popular digital religion that are anonymous and unregulated by local social control.

Moreover, through Max Weber's theory of legitimacy, this phenomenon can be interpreted as a shift in sources of legitimacy when traditional authority—both customary and religious—fails to meet the needs of modern society.³⁶ In such cases, Minangkabau communities, particularly the younger generation, are increasingly turning to alternative forms of authority that are more pragmatic and personal—such as individualistic interpretations of *fiqh*, or even new forms of authority emerging from social media and digital networks. This shift illustrates a movement from traditional authority to legal-rational authority, and in some cases, to non-institutionalized charismatic authority, embodied by popular online preachers. These changes have profound implications for the social structure, as they remove social control from layered, community-based mechanisms and replace it with more fragmented and individualistic systems.

Practically, these findings demand a comprehensive reconstruction of the roles and functions of *Tungku Tigo Sajarangan*, so that it does not remain merely a cultural symbol but transforms into a responsive and adaptive social actor in addressing contemporary issues. This necessitates the reformulation of customary forums such as *musyawarah nagari* (village deliberations) as deliberative spaces

³⁵ Anthony Giddens, *The Consequences of Modernity* (Stanford: Stanford University Press, 1990).

³⁶ Ali Reza Bhojani and Morgan Clarke, "Religious Authority beyond Domination and Discipline: Epistemic Authority and Its Vernacular Uses in the Shi'i Diaspora," *Comparative Studies in Society and History* 65, no. 2 (2023): 272–95.

for updating customary norms related to marriage and family life. Without institutional renewal, customary norms will lack the social efficacy needed to address emerging social practices resulting from modernization.

Strengthening the social capacities of customary and religious leaders becomes a strategic step to expand their roles—not merely as custodians of tradition but also as social mediators and public educators. These actors need to be equipped with literacy in national family law, an understanding of gender equality issues, and conflict resolution skills related to unregulated marital arrangements. Without such empowerment, they will remain symbolic figures without effective social intervention capacity.

Family-oriented customary education grounded in ABS-SBK values is also an urgent need, given the apparent value disorientation among society, especially the youth. Educational modules that integrate customary values, religious teachings, and national legal norms must be developed and incorporated into both informal and formal education systems—such as religious study groups, schools, and kinship forums. These modules should not merely aim to preserve culture but function as instruments for value transformation in contextual, dialogical, and socially just formats.

In terms of institutional collaboration, the role of *Tungku Tigo Sajarangan* must be expanded through partnerships with state institutions such as the Office of Religious Affairs³⁷, the Department of Women’s Empowerment and Child Protection, and civil society organizations engaged in family law advocacy.³⁸ Such collaboration can foster the establishment of integrated services at the *nagari* level—ranging from pre-marital counseling and family law education to support services for women and children affected by unregistered marriages. This intersectoral approach will strengthen the position of custom as a partner of the state in protecting its citizens, rather than relegating it to a marginalized system.

As intellectual actors, *cadiak pandai* hold a strategic role in rebuilding social legitimacy through active engagement in research, local publication, and legal outreach. They must emerge as bridges between traditional knowledge and contemporary social demands, as well as producers of critical discourse that supports the continuous reformulation of custom. Without the revitalization of this role, *cadiak pandai* risk losing their social relevance and being supplanted by forms of authority unanchored in local values.

Conclusion

The phenomenon of *nikah siri* (unregistered marriage) in Tanah Datar reflects a crisis of understanding and a weakening of social authority within the

³⁷ Fachrul An’am and Nofialdi Nofialdi, “PENGESAHAN NIKAH PASANGAN DI BAWAH UMUR YANG DIDAHULUI DENGAN PERNIKAHAN SIRRI PERSPEKTIF HUKUM ISLAM (Studi Kasus Di KUA Kecamatan Sungayang),” *JISRAH: Jurnal Integrasi Ilmu Syariah* 2, no. 1 (April 30, 2021): 157.

³⁸ Ashabul Fadhli et al., “Out-of-Court Assistance Based on the Principle of the Best Interests of the Child: Study on Examination Process of Marriage Dispensation Cases,” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 14, 2024): 67.

Minangkabau customary structure, particularly in the institution of *Tungku Tigo Sajarangan*—ninik mamak (clan elders), alim ulama (religious scholars), and cadiak pandai (intellectuals). This study reveals that these three pillars lack a unified definition, perspective, and stance in addressing the practice of *nikah siri*. Their understandings tend to be fragmented and formalistic: ninik mamak are trapped in symbolic functions without effective social authority; alim ulama emphasize the legal validity of marriage under Islamic law while neglecting its social and legal protections; and cadiak pandai, despite their educational background, remain passive and pragmatic. The absence of coordination, synergy, and collective forums among these components exacerbates the inadequate response to *nikah siri*.

Adat Basandi Syarak, Syarak Basandi Kitabullah—the foundational value system that should serve as a shared normative guide—has been reduced to an empty slogan. The consequences are not limited to the loss of social control over marriages that violate communal norms but extend to the disintegration of social structure and the erosion of legitimacy within the customary institutions themselves. Structurally, this condition is worsened by the lack of regeneration and the absence of an effective customary education system to prepare future successors of *Tungku Tigo Sajarangan*. Modernization, individualism, and the penetration of digital media have further displaced local authority, replacing it with alternative sources of information that are not always aligned with customary values or local socio-cultural contexts. Thus, *nikah siri* in Tanah Datar should not be understood merely as a religious or administrative issue, but as an indicator of the declining capacity of social control and the delegitimization of customary authority in contemporary Minangkabau society. The collective and institutional revitalization of *Tungku Tigo Sajarangan* is therefore urgently needed to preserve the continuity of customary values, Islamic legal principles, and the protection of communal social rights.

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