

FAMILY DISPUTE RESOLUTION PRACTICES IN KEPULAUAN SERIBU (STUDY OF THE ROLE OF RELIGIOUS LEADERS, COMMUNITY AND STATE APPARATUS)

¹Kamarusdiana, ²Harun Rasyid, ³Ali Imron, ⁴Arip Purkon, ⁵Maskur Rosyid, ⁶M. Amin Suma

^{1,2,6}Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia, ^{3,5}Universitas Islam Negeri Walisongo Semarang, Indonesia, ⁴Universitas Malaya, Malaysia

Email. kamarusdiana@uinjkt.ac.id¹, harun.rasyid@uinjkt.ac.id², ali.imron@walisongo.ac.id³, arippurkon@gmail.com⁴, masykurxrejo@walisongo.ac.id⁵, aminsuma@yahoo.com⁶

Received 04-07-2023 | Revised 04-12-2023 | Accepted 04-02-2024

Abstrak: Fenomena perceraian di luar pengadilan agama banyak terjadi di masyarakat Kepulauan Seribu. Akibatnya, hak-hak istri dan anak pasca perceraian terabaikan. Artikel ini bertujuan untuk menelisik lebih dalam mengenai faktor dan penyelesaian sengketa cerai di luar pengadilan. Artikel ini bersifat kualitatif dengan sumber data diperoleh melalui wawancara dan studi dokumen. Artikel ini menemukan bahwa perceraian di luar pengadilan agama disebabkan empat faktor; lokasi Kepulauan Seribu yang sangat jauh dari lokasi Pengadilan Agama Jakarta Utara, ekonomi, kondisi cuaca, dan faktor tingkat pendidikan masyarakat Kepulauan Seribu. Adapun penyelesaian sengketa keluarga dilakukan dengan tiga proses; musyawarah, mediasi, dan Sidang Keliling yang dilakukan oleh Pengadilan Agama Jakarta Utara.

Kata kunci: Kepulauan Seribu, Perceraian Ilegal, Penyelesaian Sengketa, Sidang Keliling

Abstract: Divorce outside religious courts often occurs in the Kepulauan Seribu community. As a result, the rights of wives and children after divorce are neglected. This article aims to examine in more depth the factors and resolution of divorce disputes outside of Court. This article is qualitative, with data sources obtained through interviews and document study. This article finds that four factors cause divorce outside religious courts: the location of the Kepulauan Seribu is very far from the site of the North Jakarta Religious Court, the economy, weather conditions and the educational level of the people of the Kepulauan Seribu. The resolution of family disputes is carried out using three processes: deliberations, mediation, and Mobile Sessions conducted by the North Jakarta Religious Court.

Key words: Kepulauan Seribu, Illegal Divorce, Dispute Resolution, Mobile Court

INTRODUCTION

Lawrence Friedman (1969) said that the law would be effective if it is supported by three things, namely the legal structure consisting of law enforcement officers (police, judge, prosecutors), the legal rules themselves and the legal culture that exists in society.¹ For John Austin, the law can be enforced if there are elements, namely: (1) the existence

¹ Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975), p. 6; Lutfil Ansori, 'Reformasi Penegakan Hukum Perspektif Hukum Progresif', *Jurnal Yuridis*, 4.2 (2017), 148–63 <<https://doi.org/10.35586/v4i2.244>>; Farida Sekti Pahlevi, 'Pemberantasan Korupsi Di Indonesia Perspektif Legal System Lawrence M. Freidmen', *El-Dusturie*, 1.1 (2022), 23–43 (p. 31) <<https://doi.org/10.21154/eldusturie.v1i1.4097>>.



of a ruler (sovereignty), (2) an order (command), (3) an obligation to obey (duty), (4) sanctions for those who do not obey (sanctions).²

Related to the above, law enforcement for people living in the Kepulauan Seribu has challenges in implementing the law ideally. These challenges are mainly found in resolving family disputes, such as divorce, *hadanab*, joint property, marriage reconciliation and inheritance issues. It is because the people of the Kepulauan Seribu have to resolve the case at the North Jakarta Religious Court, precisely in the Plumpang area, which requires much time, funding and energy. They had to cross the island with minimal ship transportation. Another problem is the economic problem, where the average population is fishermen. Thus, they cannot complete the administrative process of registering cases at the Religious Courts in one day.

The effectiveness of the law is facing severe challenges because the level of public education in the Kepulauan Seribu Administrative Regency is dominated by more than 70% primary school education and below, and 0.39% have education up to university or diploma IV.³ Considering the low percentage of the population who have received higher education, attention from the government is needed to improve the quality and quantity of human resources in the Kepulauan Seribu. The low level of education of the Kepulauan Seribu residents impacts the economy, where the average person is a fisherman with an uncertain income because it depends on the weather and sea catches.

This research examines legal certainty for societal justice. The main reason is that people are challenged to resolve their household cases. Therefore, the role of religious and community leaders in the dispute resolution process, in addition to the presence of state officials in helping the community, is very much needed. Thus, research on the problems of resolving family disputes in the Kepulauan Seribu community becomes its distinctive value.

This research is closely related to the theory of community legal culture and the theory of legal effectiveness in society in Kepulauan Seribu Regency. Therefore, the focus of this research lies in the legal awareness of the Kepulauan Seribu community in the process of resolving family disputes before the Religious Courts, models and methods for resolving family disputes in the Kepulauan Seribu community, as well as the role of religious, community and government figures in the process of resolving family disputes.

METHOD

This qualitative research uses data sources in the form of narratives, details and construction results from respondents or informants. Lexy J. Moleong states that

² John Dewey, 'Austin's Theory of Sovereignty', *Political Science Quarterly*, 9.1 (1894), 31–52 <<https://doi.org/10.2307/2139902>>; Supriyono, 'Hukum Pidana Indonesia Ditinjau Dari Teori Hukum Positivisme', *Jurnal Ilmiah Fenomena*, 15.2 (2017), 1696–1703 <<https://unars.ac.id/ojs/index.php/fenomena/article/view/811>>; Allan Munyao Mukuki, 'The Normative Irrelevance of Austin's Command Theory in International Law', *Mimbar Hukum*, 28.3 (2016), 569–82 <<https://doi.org/10.22146/jmh.16694>>.

³ Fernandes Simangunsong, 'Kajian Wilayah Kabupaten Administrasi Kepulauan Seribu', *Jurnal Ilmu Pemerintahan Widyapraja*, 40.1 (2014).

qualitative research methods aim to understand a phenomenon experienced and felt by research subjects, including explaining behaviour, perceptions and overall motivation.⁴

The subjects of this research are the people of the Kepulauan Seribu, especially the people of Tidung Island, Untung Jawa Island, Pramuka Island, and Pari Island. The object is the domestic dispute case they experienced. Meanwhile, data sources were obtained through interviews with people who had issues of domestic disputes, community leaders, religious leaders and government officials consisting of KUA/BP4, sub-districts and ecclesiastical courts.

Collecting data during the research stage, both library data and field data, then visiting community locations in the Kepulauan Seribu district and conducting interviews with related parties. Data collection techniques are carried out by qualifying research data materials primarily from the results of interviews with parties who have household problems, religious leaders, ulama, community leaders and government officials such as village heads, in addition to secondary data material, namely from books that discuss family dispute resolution as well as journals, as well as websites. The data analysis technique was carried out after data collection, which the writer then grouped according to the theme of discussion and then analyzed based on the existing theoretical framework.

RESULTS AND DISCUSSIONS

1. Family Disputes in Kepulauan Seribu Regency

Kepulauan Islands Regency was originally one of the sub-districts in the North Jakarta Administrative City. After being declared a district, the government centre began to function in 2003 and is located on Pramuka Island.⁵ Even though the Kepulauan Seribu have become a district, their religious courts are still centred on the North Jakarta Religious Court.⁶

Religious courts cannot be separated from husband and wife relationships in the family.⁷ The family is the smallest and most sacred unit of family relations.⁸ Family harmony must be created through a good relationship between husband and wife. If there are differences between the two, it can cause problems, arguments and misunderstandings

⁴ Lexy J Moleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosda Karya, 2004), p. 6.

⁵ Ellis Nurjuliasti Ningsih and others, 'Perubahan Luasan Pulau Pramuka, Pulau Panggang Dan Pulau Karya Kepulauan Seribu DKI Jakarta Menggunakan Data Citra Satelit Penginderaan Jauh', *Jurnal Penelitian Sains*, 23.2 (2021), 84–90 <<https://doi.org/10.56064/jps.v23i2.628>>; Nur Yulianti Hidayah, Kirana Rukmayuninda Ririh, and Renny Reswati, 'Pemberdayaan Perempuan Dan Keluarga Melalui Diversifikasi Produk Rumput Laut Di Kepulauan Seribu', *Jurnal Pengabdian Masyarakat Teknik*, 4.1 (2021), 55–62 <<https://doi.org/10.24853/jpmt.4.1.55-62>>.

⁶ Kamarusdiana Kamarusdiana, 'Akses Keadilan Bagi Masyarakat Kabupaten Kepulauan Seribu', *Mizan: Journal of Islamic Law*, 3.1 (2019), 1–23.

⁷ Nita Triana, 'Urgency Critical Legal Studies Paradigm for the Protection of Women Victims of Domestic Violence in the Divorce Case', *Syariah Jurnal Hukum Dan Pemikiran*, 18.2 (2018) <<https://doi.org/10.18592/sy.v18i2.2276>>.

⁸ Fatimah Azis and Sam'un Mukramin, 'The Family Decision Making Patterns of Children with Special Needs: A Sociology Study of the Family', *Al Ma'arif: Jurnal Pendidikan Sosial Dan Budaya*, 2.2 (2020), 53–59 <<https://doi.org/10.35905/almaarif.v2i2.1828>>; Zhang Ying, 'The Inheritance and Variation of Confucian Family Culture – Concept of Family Household and Group Consciousness in Japanese Social Culture', in *7th International Conference on Social Network, Communication and Education (SNCE 2017)*, 2017, LXXXII, 960–64 <<https://doi.org/10.2991/sncc-17.2017.198>>.

that can lead to separation. Divorce is the final step when a man and a woman can no longer maintain harmony in their financial affairs.⁹

Divorce is one of the results of family disputes in society.¹⁰ Ironically, divorces that occur in the Kepulauan Seribu community occur outside religious courts. As a result, the rights of wives and children after divorce are neglected. One of the husband's obligations after divorce is to give rights to his ex-wife and children. This reality occurs; apart from the fact that government officials do not exercise control and impose legal sanctions,¹¹ the public also needs more literacy regarding the applicable rules or even considers management trivial, so they do not consider the consequences of marriage and divorce easily.

Three factors cause divorce in the Kepulauan Seribu—first, economic factors. Economic factors are one of the factors that make respondents divorce. This first factor is a fundamental matter for individual and group life. In the population sampled in this study, every husband and wife couple, especially husband and wife, have jobs, whether permanent or not. The income earned is very low compared to the average monthly needs of the people of Tidung Island Village. Thus, this economic factor is the most central among the most divergent respondents. Second, disputes in the household. Factors of quarrel in the family are caused by lack of economy and low education. Third, infidelity. From the number of respondents and several divorced couples used in the sample, this third factor has a significant role. As explained above, the fishermen of Tidung Island Village only come home for about 3-4 months when they go to sea, so those who already have wives and do not have strong faith are very vulnerable to having relationships with other people (having affairs).

The factors that cause divorce above are strengthened by the author's interviews conducted in the Kepulauan Seribu, both through husband and wife couples and headmen (*lebe*) and community leaders. The results of the interview are described as follows:

a. Interview Results of Husband and Wife Couples

This interview of a husband and wife involved a couple who had entered into an official marriage. However, in their domestic relationship, there were continuous disputes which resulted in divorce. The factor that caused the husband and wife couple with the initials (AH) and (LM) to divorce was the lack of support from their husband. On this basis, disputes and even domestic violence often occur. Another factor occurs in husband

⁹ Betsey Stevenson and Justin Wolfers, 'Marriage and Divorce: Changes and Their Driving Forces', *Journal of Economic Perspectives*, 21.2 (2007), 27–52 <<https://doi.org/10.1257/jep.21.2.27>>; Gideon Imoke Emeng and Nzeyo Gabriel Eteng, 'Divorce: An Unending Phenomenon in Human Society', *HUMAN: South Asean Journal of Social Studies*, 2.2 (2022), 218–32 <<https://doi.org/10.26858/human.v2i2.42749>>; Linda Thompson and Graham B. Spanier, 'The End of Marriage and Acceptance of Marital Termination', *Journal of Marriage and Family*, 45.1 (1983), 103–13 <<https://doi.org/10.2307/351299>>.

¹⁰ Mulugeta Deribe Damota, 'The Effect of Divorce on Families' Life', *Journal of Culture, Society and Development*, 46 (2019), 6–11 <<https://doi.org/10.7176/JCSD>>; Ismail Rumadan and Ummu Salamah, 'Settlement of Divorce Dispute through the Forum of Mediation in Judicial Institutions as an Effort of Legal Protection for the Rights and Interests of the Child of Post-Divorce', *Syariah Jurnal Hukum Dan Pemikiran*, 21.2 (2021), 213–26 <<https://doi.org/10.18592/sjhp.v21i2.4603>>.

¹¹ Bungaran Antonius Simanjuntak, *Harmonious Family: Upaya Membangun Keluarga Harmonis*, ed. by Bungaran Antonius Simanjuntak (Jakarta: Yayasan Pustaka Obor Indonesia, 2013), pp. 35–37.

and wife couples with the initials (ZM) and (DN), namely an affair committed by the husband against one of his brothers, which causes constant fighting and ends in divorce.¹²

Married couples who divorce outside the religious Court occur due to several factors as follows.

- 1) The location of the Kepulauan Seribu as the respondent's residence is very far from the area of the North Jakarta Religious Court. The parties have to cross the sea, which is quite a long distance, with a travel time of 3 hours between the pier and Misal Harbor (Tidung Island and Muara Angke). This trip is supplemented by a land travel time of 2 hours. This condition requires a strong enough physical condition to make the journey. Moreover, there is only one sea trip via Muara Angke Harbor to Tidug Island a day and departure at 07.30 WIB, as well as from Tidung Island Harbor to Muara Angke Harbor.
- 2) The cost factor is quite significant to get to the religious Court. It happened because the religious Court was in Semper, North Jakarta. These enormous costs include sea and land travel and food and accommodation costs. Apart from that, divorce cases cannot be resolved in one court process with a lengthy administrative process. Thus, by the economic situation of the community, most of whom work as fishermen, divorce in the Religious Courts is impossible.
- 3) Natural factors, especially weather conditions. Weather conditions that are not always calm, for example, choppy sea conditions and strong winds, which usually last for two months, will endanger the parties when they have to go to the North Jakarta Religious Court via the only sea transportation mode. Therefore, married couples who want to divorce cannot go to religious courts outside the island to process the divorce at that time.
- 4) Educational factor. Some respondents only had education up to elementary school. On this basis, the literacy of the Kepulauan Seribu people can be said to be low, so they need to learn about the procedures for divorce in the Religious Courts. They only know that divorce is enough to be done in front of a religious figure.

b. Results of Interviews with Community Figures

Sidik Sam'un, a community figure regarding married couples who are divorcing, stated that usually, the first people they go to are local community leaders. Their meeting with the elders allowed them to express their reasons for wanting a divorce. In this case, community figures represent the task of a judge, namely trying to reconcile the two parties in a dispute using all appropriate means and not violating religious or state regulations.¹³

The task of community leaders is to act as a mediator to consult or deliberate and try to reconcile the two parties to the dispute. It should also be noted that during this process, the husband and wife who are divorcing are not accompanied by anyone. However, they are no longer able to reconcile the two parties. In that case, community

¹²Interview with a Kepulauan Islands Husband and Wife Couple, May 20, 2023

¹³ Interview with Kepulauan Seribu Community Figures, May 20, 2023

leaders present the headman and witnesses from their respective families or people who know the incident.¹⁴

Community figures play a central role. It is because apart from being a mediator when there are disputes, they also have close emotional ties with the community. Therefore, they needed to adapt different thinking for the benefit of society. Apart from that, the community can increase their participation. The existence of community figures is usually still tied to old values, namely ties of tradition and culture. The strength of character is still based on ties of origin, especially family and national ties.¹⁵

During the New Order era, community leaders acted as a means to legitimize the power of the New Order government. They became a tool to suppress the aspirations of local communities who wanted self-government with available resources. With the implementation of decentralization policies, community leaders are no longer a means of legitimation for the central government but tend to view the political situation pragmatically. As a result, power struggles at the local level are now opening up space for sharp conflicts and also triggering the emergence of ethnocentrism and excessive regional egos.

Community figures naturally represent leadership qualities, a benchmark for society to fulfil the community's desires, so they must be distinct from the leadership qualities reflected in these community figures. Apart from that, one of the community figures the author interviewed was the chairman of the National Development Forum (FPK). His leadership is a role model because community members are identified with the leader and mouthpiece of the community.¹⁶

c. Results of Interview with the South Kepulauan Seribu District Head

The fact that divorces in the Kepulauan Seribu community are carried out outside the religious courts is strengthened by the statement of one of the headmen on duty in the South Kepulauan Seribu District. He stated that, specifically in the Tidung Island KUA, relatively many divorce cases occurred in the Kepulauan Seribu, especially in the South Kepulauan Seribu District, and were not officially resolved in the religious courts. The main reasons are considerations of distance, energy, time and costs which are not small.¹⁷

Regulation of the Minister of Religion Number 30 of 2005 states that "a celebrant is a civil servant as a marriage registrar given full duties, authority, responsibilities and rights by the minister of religion or an official appointed by applicable legislation to supervise marriages/reconciliations in Islam and religious activities". In line with this, Minister of Religion Regulation Number 11 of 2007 concerning Marriage Registration states that the headman has the role of a marriage registration (VAT) officer. The duties of the celebrant

¹⁴ Munisah and others, 'Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in The Banjar Community', *Syariah Jurnal Hukum Dan Pemikiran*, 23.1 (2023), 49–60 <<https://doi.org/0.18592/sjhp.v23i1.8611>>.

¹⁵ Muhammad Habibi Miftakhul Marwa, 'Model Penyelesaian Perselisihan Perkawinan Perspektif Hukum Adat Dan Hukum Islam', *USM Law Review*, 4.2 (2021), pp. 777–94 <<https://doi.org/10.26623/julr.v4i2.4059>>.

¹⁶ Sulistyowati Irianto, *Pluralisme Hukum Waris Dan Keadilan Perempuan* (Jakarta: Yayasan Pustaka Obor Indonesia, 2016), p. 65.

¹⁷ Interview with the *Penghulu* of the South Kepulauan Seribu, 20 May 2023

are to guide marriages, record marriages/divorces, reconcile, and check evidence of requirements in accordance with the tasks given. The primary duties of the headman are also stated in more detail in the 2005 Regulation of the Minister for Administrative Reform.

Penghulu plays a vital role in registering community marriages. Apart from that, marriage registration is closely related to legal issues, not only with what is permitted according to state law but also according to Islamic law. In carrying out his role, the headman always has direct contact with the community, both in terms of marriage counselling, registration, and mediating family problems after marriage.¹⁸

If the parties do not agree on domestic relations issues, the director and village head ask for witness statements to find out the truth from the parties concerned. If the witnesses provide the same information as that explained by the disputing party, the chairman and community leaders confirm this to the disputing party. Suppose this is done and the parties maintain their stance (i.e. wanting a divorce). In that case, the *Penghulu* and community leaders issue a verbal divorce, which is heard by witnesses and the woman in dispute, so that both parties divorce and the marriage ends.

The end of a husband and wife relationship outside a religious court does not have permanent legal force. The main reason is that divorce is only done verbally rather than in writing. Moreover, heads or community leaders must be able to issue a divorce certificate. A divorce certificate can only be issued by a religious court judge after the trial. On that basis, divorce only has legal force when it is resolved through a process in an ecclesiastical court,

Article 41 of Law no. 1 of 1974 concerning marriage explains in detail the consequences of breaking up a marriage due to divorce as follows:

- 1) Both mother and father are still obliged to care for and educate their children based solely on the child's interests. When there is a dispute regarding the control of children, the Court gives its decision;
- 2) A father is responsible for all maintenance and education costs required by the child. If the father is, in fact, unable to fulfil these obligations, the Court can determine that the mother also bears the costs;
- 3) The Court can require the ex-husband to provide living expenses or determine obligations for the ex-wife.

Meanwhile, divorce carried out outside the Religious Courts has different consequences.¹⁹ It is because there is no divorce certificate, which causes difficulties. Among the effects are:

¹⁸ Bambang Suryadi, Adam Adam, and Malkan Malkan, 'Peran Penghulu Dalam Penentuan Wali Anak Lahir Di Luar Nikah (Studi Kasus Kantor Urusan Agama Kecamatan Dolo Kabupaten Sigi)', in *Prosiding Kajian Islam Dan Integrasi Ilmu Di Era Society 5.0* (Palu: Universitas Islam Negeri Datokkarama Palu, 2002), pp. 429–34 <<https://jurnal.uindatokarama.ac.id/index.php/kiiies50/article/view/1113/674>>.

¹⁹ A. Zamakhsyari Baharuddin and Rifqi Qowiyul Iman, 'At-Tafrîq Al-Qadhâ'i and the Religious Courts' Authority in Deciding a Divorce', *Syariah Jurnal Hukum Dan Pemikiran*, 20.1 (2020) <<https://doi.org/10.18592/sjhp.v20i1.3493>>.

- 1) If one or both parties want to marry another, they cannot provide divorce information (divorce certificate), so it is difficult for other people to believe that they are divorced.
- 2) Best child rights. It is reinforced by the finding that among the respondents, some had never provided support to their children at all. This fact is the same as ignoring obligations, and even the rulers and community leaders have placed burdens on husbands who are considered capable of supporting their children. Therefore, the ex-wife is affected by paying and providing her living.

2. The Role of the North Jakarta Religious Court in Resolving Family Disputes in the Kepulauan Seribu

Yahya Harahap defines there are five duties and authorities within the religious justice environment, namely: 1) The function of adjudicating authority, 2) Providing information, considerations and advice regarding Islamic law to government agencies, 3) Other authorities by or based on law, 4) The authority of the high religious Court to hear cases at the appeal level and adjudicate relative competency disputes, 5) The task of supervising the course of justice.²⁰

In principle, the power and authority of religious and other courts, both ordinary courts, state administrative courts and military courts, are the same. However, the difference lies in the jurisdiction or cases in which each Court has jurisdiction (absolute jurisdiction). We can give an example that cases litigated by Muslims in civil matters such as marriage and inheritance are under the final authority of the Religious Court so that these cases fall under the absolute control of the Religious Court to accept, examine and decide on these cases.²¹ On the other hand, for those who are not Muslims, their claims must be brought to the District Court for trial.

The North Jakarta Religious Court is a First Level Religious Court tasked with and authorized to examine, decide and resolve cases at the first level between people who are Muslim in the field of marriage, inheritance, wills and gifts made based on Islamic law, as well as *waqf* and *sadaqah*, as regulated in Article 49 of Law Number 50 of 2009 concerning Religious Courts.

The North Jakarta Religious Court was established based on the Decree of the Minister of Religion Number 63, 1963. At that time, it was called the North Jakarta Religious Court Branch Office. Its address is Jalan Taman Fatahillah, Jakarta Kota (now the Struggle Museum building). Its parent is the Greater Jakarta Special Religious Court (now the Central Jakarta Religious Court). At that time, the Greater Jakarta Special Religious Court had two branches, namely the North Jakarta Religious Court Branch and the Central Jakarta Religious Court Branch.

²⁰ M. Yahya Harahap, *Kedudukan, Kewenangan Dan Acara Peradilan Agama Undang-Undang No.7 Tahun 1989* (Jakarta: Pustaka Kartini, 1993), p. 101.

²¹ Nursaidah, Adi Nur Rohman, and Panti Rahayu, 'The Out of Court Divorce Model and Itslegal Implications: A Juridical Study in Babelan District Bekasi', *Syariah Jurnal Hukum Dan Pemikiran*, 20.2 (2020), 159-74 <<https://doi.org/10.18592/sjhp.v20i2.3945>>.

Since being designated as an independent religious court, the North Jakarta Religious Court initially had its office in the house of KH. Wintanu, Lorong 19, Tanjung Priok, North Jakarta. He then moved to KH's house. Mugni, Jalan Digul, Lorong 63, Number 36, Tanjung Priok, North Jakarta by occupying one room located in the YUKS Complex on Jalan Donggala no. 23, Tanjung Priok, North Jakarta (in the seaside area). When the Department of Manpower Office was renovated, the North Jakarta Religious Court office space was moved from room to room. It even occupied a car garage measuring 5 x 2.5 m.

In the following period, the North Jakarta Religious Court had its office in the North Jakarta Social Sub-Department Office, Lorong C, number 11, Pasir Koja, Tanjung Priok-North Jakarta, in the same building as the Religious Education Office and the Koja Village Office, Tanjung Priok-North Jakarta.

The North Jakarta Religious Court covers one city and 1 district with a total Muslim population of 1,463,652. It has the jurisdiction of the North Jakarta Administrative City and Kepulauan Seribu Administrative Regency, covering eight sub-districts and 31 sub-districts, with the following details:

- a. Cilincing District comprises seven sub-districts: Kalibaru, Cilincing, West Semper, East Semper, Sukapura, Rorotan
- b. Koja District has four sub-districts: Rawa Badak Selatan, Tugu Utara, Tugu Selatan and Lagoa
- c. Kelapa Gading District 3 Subdistricts: Kelapa Gading Barat, Kelapa Gading Timur and Pegangsaan Dua
- d. Tanjung Priok District 4 Subdistricts: Papanggo, Warakas Sunter Agung, Sunter Jaya
- e. Pademangan District 3 Subdistricts: West Pademangan, East Pademangan and Ancol
- f. Penjaringan District 4 Subdistricts: Penjaringan, Pluit, Pejagalan and Kapuk Muara
- g. North Kepulauan Seribu District 3 Subdistricts: Pari Island, Tidung Island, Untung Jawa Island
- h. South Kepulauan Seribu District 3 Subdistricts: Harapan Island, Panggang Island and Kelapa Island.

In carrying out its primary duties, the North Jakarta Religious Court has the following functions:

- a. Providing judicial technical services and clerkship administration for first-instance cases and confiscation and execution.
- b. Providing services in the field of appeal case administration, cassation and judicial review, and other judicial administration.
- c. Providing general administrative services to all elements within the Religious Courts (available, personnel and finance except case fees)
- d. Provide information, considerations and advice regarding Islamic law to government agencies in their jurisdiction if requested. It is as regulated in Article 52 of Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Courts
- e. Providing services for resolving requests for assistance in the distribution of inherited assets outside of disputes between people who are Muslim, which is carried

out based on Islamic law as regulated in Article 107 paragraph (2) of Law Number 3 of 2006 concerning Amendments to Law Number 7 of 1989 concerning Judiciary Religion

- f. Waarmerking an Inheritance Deed under the hand for taking deposits/savings, pensions and so on
- g. Carry out other service tasks such as legal counselling, implementation of *bisab-rukayat*, and research services.

The Kepulauan Seribu is one of the areas within the scope of the North Jakarta City Religious Court. In this case, the task of the North Jakarta Religious Court is increased by strengthening the court pick-up program in the Kepulauan Seribu Regency area. It was part of the signing of a cooperation agreement between the North Jakarta City Religious Court and the Kepulauan Seribu Regency Government.

Chairperson of the North Jakarta Religious Court, Sarbiati, said that the signing of this collaboration was a follow-up to the program of the North Jakarta Religious Court with the Kepulauan Seribu Regency in improving laws for underprivileged communities who live in the Kepulauan Seribu region.

These are the constraints of money, time and energy that are felt by married couples who are going to divorce because they have to come to the North Jakarta Religious Court, which is very far away. As a solution, the North Jakarta PA uses many various methods, one of which is through mobile courts. It is to make it easier for people in the Kepulauan Seribu to know and feel the benefits. This mobile court program is based on Pramuka Island as the centre of government. As a means of socialization so that residents of the Kepulauan Seribu are aware of the existence of a mobile court, it is carried out by distributing leaflets to various islands, sub-district offices, sub-district other government offices, as well as conveying it directly orally to the parties involved in the case.

This program is very effective in providing legal certainty. Apart from leaflets, information about mobile court services is also offered through the Kepulauan Seribu Radio (RKS) channel. It is reasonable considering that Kepulauan Seribu Regency, which only has two sub-districts, consists of many islands. Through the radio managed by the Ministry of Communication and Informatics (Kominfo), the public can ask questions and answers to learn more about the implementation of the mobile Court.

Conclusion

Legal awareness can be considered an essential thing in any society, including in the Kepulauan Seribu. A high level of legal understanding in a community can provide - at least - two benefits—first, the introduction of rights and obligations. People who have heightened legal awareness tend to understand better their rights and obligations in law, including in the context of resolving family disputes and, second, preventing conflicts. By understanding the law and dispute resolution procedures, people can be more careful to avoid unnecessary family disputes, which can be addressed early on before they become significant problems. Litigating in the Religious Courts is a strong indication of the community's legal awareness. Apart from that, it can also increase the possibility of people

seeking resolution of family disputes through the Religious Courts. It is because it is an institution with the authority to handle family cases according to Islamic law. They are, likewise, understanding the legal process. People who have a high level of legal awareness will understand more about the legal processes that must be followed in resolving family disputes, including procedures and the rights they have. It is important to remember that legal awareness can be increased through appropriate education and information regarding the law, rights and obligations. The government, community organizations and educational institutions are essential in promoting higher legal awareness in society, including in the Kepulauan Seribu.

Based on cultural knowledge and community values, there are six models of family dispute resolution that can be applied in the Kepulauan Seribu—first, settlement through deliberation. The Kepulauan Seribu community has a tradition of thinking in resolving problems or disputes. In family disputes, extended families or traditional leaders can gather to hold deliberations, listen to the views of all parties involved, and find solutions together. Second, resolution through a customary approach. People in the Kepulauan Seribu still adhere to customs and ordinary legal systems. In family disputes, the resolution process can follow applicable standard rules and involve traditional figures as mediators. Third, resolution through community mediation: Mediation by community leaders or community members can be used to find mutually acceptable solutions. Trusted mediators within the community can help facilitate dialogue and negotiations between the parties involved. Fourth, the answer is through a religious approach. For families who adhere to the Islamic religion, resolving family disputes can seek guidance from Islamic law (*sharia*) and submit cases to the Religious Court for resolution. Fifth, resolution through the assistance of social institutions. Kepulauan Seribu residents can also seek help from social institutions, such as family counselling institutions or institutions focusing on resolving disputes and conflicts. Sixth, the solution is to strengthen the family. Deciding family disputes can be done through efforts to enhance the family and foster relationships between family members. Increasing understanding of family roles and responsibilities can help prevent conflicts.

It is important to remember that each society has different traditions, norms and values, so family dispute resolution models can vary depending on existing culture and local wisdom. Efforts to achieve a just and dignified resolution in family disputes in the Kepulauan Seribu community must take into account the particularities and characteristics of the local community.

A. References

- Ansori, Lutfil, 'Reformasi Penegakan Hukum Perspektif Hukum Progresif', *Jurnal Yuridis*, 4.2 (2017), 148–63 <<https://doi.org/10.35586/.v4i2.244>>
- Azis, Fatimah, and Sam'un Mukramin, 'The Family Decision Making Patterns of Children with Special Needs: A Sociology Study of the Family', *Al Ma'arif: Jurnal Pendidikan Sosial dan Budaya*, 2.2 (2020), 53–59 <<https://doi.org/10.35905/almaarief.v2i2.1828>>
- Baharuddin, A. Zamakhsyari, and Rifqi Qowiyul Iman, 'At-Tafrîq Al-Qadhâ'i and the Religious Courts' Authority in Deciding a Divorce', *Syariah Jurnal Hukum Dan Pemikiran*, 20.1 (2020) <<https://doi.org/10.18592/sjhp.v20i1.3493>>

- Damota, Mulugeta Deribe, 'The Effect of Divorce on Families' Life', *Journal of Culture, Society and Development*, 46 (2019), 6–11 <<https://doi.org/10.7176/JCSD>>
- Dewey, John, 'Austin's Theory of Sovereignty', *Political Science Quarterly*, 9.1 (1894), 31–52 <<https://doi.org/10.2307/2139902>>
- Emeng, Gideon Imoke, and Nzeyo Gabriel Eteng, 'Divorce: An Unending Phenomenon in Human Society', *HUMAN: South Asean Journal of Social Studies*, 2.2 (2022), 218–32 <<https://doi.org/10.26858/human.v2i2.42749>>
- Friedman, Lawrence M., *The Legal System: A Social Science Perspective* (New York: Russel Sage Foundation, 1975)
- Harahap, M. Yahya, *Kedudukan, Kewenangan dan Acara Peradilan Agama Undang-Undang No.7 Tahun 1989* (Jakarta: Pustaka Kartini, 1993)
- Hidayah, Nur Yulianti, Kirana Rukmayuninda Ririh, and Renny Reswati, 'Pemberdayaan Perempuan dan Keluarga Melalui Diversifikasi Produk Rumput Laut di Kepulauan Seribu', *Jurnal Pengabdian Masyarakat Teknik*, 4.1 (2021), 55–62 <<https://doi.org/10.24853/jpmt.4.1.55-62>>
- Irianto, Sulistyowati, *Pluralisme Hukum Waris dan Keadilan Perempuan* (Jakarta: Yayasan Pustaka Obor Indonesia, 2016)
- Kamarusdiana, Kamarusdiana, 'Akses Keadilan Bagi Masyarakat Kabupaten Kepulauan Seribu', *Mizan: Journal of Islamic Law*, 3.1 (2019), 1–23
- Marwa, Muhammad Habibi Miftakhul, 'Model Penyelesaian Perselisihan Perkawinan Perspektif Hukum Adat dan Hukum Islam', *USM Law Review*, 4.2 (2021) <<https://doi.org/10.26623/julr.v4i2.4059>>
- Moleong, Lexy J, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosda Karya, 2004)
- Mukuki, Allan Munyao, 'The Normative Irrelevance of Austin'S Command Theory in International Law', *Mimbar Hukum*, 28.3 (2016), 569–82 <<https://doi.org/10.22146/jmh.16694>>
- Munisah, Ahmadi Hasan, Gusti Muzainah, and Yusuf Setyadi, 'Barambangan: Dynamics and Challenges in Resolving Husband and Wife Disputes in The Banjar Community', *Syariah Jurnal Hukum dan Pemikiran*, 23.1 (2023), 49–60 <<https://doi.org/0.18592/sjhp.v23i1.8611>>
- Ningsih, Ellis Nurjuliasti, Agung Setiawan, Hartoni Hartoni, and Fauziyah Fauziyah, 'Perubahan Luasan Pulau Pramuka, Pulau Panggang Dan Pulau Karya Kepulauan Seribu DKI Jakarta Menggunakan Data Citra Satelit Penginderaan Jauh', *Jurnal Penelitian Sains*, 23.2 (2021), 84–90 <<https://doi.org/10.56064/jps.v23i2.628>>
- Nursaidah, Adi Nur Rohman, and Panti Rahayu, 'The Out of Court Divorce Model and Itslegal Implications: A Juridical Study in Babelan District Bekasi', *Syariah Jurnal Hukum dan Pemikiran*, 20.2 (2020), 159–74 <<https://doi.org/10.18592/sjhp.v20i2.3945>>
- Pahlevi, Farida Sekti, 'Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Freidmen', *El-Dusturie*, 1.1 (2022), 23–43 <<https://doi.org/10.21154/eldusturie.v1i1.4097>>
- Rumadan, Ismail, and Ummu Salamah, 'Settlement of Divorce Dispute through the Forum of Mediation in Judicial Institutions as an Effort of Legal Protection for the Rights and Interests of the Child of Post-Divorce', *Syariah Jurnal Hukum dan Pemikiran*, 21.2

- (2021), 213–26 <<https://doi.org/10.18592/sjhp.v21i2.4603>>
- Simangunsong, Fernandes, ‘Kajian Wilayah Kabupaten Administrasi Kepulauan Seribu’, *Jurnal Ilmu Pemerintahan Widyapraja*, 40.1 (2014)
- Simanjuntak, Bungaran Antonius, *Harmonious Family: Upaya Membangun Keluarga Harmonis*, ed. by Bungaran Antonius Simanjuntak (Jakarta: Yayasan Pustaka Obor Indonesia, 2013)
- Stevenson, Betsey, and Justin Wolfers, ‘Marriage and Divorce: Changes and Their Driving Forces’, *Journal of Economic Perspectives*, 21.2 (2007), 27–52 <<https://doi.org/10.1257/jep.21.2.27>>
- Supriyono, ‘Hukum Pidana Indonesia Ditinjau dari Teori Hukum Positivisme’, *Jurnal Ilmiah Fenomena*, 15.2 (2017), 1696–1703 <<https://unars.ac.id/ojs/index.php/fenomena/article/view/811>>
- Suryadi, Bambang, Adam Adam, and Malkan Malkan, ‘Peran Penghulu dalam Penentuan Wali Anak Lahir di Luar Nikah (Studi Kasus Kantor Urusan Agama Kecamatan Dolo Kabupaten Sigi)’, in *Prosiding Kajian Islam dan Integrasi Ilmu di Era Society 5.0* (Palu: Universitas Islam Negeri Datokkarama Palu, 2002) <<https://jurnal.uindatokkarama.ac.id/index.php/kiies50/article/view/1113/674>>
- Thompson, Linda, and Graham B. Spanier, ‘The End of Marriage and Acceptance of Marital Termination’, *Journal of Marriage and Family*, 45.1 (1983), 103–13 <<https://doi.org/10.2307/351299>>
- Triana, Nita, ‘Urgency Critical Legal Studies Paradigm for the Protection of Women Victims of Domestic Violence in the Divorce Case’, *Syariah Jurnal Hukum dan Pemikiran*, 18.2 (2018) <<https://doi.org/10.18592/sy.v18i2.2276>>
- Ying, Zhang, ‘The Inheritance and Variation of Confucian Family Culture – Concept of Family Household and Group Consciousness in Japanese Social Culture’, in *7th International Conference on Social Network, Communication and Education (SNCE 2017)*, 2017, LXXXII, 960–64 <<https://doi.org/10.2991/sncc-17.2017.198>>