Legal Pluralism and Marriage Dynamics in the Migrant Community in Port Numbay: Between Tradition, Law, and Contemporary Social Reality

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ABSTRACT

Purpose - This study aims to reveal the dynamics of marriage among migrant communities in Port Numbay (Jayapura) using a legal pluralism framework to analyze the interaction between tradition, legal provisions, and contemporary social realities in marriage practices. Migration to Papua has formed a new social configuration that displays differences in marriage norms and potential friction with local culture

Method – A qualitative approach was used in this study, with research data obtained from observations and interviews with religious leaders, traditional leaders, academics, and legal practitioners. Data analysis was conducted using descriptive analysis methods within a legal pluralism framework.

Findings – The main findings of this study show that the marriage practices of the migrant community in Port Numbay take place in various patterns, including marriages between members of the same ethnic group, between different ethnic groups, and mixed marriages with the local community. The problem of migrant marriages is the result of a complex interaction between socioeconomic pressures and legal pluralism, where state law, Islamic law, and local customary law operate simultaneously but are not yet effectively integrated. These tensions place couples, especially women, in a vulnerable position, requiring an approach based on legal pluralism and *maqāṣid al-sharīʿah* to strengthen contextual protection, justice, and resilience.

Research implications – Legal awareness and the harmonization of customary norms with state regulations in marriage practices among migrant communities must be strengthened.

Originality/value – This study highlights the unique dynamics of migrant marriages in the multicultural context of Port Numbay.

Keywords: *Legal Pluralism, Marriage Dynamics, Migrant Community, Port Numbay, Contemporary Social Reality.*

Introduction

Increased mobility and migration over the past two decades have shaped a multicultural society that brings together diverse traditions, family norms and legal systems

within the same social space.[1] This situation has given rise to new complexities in marriage practices and domestic relations,[2] especially in cross-cultural and cross-legal system marriages that bring together different values, customs, and social constructs.[3] Differences in perspectives on the roles of husbands and wives, the division of responsibilities in the household, marriage procedures, and the meaning of marriage's legality are often sources of tension in family life. When customary norms, religious teachings, and state legal provisions are not in harmony, uncertainty arises in determining the standards to be used as a reference for building and maintaining a household. This situation has implications for the weak legal protection of the institution of marriage, leaving women and children in a more vulnerable position regarding the fulfillment of their basic rights, welfare guarantees, and protection from conflict and violence in the household.[4]

This reality is clearly reflected in Numbay Port (Jayapura, Indonesia),[5] with its high level of ethnic, religious, and cultural diversity, as well as strong migration flows from various regions such as Sulawesi, Java, Sumatra, Nusa Tenggara, and Maluku. This diversity shapes the dynamic patterns of social interaction between Indigenous peoples and migrant communities in various aspects of life, including marriage and family institutions.[6] The meeting of different cultural backgrounds brings a wealth of values and traditions, but at the same time, it also opens up space for social friction. Differences in views on the rights and obligations of husbands and wives, the procedures and meanings of marriage ceremonies, and the position and role of the extended family in household life are often sources of tension between the two groups.[7] The couple's unpreparedness in managing these differences often

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[1] Guy Abel Elin Charles-Edwards and Aude Bernard, "International Migration and Development: The Changing Impact of Migration on Redistributing Global Population," *International Migration Review* 59, no. 2 (2023), https://doi.org/10.1177/01979183231175114.

[2] Ahmad Bunyan Wahib, et al. "Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood," *Journal of Human Rights, Culture and Legal System* 5, no. 2 (2025), https://doi.org/10.53955/jhcls.v5i2.702.

[3] Nada Ibrahim Siti Rohmanatin Fitriani and Carole Zufferey, "Communal Parenting, Marriage and Children in Papua, Indonesia: Insights for Social Work," *International Social Work* 66, no. 5 (2022), https://doi.org/10.1177/0020872822109442.

[4] Anwar Alaydrus, et al. "Social Interaction of Immigrant Communities (Ethnic Javanese) with Indigenous Communities (Ethnic Tidung) in the Indonesia-Malaysia Borderlands," *Proceedings of the Asia Pacific Sociological Association Conference*, ahead of print, 2024, https://doi.org/10.2991/978-94-6463-680-2_10.

[5] Sara Ida Magdalena Awi, "Dinamika Penerapan Hukum Adat Port Numbay: Analisis Tren Kontemporer Di Kota Jayapura," *Al-Mikraj* 5, no. 2 (2025), https://doi.org/10.37680/almikraj.v5i2.7790.

[6] Keebet von Benda-Beckmann, "Legal Pluralism, Social Theory, and the State," *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2018), https://doi.org/10.1080/07329113.2018.1532674.

[7] Maarten Manse, "The Plural Legacies of Legal Pluralism: Local Practices and Contestations of Customary Law in Late Colonial Indonesia," *Legal Pluralism and Critical Social Analysis* 56, no. 3 (2024), https://doi.org/10.1080/27706869.2024.2377447.

leads to internal family conflicts,[8] which ultimately impacts the vulnerability of household resilience and increases the risk of domestic violence and even divorce in multicultural communities in Port Numbay.[9]

The complexity of marriage issues in Port Numbay is further exacerbated by the existence of legal pluralism, which encompasses state law,[10] religious law, and customary law, all of which coexist but do not always function harmoniously.[11] The lack of synchronization between these legal systems often causes confusion at the community level in determining the legal reference for resolving family issues, ranging from marriage registration to the resolution of domestic conflicts.[12] This condition encourages the proliferation of unregistered marriages,[13] which has a serious impact on the fulfillment of women's and children's rights,[14] both in terms of legal protection, civil status, and access to state administrative services.[15] Therefore, the issue of marriage in the migrant community in Port Numbay cannot be understood as merely an individual problem, but rather as a social issue closely related to the legal and social structure of society,[16] requiring a comprehensive and

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[8] Johni R. V. Korwa, et al. "Peri-Urbanisation in Papua: A Participatory and Geospatial Impact Assessment of Peri-Urban Development and Transmigration in Port Numbay," *Asia & The Pacific Policy Studies,* ahead of print, 2021, https://doi.org/10.1002/app5.322.

[9] Yane Rosmawati Maahuri, "Pluralisme Di Kabupaten Jayapura Sebagai Sketsa Pemikiran Membangun Bhineka Tunggal Ika Menuju Indonesia Damai," *Titian Jurnal Ilmu Humaniora* 6, no. 2 (2022): 157–81, https://doi.org/10.22437/titian.v6i2.21596.

[10] M. Noor Harisudin and Muhammad Choriri, "On The Legal Sanction Against Marriage Registration Violation in Southeast Asia Countries: A Jasser Auda's Maqasid Al-Shariah Perspective," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (2021).

[11] Rostini Anwar and Hafied Cangara, "Rintangan Komunikasi Antar Budaya Dalam Perkawinan Dan Perceraian Etnis Jawa Dengan Papua Di Kota Jayapura (Suatu Strategi Manajemen Konflik Dalam Hubungan Interpersonal Pasangan Suami Istri)," *KAREBA: Jurnal Ilmu Komunikasi* 5, no. 2 (2016): 273–85.

[12] Amhar Maulana Harahap, "Pengaruh Perbedaan Budaya Dan Tradisi Dalam Pernikahan Antar Etnis Terhadap Stabilitas Rumah Tangga Di Kota Padangsidimpuan," *El-Sirry: Jurnal Hukum Islam Dan Sosial* 2, no. 1 (2024): 1–24, https://doi.org/10.24952/ejhis.v2i1.11016.

[13] Muhammad Ngizzul Muttaqin, "Unregistered Marriage Between Indonesian Citizens And Foreign Citizens With The Legal Perspective Of Marriage In Indonesia," *Jurnal Ilmiah Mizani* 7, no. 2 (2020).

[14] Stella, "Pengaruh Hukum Adat Dalam Penyelesaian Sengketa Adat Di Pengadilan Hukum Adat," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 9 (2023): 894–903.

[15] Dede Muhammad Gufron, "Unregistered Marriage and the Legal Impact, A Book Review 'Kepastian Hukum Perkawinan Siri Dan Permasalahannya' Zainuddin SH MH & Afwan Zanuddin SH. MH, Deepublish Yogyajarta, 95 Pages, ISBN: 978-602-435-120-1," *Indonesian Journal of Advocacy and Legal Services* 3, no. 2 (2021), https://doi.org/10.15294/ijals.v3i2.34776.

[16] Individual actions (including in marriage) are influenced by habitus and social structure. In the context of migrant communities, the new social structure influences the old habitus, so marriage conflicts become more complex and social in nature. Pierre Bourdieu, *Outline of a Theory of Practice,* Cambridge (Cambridge, 1999).

multidisciplinary approach to strengthen family resilience in the context of a multicultural society.[17]

Previous literature on marriage dynamics among migrants shows that marriage channels (personal meetings, intermediary networks, matchmakers) reflect the socio-economic position and gender burdens of Vietnamese women and create temporal inequality in migration decision-making.[18] Kalek's research shows that mixed marriages among the Indonesian diaspora face challenges related to culture, religion, gender roles, and children's identity, but can work well through mutual understanding and Islamic values.[19] Similarly, Wahib et al. revealed in their research the persistence of village marriage practices among Indonesian migrant workers in Sabah due to religious, economic, and social factors, as well as weak law enforcement, even though it is not legally recognized.[20] However, these studies have not yet comparatively linked the dynamics of migrant marriages with the framework of legal pluralism that occurs between the state, religion, and local customs in certain multicultural contexts, nor have they thoroughly examined the implications for legal agents and the protection of women's rights since the pre-migration stage.

This study aims to examine the dynamics of marriage, including domestic violence, among migrants in Port Numbay, not only to describe the existing social conditions but also to explore the root causes of the problems based on the local context. In addition, this study examines how migrant communities form and maintain family institutions amid cultural pluralism, how they resolve conflicts that arise, and the extent to which the state and social institutions support family resilience. Therefore, the results of this study are expected to serve as a reference for building strong, fair, and adaptive family institutions amid changing times, including as a basis for the formulation of social, legal, and family education policies that are more responsive to the dynamics of the Port Numbay community. Therefore, a synergy between culture, law, and human values is necessary for family institutions to become the main pillar for the advancement of a multicultural civilization.

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[17] Julia Carter, "Why Marry? The Role of Tradition in Women's Marital Aspirations," *Sociological Research Online* 22, no. 1 (2017), https://doi.org/10.5153/sro.412.

[18] Hsin-Chieh Chang and Susanne Yuk Ping Choi, "Marriage Channels, Temporal Inequality, and Migration Decision-Making Agency: Vietnamese Marriage Migrants in Asia," *International Migration Review* 59, no. 4 (2025), https://doi.org/10.1177/01979183251314845.

[19] Sally Kalek, "Challenges and Issues in Mixed Marriage Between the Indonesian and Non-Indonesia Diaspora," *Smart: Journal of Sharia, Tradition and Modernity* 4, no. 2 (2024), https://doi.org/10.24042/smart.v%2525vi%2525i.24500.

[20] Ahmad Bunyan Wahib, et al. "Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood."

Methods

This study uses a qualitative approach[21] with a case study design to explore in depth the dynamics of marriage among migrant communities in Port Numbay in the context of cultural and legal pluralism. The research data were obtained from primary and secondary sources. Primary data were collected through in-depth interviews with religious, traditional, and academic leaders and legal practitioners. Observations were made by conducting field observations of the ongoing social practices. Secondary data were collected from official documents, legal regulations, traditional archives and relevant academic literature.[22]

The data collection process was conducted purposively, followed by snowball sampling to reach informants relevant to the characteristics of the case. The collected data were analyzed using an interactive analysis model that included data reduction, data presentation, and conclusion drawing to obtain a comprehensive understanding of the phenomenon under study.[23] These steps were carried out repeatedly and were interrelated so that the data collection and analysis processes ran simultaneously throughout the study. The validity of the findings was ensured through source, technique, and time triangulation, as well as member checking with key informants. Through this case study design, the research was able to holistically map the interaction between tradition, law, and social reality in the marriage practices of the migrant community in Port Numbay in Jayapura.

Result and Discussion

A Portrait of the Problems of Marriage in the Land of Port Numbay

Marriage in the context of the migrant communities in Port Numbay, Jayapura City, is not only understood as a sacred bond between two individuals but also as a meeting point for various cultural differences, values, and social structures. Migration to a multiethnic region such as Papua brings complex social consequences, including in domestic life.[24] The interaction between the culture of origin and the local culture, coupled with economic and social challenges, creates its own dynamics that sometimes lead to conflict in husband and wife relationships. Qutsiyah notes that various problems such as domestic violence,

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[21] N. K. Denzin and Y. S. Lincoln, *The SAGE Handbook of Qualitative Research* (Thousand Oaks, CA: SAGE, 2011).

[22] Irving Seidman, *Interviewing as Qualitative Research* (New York: Teacher College Press, 2005).

[23] Robert Bogdan and Steven J Taylor, *Introducton to Qualitative Research Methods: A Phenomenological Approach to the Social Sciences* (New York: John Wiley & Sons, 2000).

[24] Results of research on migrant communities in the Port Numbay region, July-October 2022

economic problems, the presence of third parties, and weak social control are the main issues faced by migrants in Jayapura.[25]

These marital problems are not only personal,[26] but also reflect broader structural tensions in society. The potential for conflict increases when family institutions lack sufficient resilience to social pressure.[27] Domestic violence is one form of expression of this pressure, which not only causes physical and psychological injuries but also threatens the sustainability of a harmonious social order.[28] In this context, it is important to fully map the problems that arise in the marriages of migrant communities so that effective and responsive handling strategies can be formulated for the multicultural reality of Port Numbay. According to Qutsiyah, there are various forms of marital problems for migrants in Jayapura City, such as domestic violence, economic problems, both due to economic hardship and significant economic improvement, third parties interfering in family life, and a lack of social control.[29]

First, domestic violence is an act of violence committed by a family member against another. Violence can take many forms that can affect victims physically, mentally, and emotionally. Forms of domestic violence include Physical Violence, such as hitting, slapping, pushing, or using objects to hit; Emotional/Psychological Violence, which involves actions that damage the victim's mental and emotional health, such as insults, threats, intimidation, or behavioral control; and Sexual Violence, which involves forcing sexual relations without consent, sexual harassment, or other actions that demean the victim's sexual dignity. Second, Economic Violence limits the victim's access to financial resources, such as forcing the victim to hand over money or prohibiting them from working. Domestic violence can cause physical and mental injuries. Physical injuries can be serious or even fatal, and mental injuries can include depression, anxiety, trauma, and post-traumatic stress disorder (PTSD).

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[25] Qutsiyah, "Interview with the Director of the Islamic Legal Consultation and Assistance Institute IAIN Fattahul Muluk Papua," October 17, 2022.

[26] Euis Nurlaelawati, "For The Sake of Protecting Religion: Apostasy and Its Judicial Impact on Muslim's Marital Life in Indonesia," *Journal of Indonesian Islam* 10, no. 01 (2016): 90.

[27] Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Ahkam: Jurnal Ilmu Syariah* 27, no. 2 (2020), https://doi.org/10.36712/sdi.v27i2.9408.

[28] A. Hasan Asy'ari Ulamai Sukendar, et al., "Women's Access To Justice: Mediation For The Victims of Domestic Violence In Central Java, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 1 (2023).

[29] Qutsiyah, "Interview with the Director of the Islamic Legal Consultation and Assistance Institute IAIN Fattahul Muluk Papua," October 17, 2022.

In addition, domestic violence can be recognized by physical signs such as injuries or feelings of anxiety and fear, and even avoidance of social interaction, as reported by the informants.

> "In many cases that I have encountered, domestic violence is not always revealed through confessions but can be seen from the condition of the victim themselves. There are repeated physical injuries, but what is more often overlooked are psychological changes, such as excessive anxiety and constant fear. Victims tend to withdraw, avoid socializing, and become very closed off during social interactions. These signs should serve as an early warning alarm for the surrounding community."[30]

The portrait of domestic violence among migrant communities in Port Numbay becomes even more analytically articulated when supported by empirical data and systematic institutional findings. Based on the assistance report from the Islamic Legal Aid and Consultation Institute (LKBHI) IAIN Fattahul Muluk Papua, more than 40% of family consultation cases handled in the last year involved migrant couples. These findings show that the most dominant form of problem is related to domestic violence, followed by infidelity and economic conflicts within families. Empirically, the data indicate a higher structural vulnerability in migrant families, which is not only influenced by power relations within the household but also by the pressures of social adaptation, economic instability, and limited access to legal protection systems and social services in the destination area.

Qutsiyah, Director of the Islamic Legal Aid and Consultation Institute (LKBHI) IAIN Fattahul Muluk Papua, emphasized that:

> "The cases we assist with are mostly related to domestic violence and economic problems that burden migrant couples' relationships, indicating the high structural pressures faced by migrant families. Field findings also confirm that around 30-35% of migrant couples interviewed do not have official marriage certificates because they chose traditional or religious marriages that are not registered, creating legal vulnerability, especially for women and children".[31]

Furthermore, the informants explained:

> "Victims generally do not know where to report because our marriages are not registered, she said. This ignorance reflects the close link between the lack of legal marriage and the weak legal protection available to victims. In addition, a number of migrant couples also expressed difficulties in adjusting to local social norms in Papua,

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[30] M. Tohar Al Abza, "Interview with a Lecturer at the Sharia Faculty of IAIN Fattahul Muluk Papua," October 18, 2022.

[31] Qutsiyah, "Interview with the Director of the Islamic Legal Consultation and Assistance Institute IAIN Fattahul Muluk Papua," October 17, 2022.

which place the role of the extended family and indigenous communities at the center of domestic relations."[32]

These communal relational patterns often clash with migrants' individualistic cultural values, creating tension in domestic life. This condition confirms that the issue of marriage among migrants cannot be reduced solely to a matter of personal disharmony but is rather a social construct formed by the complex interaction between economic pressures, the dynamics of cross-cultural adaptation, and the existence of a pluralistic legal system that often operates in an uncoordinated manner.[33]

Based on field findings, marital problems in the migrant community in Port Numbay show recurring and interrelated patterns. To facilitate reading and show the relationship between the types of problems, driving factors, and their impacts, the mapping of these marital problems is presented systematically in the following table.

Table 1. Marital Problems in the Migrant Community in Port Numbay

Major Marriage Problems	Forms and Characteristics	Key Contributing Factors	Social and Legal Implications
Domestic Violence (DV)	Physical, psychological, sexual, and economic violence in marital relationships.	Economic pressure, unequal power relations, weak social control	Victim trauma, family breakdown, lack of legal protection
Family Economic Instability	Conflicts due to economic shortages or surges.	Job insecurity, differences in financial management orientation	Domestic stress, conflict escalation, domestic violence
Unregistered Marriage	Traditional or religious marriages without state registration.	Low legal awareness,	Legal vulnerability of women and children

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[32] A.Z, "Interview with an Islamic Religious Leader in Port Numbay, Papua," October 20, 2022.

[33] Muhamad Helmi Bin Md Said and Grace Emmanuel Kaka, "Domestic Violence in Cross-Border Marriages: A Systematic Review," *Trauma, Violence, & Abuse* 24, no. 3 (July 2023): 1483–502, https://doi.org/10.1177/15248380221074321.

		administrative barriers	
Presence of a Third Party	Infidelity and extramarital relationships.	Weak communication and commitment, poor social adaptation	Loss of trust, divorce
Conflict of Values and Culture	Value conflicts between the culture of origin and the local culture of Papua.	Unpreparedness for cross-cultural adaptation	Family disharmony, social conflict

Source: compiled by the author

Table 1 shows that marital problems, especially in the context of migrant families, are multidimensional and interrelated, where domestic violence, family economic instability, unregistered marriages, the presence of third parties, and cultural and value conflicts form a layered ecosystem of vulnerability to domestic violence.[34] Economic pressures and unequal power relations have been shown to be key structural determinants of increased domestic violence and escalating domestic conflict, as confirmed by cross-country studies on the prevalence of intimate partner violence.[35] In the context of unregistered marriages, the absence of state legality significantly weakens the legal position of women and children, especially in situations of violence and divorce, owing to limited access to legal protection and redress mechanisms.[36] The interaction between state law, religious law, and social practices, which are not always in harmony, further reinforces this vulnerability, especially in societies with pluralistic legal systems.[37] However, the value and cultural conflicts experienced by migrant couples reflect a failure of cross-cultural adaptation, where the clash between individualistic value orientations and the communal relational patterns of local

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[34] Lori L. Heise, "Violence Against Women: An Integrated, Ecological Framework," *Violence Against Women* 4, no. 3 (June 1998): 262–90, https://doi.org/10.1177/1077801298004003002.

[35] K. M. Devries et al., "The Global Prevalence of Intimate Partner Violence Against Women," *Science* 340, no. 6140 (June 2013): 1527–28, https://doi.org/10.1126/science.1240937.

[36] Imron Rosyadi, et al. "Criminalization of Unregistered Marriage in Indonesia: A Legal System Analysis Based on Friedman's Theory," *Al-'Adalah* 22, no. 1 (June 2025): 147–80, https://doi.org/10.24042/adalah.v221.22779.

[37] John R. Bowen, *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*, 1st ed. (Cambridge University Press, 2003), https://doi.org/10.1017/CBO9780511615122.

communities contributes to family disharmony and broader social conflict.[38] This condition affirms that marriage issues cannot be reduced to merely private matters but are socio-legal phenomena shaped by the simultaneous interaction between economic structures, cultural dynamics, and the applicable legal framework.[39]

Some steps taken in handling domestic violence include seeking help, consulting professionals, reporting to the authorities, and making a safety plan.

> "In situations of domestic violence, the most important first step is to have the courage to seek help and not keep it to yourself. Consulting professionals, such as counselors or legal advisors, is key to understanding the position and options available to victims. If the situation threatens safety, reporting to the authorities is no longer an option but a necessity. At the same time, victims also need to prepare a safety plan so that they have clear protection when the situation worsens."[40]

Various studies have confirmed that the crucial first step in handling domestic violence is seeking social support, as it plays a significant role in reducing the victim's isolation and increasing their courage to leave the abusive relationship.[41] A professional approach through counseling and psychological support is considered effective in helping victims recover.[42] However, other research findings criticize the over-reliance on psychological solutions because they have the potential to obscure the structural roots of domestic violence, such as power imbalances and economic pressures.[43] Therefore, reporting to law enforcement and women's protection agencies remains an important mechanism, although its effectiveness is often debated due to bureaucratic obstacles, social stigma, and institutional responses that are not yet fully sensitive to the victims.[44]

In the context of marriage, domestic violence is often intertwined with various other relational problems, such as communication breakdowns, differences in values and culture,

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[38] John W. Berry, "Immigration, Acculturation, and Adaptation," *Applied Psychology* 46, no. 1 (January 1997): 5–34, https://doi.org/10.1111/j.1464-0597.1997.tb01087.x.

[39] Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, 1st ed. (Oxford University PressOxford, 1996), https://doi.org/10.1093/0198290918.001.0001.

[40] "Interview with a Traditional Leader in Port Numbay, Papua," October 20, 2022.

[41] World Health Organization, *Responding to Intimate Partner Violence and Sexual Violence against Women: WHO Clinical and Policy Guidelines* (Geneva: WHO Press, 2013), https://www.who.int/publications/i/item/9789241548595.

[42] Judith Lewis Herman, *Trauma and Recovery: The Aftermath of Violence-from Domestic Abuse to Political Terror* (New York: Basic Books, 1997), https://psycnet.apa.org/record/2015-30136-000.

[43] Raewyn Connell, *Gender and Power: Society, the Person, and Sexual Politics* (Stanford: Stanford University Press, 1987), https://psycnet.apa.org/record/1988-97032-000.

[44] Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), https://press.uchicago.edu/ucp/books/book/chicago/H/bo3636543.html.

and economic conflicts. Ineffective communication and differences in values can escalate conflicts and weaken the quality of couples' emotional relationships.[45] However, approaches that emphasize communication and personal compatibility alone are often criticized for normalizing structural conflicts, such as gender inequality in the division of domestic roles and economic responsibilities.[46] In addition, financial problems, work pressure, and stress have consistently been identified as risk factors for increased conflict and violence, especially in families with high levels of socioeconomic vulnerability.[47] Furthermore, the presence of third parties, incompatibility of life goals, sexual problems, and mental health disorders show that marital problems are not singular but reinforce each other. Thus, family based interventions and education on healthy relationships are needed to prevent conflicts early on.[48] Thus, addressing domestic violence and marital problems requires an integrative approach that focuses not only on changing individual behavior but also on transforming the social, cultural, and legal structures that shape domestic relationships.

In the context of the migrant community in Port Numbay, the dynamics of marriage can be understood as part of a structural social transition process rather than merely an individual or psychological issue.

> "Couples who grow up in a relatively homogeneous cultural setting often experience a shock of values when they enter a multicultural social space such as Papua. In this region, social life is greatly influenced by the role of indigenous communities, communal values, and relationships based on collectivism. The adaptation process does not always run smoothly when individualistic habits encounter communal social structures. It is at this point that the ability to understand and respect the local context becomes the key to sustaining relationships."[49]

Unpreparedness in managing cultural differences, gender roles, and value systems increases the risk of domestic conflict and relational tension.[50] Cross-cultural adaptation processes not supported by adequate social mechanisms can exacerbate the vulnerability of

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[45] John M. Gottman, *The Seven Principles for Making Marriage Work* (New York: Crown Publishers, 1999).

[46] Michael P. Johnson, "Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence against Women," *Journal of Marriage and the Family* 57, no. 2 (May 1995): 283, https://doi.org/10.2307/353683.

[47] Karen M. Devries et al., "Intimate Partner Violence and Incident Depressive Symptoms and Suicide Attempts: A Systematic Review of Longitudinal Studies," *PLoS Medicine* 10, no. 5 (May 2013): e1001439, https://doi.org/10.1371/journal.pmed.1001439.

[48] Lori Heise, "What Works to Prevent Partner Violence? An Evidence Overview," *London School of Hygiene & Tropical Medicine*, 2011, https://gsdrc.org/document-library/what-works-to-prevent-partner-violence-an-evidence-overview/.

[49] "Interview with a Traditional Leader in Port Numbay, Papua," October 20, 2022.

[50] Stephen Castles and Mark J. Miller, *The Age of Migration* (London: Macmillan Education UK, 1998), https://doi.org/10.1007/978-1-349-26846-7.

migrant families. However, in other studies, multiculturalism is not always synonymous with conflict; rather, it can be a source of relationship enrichment if couples have sufficient reflective capacity and institutional support.[51]

However, limited access to counseling services, marriage education, and legal assistance reinforces the vulnerable position of migrant couples, especially women. The absence of formal support often forces families to resolve conflicts informally, which reproduces unequal power relations.[52] This argument is reinforced by studies on access to justice, which emphasize that the existence of responsive social networks and support institutions are key factors in preventing the escalation of domestic conflict.[53] Therefore, a preventive approach is needed that emphasizes family literacy and education on healthy relationships from an early age, both in the community of origin and in the destination of migration.[54] Thus, marriage in migrant communities is not merely positioned as a locus of vulnerability and conflict but also as a potential space for building a model of relationships that is more inclusive, egalitarian, and adaptive to ever-changing social dynamics.[55]

Factors Affecting Marriage Problems Among Migrants in Port Numbay, Papua

Marriage among migrants in Port Numbay cannot be separated from the various complex social challenges. The social dynamics faced by migrants, ranging from cultural adaptation to economic pressures, greatly affect family life stability and harmony.

> "If we look closely, the social dynamics experienced by migrants greatly affect the stability of family life. Marriage problems do not just appear out of nowhere but are triggered by various factors, both from internal relationships between couples and from pressures from the environment outside the immediate family. This situation often leaves couples in a vulnerable emotional and social state. Therefore, understanding the social context of migration is important in order to gain a more complete understanding of the root causes of marital problems."[56]

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[51] Kymlicka, *Multicultural Citizenship*.

[52] Bowen, *Islam, Law, and Equality in Indonesia*.

[53] Ulrich Beck and Elisabeth Beck-Gernsheim, *The Normal Chaos of Love* (Cambridge: Polity Press, 1995), https://www.wiley.com/en-dk/The+Normal+Chaos+of+Love-p-9780745613826.

[54] Mark A. Fine and Frank D. Fincham, *Handbook of Family Theories* (New York: Routledge, 2013), https://www.routledge.com/Handbook-of-Family-Theories-A-Content-Based-Approach/Fine-Fincham/p/book/9780415657228.

[55] M. Syarif and Ali Muchasan, "Aktivitas Keberagamaan Para Pekerja Migran Indonesia Di Hong Kong," *Jurnal Inovatif* 8, no. 1 (2022).

[56] M. Tohar Al Abza, "Interview with a Lecturer at the Sharia Faculty of IAIN Fattahul Muluk Papua," October 18, 2022.

Various studies on migration and family show that internal factors, such as communication patterns and division of roles, dynamically interact with external factors, such as economic uncertainty, limited social networks, and the demands of cross-cultural adaptation, thereby increasing vulnerability to domestic conflict. When these pressures are not managed properly, conflicts within the household tend to increase and can even lead to divorce or violence, confirming that marriage is not merely an emotional bond but a social relationship that is strongly tied to the socio-economic and cultural context.[57]

Marriage problems among migrant communities in Jayapura are influenced by a number of intertwined structural and relational factors, particularly economic pressures, social status, the presence of third parties, weak social control, and the quality of communication within households. Conversely, various studies confirm that poor communication not only triggers conflict but also exacerbates problems that could be managed through equal and reflective dialogue.[58] Therefore, it is important to identify and understand each factor in depth to formulate relevant and contextual solutions to address the marital problems of the migrant community in Port Numbay.[59]

First, economic factors are consistently identified as important determinants of family dynamics and well-being, especially in vulnerable households. Financial instability, such as job loss, insufficient income, and debt accumulation, has been shown to increase stress, anxiety, and conflict among family members.[60] Economic pressures not only affect the fulfillment of basic needs but also shape the quality of life and emotional relationships within the household, including changes in the division of domestic roles and childcare when one partner has to bear a greater economic burden.[61] Financial pressure often triggers communication tensions, especially in decision-making related to spending, savings, and family priorities, which can ultimately weaken marital cohesion and satisfaction.

However, the negative impact of economic factors is not deterministic; the influence of financial pressure on conflict and family mental health is greatly mediated by the quality

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[57] Devries et al., "Intimate Partner Violence and Incident Depressive Symptoms and Suicide Attempts."

[58] Gottman, *The Seven Principles for Making Marriage Work.*

[59] M. Tohar Al Abza, "Interview with a Lecturer at the Sharia Faculty of IAIN Fattahul Muluk Papua," October 18, 2022.

[60] Qutsiyah, "Interview with the Director of the Islamic Legal Consultation and Assistance Institute IAIN Fattahul Muluk Papua," October 17, 2022.

[61] Glen H. Elder, *Children of the Great Depression: Social Change in Life Experience*, 1st ed. (Routledge, 2018), https://doi.org/10.4324/9780429501739.

of relationships and social support that families have.[62] From this perspective, economic limitations do not automatically undermine family stability if they are balanced by effective communication, flexible role-sharing, and good psychological adaptability. In fact, low-income families can develop strong solidarity and resilience when they face economic pressures collectively.[63] Thus, economic factors must be understood as a structural context that influences family dynamics, but their impact is highly dependent on broader relational, psychological, and social interactions.

Second, social status is a structural factor that significantly influences the dynamics and sustainability of marriage because it shapes social expectations, gender role distribution, and access to material and symbolic resources.[64] Several sociological studies have shown that couples with a certain social status are often burdened with cultural demands to maintain an image, reputation, and standard of living that is in line with their social position, which in turn can increase psychological pressure in marital relationships.[65] In contrast, couples with lower social status tend to face greater economic pressures and limited access to education and support services, making them more vulnerable to domestic conflict.[66] In many social contexts, social status is intertwined with rigid gender role constructions, such as the expectation that men are the primary breadwinners and women are domestic managers, which can create power imbalances and increase the potential for tension in the household. High social expectations and interference from the family environment can be a source of conflict.[67] Thus, social status needs to be understood not only as an economic background but also as a social construct that shapes expectations, power relations, and conflict resolution strategies in marriage.

Third, third-party factors are important determinants that influence the stability and quality of marital relationships, both through direct intervention and indirect pressure from the social environment. The involvement of the extended family often shapes normative

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[62] Rand D. Conger et al., "A Family Process Model of Economic Hardship and Adjustment of Early Adolescent Boys," *Child Development* 63, no. 3 (June 1992): 526, https://doi.org/10.2307/1131344.

[63] Annette Lareau, *Unequal Childhoods: Class, Race, and Family Life*, 2nd ed. (Berkeley: University of California Press, 2011), http://www.jstor.org/stable/10.1525/j.ctt1ppgj4.

[64] Results of research on migrant communities in the Port Numbay region, July-October 2022

[65] Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (Milton Park: Routledge, 2006), https://www.taylorfrancis.com/chapters/edit/10.4324/9780429499838-20/distinction-social-critique-judgement-taste-pierre-bourdieu.

[66] Lareau, *Unequal Childhoods: Class, Race, and Family Life.*

[67] Stephanie R. Psaki et al., "What Are the Drivers of Child Marriage? A Conceptual Framework to Guide Policies and Programs," *Journal of Adolescent Health* 69, no. 6 (December 2021): S13–22, https://doi.org/10.1016/j.jadohealth.2021.09.001.

expectations regarding the roles, decisions, and direction of marriage, which, in certain contexts, can interfere with the couple's autonomy and trigger domestic conflict. In addition, the influence of friends, relatives, and the work environment can shape subjective perceptions and evaluations of marital relationships, for example, through social comparison practices or the giving of advice that is not contextual.[68]

The presence of a third party in the form of an affair is consistently identified as one of the most destructive factors because it damages trust, weakens commitment, and increases the risk of divorce. Furthermore, in today's digital age, social media also acts as an external actor that shapes unrealistic expectations about intimate relationships and opens up spaces for interaction that have the potential to trigger jealousy and distrust.[69] Thus, the third-party factor needs to be understood relationally and contextually, not merely as a source of disturbance, but as a social variable that can weaken or strengthen the resilience of marriage, depending on how couples manage external interventions and pressures. It is important for couples to have good communication and clear boundaries to manage external influences so that they do not harm their relationship.

Fourth, the absence of social control is an important factor contributing to the increase in marital problems because social control serves to maintain the validity of norms, values, and responsibilities in family relationships. Weak social control makes deviant behavior more likely to occur because of the absence of social sanctions and moral pressure from the surrounding environment.[70] Weak social regulation (anomie) has the potential to create disorganization in social relationships, including in the institution of marriage,[71] It also shows that the absence of a supportive social network from family and community will increase the couple's sense of isolation, so that conflicts tend to escalate without adequate social support mechanisms.[72] In addition, weak social control impacts the decline in responsibility and accountability in marital relationships, a condition that weakens conflict resolution mechanisms and increases the risk of divorce. Thus, social control not only

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[68] Leon Festinger, "A Theory of Social Comparison Processes," *Human Relations* 7, no. 2 (May 1954): 117–40, https://doi.org/10.1177/001872675400700202.

[69] Jean M. Twenge, *iGen: Why Today's Super-Connected Kids Are Growing Up Less Rebellious, More Tolerant, Less Happy* (New York: Atria Books, 2017).

[70] Results of research on migrant communities in the Port Numbay region, July-October 2022

[71] Émile Durkheim, *The Division of Labor in Society, Trans. W. D. Halls* (New York: Simon and Schuster, 1997).

[72] Eric Lesser, *Knowledge and Social Capital*, 0 ed. (Routledge, 2009), https://doi.org/10.4324/9780080509792.

functions repressively but also constructively in maintaining stability, trust, and the sustainability of the institution of marriage amid rapid social change.

Fifth, poor communication is central to explaining marital vulnerability, as the inability of couples to communicate openly, listen to each other, and manage differences in perception often triggers protracted conflicts. Miscommunication does not stand alone but is intertwined with other issues such as financial management, differences in values and life goals, and low relational commitment. Economic pressures, for example, often worsen the quality of communication and increase emotional stress, as shown by Randall and Bodenmann, who confirmed the strong relationship between external stress and a decline in the quality of couple interactions. [73] In addition to internal factors, marital stability is influenced by external pressures and personal circumstances, such as work demands, extended family intervention, limited time together, mental health issues, and domestic violence. The accumulation of these factors can weaken emotional bonds and increase the risk of marital dissolution.[74] Thus, marital problems need to be understood multidimensionally, not merely as individual failures but as the result of complex interactions between communication, relationship structures, and the surrounding social context.

Table 2. Factors Contributing to Marriage Problems Among Migrants in Port Numbay

Key Factors	Key Characteristics	Research Findings
Economy	Income instability, pressure of needs	Dominant factors triggering conflict and domestic violence
Social Status	Inequality of roles and social expectations	Weakening of equal relationships between partners
Third Parties	Family intervention, infidelity	Triggers damaging trust
Social Control	Minimal community norm supervision	Increasing deviant behavior
Communication	Ineffective dialogue, misunderstanding	Factors reinforcing conflict

Source: compiled by the author

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[73] Tamás Martos et al., "Stress and Dyadic Coping in Personal Projects of Couples – A Pattern-Oriented Analysis," *Frontiers in Psychology* 10 (February 2019): 400, https://doi.org/10.3389/fpsyg.2019.00400.

[74] Paul R. Amato, "The Consequences of Divorce for Adults and Children," *Journal of Marriage and Family* 62, no. 4 (November 2000): 1269–87, https://doi.org/10.1111/j.1741-3737.2000.01269.x.

Table 2 shows that marital problems are multidimensional and arise from interactions between structural, relational, and social factors. Economic factors emerged as the most dominant triggers due to income instability and pressure to meet needs. Social status shows how role inequality and social expectations weaken equal relationships between spouses. The presence of a third party damages trust and accelerates the disintegration of the relationship. Weak social control indicates a decline in community norms that have traditionally served to maintain marital behaviors. Ineffective communication acts as a reinforcing factor that deepens these conflicts due to the couple's inability to manage differences and external pressures through dialogue. Overall, these findings confirm that marital conflict cannot be understood in isolation but rather as an accumulation of mutually reinforcing factors within a specific social context.

In migrant communities undergoing social and cultural transitions, the factors that trigger marital problems are often interrelated and form a cycle of problems that are difficult to unravel. Domestic problems among migrants are not only the result of individual failure but also a reflection of a social system that is not yet fully adaptive to the realities of diversity and social mobility. Therefore, efforts to resolve marital problems should not only focus on coaching married couples but must also be accompanied by broader structural and cultural approaches.[75] Local governments, religious institutions, and civil society organizations need to build a social ecosystem that supports family resilience,[76] If this approach is implemented consistently, marriages in migrant communities will not only be able to withstand external pressures, but can also become a means of harmonious social integration amid the diversity of Port Numbay.[77]

Legal Pluralism in the Dynamics of Migrant Marriage: The Interaction of State Law, Islamic Law, and Living Law in Port Numbay

A holistic approach to resolving migrant marriage issues in Port Numbay cannot be conceptually separated from the framework of legal pluralism, which is a condition in which more than one legal system exists and operates simultaneously within the same social space. In this context, migrant couples find themselves at the intersection of state law (marriage

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[75] Abdullah Ibnu Bayyah, *The Relationship between Purposes (Maqāṣid) and Fundamentals (Uṣūl) of Islamic Law* (London: Al-Furqan, 2006).

[76] Caroline Soergjerd, *Reconstruction Marriage: The Legal Status of Relationship in Changing Soceity* (Cambridge: Intersentia, 2012).

[77] Rostini Anwar and Hafied Cangara, "Rintangan Komunikasi Antar Budaya Dalam Perkawinan Dan Perceraian Etnis Jawa Dengan Papua Di Kota Jayapura (Suatu Strategi Manajemen Konflik Dalam Hubungan Interpersonal Pasangan Suami Istri)."

administration and legal protection), Islamic law (ethical norms, relational justice, and moral responsibility), and local Papuan customs, which emphasize communal solidarity and social control. Classical studies of legal pluralism assert that family conflicts often arise not solely as a result of failed interpersonal relationships but rather due to tensions and competition between normative authorities that are equally claimed as legitimate by social actors.[78] Thus, the problem of migrant marriage must be understood as a layered socio-legal phenomenon, not merely a private domestic issue.[79]

Within the framework of modern legal pluralism, the effectiveness of law is not determined solely by the supremacy of state law but by its ability to interact with non-state laws that exist in social practice.[80] Field findings regarding the strong influence of migrants' traditions and local Papuan norms show the workings of living law, which is often more strictly adhered to than formal regulations are. When state law fails to accommodate these religious and customary dimensions, a normative gray area emerges that weakens conflict resolution and rights-protection mechanisms, especially for women. This phenomenon is in line with Benda-Beckmann's findings, which show that legal pluralism without coordination mechanisms has the potential to perpetuate power imbalances in family relationships.[81]

In the context of pluralism, Islamic law occupies a strategic position as a transformative and adaptive normative system. Principles such as *maṣlaḥah, ʿadl, shūrā*, and reciprocity (*mubādalah*) enable Islamic law to bridge the moral demands of religion and the social reality of migrants.[82] Unlike a rigid legalistic approach, contemporary Islamic family law, as demonstrated in socio-legal studies, is more effective when operationalized as a relational ethic that strengthens communication, role equality, and conflict resolution rather than merely as a formal norm.[83] In the context of Port Numbay, these Islamic values have the potential to resonate with Papuan customary norms that emphasize harmony and collective responsibility, thus opening up space for their normative integration.

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[78] John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1986): 1–55, https://doi.org/10.1080/07329113.1986.10756387.

[79] Sally Engle Merry, "Legal Pluralism," *Law & Society Review* 22, no. 5 (1988): 869–96, https://doi.org/10.2307/3053638.

[80] Werner F. Menski, *Comparative Law in a Global Context: The Legal Systems of Asia and Africa*, 2nd ed. (Cambridge University Press, 2006), https://doi.org/10.1017/CBO9780511606687.

[81] Franz Von Benda-Beckmann and Keebet Von Benda-Beckmann, *Mobile People, Mobile Law*, 0 ed. (Routledge, 2017), https://doi.org/10.4324/9781315248806.

[82] Mohammad Hashim Kamali, "MAQĀṢID AL-SHARĪ'AH': THE OBJECTIVES OF ISLAMIC LAW," *Islamic Studies* 38, no. 2 (1999), http://www.jstor.org/stable/20837037.

[83] Bowen, *Islam, Law, and Equality in Indonesia.*

Solutions to the marital problems of migrant communities in Port Numbay cannot be adequately addressed within the domestic sphere alone but also require support from the social environment and formal institutions. Interventions by the state and social institutions, such as the DP3A program, marriage education, and family counseling, should ideally be positioned as mediators of legal pluralism rather than as actors who negate non-state laws. This approach aligns with research findings on migration and family, which show that community-based and culturally sensitive policies are more effective in reducing marital conflict than formal legal interventions alone.[84] The involvement of religious leaders and traditional figures not only strengthens the social legitimacy of the program but also creates a space for deliberation between legal systems that have been running in parallel and fragmented, so that local Papuan cultural values remain integrated with the principles of healthy family relationships. In addition, the existence of community forums or migrant communities that function as spaces for sharing and advocacy can be a medium for collective and preventive conflict resolution.[85]

In a conceptual context, the resolution of migrant marriage issues in Port Numbay is analyzed through the interaction between tradition, law, and social reality, showing that the traditions brought by migrant communities have not completely changed but are dynamically negotiated with local Papuan norms that are communal in nature and based on social solidarity. Hierarchical family communication patterns and relatively rigid gender roles from their region of origin often clash with more egalitarian local values, triggering tension in marital relationships. The findings of this study are in line with those of Chang and Choi, who showed that the dynamics of migrant marriages reflect socio-economic positions and gender burdens, creating inequality in the decision-making process.[86] However, these findings differ from those of Kalek, who emphasized that marriage in diaspora communities can be adaptive through shared understanding and internalization of religious values.[87] In addition, these findings also intersect with the research of Wahib et al., which reveals the persistence of unregistered marriages due to religious and economic factors and weak law

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[84] Magdalena Krieger and Zerrin Salikutluk, "Migration and Dynamics in Men's and Women's Domestic Work," *Journal of Family Issues* 44, no. 4 (April 2023): 954–76, https://doi.org/10.1177/0192513X211055117.

[85] Results of research on migrant communities in the Port Numbay region, July-October 2022.

[86] Hsin-Chieh Chang and Susanne Yuk Ping Choi, "Marriage Channels, Temporal Inequality, and Migration Decision-Making Agency: Vietnamese Marriage Migrants in Asia."

[87] Sally Kalek, "Challenges and Issues in Mixed Marriage Between the Indonesian and Non-Indonesia Diaspora."

enforcement, but goes beyond that study by comprehensively linking the dynamics of migrant marriages to the interaction between state law and local customary law,[88] and its implications for legal agents and the protection of women's rights since the pre-migration stage.

Thus, resolving the issue of migrant marriage in Port Numbay requires the reconstruction of policies and legal practices based on integrative legal pluralism. This study confirms that the resilience of migrant marriages is determined not only by the quality of communication between couples but also by the ability of the legal, state, Islamic, and customary systems to interact fairly and mutually reinforce each other. This analysis goes beyond previous studies on migrant marriage and family law by showing that legal pluralism is not an obstacle but rather an important normative source for the protection of rights, gender justice, and family sustainability in a multicultural society.

Conclusion

The conclusion of this study confirms that the dynamics of marriage among migrant communities in Port Numbay cannot be understood solely as a domestic issue but rather as a manifestation of the complex intersection between tradition, law, and contemporary social realities in the context of a pluralistic society. The traditions brought by migrants, whether in the form of kinship values, communication patterns, or gender role constructions, have undergone a process of negotiation when interacting with formal state law and local Papuan norms rooted in communal relationships and respect for social harmony. In this context, the law does not function singularly but rather as a constellation of laws that includes state regulations, religious law, and living law operating within migrant communities. These three layers of law are not always harmonious; on the contrary, tensions between Indigenous values, state regulatory demands, and local social expectations influence how migrant couples manage domestic conflicts.

An analysis of legal pluralism shows that marital conflicts arise from an unbalanced negotiation process between state law, Islamic law, and local customary law (living law), in which each normative system operates simultaneously but is not always harmoniously integrated into the others. In this context, Islamic law, through the framework of *maqāṣid al-sharīʿah*, offers a relevant ethical and normative foundation for strengthening the protection

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[88] Ahmad Bunyan Wahib, et al. "Unregistered Marriages in Sabah: Indonesian Migrant Workers at the Crossroads of Faith, Law, and Livelihood."

of dignity, justice, and family welfare, particularly for women and children. However, its effectiveness is highly dependent on institutional support and recognition within the state's legal structure.

The contemporary social realities they face, ranging from economic pressures, community fragmentation, and low legal literacy to weak new social networks, have shaped a context that determines the vulnerability of their marriage institutions. Therefore, the solution to migrant marriage problems is not merely to improve communication between couples but also to restructure the social and legal ecosystem that surrounds them. An integrated approach is necessary through cross-cultural mediation, adaptive legal assistance, strengthening migrant communities, and institutional collaboration between the state, religious leaders, and traditional Papuan leaders. From this perspective, migrant marriages can be understood as a space for dialogue between identities, norms, and social structures, as well as an arena where legal pluralism is tested and reinterpreted. Thus, resolving the issue of migrant marriage requires a holistic approach based on legal pluralism that not only emphasizes formal law enforcement but also integrates religious values and local social norms contextually, thereby building adaptive, inclusive, and equitable family resilience amid the dynamics of migration and social change

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Declaration of interests statement

      The authors declare that there are no conflicts of interest, whether personal, institutional, or financial, that could influence the research process or the publication of this article.

Additional information

      There is no additional relevant information other than that presented in this article.

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