

The Marriage of *Siri* between Private Piety and Public Legal Order: The Dialectic of Islamic Law and the New Indonesian Criminal Code

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Abstract : Siri marriage is considered valid under Islamic law but lacks state recognition because it is not officially registered. Although often viewed as an expression of private religious observance, this practice may create significant legal consequences, particularly for the protection of women's and children's rights. This article examines siri marriage through the dialectical relationship between Islamic law and Indonesian positive law, with reference to recent criminal law reforms. Using a normative juridical approach supported by conceptual and socio-legal analysis, the study applies *maqāṣid al-sharī'ah* and *ta'zīr* to assess the legitimacy of state intervention. The findings indicate that siri marriage cannot be understood solely as religious freedom because it may generate legal vulnerability and structural injustice. Consequently, compulsory marriage registration and victim-oriented legal measures may be justified constitutionally and within Islamic legal principles. Regulating siri marriage should therefore be understood not as the criminalisation of religion, but as an effort to harmonise private piety with justice, public welfare, legal protection, and certainty.

Keywords : *Siri* Marriage, Islamic Law, The New Criminal Code and Criminal Code, Private Piety, Public Law Order.

Abstrak : Nikah siri merupakan perkawinan yang dianggap sah menurut hukum Islam, tetapi tidak memperoleh pengakuan negara karena tidak dicatat secara resmi. Meskipun sering dipandang sebagai bentuk ketaatan keagamaan dalam ranah privat, praktik ini dapat menimbulkan konsekuensi hukum yang serius, khususnya terhadap perlindungan hak perempuan dan anak. Artikel ini mengkaji nikah siri melalui hubungan dialektis antara hukum Islam dan hukum positif Indonesia dengan merujuk pada pembaruan hukum pidana. Penelitian menggunakan pendekatan yuridis-normatif yang didukung analisis konseptual dan sosiolegal, serta menerapkan teori *maqāṣid al-sharī'ah* dan konsep *ta'zīr* untuk menilai legitimasi intervensi negara. Hasil penelitian menunjukkan bahwa nikah siri tidak dapat dipahami semata-mata sebagai kebebasan beragama karena berpotensi menimbulkan kerentanan hukum dan ketidakadilan struktural. Oleh karena itu,

kewajiban pencatatan perkawinan dan langkah hukum yang berorientasi pada perlindungan korban dapat dibenarkan secara konstitusional maupun berdasarkan prinsip hukum Islam. Pengaturan nikah siri bukanlah kriminalisasi agama, melainkan upaya menyelaraskan kesalehan privat dengan keadilan, kemaslahatan, perlindungan hukum, dan kepastian hukum.

Kata Kunci : *Perkawinan Siri, Hukum Islam, KUHP Baru, Tertib Hukum Publik, Kesalehan Privat.*

INTRODUCTION

Marriage is a social institution that occupies a strategic position in the relationship between religion, law, and the social order. In Islam, marriage is not simply understood as a civil contract, but as a moral and spiritual bond (*mitsāqan ghalīẓan*) aimed at maintaining human dignity, the continuity of descent, and social order. On the other hand, the modern state views marriage as a legal event that gives birth to juridical consequences on the status, rights, and obligations of the parties and the children born of the marriage. The meeting of these two viewpoints does not always take place in harmony, especially when religious legitimacy does not completely intersect with the recognition of positive law (Hasbiyalla, 2024). This tension is evident in the practice of *siri* marriage, which is a marriage that is carried out according to the principles and requirements of Islamic jurisprudence, but is not officially recorded by the state. In Indonesia's positive law, marriage registration is a legal obligation as affirmed in Article 2 paragraph (2) of Law Number 1 of 1974 concerning Marriage. This provision places registration not as a determinant of the legality of a religious marriage or not, but as a condition of administrative legality that has an impact on the recognition and protection of the state of a marriage (Firdaus & Maskur, 2024).

In the academic discourse of Islamic law, *siri* marriage is often defended with the argument that registration is not a pillar of marriage. This view is rooted in classical jurisprudence that developed in the context of modern pre-state societies, where the system of population administration was not yet known. Therefore, the presence of guardians, witnesses, and *ijab kabul* is considered sufficient to ensure the validity of the marriage (Ritonga & Firmansyah, 2026). However, a number of scholars caution that the ahistorical use of classical jurisprudence risks ignoring the changing social structure and legal needs of contemporary society. The criticism of the normative *fiqh* approach is further strengthened when *siri* marriage is analyzed from the perspective of social impact. A number of academics consider that marriage registration in the context of the modern state cannot be reduced to a mere administrative formality. Recording actually functions as an instrument of openness (*i'lan*), legal certainty, and social responsibility. Therefore, the obligation to record can be understood as a form of contextual *ijtihad* that is in line with the purpose of Islamic law, not as a violation of sharia (Rosyadi & Kahar, 2023).

The development of recent studies shows a shift in focus from legal debates to substantive benefit and justice analysis. The *maqāṣid al-sharī'ah* approach is used to assess whether a religious practice truly embodies the purpose of Islamic law, namely the protection of religion, soul, intellect, descent, and property. In this framework, *fiqh* is not always synonymous with social benefits, especially when a practice actually causes systemic harm to certain parties (Wahid, 2023). Various studies show that the negative impact of *siri* marriage is most pronounced by women. Wives in *siri* marriages often do not have a strong legal standing when faced with divorce, domestic violence, or economic neglect. The absence of a marriage certificate makes it difficult to access legal protection and state services, so that women are in a structurally vulnerable position (Ningrum, 2025).

From the perspective of children, the issue of *siri* marriage is no less complex. Children born out of an unregistered marriage often face administrative and judicial difficulties, especially in proving a legal relationship with their father. Although the Constitutional Court Decision Number 46/PUU-VIII/2010 has opened up space for the recognition of civil relations between children and

biological fathers, various studies show that its implementation still faces structural obstacles and social stigma (Herlina et al., 2024). Socio-legal studies and gender studies confirm that *siri* marriage cannot be understood as a neutral religious practice. In many cases, religious legitimacy is used to mask unequal power relations and reproduce patriarchal culture. Women are often placed as parties who have to accept the social and legal consequences of practices whose decisions are not entirely in their hands (Arsyad, 2020).

In the context of the state of law, Indonesia views marriage as a public institution that has a broad impact on social order and the distribution of citizens' rights. Therefore, marriage regulations including the obligation to record are positioned as a mechanism of legal protection, not as an intervention on religious beliefs. This approach is reflected in various family law policies and population administration (Kamba & Kasim, 2023). The reform of the criminal law through the ratification of the New Criminal Code (KUHP) emphasizes the state's orientation on the protection of the public interest. Although the New Criminal Code does not explicitly criminalize *siri* marriage, the criminal law paradigm it promotes emphasizes accountability for acts that violate legal obligations and cause adverse social impacts. In this context, *siri* marriage becomes criminally relevant not because of its religious status, but because of the consequences it causes (Mudzakkir, 2023).

The modern approach to criminal law based on victim protection is in line with the principle of *maqāṣid al-sharī'ah* which places the prevention of harm as a priority. From the perspective of Islamic law, the state's involvement in regulating the practice of marriage can be justified through the concept of *ta'zir*, which is the authority of the ruler to set policies for the public good. A number of studies confirm that *ta'zir* is an elastic mechanism in Islamic law that allows the adjustment of norms to social change (Zuhri & Arifin, 2023). Thus, the relationship between Islamic law and national criminal law in the issue of *siri* marriage should not be understood antagonistically. The two can precisely be positioned in a dialogical relationship: Islamic law provides an ethical framework and moral goals, while state law provides a formal instrument to guarantee legal certainty and protection. A dichotomous approach has the potential to create a legal vacuum that actually harms vulnerable groups (Wulandari et al., 2025).

Based on the whole argument, this article positions *siri* marriage as a dialectical arena between private piety and public legal order. By placing the Criminal Code and the New Criminal Code as a normative context, this article aims to show that the regulation of *siri* marriage is an effort by the state to realize substantive benefits and justice, not the criminalization of religious practices. This approach is expected to enrich academic discourse on the relationship between Islamic law, criminal law, and human rights protection in Indonesia (Hasbiyalla, 2024).

In contemporary family law literature, marriage is increasingly understood not only as a private relationship between individuals, but as a social institution that is under state supervision because of its implications for the public interest. Ilina et al. emphasized that the disharmony between private interests and public interests in family law is a global phenomenon that has emerged as the role of the state in ensuring legal certainty and protection of vulnerable groups (Ilina et al., 2021). In this context, non-state-recognized marriages including *siri* marriage become a crucial point of debate between individual freedom and public regulation. Comparative studies show that the practice of religious marriage without civil registration does not only occur in Muslim countries, but also in other religious traditions. Raharso and Barak found that both Islam and Catholicism view secret marriage as an imideal form of marriage because it has the potential to cause social harm, even though the regulatory mechanisms are institutionally different (Raharso & Barak, 2022). These findings strengthen the argument that the problem of *siri* marriage is not a purely theological issue, but an issue of social and legal governance.

In the study of U.S. and European law, the discourse on solely religious marriage highlights the constitutional dilemma between religious freedom and state interests. Broyde and Peltzer argue that states face difficulties when it comes to determining whether religious marriages without civil registration should be treated as non-marital, quasi-marriage, or other forms of legal relations (Broyde & Peltzer, 2020). This study is relevant for the Indonesian context because it shows that the

tension between religion and public law is a cross-jurisdictional phenomenon. The public space theory approach provides an important analytical framework in understanding the position of *siri* marriage. In Habermas's post-secular perspective, religion and the state cannot be rigidly separated in a religious society like Indonesia, but must be placed in interdependent functional relationships (Habermas, 2008). Within this framework, *siri* marriage cannot be fully claimed as a private domain because it produces real social consequences in a public space.

From the perspective of comparative criminal law, the convergence between private law and public law is a trend that is gaining strength in the modern legal system. This approach is relevant to the reform of Indonesia's Criminal Code and Criminal Code which increasingly emphasizes victim protection and substantive legal interests, where the protection of private interests is often achieved through public legal instruments, including criminal law (Rosyadi & Kahar, 2023). The experience of other Muslim countries also shows a variety of approaches to regulating unrecorded marriages. A comparative study between Indonesia and Pakistan shows that criminalization in Islamic family law is not uncommon, but part of legal reform to protect the public interest (Abubakar, 2019). This challenges the notion that the criminal approach is always contrary to the principles of sharia.

From a criminal law policy perspective, alternative approaches to criminalization are also part of the global discourse. Modern criminal law, both in positive law and Islamic criminal law, must be directed towards restoration and benefit, not just punishment (Fauzan & Ulya, 2024). This principle opens up space to understand the arrangement of *siri* marriage as a preventive and protective policy. In addition, this article also departs from the post-secular theoretical framework developed by Jürgen Habermas, which views that religion retains legitimacy to exist in the democratic public space as long as its normative claims of religion can be translated into a rational language that is inclusive and can be publicly tested (Habermas, 2008; 2011). In this framework, the state is neutral to the outlook on life, while the community remains religious, so that the relationship between religion and law is not placed in a dichotomy of opposition, but in a dialogical relationship. This perspective is enriched by the contemporary Islamic thought of Abdullahi An-Na'im who asserts that Islamic values should function as a source of public moral ethics without being formalized into state law, because state coercion actually reduces the ethical legitimacy of sharia itself (An-Na'im, 2008; 2010). In line with that, Tariq Ramadan emphasizes the importance of maqāṣid al-sharī'ah and Islamic ethics as the foundation of social justice in a democratic public space, not as an instrument of formal legal domination (Ramadan, 2009). With this approach, this article analyzes *siri* marriage not only as a private piety practice, but as a social phenomenon that enters the public sphere and can therefore be subject to state regulation as long as it aims to protect civil rights and maintain law and order within the framework of the new Criminal Code (KUHP) and Criminal Code.

METHODS

This research is a qualitative research with a juridical normative approach enriched with a socio-legal perspective. The juridical normative approach is used to examine positive legal norms that govern marriage, marriage registration, and its relevance in the context of the reform of the Criminal Code (KUHP) and the Criminal Procedure Code (KUHP). This approach is commonly used in legal research to analyze laws and regulations, legal principles, and systematics of applicable legal norms (Soekanto & Mamudji, 2001; Marzuki, 2017). The socio-legal approach is used to understand serial marriage as a social phenomenon that cannot be adequately explained through the analysis of legal texts alone. In this perspective, law is understood not only as a written norm, but also as a social practice that interacts with values, culture, and power relations in society (Friedman, 1975). This approach allows for a more comprehensive analysis of the social impact of serial marriage, particularly on women and children.

The analytical framework of this research is based on the post-secular theory developed by Jürgen Habermas. This theory views that religion still has a role in the public space of democratic society, as long as its normative claims of religion can be translated into rational language that is inclusive and intersubjectively acceptable (Habermas, 2008). In this context, state law functions as

an institutional medium to channel public moral values without making certain religious doctrines state law. This framework is enriched by the contemporary Islamic perspective developed by Abdullahi An-Na'im and Tariq Ramadan. An-Na'im emphasized that Islamic values should function as a source of public ethics, not as a forced state law, in order to maintain moral legitimacy in a pluralistic society (An-Na'im, 2008). Meanwhile, Ramadan emphasizes *maqāṣid al-sharī'ah* as an ethical principle that guides social justice and the protection of human rights in a democratic public space (Ramadan, 2009). This theoretical framework is used as an analytical tool to assess the relationship between private piety and public legal order in the practice of serial marriage.

This research uses primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, including Law Number 1 of 1974 concerning Marriage, implementing regulations related to marriage registration, as well as provisions in the Criminal Code and the New Criminal Code. In addition, this study also uses Constitutional Court rulings and court rulings that are relevant to the legal status of marriage and child protection. Secondary legal materials consist of academic literature in the form of books and articles from national and international journals that discuss family law, Islamic law, criminal law, public space theory, and the study of the protection of women and children. This literature is used to build a conceptual framework and map academic debates relevant to the issue of serial marriage. Tertiary legal materials include legal dictionaries, encyclopedias, and other relevant supporting sources to clarify the legal concepts and terms used in this research. Data collection is carried out through library research. This method is a technique commonly used in normative legal research to search, inventory, and analyze legal materials and academic literature systematically (Marzuki, 2017). Literature search is conducted through scientific journals, academic textbooks, and official legal sources relevant to the research topic.

Data analysis was carried out qualitatively using normative and interpretive analysis techniques. The first stage is an analysis of positive legal norms to identify the rationality of marriage registration arrangements and their relevance within the framework of the reform of the Criminal Code and the Criminal Code. The second stage is a conceptual analysis using post-secular theory and contemporary Islamic perspectives to assess the position of serial marriage in the relationship between religion, state, and public space. To strengthen the analysis, this study also uses a qualitative analysis model developed by Miles and Huberman, specifically through the stages of data reduction, data presentation, and reflective conclusion drawing (Miles & Huberman, 2014). This model helps ensure that the analysis process is carried out systematically and can be accounted for academically. The validity of the analysis is maintained through consistency of argumentation and triangulation of sources, namely by comparing relevant laws and regulations, academic literature, and theories (Soekanto & Mamudji, 2001). Differences of opinion in the literature are not eliminated, but rather positioned as part of the dynamics of academic debate. The limitation of this research lies in its normative and literature study-based nature, so it does not involve field research. However, these limitations are in line with the objectives of the research which focuses on conceptual, normative, and theoretical analysis of the relationship between Islamic law and state law in the context of serial marriage.

RESULTS AND DISCUSSIONS

The phenomenon of serial marriage in the Indonesian context presents complex normative and social dilemmas. Theoretically, Islamic law considers the validity of marriage to be fulfilled by the pillars of marriage: wali, witness, and *ijab kabul*. However, the country's legal perspective requires formal registration to ensure legal certainty for all parties, including women and children. This tension reflects the confluence of two legal logics religion and state that sometimes do not run in parallel. Some academics argue that requiring registration in serial marriages can be considered an intervention against legitimate religious practices, because *fiqh* registration is not a pillar of marriage. Ritonga & Firmansyah (2026) emphasizes that the history of *fiqh* developed in modern pre-state societies, where administrative records were unknown. Thus, religious legitimacy is maintained even

without an official deed. However, contemporary critics state that this approach becomes problematic when applied in modern societies that demand legal certainty and protection of rights for the weak, especially women and children (Rosyadi & Kahar, 2023; Ningrum, 2025).

From a socio-legal point of view, serial marriage is not just a private practice. The social impact is real and measurable. Women in serial marriages often experience economic uncertainty, difficulty accessing livelihood, and limited rights to property or inheritance. Children born without a record face administrative challenges that have implications for civil rights, such as birth certificates and recognition of legal relationships with their fathers. Although the Constitutional Court through Decision No. 46/PUU-VIII/2010 opened up the space for legal recognition, its implementation in the field often faces structural obstacles and social stigma (Herlina et al., 2024). This raises an academic debate: should the state intervene in legitimate religious practices in terms of jurisprudence, or should public authority be limited to cases that cause social harm?

From Habermas's post-secular perspective, this dilemma can be understood as a dialogue between private piety and public regulation. Habermas (2008; 2011) emphasizes that religion can be present in democratic public spaces as long as its normative claims are translated into rational and inclusive language. In other words, the practice of serial marriage can still be religiously respected, but it must still be tested in the context of public interest and legal certainty. This perspective becomes important when considering the New Criminal Code and Criminal Code, which emphasize public accountability and victim protection. Serial marriage, although religiously legal, poses a risk to vulnerable parties, so the state has normative legitimacy to establish regulations or protective mechanisms (Mudzakkir, 2023; Zuhri & Arifin, 2023).

The shift in the regulation of *siri* marriage from a matter of private piety to one of public legal order reflects Habermas's concept of translating religious language into publicly accessible rational language (Habermas, 2008). In Indonesia, the obligation to register marriages under the Marriage Law and the victim-oriented approach embodied in the New Criminal Code do not undermine the religious validity of *siri* marriage under Islamic law. Rather, they demonstrate how religious values concerning justice, responsibility, and the protection of vulnerable persons are translated into legal norms that can be justified through universal constitutional principles, including legal certainty, equality before the law, and the protection of human rights. Thus, what is transformed is not the substance of religious teachings, but their normative expression within the public sphere, enabling them to function as universally applicable legal standards in a pluralistic democratic society (Habermas, 2008).

Accordingly, the state's intervention should not be understood as a process of secularizing or criminalizing religion, but as an institutional mechanism for translating religious moral insights into publicly accountable legal norms. The shift from viewing *siri* marriage solely as an expression of individual religious devotion toward regulating its broader social consequences through the Marriage Law and the New Criminal Code illustrates how private religious commitments are reconstructed into public legal responsibilities. This reflects Habermas's post-secular proposition that religious arguments may legitimately contribute to democratic law only after they have been translated into rational, inclusive, and universally accessible language. From this perspective, the state's regulatory role is directed not at questioning the religious legitimacy of *siri* marriage, but at safeguarding public order and protecting the constitutional rights of women, children, and other vulnerable members of society (Habermas, 2008).

Further analysis using contemporary Islamic perspectives enriches the debate. Abdullahi An-Na'im (2008) emphasized that Islamic values should be a source of public ethics, not forced into state law, because coercion actually reduces the moral legitimacy of sharia. Meanwhile, Tariq Ramadan (2009) emphasized the importance of *maqāṣid al-sharī'ah* as a guide to ensure social justice and the protection of civil rights in a democratic public space. This approach raises an interesting debate: some scholars see serial marriage as a legitimate expression of private piety, while others emphasize that the state has an obligation to ensure that this practice does not cause social harm. In this case,

state law and religious norms do not need to be positioned antagonistically, but as mutually enriching normative dialogues.

Contemporary criticism of the practice of serial marriage highlights the structural impact on women. Arsyad (2020) emphasized that in many cases, religious legitimacy is used to cover up power imbalances. Women are often in subordinate positions, having to accept decisions that impact their economic and social rights without full control. This is strengthened by the research of Rosyadi & Kahar (2023), which shows that marriage registration functions as an instrument of openness, legal certainty, and social responsibility. Thus, the obligation to record is not a violation of sharia, but contextual *ijtihad* that is in line with the purpose of Islamic law to protect the interests of individuals and society.

Serial marriage also has a significant impact on children. Children born of unrecorded marriages often face administrative and juridical obstacles, especially in proving a legal relationship with the biological father. Although the Constitutional Court Decision has opened up the space for legal recognition, its implementation is still hampered by social factors and stigma (Herlina et al., 2024; Ningrum, 2025). This finding raises a normative discussion: should the state demand recording for the sake of legal certainty, or is it enough to recognize the validity of religion? The perspective of post-secular and contemporary Islam suggests that the optimal answer lies at the dialogical midpoint, where religious practices are respected but the public interest is protected.

A number of academic debates have arisen regarding women's rights in serial marriage. Some authors emphasize that the classical *fiqh* tradition is sufficient to guarantee the validity of marriage, so that state registration is purely administrative (Ritonga & Firmansyah, 2026). On the contrary, other authors argue that in modern society, legal uncertainty poses real risks to vulnerable parties, and the state has an obligation to protect civil rights through recording and regulation (Rosyadi & Kahar, 2023; Ningrum, 2025). This debate underscores the importance of a contextual normative framework, in which Islamic law, the principles of *maqāṣid al-sharī'ah*, and state law can complement each other.

In the context of the Criminal Code and the New Criminal Code, the state prioritizes a criminal law paradigm based on public protection. Although it does not explicitly criminalize serial marriage, criminal regulations emphasize accountability for acts that violate legal obligations and cause social impacts (Mudzakkir, 2023). The concept of *ta'zir* in Islamic law provides flexibility for rulers to set policies for the public good, including the protection of women and children in the practice of serial marriage (Zuhri & Arifin, 2023). This approach shows that state regulation is not a form of antagonism to religion, but an effort to ensure substantive benefits and justice.

Further academic debate arises when discussing the moral and ethical implications of the public. Habermas (2011) emphasized that in a post-secular society, normative claims of religion must be translated into a language that can be understood by the public, so that it can be tested rationally. In the Indonesian context, Islamic values remain present in public discourse through moral and ethical awareness, but state intervention is carried out only when the practice causes social harm or injustice. An-Na'im (2008) added that the imposition of religious norms through formal law can actually damage the moral legitimacy of sharia. Ramadan (2009) emphasizes the importance of Islamic ethics as a guide for social justice and the protection of civil rights.

This analysis shows that serial marriage is not just a legal or religious phenomenon, but a social phenomenon that requires a multi-dimensional approach. The state acts as a mediator to balance private and public interests. In many cases, marriage registration and legal regulation become instruments of social protection, not criminalization of religious practices. Islamic law provides a moral and ethical framework, while state law provides a formal instrument to guarantee the protection of the rights of individuals and society.

Comparative research shows that similar phenomena are also occurring in other Muslim countries, including Pakistan and Egypt. Abubakar (2019) notes that family law reform in these countries involves the arrangement of unregistered marriages to protect the public interest, suggesting that state regulation of religious practices is part of progressive legal reform, not a form of

oppression. This study strengthens the argument that the regulation of serial marriage in Indonesia should be seen as an effort to harmonize law, morality, and the public interest, rather than just state control of religion.

With a post-secular and contemporary Islamic approach, this article asserts that the practice of serial marriage remains religiously respected, but can be legally regulated when it causes adverse social impacts. This shows that the Criminal Code and the New Criminal Code have normative relevance in the context of protecting the rights of women, children, and the wider community. This approach encourages a constructive dialogue between state law and religious law, resulting in policies that are fair, inclusive, and in accordance with the principles of *maqāṣid al-sharī'ah*.

CONCLUSION

This article has examined *siri* marriage as a dialectical arena between private piety and public law order within the framework of the reform of the Indonesian Criminal Code and the Indonesian Criminal Code. Based on the analysis that has been carried out, there are three main conclusions that can be drawn. First, *siri* marriage cannot be categorized solely as an expression of religious freedom that is immune from state regulations. Although *siri* marriage is legal in Islamic jurisprudence because it fulfills the established principles and conditions, the validity of the religion does not automatically exclude this practice from the scope of state law. When *siri* marriage causes real social harm particularly women's structural vulnerability and the uncertainty of the legal status of children then the state has the constitutional and normative legitimacy to regulate it. In the perspective of *maqāṣid al-sharī'ah*, the protection of the soul (*hifdz al-nafs*), posterity (*hifdz al-nasl*), and property (*hifdz al-māl*) is actually the normative basis that requires the involvement of the state, not the rejection of it. Second, the renewal of the Criminal Code through Law Number 1 of 2023 cannot be understood as an attempt to criminalize religious practices. The articles regulating marriage in the New Criminal Code are intended to ensure legal certainty, prevent status fraud, and protect the constitutional rights of vulnerable parties. Thus, the criminal orientation in the New Criminal Code is not on the punishment of religious practices, but on accountability for the social consequences caused by marriage that does not fulfill public legal obligations. This is in line with the concept of *ta'zir* in Islamic law which provides space for state authorities to impose sanctions for the public good.

Third, the relationship between Islamic law and state law in the context of *siri* marriage should be built on a dialogical paradigm, not an oppositional one. The post-secular framework provides a theoretical foundation that allows normative claims of religion to exist in the public sphere without having to be formally dominated through state law. Islamic values can function as public ethics that guide policy-making, without having to be an instrument of legal coercion. In this framework, the obligation to register a marriage is not a violation of the sharia, but a form of contextual *ijtihād* that embodies *maqāṣid al-sharī'ah* in modern social conditions. Based on these three conclusions, this article recommends several things. First, it is necessary to strengthen the regulation of *isbat nikah* as a transitional mechanism that provides legal certainty for couples in series marriages that have already taken place, as well as encouraging future registration. Second, the implementation of the New Criminal Code in the context of *siri* marriage must be carried out proportionately and oriented towards the protection of victims, not the mass criminalization of religious practices. Third, there is a need for legal education and wider public awareness about the implications of *siri* marriage on the rights of women and children, so that people can make more informed decisions.

This study has limitations in terms of normative literature-based approaches, so it has not reached the empirical reality of perpetrators and victims of *siri* marriage in the field. Therefore, further empirical-sociological research is needed to complete the understanding of the dynamics of *siri* marriage and the effectiveness of existing regulations. In addition, a more systematic comparative study with other Muslim countries will enrich the knowledge base for the development of more equitable family law policies in Indonesia.

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