

The Phenomenon of Marriage Contract Repetition After *Nikah Siri* To Prevent *Fitnah*

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Abstract

Marriage in Islam is regarded as a sacred covenant (*mitsaqan ghaliza*) aimed at preserving religion, honor, and lineage. In the context of increasingly intensive interaction during the premarital preparation period, some Muslim couples choose to conduct a religious marriage contract (*nikah siri*) before official state registration to avoid potential social suspicion and moral concerns. This study aims to analyze the practice of repeating marriage contracts after *nikah siri* and to examine its relevance from the perspective of maqashid al-sharia. This research employs a qualitative method with a case study approach involving three muslim participants who conducted a religious marriage contract before official state registration. Data were collected through in-depth interviews and analyzed using descriptive-analytical techniques. The findings indicate that the initial religious marriage contract is perceived as a precaution (*ihthyath*) to preserve honor and prevent actions that approach immorality during the wedding preparation period. The repetition of the marriage contract is not intended to validate the first contract, but rather to obtain legal recognition and administrative protection. From the perspective of maqashid al-sharia, this practice aligns with the objectives of preserving religion, honor, and lineage.

Keywords

Marriage Siri; Repetition of the Contract; Maqasid Syariah

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1. INTRODUCTION

Marriage in Islam is seen as a sacred bond that not only unites two people but also serves to maintain religion, lineage, and honor (Acha, 2024). Through marriage, humans perform one form of worship (Firdaus et al., 2020), sustainable (Hidayah, 2022), because from it was born a generation (Malisi, 2022) successor and create inner peace (*sakinah, mawaddah, warahmah*) based on the perspective of the hadith of the Prophet as the main normative foundation. This relationship is also referred to as *Mitsaqan Ghalizan* (Arfaizar & Sulong, 2025), which means a firm and responsible covenant before Allah ta'ala. Allah ta'ala says in Surah QS. An-Nisa Verse 21:

وَكَيْفَ تَأْخُذُونَهُ وَقَدْ أَفْضَىٰ بَعْضُكُم إِلَىٰ بَعْضٍ وَأَخَذْنَ مِنْكُم مِّيثَاقًا عَلِيمًا



"And how are you going to take it back, even though some of you have mingled with others as husband and wife. And they (your wives) have taken from you a strong covenant." (QS. An-Nisa: 21)

However, the sacredness of marriage is inseparable from the challenges of changing social realities. Rapid social change makes these principles tested in the context of modern life.

However, this sacredness now faces the challenge of dynamic social and moral realities in the modern era. Digital information flow and free interaction (Ferdiana et al., 2020) through social media often give rise to *fitnah* (Sipahutar & Pulungan, 2024), which opens the door to adultery.

In the digital era, interaction between men and women has become increasingly intense, including among couples preparing for marriage. Activities such as fitting clothes, building surveys, and intensive coordination with vendors require frequent meetings, which are prone to triggering negative stigma or social slander. As a form of prudence (*ihthyath*), some Muslim couples choose the path of marriage siri or religious contract (*nikah siri*) first before official registration at the Office of Religious Affairs (KUA) in order to protect themselves from sin.

Although it is legal under Sharia as long as it meets the principles and conditions, unrecorded marriage poses serious legal risks, especially for the rights of the wife (Ediningsih Dwi Utami & Yahya, 2022) and children (Alfaiza et al., 2024). Therefore, many couples then repeat the contract (*Tajdid al-Aqd*) (Sri Ningsih, 2023) in the KUA to obtain state legality. This repetition is not aimed at improving the validity of the first contract, but to provide civil law protection and harmonize religious teachings with national regulations.

The originality of this research lies in its focus, which differs from that of previous research (Khairani & Maya Sari, 2017). Research by Dina (2025) emphasizes the influence of cultural and traditional factors that lead people to consider state registration not urgent. Meanwhile, Rizal et al. (2020) studied the practice of remarriage contracts as a ritual to obtain offspring. In contrast to these studies, this study fills the gap by focusing on the motives of Muslim couples in repeating the series of post-marriage contracts as an instrument to avoid slander (*fitnah*) during the marriage preparation period.

The main contribution of this research is to provide a new understanding of contract repetition, which is not just an administrative matter but an effort to harmonize Sharia compliance with state regulations. By using a frame *Maqashid Syariah* (Nazaruddin & Kamilullah, 2020), this study analyzes how the practice functions as a tool to maintain religion (*hifdz ad-din*) and maintain honor (*Hifdz al-ird*) in the midst of modern social challenges. Through this case study approach, it is hoped that the values of sharia fame can be applied adaptively to close the door to harm (*saddu drara'i*) without ignoring the positive legal aspects that apply in Indonesia.

Marriage in Islam is regarded as a noble form of worship that binds two individuals in a strong covenant (*mitsaqan ghaliza*). Philosophically, the primary purpose of marriage is to create tranquility (*sakinah*) and to safeguard human dignity (Musyafah, 2020). This understanding aligns with classical fiqh perspectives that position marriage as a sacred institution oriented towards the benefit of individuals and society. However, in the context of a modern state such as Indonesia, marriage is not only understood as a religious bond but also as a legal event with administrative consequences. State legality through marriage registration at the Office of Religious Affairs (KUA) is not merely a formality, but an essential instrument for protecting the civil right of wives and children, particularly in matters of protecting the civil rights of wives and children, particularly in matters of inheritance, alimony, and legal status (Winarni et al., 2023; Rani & Prima, 2025). Without official registration, women and children remain in a legally vulnerable position despite the religious validity of the marriage.

This duality reflects a broader tension between normative religious validity and administrative legal recognition. On the one hand, the validity of marriage is determined by the fulfillment of the Islamic legal pillars and conditions; on the other hand, administrative legality is required to ensure legal protection. This tension gives rise to practices such as *nikah siri*, in which the marriage contract is repeated over time to fulfill both religious and legal obligations. Within this framework, Islamic family law is closely related to the concept of *maqashid sharia*, which aims to protect the five essential elements (*ad-dharuriyyat al-khams*), namely religion, life, intellect, lineage, and wealth. (Nazaruddin & Kamilullah, 2020; Khaliq & Pangestu, 2025)

In contemporary studies, the applications of *maqashid sharia* are not only understood textually but also contextually. It is often used as a basis to prevent harm (*dar'u al-mafasid*), including the potential for immoral behavior in premarital interactions (Munir, 2023). At the same time, scholars emphasize that the implementation of *maqashid* must also consider legal protection and family welfare comprehensively, not merely the moral aspect (Winarni et al., 2023). This demonstrates the flexible and adaptive nature of *maqashid al-sharia* in responding to social realities. In the context of *nikah siri*, this practice is often interpreted as an effort to preserve lineage (*hifz an-nasl*) and honor (*hifz al-'ird*). However, when not accompanied by administrative registration, it may lead to new forms of harm, particularly legal uncertainty for wives and children.

The dynamic of modern social life, particularly in the digital era, further intensifies this phenomenon. Increased interaction between unmarried couples, such as wedding preparations, fittings, and vendor coordination, increases their risk of social suspicion (*fitnah*). As a precaution (*ihtiyath*), some couples choose to enter into a religious marriage contract before official registration (Walidaini et al., 2024). While this practice is seen as a preventive measure against immoral behavior, it also raises legal concerns. Several studies highlight that *nikah siri* may expose individuals to legal vulnerability,

particularly regarding the protection of women's and children's rights within the national legal system (Ahmadi, 2025; Syafira Aulia Nurrahmah, 2025; Nida et al., 2025; Rismah et al., 2026). This creates a tension between religious legitimacy and legal certainty, in which *nikah siri* serves as both a moral safeguard and a potential source of social and legal ambiguity. (Basri, H., 2023; Setyawan, 2024)

In response to this tension, the practice of renewing the marriage contract (*tajdid al-aqd*) emerges as an adaptive solution. Classical fiqh generally considers contract renewal as permissible (*mubah*) and not affecting the validity of the original contract, as long as it does not contradict the principles of marriage (Sofyan, 2025). However, contemporary studies show that this practice extends beyond normative jurisprudence and serves broader social and administrative purposes. Repetition of the marriage contract is often carried out to gain social legitimacy and formal legal recognition (Rizal et al., 2020; Winarni et al., 2023). In this sense, it represents a shift from a purely normative perspective to a socio-legal approach.

Within the context of a modern legal system, the repetition of the marriage contract can be understood as a mechanism to bridge religious validity and administrative legality. This practice aligns with the principle of *maslahah mursalah*, which emphasizes the realization of public benefit, particularly in ensuring legal protection for wives and children in matters such as inheritance, financial support, and legal status (Siregar et al., 2026). Therefore, the repetition of the marriage contract should not be seen as a redundant act, but rather as a form of religious adaptation that harmonizes Islamic law with state law to achieve more comprehensive welfare.

2. METHOD

This research uses a qualitative method to understand social phenomena in depth through the experiences, perceptions, and meanings constructed by the research subjects. The qualitative approach was chosen because this study does not focus on statistical generalization but rather on a deep understanding of the social realities individuals experience. (Creswell, 2013)

The approach used in this study is a case study, a qualitative research method that examines phenomena in depth in a real-life context, especially when the phenomenon is not separated from its context (Ilhami et al., 2024). This approach is relevant because the research focuses on specific phenomena, namely the practice of serial marriage and the repetition of contracts in the social context of Muslim couples in Indonesia. Through case studies, researchers can delve deeper into the empirical experiences of the subject, including motives, religious considerations, and the social dynamics behind the practice.

The research subjects were selected using the purposive sampling technique, an informant selection method based on considerations relevant to the research objectives. The criteria for selecting subjects in this study include:

- a. Couples who have performed a religious marriage contract (nikah siri),
- b. To repeat the contract for country registration, and
- c. Experiencing firsthand social dynamics in the premarital period.

Based on these criteria, three female resource persons with the initials AF, ZH, and SF were obtained. The in-depth interview focused on the AF resource person and his partner (AH), as he had the most comprehensive experience with the practice of serial marriage and contract repetition in real life.

The research data were obtained from in-depth interviews with resource persons who had direct experience in the practice of serial marriage and contract repetition, as documented in the research interview transcript. Based on the results of the interview, one of the main reasons couples do *nikah siri* is to avoid the potential for *fitnah* (slander) during the wedding preparation period. The resource person revealed that interactions with utens such as Fitting Clothing, building surveys, and vendor coordination encourage them to immediately enter into a religious contract so that the relationship becomes halal. "To avoid slander during the preparation of the reception... so you can communicate more freely without worrying about sins" (AF Resource Person).

Data are analyzed using Thematic Analysis, a qualitative method that systematically identifies, analyzes, and interprets patterns of meaning (themes) in the data (Braun & Clarke, 2021). The analysis process is carried out through several stages, namely:

- a. Transcribe the results of the interview,
- b. Perform the coding process to identify the unit of meaning,
- c. Grouping the code into main themes such as the motive of the nikah siri, social experiences, obstacles, and the purpose of repeating the contract, and
- d. Interpreting by associating empirical findings with the concept of jurisprudence and Maqashid Syariah.

This approach is used to produce a systematic and in-depth understanding of the research subject's experiences. To maintain data validity, this study uses source triangulation, which involves comparing information from several sources with similar experiences (Creswell, 2013). In addition, member checking is carried out, a process of reconfirming the resource person's experience with the researcher's interpretation to ensure that the researcher's interpretation aligns with the experience they convey. This approach is used to increase the credibility and accuracy of research results.

This study pays attention to the ethical principles of qualitative research, including:

- a. Obtain the participant's consent (informed consent) before the interview,
- b. Maintain identity confidentiality by using initials,
- c. Use data only for academic purposes, and
- d. Respect the comfort and privacy of the interviewees during the research process (Sibarani & Albina, 2025). The application of this ethical principle is important for maintaining the integrity of research and protecting the rights of research subjects.

3. FINDINGS AND DISCUSSION

3.1. Research Results

Table 1. Motive for Implementing Religious Contracts (*akad agama*): Between Syar'i Prevention and Social Pressure

Yes	Resource Persons	Live excerpts from interviews	Critical analysis
1	AF	"To avoid slander... To be able to communicate without worrying about sin."	The motive is not only religious, but also shows the practical need to legitimize intense interactions during wedding preparations.
2	ZH	"So that preparations such as clothing fittings, handovers, and KUA lists are good because they are legal."	Showing the functional dimension of the religious contract as a tool of social legitimacy in premarital activities.
3	SF	"Religious covenants are made to avoid <i>fitnah</i> (slander)."	Motives are normative, but they are also influenced by social pressures and the need to maintain a moral image.

Based on the table above, the implementation of a religious marriage contract prior to state registration is not solely driven by religious considerations, but also by practical and social needs during the wedding preparation period. Beyond avoiding *fitnah*, this practice legitimates interaction between couples in the social sphere and can therefore be understood as an adaptive strategy for responding to contemporary social dynamics.

Table 2. Practice of Religious Contracts (*akad agama*): Simple in Ritual, Complex in Social

Yes	Resource Persons	Live excerpts from interviews	Critical analysis
1	AF	"Done at home... The important thing is to follow the conditions."	It shows an orientation to the validity of sharia, not a formality.
2	ZH	"Immediately, <i>ijab qobul</i> , it is simple."	Efficient practice, signifying a shift from seromonal to functional.
3	SF	"Carried out at home with parents and witnesses."	Strengthening the pattern of privatization of marriage contracts.

Based on the table above, it can be seen that the implementation of religious contracts is carried out simply by fulfilling the principles and conditions of marriage, which shows a shift in orientation and formality towards functionality. Although legal, this practice also reflects the privatization of contracts, which can create ambiguity regarding social legitimacy.

Table 3. Ambivalence of serial marriage (*nikah siri*): between shari'a tranquility and legal vulnerability

Yes	Resource Persons	Live excerpts from interviews	Critical analysis
1	AF	"Yes, obviously... to avoid slander."	Pointing to spiritual benefits as the main basis.
2	ZH	"I am not suggesting that it is only a religious contract for the long term... can harm women."	Critical criticism: Serial marriage has the potential to weaken women's legal protections
3	SF	-	-

Based on the table above, it can be seen that *nikah siri* is not considered an ideal solution, but rather a temporary one with risks. This ambivalence reveals a tension between the legitimacy of sharia and that of state law, where the legitimacy of religion is not always directly proportional to the protection it affords. Thus, *nikah siri* in this context is not just a religious practice, but also a space for negotiation between religious values and legal reality.

Table 4. Contract Repetition: Not Redundancy, But Reconciliation

Yes	Resource Persons	Live excerpts from interviews	Critical analysis
1	AF	"So that marriage has legal force."	Demonstrate formal legal awareness.
2	ZH	"So that if you have children, you will be registered and things will be easy."	Focus on administrative protection and the family's future.
3	SF	"To legalize marriage and inform the public."	It shows the need for public legitimacy.

Based on the table above, it can be seen that the repetition of the contract cannot be understood as a redundant practice (repeated without meaning) or as a result of a defect in the first contract, but rather as a mechanism of reconciliation between two systems: sharia and positive law. In other words, the repetition of the contract serves as a "bridge" between religious and administrative legitimacy.

Table 5. Benefits After the State Records the Contract

Yes	Resource Persons	Live excerpts from interviews	Critical analysis
1	AF	"Be calmer and feel blessed."	The spiritual impact remained strong after legalization.
2	ZH	"Everyone knows I am married."	Showing the importance of social recognition.
3	SF	"It is a very noticeable difference... People's views of us are changing."	Social legitimacy has increased significantly.

Based on the table above, it can be seen that the state not only functions administratively, but also as a mechanism of social legitimacy. Without a record, marital status tends to fall into an ambiguous space between religious validity and full social recognition.

3.2. Discussion

3.2.1. Analysis of Maqashid Ash-Shariah on the Practice of Repetition of Akad

The practice of repeating contracts in this study reveals the dynamics of the relationship between religious norms and social reality as they develop in society (Hasanah & Niskaromah, 2025). Empirically, couples do not view religious contracts as an endpoint, but as a preventive first step. This signifies that religious practices do not remain static but evolve in response to the social needs individuals face. In this context, a religious contract serves as an initial form of private legitimacy (Suprayogi & Rizqi Suprayogi, 2022), while its repetition confers public legitimacy through state recognition. This phenomenon shows that the practice of marriage is not only oriented towards normative validity (Erlinda, 2024) but also towards wider social acceptance.

From the perspective of *Maqashid Ash-Shariah*, this practice is closely related to *Hifz ad-din* (Protecting religion). Empirically, religious contracts are implemented as a form of prudence to avoid violating religious norms during the marriage preparation period. Theologically, however, *maqashid* emphasizes not only the validity of rituals but also the sustainability of religious values in social life. Thus, religious contracts can be understood as an effort to become a religious dimension, although they do not fully guarantee protection in social and legal aspects. This indicates that religious practices are not only symbolic but also adaptive. (Ulfazah et al., 2025)

Furthermore, in the *Hifz al-'Ird* (Maintaining Honor), this study's findings show that this practice is also related to efforts to maintain a moral image within the community (Hasanah & Niskaromah, 2025). Empirically, the need to avoid social stigma encourages couples to make a religious contract first. However, from the perspective of *maqashid*, honor is not only seen from an individual perspective but also from a broader social perspective. Therefore, the repetition of the contract strengthens its legitimacy in public space.

In the context of *Hifz al-Nafs* (preserving the soul), this practice reflects an effort to foster psychological calm for the couple (Sukri & Fauzan, 2025). Empirically, religious contracts provide a sense of spiritual security, while state registration provides a sense of social and legal security. This shows that life protection in the modern context is multi-dimensional. In *Maqashid Ash-Shariah*, the protection of life includes not only the physical aspect but also the emotional and social aspects (Abnan Pancasilawati, 2024), so that the repetition of the contract can be understood as a refinement of this protection.

Compared with previous research, such as Khairani and Mayasari (2017), the repetition of the contract is understood as an administrative action without altering the validity of the original contract. However, this study reveals a broader dimension: an adaptive strategy for addressing social pressure and legal needs. This enriches previous studies by adding more complex social perspectives.

This study also differs from the findings of Rizal et al. (2020), who see the repetition of the contract as a ritual practice with a specific purpose. In this study, the repetition of the contract demonstrates the couple's social rationality in responding to administrative needs and legal protection. This confirms that religious practices are not only symbolic, but also have a pragmatic dimension in social life.

Theologically, the practice of repeating the marriage contract can be understood through the principle of *maqashid sharia*, which emphasizes public benefit (*maslahah*), not as redundancy but as a refinement of the objectives of Islamic law. This reflects the flexibility of Islamic law in responding to social changes without neglecting its fundamental principles. Therefore, this practice represents a reconciliation between religious legitimacy and state legal recognition, as well as an integrative strategy to achieve more comprehensive welfare.

3.2.2. Legal and Social Implications

The findings of this study show that the practice of serial marriage followed by the repetition of the contract has significant legal implications in the Islamic family law system in Indonesia. Empirically, couples view religious contracts as a form of initial validity, but they are not enough to provide comprehensive legal protection. This condition shows a gap between the legitimacy of sharia and that of the state. In the context of positive law, marriage registration is the main requirement for obtaining

legal recognition (Arifuddin, 2024), so that the repetition of the contract is understood as an administrative necessity that cannot be avoided. So the importance of awareness of marriage registration. (Dewi & Sahrudin, 2024)

From a legal perspective, this practice shows that unrecorded religious contracts have the potential to cause vulnerability, especially for women and children. Empirically, without official registration, rights such as alimony, inheritance, and legal protection are guaranteed. This aligns with research by Winarni et al. (2023), which affirms that marriage registration is an important instrument for protecting family law (Amar et al., 2024). Thus, the repetition of the contract serves as a mechanism to close the legal loopholes caused by *nikah siri*. (Sulaiman, 2025)

Other legal implications can be seen in the certainty of marital status within the state administrative system, such as the recording in the status document, which serves as the basis for family legality (M. Kharisma Prayuda, 2025). Empirically, couples need formal recognition in order for their marriage to be legally recognized. This shows that state law has an important role in providing legal certainty. In the previous study, Setyawan (2024) also emphasized that marriage registration is part of efforts to harmonize Islamic law and positive law in Indonesia.

From a social perspective, this practice shows that marriage has not only a private dimension, but also a public dimension (Idris et al., 2023). Empirically, public recognition of marital status is strongly influenced by administrative legality. Without recording, couples tend to be in an ambiguous position in society. This shows that social legitimacy is determined not only by the legitimacy of religion but also by the state's recognition as a formal authority.

The practice of repeating marriage contracts reflects a shift from a normative orientation toward more contextual social and legal considerations (Basri, H., 2023; Majianto et al., 2025). On the one hand, *nikah siri* is viewed as a religious solution; on the other hand, it creates legal vulnerability, thereby revealing a tension between religious legitimacy and legal demands, as well as a dilemma between *maslahah* and *mafsadat*. (Syafira Aulia Nurrahmah, 2025)

From a theological perspective, this practice can be understood as a form of social *ijtihad* in responding to changing times, in which legal recognition within the modern state becomes part of *maslahah*. Therefore, the repetition of the marriage contract represents an adaptation of Islamic law to the state legal system without compromising its fundamental principles.

Building on this perspective, compared to previous studies such as Rizal et al. (2020), which view the repetition of marriage contracts as a ritual phenomenon, this study demonstrates that the practice has more complex legal and social dimensions. Empirically, it emerges as a response to the need for legal protection and social recognition, which cannot be fully achieved without official registration (Windani et al., 2025). Theologically, it aligns with the principle of *maqashid sharia*, which emphasizes

public benefit (*maslahah*), and can therefore be understood as a form of integration between religious values and the modern legal system.

4. CONCLUSION

This study shows that the practice of repeating the contract after the *nikah siri* (marriage series) is an adaptation to legal and social needs in modern society. This practice emerged from the gap between the legitimacy of sharia and the legitimacy of the state, where the religious contract has achieved normative validity but has not yet provided legal protection without official registration.

This research provides a theoretical contribution by strengthening the *maqashid asy-syariah* approach in the contextual study of Islamic family law, especially by placing marriage registration within efforts to maintain benefits. In addition, this study also makes an empirical contribution by showing that the repetition of akas is a rational response of couples to the need for legal protection and social recognition. Furthermore, this research makes a practical contribution by emphasizing the importance of integrating Islamic law and state law as a basis for building a more comprehensive family law protection system. Therefore, the repetition of the contract can be understood as a form of integration between religious values and the modern legal system, oriented towards the benefits and certainty of the law.

For KUA and the government, it is necessary to strengthen socialization and ease of access to marriage registration to ensure legal protection, especially for women and children. For academics and educators, it is necessary to strengthen the Islamic family's literacy, integrating *Maqashid Ash-Sharia* with positive law. For policymakers, it is important to formulate regulations that bridge the gap between religious practices and the country's legal system. For the public, it is necessary to increase awareness that the validity of religion must be accompanied by state legal recognition through marriage registration. For future researchers, it is recommended to study more broadly related to the practice of serial marriage and contract repetition by considering aspects of gender, child protection, and social dynamics that continue to develop.

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