FROM MORAL ANXIETY TO LEGAL VULNERABILITY: THE COMMODIFICATION OF RELIGIOUS CERTAINTY IN ONLINE NIKAH SIRI SERVICES IN CILACAP, INDONESIA

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Abstract
This study examines the commodification of religious authority that transforms moral anxiety surrounding unregistered marriage (nikah siri) into commercial services in Cilacap Regency, Central Java, and its implications for legal protection. Using a qualitative socio-legal approach, primary data were collected through in-depth WhatsApp interviews with five core informants (two service providers, one marriage officiant, and two service users of the Facebook account "Jasa Nikah Siri Cilacap"), supplemented by an interview with the head of a local Office of Religious Affairs (KUA) during September 2024–March 2025, alongside analysis of promotional materials and transaction messages. The findings reveal that service providers utilize anti-adultery narratives to operate a structured business featuring tiered fees, a 50% down payment, and instant wali hakim appointments without adequate tafahhus (background verification). Applying Carrette and King's spiritual commodification theory and Jasser Auda's systems-based Maqāṣid al-Sharī'ah, the analysis demonstrates how religious authority becomes a purchasable feature, creating perceived religious certainty without corresponding formal legal protection. This arrangement potentially exposes wives and children to legal vulnerabilities concerning maintenance, inheritance, and civil status, although such harms were not documented among the informants. The study concludes that online nikah siri cannot be evaluated solely through jurisprudential validity but requires greater attention to its multidimensional legal consequences, stronger oversight of commercial marriage intermediaries, and improved access to official marriage registration.
Keywords: Commodification, Maqāṣid Syarī'ah, Online Nikah Siri, Unregistered Marriage, Wali Hakim

Abstrak
Penelitian ini mengkaji komodifikasi otoritas keagamaan yang mengubah kecemasan moral terkait nikah siri menjadi layanan komersial di Kabupaten Cilacap, Jawa Tengah, serta implikasinya terhadap perlindungan hukum. Dengan pendekatan kualitatif sosio-legal, data primer dikumpulkan melalui wawancara mendalam secara daring menggunakan WhatsApp dengan lima informan inti, yaitu dua penyedia jasa, satu penghulu, dan dua pengguna jasa akun Facebook "Jasa Nikah Siri Cilacap", serta satu informan pelengkap, yaitu Kepala KUA setempat, selama periode September 2024–Maret 2025, disertai analisis materi promosi dan pesan transaksi. Hasil penelitian menunjukkan

bahwa penyedia jasa memanfaatkan narasi pencegahan zina untuk menjalankan bisnis terstruktur dengan tarif berjenjang, uang muka 50%, dan penunjukan wali hakim secara instan tanpa proses tafahhus (verifikasi) yang memadai. Melalui teori komodifikasi spiritual Carrette dan King serta pendekatan sistem Maqāṣid al-Sharī'ah Jasser Auda, penelitian ini menunjukkan bahwa otoritas keagamaan diubah menjadi fitur layanan yang dapat diperjualbelikan, sehingga menciptakan persepsi kepastian keagamaan tanpa disertai perlindungan hukum formal yang memadai. Praktik tersebut berpotensi menimbulkan kerentanan hukum bagi istri dan anak terkait nafkah, kewarisan, dan status keperdataan, meskipun kerugian tersebut tidak ditemukan secara aktual pada informan penelitian. Penelitian ini menyimpulkan bahwa nikah siri daring tidak cukup dinilai berdasarkan keabsahan fikih semata, tetapi juga perlu mempertimbangkan konsekuensi hukumnya secara multidimensional, memperkuat pengawasan terhadap perantara perkawinan komersial, serta meningkatkan akses terhadap pencatatan perkawinan resmi.

Kata Kunci: *Komodifikasi, Maqāṣid Syarī'ah, Nikah Siri Online, Perkawinan Tidak Tercatat, Wali Hakim*

A. INTRODUCTION

Under Law No. 1 of 1974 concerning Marriage (Article 2, paragraph 2) and the Compilation of Islamic Law (KHI), state registration constitutes an obligatory administrative requirement to guarantee legal validity and civil protection.[1] Consequently, unrecorded marriages (*nikah siri*) lack state recognition, legally disempowering wives and children regarding inheritance, maintenance, and civil status.[2] Recently, this legal vulnerability has shifted into the digital realm, transforming informal practices into digitally mediated commercial services. In contemporary Indonesian Islamic family law, the proliferation of digital platforms offering unrecorded marriage arrangements presents a critical socio-legal dilemma.[3] Rather than remaining a covert personal agreement, the practice is increasingly advertised, brokered, and

[1] "UU No. 1 Tahun 1974," Database Peraturan | JDIH BPK, accessed September 13, 2026, http://peraturan.bpk.go.id/Details/47406/uu-no-1-tahun-1974.

[2] Berliano Arrasyid et al., "Legal Problems of Unregistered Marriage in Indonesia: Juridical Consequences, Civil Registration Instruments, and Policy Implications in Riau Province," *Usriyyat: Indonesian Journal of Islamic Family Law* 1, no. 1 (2026): 19.

[3] Gita Vita Loka et al., "The Role of Public Relations at the Office of Religious Affairs in Raising Public Awareness of Sustainable Marriage (A Case Study at the Office of Religious Affairs in Percut Sei Tuan Sub-District, Deli Serdang Regency)," *Communicative : Jurnal Komunikasi Dan Penyiaran Islam* 6, no. 2 (2025): 209, https://doi.org/10.47453/communicative.v6i2.3407.

monetized via social media networks, challenging state marital governance and reshaping traditional religious practices.[4]

To situate the demand for such services, it is useful to begin with the wider marriage context. In 2025, the Central Statistics Agency of Central Java Province recorded 225,401 marriages and 67,500 divorces, 79.5 percent of which were divorce lawsuits filed by wives.[5] These figures are used here only as background on the scale of marital transitions in the province. They do not by themselves explain why couples in Cilacap turn to online *nikah siri* services, and this study does not claim a causal relationship between provincial divorce rates and the demand for such services. The local conditions relevant to demand are drawn from the fieldwork, as set out below.

Interviews with service users point to a narrower set of local conditions. Both users (M.M and M.F) said they chose an online service because of a pregnancy outside marriage and a fear that registering at the KUA would expose it to others, and both described KUA procedures as complicated and costly. The head of the KUA contradicted the second perception, stating that registration there is free of charge and not complicated (K.KUA). In this case, then, demand appears linked less to actual administrative cost than to perceived procedural burden and fear of social exposure. The providers, for their part, framed the service as a way to prevent *zina* (U.A). The penghulu also described video-call ceremonies as suited to migrant workers and couples living far apart (U.A), which is consistent with, but does not establish, a link to labor mobility. Other factors often cited in the literature, such as age limits and

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

[5] Badan Pusat Statistik Indonesia, "Nikah dan Cerai Menurut Provinsi (kejadian), 2025 - Tabel Statistik," accessed February 21, 2026, https://www.bps.go.id/id/statistics-table/3/VkhwVUszTXJPVmQ2ZFRKamNIZG9RMVo2VEdsbVVUMDkjMw==/nikah-dan-cerai-menurut-provinsi.html.

economic constraints, were not raised in the available transcripts and are not treated as findings here. [6]

Existing academic literature on *nikah siri* can be systematically organized into four distinct analytical clusters that examine informal marriage phenomena in contemporary Indonesia. The first cluster focuses on legal validity and state protection, highlighting the constitutional and civil vulnerabilities created by non-registration.[7] The second addresses digital transformation and virtual contracts, analyzing the requirements of *ittiḥād al-majlis* in online ceremonies.[8] The third examines state bureaucratization and religious commodification, demonstrating how strict administrative rules inadvertently foster informal market alternatives.[9] The fourth cluster utilizes *maqāṣid al-sharīʿah* to evaluate the structural protection of women and children.[10] While these foundational studies provide valuable macro-level perspectives, they primarily examine normative jurisprudence or general administrative frameworks, leaving the empirical operationalization of localized digital marketization mechanisms largely unexplored in contemporary Islamic family law scholarship.[11]

Despite these foundational insights, a critical empirical research gap remains unaddressed within current academic literature on Indonesian

[6] Sherria Ayuandini et al., "Contemporary Pathways to Adolescent Pregnancy in Indonesia: A Qualitative Investigation with Adolescent Girls in West Java and Central Sulawesi," *PLOS Global Public Health* 3, no. 10 (2023): 13, https://doi.org/10.1371/journal.pgph.0001700.

[7] Yusuf Agung Purnama et al., "Unregistered and Online Marriage in Indonesia: An Islamic Law and Legal Perspective Based on the Principle of Al-Masyaqqah Tajlibu al-Taysīr," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 43, https://doi.org/10.52496/mjhki.v4i1.40.

[8] Nasiri Nasiri, "Virtual Marriage Contracts and the Shariah Concept of 'Ittihad Al-Majlis': A Case Study of Online Unregistered Marriage Services in Indonesia," *Syaikhuna: Jurnal Pendidikan Dan Pranata Islam* 12, no. 2 (2021): 210, https://doi.org/10.62730/syaikhuna.v12i2.7835.

[9] Eva F. Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," *Journal of Law and Religion* 33, no. 2 (2018): 291, https://doi.org/10.1017/jlr.2018.28.

[10] Iyus Rostia Fiqiyah et al., "The Digital Marketization of Nikah Siri in Indonesia: Legal Pluralism and the Limits of Marriage Governance," *Justitia Nova: Indonesian Journal of Modern Law* 1, no. 2 (2025): 64, https://doi.org/10.5281/zenodo.21316725.

[11] Nisa, "The Bureaucratization of Muslim Marriage in Indonesia," 291.

Islamic family law and digital legal sociology. Prior studies thoroughly examine the jurisprudential validity of online contracts or macro-level state governance, yet they fail to detail how local service networks actively construct digital market spaces that merge moral urgency with structured commercial business models. Specifically, existing scholarship has not demonstrated how narratives of moral salvation, claims of maintaining religion, and the deployment of instant guardian judges (*wali ḥākim*) are attached to commercial mechanics—such as baseline tariffs, mandatory down payments, and administrative regulation—to gain social legitimacy. This study directly addresses this critical gap by examining the micro-empirical interplay between moral urgency, commercialization strategies, and legal vulnerability in Cilacap Regency.[12]

To unpack this complex intersection, this study constructs a dual analytical framework combining sociological and Islamic legal perspectives. First, Carrette and King's commodification theory is operationalized through specific empirical indicators: religious marketing narratives, standardized pricing (starting at IDR 1,500,000), required 50 percent down payments, administrative transaction management, and the explicit conversion of religious authority into a purchasable service feature.[13] Second, Jasser Auda's systems approach to *maqāṣid al-sharīʿah* is applied using its key analytical features: multidimensionality, interrelatedness, and non-reductionism.[14] Rather than accepting a reductionist validation of contracts based solely on formal ritual compliance (*hifẓ al-dīn*), Auda's systemic lens tests whether commercialized *nikah siri* truly fulfills public benefit (*maṣlaḥah*) when evaluated against its systemic impact on lineage protection (*hifẓ al-nasl*) and the civil rights of wives and children.[15]

[12] Fiqiyah et al., "The Digital Marketization of Nikah Siri in Indonesia," 67.

[13] Jeremy R. Carrette and Richard King, *Selling Spirituality: The Silent Takeover of Religion* (London: Routledge, 2005), 111.

[14] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: International Institute of Islamic Thought (IIIT), 2008), 67–69.

[15] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 79–89.

Methodologically, this empirical study employs a qualitative socio-legal approach using a single case study of the Facebook account "Jasa Nikah Siri Cilacap," conducted over a seven-month period from September 2024 to March 2025. Primary field data were gathered through semi-structured interviews conducted via WhatsApp text messaging with five purposively selected core informants: two service providers (U.R and U.K), one marriage officiant (U.A), and two service users (M.M and M.F). One supplementary interview was conducted with the head of a local Office of Religious Affairs (K.KUA) to compare the users' perceptions of formal registration with the institution's own account. The administrative functions of the Facebook account were described by the providers themselves; no separate administrator was interviewed. Informant details are listed in Table 1, transcripts are provided in the Appendix, and findings are attributed to informants by code throughout.[16] To ensure rigorous data validity and academic integrity, source triangulation was systematically executed by cross-checking interview accounts against promotional social media content, WhatsApp transaction screenshots, fee structures, and legal regulations. Research data were analyzed interactively following the Miles and Huberman model through data reduction, data display, and conclusion drawing, thereby ensuring high empirical credibility, methodological rigor, and analytical precision throughout the study.[17]

B. RESULTS AND DISCUSSION

1. The Commercialization of Online Nikah Siri Services: Demand, Transactional Practices, and Legal Uncertainty

a. Couples' Reasons and Framing for Service Provider Rescue

The empirical analysis of online *nikah siri* services must systematically begin with an in-depth examination of the users' initial motivations before

[16] Uzoma Ihugba, *Introduction to Legal Research Method An* (African Books Collective, 2020), 291.

[17] Matthew B. Miles et al., *Qualitative Data Analysis: A Methods Sourcebook* (London: SAGE Publications, 2013), 321.

they decide to utilize these digital platforms. The qualitative data strongly suggests that prior to interacting with online service providers, the majority of couples are not initially looking for a commercial or transactional service. Instead, they are desperately seeking a rapid and pragmatic solution to a highly complex configuration of moral, social, and administrative problems that they are facing in their real lives. This fundamental distinction is crucial to understand because it establishes the primary foundation for the subsequent commodification argument, illustrating how a profound personal crisis is eventually transformed into a marketable service. What is essentially produced before any service is purchased is a profound and urgent need for an immediate way out of a perceived dead-end situation.

This multifaceted crisis very often begins with a remarkably strong religious and moral dilemma that burdens the individuals involved. Many couples genuinely feel highly anxious and fearful about the looming threat of adultery, commonly known as *zina*, when entering into an intimate relationship without a recognized marital bond.[18] In their worldview and understanding of religious obligations, *nikah siri* is viewed as a highly effective and quick way to legalize their relationship according to the strictures of Islamic law.[19] The underlying assumption that a marriage is religiously valid as long as the fundamental conditions are met makes these couples strongly prefer this informal settlement rather than dealing with the complexities of state records. This spiritual urgency is then immediately met with the practical, everyday need to immediately obtain a definitive sense of relationship certainty. Because state administrative affairs are consistently perceived as requiring a much longer and significantly more tiring process, the

[18] Nurhayatul Hasanah and Niskaromah, 'The Phenomenon of Siri Marriage in Indonesia: A Review of Munakahat Fiqh', *Zabags International Journal of Islamic Studies* 2, no. 1 (2025): 9, https://doi.org/10.61233/zijis.v2i1.14.

[19] Andi Iismiaty et al., 'The Legal Status of Sirri Marriage in Islamic Law', *Alauddin Law Development Journal* 2, no. 2 (2020): 96–101, https://doi.org/10.24252/aldev.v2i2.15312.

fulfillment of immediate religious obligations is consistently placed as the absolute main consideration for these couples.[20]

In addition to intense moral pressure, specific social conditions strongly drive couples to make incredibly hasty decisions, such as the occurrence of out-of-wedlock pregnancies or the strong desire to maintain strict privacy from their extended families.[21] Consequently, social pressure and the urgent need to maintain a good family reputation compel couples to prioritize immediate, closed-door settlements over formal procedures.[22] Furthermore, these life-altering decisions are heavily compounded by significant bureaucratic obstacles and severe economic limitations. The standard registration procedure at the Office of Religious Affairs (KUA) is widely perceived as demanding, excessively time-consuming, and unfortunately expensive for young couples grappling with limited financial capabilities. [23]

This stark reality is clearly reflected in the users' direct confessions during the interviews. As one user frankly stated regarding the formal process, "It's just complicated with documents and everything, there are payments too", and emphasized that the intense fear of social judgment was a primary driver: "Basically, I'm ashamed to marry at KUA, later everyone will know all my disgrace... I had an out-of-wedlock accident". Another user similarly expressed profound anxiety regarding societal judgment: "Like I said earlier, it's complicated, and I'm afraid everyone will know that this child is out of wedlock, so I just try to play it safe". Consequently, practicality inevitably

[20] Iman Jauhari et al., 'Legal Analysis of Unregistered Marriage Viewed from Ulama's Perspective in Aceh Province', *PETITA: JOURNAL OF LEGAL AND SHARIA STUDIES* 8, no. 2 (2023): 8, https://doi.org/10.22373/petita.v8i2.196.

[21] Desmal Fajri and Felti Novira, 'The Phenomenon of Unregistered Marriages: Problems and Solution', *Cosmic Law* 23, no. 2 (2023): 180, https://doi.org/10.30595/kosmikhukum.v23i2.18113.

[22] Sapriadi Sapriadi et al., 'The Controversy of Unregistered Marriage Trends from the Perspective of Maqa'sid Mukhallaf: Preventing Underage Marriage in Wajo Regency', *Al-Adalah: Journal of Islamic Law and Politics*, 31 July 2025, 367, https://doi.org/10.30863/ajmpi.v10i2.9035.

[23] M. F, 'User of "Cilacap Online Siri Marriage Services"', Private Interview, 13 March 2025.

becomes a paramount consideration when couples deeply feel their life options are severely restricted by rigid rules, lack of time, and poor economic conditions.[24]

Logically following these profoundly urgent user needs, the most critical empirical finding is specifically how the online service providers strategically respond to and successfully capitalize on this widespread anxiety. The astute providers do not simply sell a raw transaction; rather, they intelligently package a comprehensive solution to severe moral and social anxiety as a purely religious service. On the visible front stage, these service providers actively build strong social and religious legitimacy by carefully framing their commercial service through a persuasive narrative of moral salvation—specifically, presenting their ultimate goal as helping distressed couples successfully avoid the grievous sin of *zina*.[25] As vividly expressed by one of the active officiants regarding their core motivation to provide the service, " Especially for those who need it fast so as NOT to commit *zina*, so they can focus on working to provide for their family. By strategically presenting the paid service as a noble religious rescue mission that prioritizes the moral safety of the users, the providers effectively and seamlessly camouflage their underlying economic interests securely behind the comforting language of pastoral care and religious piety.[26]

To successfully convince potential users and alleviate their lingering doubts, these providers meticulously offer a highly concrete, ready-to-use service package that directly and efficiently answers the couples' deepest anxieties. This comprehensive package strictly adopts Islamic legal requirements to guarantee religious validity, as one provider rigidly listed the necessary components to a client: "Woman's dowry, two Muslim witnesses,

[24] M. M, 'User of "Siri 0nline Cilacap Marriage Services"', Personal Interview, 29 December 2024.

[25] U. A, 'Penghulu "Jasa Nikah Siri Cilacap"'.

[26] Zezen Zaenal Mutaqin and Yayan Sopyan, 'Forced Marriage and Sex Trafficking under the Guise of Nikah Siri in Indonesia', *Studia Islamika* 31, no. 2 (2024): 221, https://doi.org/10.36712/sdi.v31i2.39198.

Guardian. Lineage guardian or judge guardian, Ijab Kabul.[27] Furthermore, they heavily commodify these sacred requirements into clear, tiered pricing structures, stating explicitly, "Nikah siri service is 1.2 million rupiah sir, complete with witnesses and 2 certificates... Video call can be 1 million rupiah".[28] The inclusion of this internal marriage certificate provides a strong sense of security for the vulnerable users, as one relieved client explicitly noted: "I'm just confident because I already have the certificate" and "I've already used an officiant service so maybe it's safe there's a certificate too, it's also acknowledged by society".[29] Ultimately, behind the reassuring religious framing, the service is rigorously managed through a highly structured business mechanism. This religious packaging ultimately serves a brilliant dual function: it successfully builds the unwavering trust of desperate users while simultaneously solidifying the service as an easily accessible, thoroughly prepared, and incredibly rapid commercial solution to a pressing moral problem.[30]

b. Transaction Flow and Business Model of Online Nikah Siri Services

The marketing of *nikah siri* services began to use digital space as a means to reach potential users more widely. Service providers use Facebook under the name of the Jasa Nikah Siri Cilacap account as the main promotional medium to offer marriage services to the public.[31] Through repeated uploads, the provider displays the *nikah siri* as a practical solution for couples who face an urgent need to get married. The use of social media makes information about the service openly available to potential users who may not have

[27] U. R, 'Cilacap Online Series Marriage Service Provider', Private Interview. 12.13-13.08 WIB., September 9, 2024.

[28] U. R, 'Cilacap Online Series Marriage Service Provider'.

[29] U. R, 'Cilacap Online Series Marriage Service Provider'.

[30] Zaini Dahlan et al., 'Celebrity Ulama': Opportunities for the Commodification of Religion and the Values of Islamic Education Das'ad Latif', *Cogent Arts & Humanities* 12, no. 1 (2025): 432, https://doi.org/10.1080/23311983.2025.2492427.

[31] U. K, 'Online Siri Marriage Services On The Facebook Account "Siri Cilacap Marriage Services"', Personal Interview. 12.50-14.48 WIB., September 9, 2024.

previously had access to the network of service providers directly.[32] The digital space then not only functions as a communication medium, but also becomes a place where the needs of couples meet with the marriage services offered by the provider.[33]

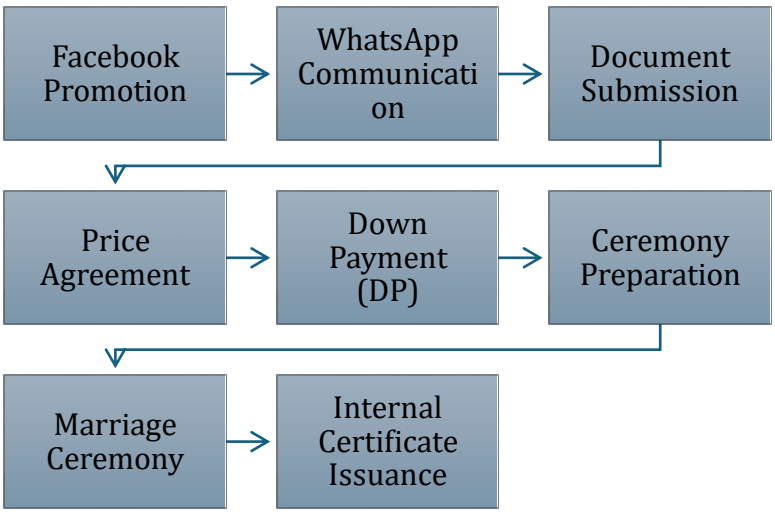


Figure 1. Transaction Flow of Online Nikah Siri Services.

The transactional dimension is then seen in the determination of tariffs that are adjusted to the form of services provided. The provider sets a basic fee of IDR 1,500,000 for one *nikah siri* contract procession.[34] This amount can change when the implementation of the contract is carried out in a certain location or the couple requests additional facilities. Contracts that are carried out outside the provider's premises, for example, can be charged additional fees based on distance and travel needs. The determination of the tariff shows that the *nikah siri* service has an economic value that can be calculated and adjusted to the needs of the user. Marriage rituals that were originally in a religious space then come in the form of service packages that have a certain price. In this context, the relationship between the provider and the couple is

[32] Elif Izberk-Bilgin and Russell W. Belk, 'Religion in Neoliberal Times: The Global Spread of Marketingization, Implications for Religion, and Future Research Directions', *Marketing Theory* 25, no. 1 (2025): 57, https://doi.org/10.1177/14705931241261000.

[33] Syatta, 'Digital Transformation in Marriage Administration', 3.

[34] U. A, 'Penghulu "Jasa Nikah Siri Cilacap"'.

not only built through religious narratives, but also through agreements regarding the type of services and fees that must be paid.[35]

The payment mechanism shows a further form of transactional relationship. The couple is required to pay a down payment or down payment of 50 percent before the contract procession is carried out. The payment is part of the service ordering process while ensuring that the contract implementation schedule has been agreed upon by both parties. Without an initial payment, the preparation of the contract has not been carried out by the provider and the schedule of the penghulu has not been secured. In practice, payments are also made as part of the administrative stage before the couple receives the full service.[36] Field findings show that there is no payment mechanism in installments or payment after the contract is completed. This pattern shows that the implementation of services runs based on the certainty of payment that has been determined from the beginning and is one of the important requirements in the relationship between the couple and the service provider.

Table. 1

Tariff Structure and Payment Mechanism

Cost Component	Nominal/Condition	Remarks
Basic rates	IDR 1,500,000	For a series of marriage contract processions
Location surcharge	Adjusting the distance	Charged if the contract is executed outside the provider's premises
Down payment (DP)	50% of the total cost	Paid before the contract procession; locking the schedule of the headman
Remaining payment	50% of the total cost	No installment or payment scheme available after the contract

In addition to setting fees, providers also build an internal administration system to manage spouse data. Prospective users are asked to submit a number of documents, such as a photo of ID card or driver's license, name of the biological father, determination of dowry, passport and stamp.

[35] Fiqiyah et al., 'The Digital Marketization of Nikah Siri in Indonesia', 2025, 65.
[36] U. R, 'Cilacap Online Series Marriage Service Provider'.

The data is used to record the identity of the spouse and prepare a series of marriage certificates that are given after the contract takes place. These requirements make the service process look more organized because the couple must meet a number of conditions before the contract is implemented. For couples, the collection of documents can give the impression that the service has clear and organized procedures.[37] However, the administration remains within the provider's internal scope and is not connected to the state's marriage registration mechanism. Thus, the documents collected function primarily as part of the service management and administration of the provider, not as a substitute for official marriage registration.[38]

Table. 2

Administrative Document Requirements

Document Type	Remarks
Photo ID card/driver's license	Belongs to the husband-to-be and the wife-to-be
Name of the biological father	Listed for both brides-to-be
Determination of dowry	Agreed and recorded before the contract
Passport photo	Used for internal *nikah siri* letters/certificates
Materai	Equipped as part of the provider's internal administration

Although the registration and communication process is carried out through digital media, the implementation of the contract still takes place face-to-face. The provider provides a choice of contract venue, both at the location that has been provided and in the place determined by the couple.[39] At the time of implementation, the provider presents the necessary devices in the procession, such as the penghulu, two witnesses, and an instant judge. The availability of this facility provides convenience for couples who face certain

[37] U. A, 'Penghulu "Jasa Nikah Siri Cilacap"'.

[38] Muhammad Latif Fauzi, 'Administrative Transgression and Judicial Discretion for the Sake of Citizens' Rights: The Legalisation of Unregistered Marriages in Indonesia', *Al-Ahwal: Journal of Islamic Family Law* 16, no. 2 (2023): 211, https://doi.org/10.14421/ahwal.2023.16202.

[39] U. A, 'Penghulu "Jasa Nikah Siri Cilacap"'.

limitations in the implementation of the contract, including couples who do not use guardians or want the procession to take place behind closed doors. After the ijab kabul is over, the couple receives a letter or certificate of marriage made by the provider as written proof.[40] This sequence shows that the *nikah siri* service runs through relatively structured stages, ranging from digital promotion, communication, document collection, payment to direct contract implementation.

c. Internal Marriage Certificate and Potential Losses for Wife and Children

The submission of a letter or internal certificate of marriage after the contract is completed provides the couple with a physical written document used as immediate proof that the marriage has taken place. However, this specific finding requires profound analytical attention because it represents a critical point in the commodification process. The online service provider does not merely sell an intangible act of religious marriage; crucially, it commodifies and sells a material representation of certainty through this printed certificate. This document functions as a powerful psychological bridge for the anxious couple, seamlessly connecting religious legitimacy with perceived legal safety. Therefore, it is vital to draw a sharp analytical distinction between the mere "documentary certainty" deliberately offered by the commercial provider and the actual "legal certainty" strictly recognized by the state.[41] Because the letter is merely an internal commercial document and does not originate from the official state marriage registration institution, it creates a dangerous illusion of legal security. This condition highlights a severe gap between the couple's psychological reliance on the purchased certificate and the document's absolute lack of standing within the formal state legal system.[42]

[40] U. A, 'Penghulu "Jasa Nikah Siri Cilacap"'.

[41] Purnama et al., "Unregistered and Online Marriage in Indonesia," 49.

[42] Qadriani Arifuddin, "Registration of Marriage as Fulfillment of Marriage Requirements According to Islamic Principles," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 24, no. 2 (2024): 319, https://doi.org/10.19109/nurani.v24i2.24529.

Consequently, this illusion of certainty directly translates into severe potential legal vulnerabilities, particularly regarding the wife's legal position if future household problems were to arise. While the empirical observations of these online services demonstrate a successful immediate transaction and temporary relief for the users, the structural consequence is a profound, long-term legal precariousness. Without an officially registered marriage book from the state, wives face systemic limitations when attempting to prove their marital relationship before state institutions, such as the Religious Courts.[43] These potential vulnerabilities become incredibly complex and highly detrimental in hypothetical but highly plausible scenarios where the husband fails to fulfill his obligation to provide maintenance, commits domestic neglect, or if domestic violence occurs. In such conflict situations, the wife's access to various civil rights, legal protections, and state assistance becomes exponentially more difficult because her marital status cannot be automatically proven. The absolute absence of state registration heavily impedes any future potential claims related to formal divorce proceedings, post-divorce alimony, and the division of joint property acquired during the unrecorded marriage.[44]

Another critical potential problem arises in the highly commodified use of "instant guardians" (*wali hakim*) directly provided by the service providers. In many of these online packages, the guardian is simply included as part of the paid facility without any adequate explanation, background check, or rigorous verification of the guardian's legitimate authority to act on behalf of the bride. This transactional condition raises severe theological and potential legal problems because the true existence, lineage connection, or valid legal position of the guardian has not been properly ascertained before the contract

[43] Muh Akbar Fhad Syahril and Nurhaedah Hasan, "The Phenomenon of Inner Marriage from the Perspective of National Marriage Law and Protection of Women," *Priviet Social Sciences Journal* 5, no. 7 (2025): 11, https://doi.org/10.55942/pssj.v5i7.403.

[44] Arrasyid et al., "Legal Problems of Unregistered Marriage in Indonesia," 21.

is executed.[45] Within the strict context of Islamic jurisprudence (*fiqh*), a valid guardian is one of the most fundamental and absolute elements in the implementation of a marriage contract for women.[46] Any unclarity or procedural shortcuts regarding the commercial determination of this guardian can immediately raise serious questions about the fundamental religious validity of the contract itself. This specific problem not only threatens the spiritual relationship between the spouses but also structurally jeopardizes their marital status and drastically complicates any subsequent issues regarding children if the marriage produces offspring.

The severe impact of unrecorded marriage also manifests profoundly in the highly complex administration of children's civil status. Claims concerning children's legal standing must be understood through the lens of specific national legal provisions, particularly Law No. 1 of 1974 concerning Marriage (UU Perkawinan) and Law No. 23 of 2006 concerning Population Administration. According to Article 42 of the Marriage Law, a legitimate child is strictly defined as one born within or as a consequence of a legally recognized marriage. When the parents possess only an internal provider certificate rather than official state registration, the couple will inevitably face systemic legal hurdles when processing documents related to the civil relationship between the child and the biological father.[47] Consequently, the child is structurally positioned in a highly vulnerable state, which severely complicates the issuance of accurate birth certificates and restricts the formal inclusion of the father's identity on official population documents. In practice, this legal vulnerability forces the child to endure a much longer, more complicated administrative process, unfairly burdening the child with the

[45] Wiranda Soraya et al., "Legal Protection of Women and Children in the Practice of Nikah Sirri (Unregistered Marriage)," *Al-Rasīkh: Jurnal Hukum Islam* 14, no. 2 (2025): 272, https://doi.org/10.38073/rasikh.3323.

[46] Sapriadi et al., "The Controversy of Unregistered Marriage Trends from the Perspective of Maqa'sid Mukhallaf," 367.

[47] Elimartati et al., "From Custodians to Bystanders: Tigo Tungku Sajarangan's Responses to Unregistered Marriages Practices in Minangkabau," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 18, no. 1 (2025): 48, https://doi.org/10.14421/ahwal.2025.18103.

profound legal consequences of their parents' choice to utilize an unregistered commercial service.

A similarly severe potential legal vulnerability arises in the critical event that one of the spouses passes away and the surviving family must complete the complex division of inheritance. This argument is solidly grounded in the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI) applied in Indonesia, specifically Article 171 and Article 174, which firmly stipulate that legal heirs must possess a proven blood relation or a legally recognized marital tie to the deceased. The absolute absence of an official state marriage document makes it incredibly difficult for the surviving wife and children to legally prove their familial relationship. This legally precarious situation can quickly escalate into a massive conflict when there is a dispute with the husband's biological family regarding the rightful position of the wife or child in the distribution of the estate. In such highly contentious potential scenarios, the lack of formal state records drastically weakens the evidentiary position of the unregistered family members before the Religious Court.[48] This specific legal vulnerability definitively proves that the destructive impact of a commodified, unrecorded marriage extends far beyond the immediate domestic life.

This extensive series of potential legal problems conclusively demonstrates that official marriage registration serves a fundamentally broader and more vital function than merely meeting minor administrative needs after the contract is completed. Registration provides the absolute legal basis for the undeniable proof of marital relationships and serves as the primary state instrument to guarantee that the fundamental rights of spouses and children can be fully accessed and protected when future legal disputes inevitably arise.[49] Therefore, marriage cannot only be evaluated from the

[48] Safrin Salam et al., "The Erosion of Customary Authority and The Riset of Local Ulama In The Normalization of Unregistered Marriages In Indonesian Muslim Communities," *Mawaddah: Jurnal Hukum Keluarga Islam* 4, no. 1 (2026): 351, https://doi.org/10.52496/mjhki.v4i1.72.

[49] Rosyadi et al., "Criminalization of Unregistered Marriage in Indonesia," 149.

narrow perspective of fulfilling the basic religious principles and conditions of the contract, but it must also be critically analyzed based on the profound long-term legal consequences that follow. In the specific context of commercial online marriage services, the provision of a physical internal certificate and the practical ease of the contract may provide a temporary, psychological sense of completion to the anxious couple. However, this reality exposes a dangerous paradox: the commercial ease of the transaction and the superficial documentary certainty of the contract are entirely detached from the actual, long-term legal certainty desperately needed to protect the fundamental rights of wives and vulnerable children.

Taken together, these findings illustrate how online nikah siri services transform couples' moral anxieties into commercial transactions that offer immediate religious reassurance without necessarily providing formal legal certainty. The empirical evidence reveals the interconnected roles of moral concerns, promotional narratives, service pricing, transactional procedures, and internally issued marriage certificates in shaping these practices. To provide a clearer overview, Table 3 consolidates the principal findings and identifies the informants or documents supporting each finding. Importantly, the legal vulnerabilities outlined in Finding F6 are derived from the applicable legal provisions discussed in Section (c) and represent potential consequences rather than documented harms experienced by the informants.

Table 3

Summary of Empirical Findings

Code	Finding	Supporting evidence
F1	Demand arises from moral and social anxiety, not from a wish to buy a commercial service.	Users M.M and M.F cite a pregnancy outside marriage, fear of exposure at the KUA, and the perceived complexity and cost of registration. The KUA head (K.KUA) states that registration is free and not complicated.
F2	Providers present the service as moral rescue from *zina*.	Officiant U.A describes the service as meant for those who need it fast so as not to commit *zina*; the service is promoted through repeated Facebook uploads.

Code	Finding	Supporting evidence
F3	The service is sold at standardized, tiered prices with a compulsory 50% down payment and no installment option.	Base fee of IDR 1,500,000 and a location surcharge (U.A); a complete package quoted at IDR 1.2 million and a video-call variant at IDR 1 million (U.R); payment terms in Table 1 (U.R).
F4	Religious requirements are bundled into the package as purchasable features, including the officiant, witnesses and an instant *wali ḥākim*, with no described verification (*tafahhus*).	Component list given by U.R (dowry, two witnesses, guardian, *ijab kabul*); U.A states that the provider presents the officiant, two witnesses and an instant judge at the ceremony.
F5	An internal certificate and provider-run administration create documentary certainty without state recognition.	Users' statements that the certificate makes them feel safe; document requirements in Table 2; the administration is not connected to state marriage registration.
F6	Without state registration, wives and children face potential legal vulnerability in proof of marriage, maintenance, child's civil status and inheritance.	Law No. 1 of 1974 (Arts. 2(2), 42), Law No. 23 of 2006, and KHI Arts. 171 and 174, as analyzed in 1.3. Potential, not observed.

2. The Commodification of Religious Authority and the Paradox of Legal Protection: A Spiritual Commodification and Maqāṣid al-Sharīʿah Analysis

The theoretical analysis is organized around the two frameworks. Section (a) turns each framework into indicators and links them to the findings. Sections (b) to (e) apply Carrette and King's theory of spiritual commodification, moving from the raw material of commodification (moral anxiety) to the narrative that legitimizes it, the commodity form it takes, and the religious authority that is sold with it. Section (f) applies Auda's systems approach to ask what the resulting product does to wives and children. Section (g) shows how the two frameworks fit together.

a. Analytical Framework: From Theory to Indicators

This study draws three analytical elements from Carrette and King's account of spiritual commodification.[50] First, commodification starts from a need, not from a product: it works on anxieties and aspirations that the market then offers to satisfy. Second, it requires packaging, in which something that was embedded in a community and a tradition becomes a standardized, priced and branded item. Third, it is rarely acknowledged as commerce, because the market logic is carried by religious language and symbols. These elements are operationalized through five indicators, which are the same indicators set out in the Introduction: religious marketing narratives (I1), standardized pricing (I2), a compulsory down payment (I3), administrative transaction management (I4), and the conversion of religious authority into a purchasable service feature (I5).[51]

Auda's approach is used for a different purpose. Where Carrette and King's theory asks how a religious need becomes a product, Auda's asks whether the product still serves the purposes it claims to serve. Three features of his systems approach are applied, namely wholeness (non-reductionism), interrelatedness and multidimensionality, together with the purposefulness that underlies them, which here means testing the claimed protection of religion (*ḥifẓ al-dīn*) against its effect on lineage (*ḥifẓ al-nasl*) and on the civil rights of wives and children.[52] Table 4 links each indicator and feature to the findings in Table 3 and to the section in which it is analyzed.

[50] Carrette and King, *Selling Spirituality*.
[51] Carrette and King, *Selling Spirituality*, 111.
[52] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 67–69.

Table 4

Analytical Framework and Its Empirical Anchors

Theory	Analytic indicator	Findings	Section
Carrette and King	Religious marketing narrative (I1)	F1, F2	b, c
Carrette and King	Standardized pricing (I2) and compulsory down payment (I3)	F3	d
Carrette and King	Administrative transaction management (I4)	F3, F5	d
Carrette and King	Religious authority as a purchasable feature (I5)	F4	e
Auda	Wholeness (non-reductionism)	F4, F5	f
Auda	Interrelatedness of religious and state subsystems	F5, F6	f
Auda	Multidimensionality of marriage	F6	f
Auda	Purposefulness (*ḥifẓ al-dīn* against *ḥifẓ al-nasl* and civil rights)	F6	f

b. Moral Anxiety as the Raw Material of Commodification

The first indicator of commodification is that the market works on a need that exists before any product does. F1 shows that M.M and M.F did not go looking for a commercial service. They were looking for a way out of a pregnancy outside marriage, of the fear of *zina*, and of exposure at the KUA, and the online provider was the option that promised to resolve all three at once. The anxiety came first and the product was built to answer it.

The moral anxiety felt by couples—ranging from the fear of falling into adultery, worries about the views of their extended family and surrounding environment, to the intense social pressure of an out-of-wedlock pregnancy—is fundamentally not just an isolated personal problem. These intense psychological anxieties can rapidly develop into a desperate need that possesses highly exploitable economic value when strategically offered as a commercial service. Carrette and King accurately define this systematic process as spiritual commodification, which occurs when profound inner

needs that were previously entirely outside the logic of profit and loss abruptly enter the capitalist market mechanism through the explicit formation of commercial products, standardized tariffs, and specific user targets.[53] However, to fully grasp this phenomenon analytically, it is necessary to identify exactly what is being traded. In the context of online *nikah siri*, the service provider does not simply commodify the physical marriage ceremony itself.

Rather, it aggressively commodifies a complex combination of moral reassurance, logistical convenience, the proxy guardian (*wali hakim*) function, and, most crucially, instant access to religious authority and religious certainty. The provider essentially sells a packaged guarantee that the couples' sins are absolved and their union is religiously validated, effectively monetizing their spiritual vulnerability. While a similar commercial pattern has previously been observed in online *ta'aruf* services—where the preliminary process of introduction is neatly packaged as a paid service for individuals seeking sharia-compliant matchmaking[54]—the practice of *online nikah siri* in Cilacap pushes this commodification much further. It is no longer just the introductory phase that is monetized, but the sacred marriage contract itself and the absolute religious legitimacy, all of which are explicitly offered at a predetermined baseline rate, with additional variable fees based on geographic location, and secured through a strict upfront down-payment system.

Izberk-Bilgin and Belk profoundly explained that the rapid development of the contemporary digital market increasingly facilitates and normalizes the unhindered entry of capitalist commercial logic into deeply personal religious life. Fundamental spiritual needs and religious obligations are now openly offered in the form of incredibly quick, highly practical, and easily accessible digital solutions, while informal religious actors or

[53] Carrette and King, *Selling Spirituality*.

[54] Salam et al., "The Erosion of Customary Authority and The Riset of Local Ulama In The Normalization of Unregistered Marriages In Indonesian Muslim Communities," 354.

entrepreneurial service providers deliberately position themselves as superior, hassle-free alternatives to rigid state bureaucratic procedures.[55] In this specific commercial context, the intense moral anxiety of desperate couples clearly possesses two intersecting economic sides. For the deeply distressed couples, this anxiety serves as the primary psychological driver to immediately seek out a fast, pragmatic solution through an instant marriage service, regardless of the financial cost.

Meanwhile, for the opportunistic service providers, this vulnerable condition serves as a highly lucrative business opportunity to offer structural religious legitimacy that can be precisely priced, cataloged, and packaged into various customizable service tiers. Furthermore, Fiqiyah's recent empirical findings strongly demonstrate that the rapid expansion of the digital market for *nikah siri* cannot be analytically separated from the inevitable intersection between the couples' limited access to formal, state-sanctioned marriage channels and the provider's strategic ability to read, manipulate, and systematically utilize these desperate needs in a highly organized commercial manner.[56] Thus, the sudden emergence and continuous survival of the online unregistered marriage market cannot be sufficiently explained merely through the lens of weak state supervision or inadequate legal regulations. This thriving underground market was specifically formed because there is a profound, urgent demand for immediate religious certainty on one hand, and there are entrepreneurial actors who possess the structural capacity to transform this spiritual desperation into highly profitable, economically valuable services on the other.

Two points follow from this reading. First, demand for online *nikah siri* should not be treated as a neutral preference that providers merely satisfy. Carrette and King's argument is that commodification does not leave the religious content untouched but reshapes it to suit market logic.[57] The Cilacap

[55] Rosyadi et al., "Criminalization of Unregistered Marriage in Indonesia," 149.
[56] Fiqiyah et al., "The Digital Marketization of Nikah Siri in Indonesia," 77.
[57] Carrette and King, *Selling Spirituality*.

data fit that pattern. The couples' fear of being found out at the KUA is not answered by changing the situation that produces the fear but by selling discretion, in the form of a closed-door ceremony without registration. The perceived cost and complexity of registration, which the KUA head contradicts (K.KUA), serves as the comparison against which the service is made to look fast and safe.

Second, the Cilacap case departs from the pattern Carrette and King describe, and the departure sharpens the theory. Their analysis concerns a market in "spirituality" that has been detached from religious institutions and repackaged for individual consumption. What is sold in Cilacap is not a detached spirituality but a juridical-religious status: the validity of a marriage under *fiqh*, with the pillars of dowry, witnesses, guardian and *ijab kabul* that U.R lists to clients. The commodity is therefore orthodox in content and commercial in form. This suggests that spiritual commodification can operate inside Islamic legal categories, and by means of them, and not only outside them. What the couple buys is certainty that the marriage is religiously valid, which is the subject of (d) and (e).

c. The Narrative of Moral Rescue as a Legitimation Strategy

The second indicator, the marketing narrative, links the anxiety described above to the product. F2 shows that the providers' public justification is the prevention of *zina*, and U.A's remark that the service is for those who need it fast so as not to commit *zina*, so that they can work to provide for their family, is typical of that framing.[58] In Carrette and King's framework, the function of such a narrative is to keep market logic from being recognized as market logic. The subtitle of their book, *The Silent Takeover of Religion*, points to a takeover that goes unnoticed because it speaks the language of the tradition it displaces.[59] Here that language is rescue and pastoral care.

[58] U. A, "Penghulu 'Jasa Nikah Siri Cilacap,'" interview, September 9, 2024.
[59] Carrette and King, *Selling Spirituality*.

The narrative that these online services help couples avoid the sin of adultery is an essential strategy in building their public image. On the surface, the provider positions itself as a benevolent savior solving moral problems. However, behind this religious narrative operates a profit-driven business mechanism running with capitalist precision. This commercialization pattern is not unprecedented among urban Muslims in Indonesia. Rather, it represents a structural shift where perceived piety and pastoral care of religious figures are converted into calculable economic values. This condition ultimately makes the boundary between religious devotion and pragmatic business interests increasingly difficult to distinguish, packaging spiritual solutions as commercial commodities.[60]

At Jasa Nikah Siri Cilacap, this blurred boundary is evident. The provider presents itself as rescuing vulnerable couples from sin, while rigorously applying commercial mechanisms, like a 50% down payment and geographic rates. By employing this framing, Islamic jurisprudence provides moral legitimacy camouflaging the commercial side. Consequently, this moral salvation narrative may potentially reduce the critical scrutiny of desperate couples. While data cannot definitively prove an absence of complaints, this framing theoretically creates an environment discouraging users from questioning consumer issues. It becomes psychologically harder for anxious clients to challenge structural costs, provider accountability, or the absence of formal grievance rooms if domestic problems arise.

When this commercial narrative of moral salvation is accepted without institutional verification, it creates a dangerous environment. Unchecked religious framing opens structural spaces for exploitative practices that disproportionately harm women, particularly where marriages occur without informed consent or through immense social pressure.[61] Therefore, using

[60] Mohammad Fattahun Ni'am, "Menakar Kembali Otoritas Ulama: Antara Kesalehan dan Komodifikasi Agama," *Jurnal Kajian Islam Interdisipliner* 8, no. 2 (2023): 137, https://doi.org/10.14421/jkii.v8i2.1349.

[61] Sapriadi et al., "The Controversy of Unregistered Marriage Trends from the Perspective of Maqa'sid Mukhallaf," 372.

religious language to market unregistered marriages is not merely an issue of advertising ethics. It directly questions whether commercial claims to "preserve religion" are actually realized in practice.[62] This forces a critical examination of whether online providers can be held accountable for long-term consequences, especially regarding the protection of wives and children occupying the most vulnerable positions within unrecorded marital relationships.

Read together with F3, the narrative has a practical effect. Because the rescue is presented as urgent, speed becomes a moral virtue, and the steps that slow a marriage down, such as verification of the guardian or state registration, are recast as obstacles to avoid and not as safeguards. This is the mechanism that connects the marketing narrative to the legal vulnerability analyzed in (e) and (f): urgency is what the provider sells, and verification is what urgency removes.

d. Pricing, Down Payment and Administration as the Commodity Form

The indicators of standardized pricing, a compulsory down payment and administrative management (F3, F5) show how the rescue narrative is turned into an item that can be bought. A ceremony that U.A and U.R describe in religious terms carries a base fee of IDR 1,500,000, reported by U.A, a surcharge that varies with distance, and cheaper and more complete variants: U.R quotes IDR 1.2 million for a package that includes witnesses and two certificates and IDR 1 million for a video-call ceremony.[63] The two figures are consistent with providers adjusting price to package and location, although the data do not allow a stricter comparison. Pricing is the clearest sign of commodification in Carrette and King's sense. It makes a religious act commensurable with money and comparable across variants, and in doing so gives it an exchange value.

[62] Abdul Wahid Jaheed and Salih Mohammad Akhtar Khil, "Preservation of Religion and Its Practical Strategies in Islamic Shariah," *Diwan* 6, no. 2 (2025): 39, https://doi.org/10.69892/diwan.2025.120.

[63] U. R, "Penyedia Jasa Nikah Siri Online Cilacap," interview, September 9, 2024.

The 50 percent down payment, together with the absence of any installment or post-ceremony payment option (Table 1), adds a second layer. Payment secures the officiant's schedule before the ceremony takes place, so the order of events is that the commercial commitment is fixed first and the religious act follows. In a religious understanding of marriage, the contract creates obligations between the spouses. In this transaction, the first obligation created is between the couple and the provider. The locking of the schedule by payment is an instance of the subordination of religious practice to market terms that Carrette and King's critique targets.

Administration completes the commodity form. The documents collected from the couple (Table 2) and the internal certificate issued after the *ijab kabul* give the transaction the appearance of a procedure and give the product a physical object. The certificate is what the couple can show, to themselves and to their community, as proof that the product was delivered, and F5 shows that this is what users value: "Yakin aja mas saya udah punya sertifikatnya."[64] Because the administration is not connected to the state registry, however, the object certifies the provider's service and not the legal standing of the marriage. What is sold is documentary certainty, and legal certainty is not part of the package. This is the point at which the commodification analysis hands over to the *maqāṣid* analysis in (f): the gap between the two kinds of certainty is the gap in which wives and children are left exposed.

e. Commodification of the Guardian Judge (Wali Hakim) in the Digital Religious Market

The fifth indicator, the conversion of religious authority into a purchasable feature, is clearest in the *wali ḥākim*. F4 shows that the provider lists the guardian among the components of the package ("Wali nasab atau

[64] U. R, "Penyedia Jasa Nikah Siri Online Cilacap," interview, September 9, 2024.

wali hakim") and supplies an instant judge at the ceremony together with the officiant and two witnesses.[65]

Including an instant guardian judge (*wali hakim*) within the service package represents an extreme commodification of religious authority. Normatively, utilizing a guardian judge is strictly an emergency option. According to Shafi'i jurisprudence and Article 23 of the Indonesian Compilation of Islamic Law, transferring this authority requires a rigorous *tafahhus* (factual examination) or a formal Religious Court decree to prove the biological guardian is genuinely reluctant (*'adhal*) or absent.[66] Without this precise verification, the foundational validity of the marriage is severely compromised. However, in Cilacap's digital market, service providers deliberately shift the guardian judge's status from a restricted emergency legal instrument into a default commercial product feature.

This phenomenon is completely inseparable from the changing pattern of religious authority within modern digital spaces. Currently, religious legitimacy is not always built through traditional scholarly lineages (*sanad*) or formal determinations from recognized state institutions. Instead, public legitimacy relies heavily on the ability of an online provider to appear convincing before prospective users through sophisticated digital media packaging. In this context, the commercial guardian judge does not merely execute a religious function during the contract; simultaneously, this figure structurally strengthens the overarching legitimacy of the paid service package, blurring the lines between genuine pastoral care and profit-driven motives.

The deliberate elimination of the rigorous *tafahhus* stage is executed explicitly to guarantee a completely frictionless, fast, and practical commercial transaction. Consequently, this approach demonstrates how digital business

[65] U. A, "Penghulu 'Jasa Nikah Siri Cilacap,'" interview, September 9, 2024.

[66] Muhammad Fitri Adi, "Hadhonah Rights of Children (Not Mumayyis) Based on Compilation of Islamic Law and Child Protection Act," *Nusantara: Journal of Law Studies* 2, no. 1 (2023): 17, https://doi.org/10.5281/zenodo.17388734.

logic systematically alters the structural application of Islamic law. When the guardian judge is aggressively offered as a standardized, ready-to-use commodity rather than the resulting decision of an individualized verification of sharia requirements, the problem expands significantly beyond a mere theoretical fiqh debate. Business logic essentially simplifies complex religious requirements so the services become faster, more practical, and significantly easier to market to desperate couples.[67]

Ultimately, the guardian judge becomes a complementary feature designed strictly to legitimize paid transactions. When sacred religious authority is transformed into instant consumer products for economic efficiency, the crucial line between fulfilling essential marriage pillars and exploitative legal engineering (*hiyal al-syar'iyyah*) becomes severely blurred.[68] Service providers effectively commodify the procedural safety net of Islamic family law, turning an extraordinary judicial measure into an everyday digital commodity. This structural shift highlights how commercial imperatives in the online marriage market successfully subordinate classical jurisprudential safeguards to satisfy the fast-paced demands of a lucrative digital enterprise.

In Carrette and King's terms, the *wali ḥākim* illustrates the last step of commodification. Authority that depends on conditions, namely the absence or reluctance (*ʿaḍal*) of the lineage guardian established through *tafahhus*, is replaced by authority that depends on payment. The substitution matters because verification is the part of the process that protects the bride, and it is the first thing removed. Once the guardian is a feature of the package, the safeguard that exists for the bride's protection no longer operates as a

[67] Rohmawati et al., "Power Relations and Women's Strategies in Accessing Property from Unregistered Marriages in Indonesia: A Socio-Legal Analysis," *Legitima : Jurnal Hukum Keluarga Islam* 8, no. 2 (2026): 241, https://doi.org/10.33367/legitima.v8i2.9024.

[68] Sartini Lambajo et al., "A Critical Analysis of Al-Ḥiyal al-Syar'iyyah Concept within the Ḥanafī School Paradigm: Implications and Implementation in Contemporary Financial Transactions," *NUKHBATUL 'ULUM: Jurnal Bidang Kajian Islam* 10 (December 2024): 189, https://doi.org/10.36701/nukhbah.v10i2.1732.

safeguard. The consequences of that gap for the validity of the contract, and for the wife and children, are taken up in (f).

f. Gendered Legal Vulnerability in Online Nikah Siri: A Systems Reading

The preceding sections ask how religious certainty becomes a product. This section asks whether the product still serves the purposes it claims. Auda's systems approach is suited to that question because it treats the *maqāṣid* not as a list of protected interests to be ticked off but as a system of interrelated, multidimensional purposes that must be assessed as a whole.[69] The online *nikah siri* service claims to protect religion (*ḥifẓ al-dīn*) by preventing *zina*. Auda's features allow that claim to be tested against what the same transaction does to lineage (*ḥifẓ al-nasl*) and to the civil rights of wife and children.

Wholeness. Auda's criterion of wholeness, or non-reductionism, rejects the evaluation of an institution through a single element. Viewed through this criterion, the religious protection (*ḥifẓ al-dīn*) claimed by the providers experiences severe systemic reductionism.[70] Providers reduce the essence of marriage, which should function as a multidimensional sacred bond (*mīthāqan ghalīẓan*) encompassing religious, civil and social protection, to a one-dimensional commercial transaction designed to prevent adultery. The test the service applies to itself is whether the *ijab kabul* was performed with the required pillars. That test is real, but it covers one dimension, and F4 and F5 show that everything beyond it, including verification of the guardian, state recognition and proof, is left outside the package. The result is the pseudo-religious certainty described in (d).

Interrelatedness. Auda's framework requires the protection of religion, lineage and family to be assessed in interaction with one another and with the legal order in which they are realized. By structurally isolating religious validity from formal legal documentation, the providers cut this

[69] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 67–69.
[70] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 117.

interconnection.[71] The religious *fiqh* subsystem is detached from the state legal subsystem, and the absence of official records severs the link between the marriage contract and the instruments through which justice (*ʿadālah*) is enforced. The disconnection is not neutral in its effects. It shifts the burden of post-contract legal vulnerability onto the party with the weakest bargaining position, predominantly wives. When domestic conflict, financial neglect or sudden divorce occurs, the provider's narrative of spiritual salvation offers no remedy, and the wife must prove her marriage before state institutions without the documents that would allow her to do so.[72]

Multidimensionality. The vulnerability is not confined to the wife. In Auda's multidimensional reading, marriage carries religious, civil and social consequences, and the civil dimension here reaches children, who bear long-term consequences although they had no part in their parents' decision. Without registration, the protection of lineage and family rights is compromised. Children face administrative obstacles in obtaining population documents and in having their civil relation to the biological father recognized, and the surviving wife and children face difficulty proving their position as heirs. As previously explained, these are potential vulnerabilities derived from the legal provisions and not harms documented among the informants. They show the gap between the documentary certainty offered by the provider and the legal certainty that families need: internal certificates give a brief sense of psychological security but do not secure a child's status or inheritance rights.[73]

Purposefulness. Auda asks of any claimed benefit whether it serves the purposes of the law when the system is viewed as a whole. Set against that standard, the providers' claim to protect religion is only partly sustained. The narrative of preventing *zina* addresses *ḥifẓ al-dīn* in a formal sense, but it does

[71] Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law*, 145.

[72] Ahsanul Fahmi et al., "Judicial Practices in Enforcing Post-Divorce Maintenance Rights for Women and Children in Indonesia," *Indonesia Private Law Review* 6, no. 2 (2025): 108, https://doi.org/10.25041/iplr.v6i2.4608.

[73] Rohmawati et al., "Power Relations and Women's Strategies in Accessing Property from Unregistered Marriages in Indonesia," 249.

so at the expense of *ḥifẓ al-nasl* and of the civil rights of wives and children, so the public benefit (*maṣlaḥah*) it claims is not realized once the system is assessed as a whole. A contradiction therefore exists between the providers' marketed narrative of religious certainty and the asymmetric legal risks that appear after the transaction. The commercial ease and speed that attract couples shift long-term structural risks toward those with the weakest socio-legal standing, namely women and vulnerable children. The phenomenon cannot be understood merely as an isolated individual choice to achieve spiritual validity. It is better analyzed as an unregulated digital market practice with gendered legal consequences, in which long-term socio-economic risks are borne by structurally marginalized family members.

g. Synthesis: What the Two Frameworks Explain Together

The two frameworks answer different questions, and the findings need both. Carrette and King explain the supply side: how anxiety (F1) becomes demand, how a rescue narrative (F2) legitimizes the offer, how pricing, down payment and administration (F3, F5) give it commodity form, and how religious authority itself becomes a feature (F4). Auda explains the cost side: what the commodity form leaves out and who bears the cost (F6).

The link between the two is a trade-off that the market logic itself produces. Each element that makes the product attractive as a commodity corresponds to a safeguard that is removed. Speed and discretion, the main selling points, require that the guardian not be verified through *tafahhus* and that the marriage not be registered at the KUA. Standardization requires that the *wali ḥākim* be a default feature and not an exceptional measure. Certainty that can be handed over at the ceremony requires a certificate that the provider can issue itself. Table 5 sets out these paired relationships.

Table. 5

Commodification Indicators, Removed Safeguards and Auda's Features

Commodification indicator	Safeguard removed	Auda's feature affected
Moral-rescue narrative and urgency (I1)	Time for verification and for state registration	Wholeness: validity is judged on the ceremony alone
Standardized price and compulsory 50% down payment (I2, I3)	Assessment of the couple's circumstances before the commercial commitment is fixed	Multidimensionality: marriage is reduced to a single priced event
Administration and internal certificate (I4)	State-recognized proof of marriage	Interrelatedness: the *fiqh* and state subsystems are severed
Instant *wali ḥākim* as package feature (I5)	*Tafahhus* and the procedural check on the guardian	Purposefulness: *ḥifẓ al-dīn* is claimed at the expense of *ḥifẓ al-nasl*

The synthesis has two implications. For theory, Carrette and King's concept travels beyond a market in spirituality to a market in legal-religious status. In that setting the harm of commodification is not only the loss of a tradition's critical voice but a concrete shift of legal risk onto identifiable persons. Auda's approach, in turn, gains an empirical referent: reductionism can be observed in particular features of a transaction, such as a price list, a payment rule or a certificate, and need not be argued only in the abstract. For policy, because the commodity form depends on speed and on bypassing registration, responses that make the official channel faster, more approachable and less stigmatizing address the demand that F1 identified. This is consistent with the conclusion below.

These conclusions rest on a single case, five core informants and one supplementary interview, and F6 describes potential and not documented harms. They should be read as an analytical account of how the mechanism works in Cilacap and not as an estimate of how widespread it is.

C. CONCLUSION

The practice of *online nikah siri* in Cilacap Regency is not merely a personal choice by couples seeking religious validity, but a systematic commodification of moral anxiety. Religious and social fears of adultery are deliberately transformed by service providers into structured digital business opportunities, complete with fixed rates and upfront down payments. As highlighted by Carrette and King's framework, this spiritual commodification utilizes the narrative of moral salvation to build user trust while effectively disguising the profit-driven commercial mechanisms. Consequently, the sacred marriage contract is reduced to a frictionless transactional commodity, where the boundary between genuine pastoral concern and pragmatic business interests becomes indistinguishable.

This commodified religious certainty directly generates severe gendered legal vulnerability. While the digital mediation of marriage provides an instant, transactional sense of religious validation—most evidently through the packaged provision of an instant guardian judge (*wali hakim*)—it completely bypasses the comprehensive legal protections required by state registration. The ease and speed of this informal market create a dangerous pseudo-certainty that satisfies immediate moral anxiety but deliberately ignores long-term socio-legal consequences. By removing the institutional safety nets of Islamic family law for the sake of economic efficiency, this commercial practice systematically shifts the burden of post-contract risks onto the weakest parties, primarily women and children. The two frameworks are linked: each feature that makes the service attractive as a commodity, namely speed, discretion, a fixed package and a self-issued certificate, corresponds to a safeguard that is removed, from verification of the guardian to state registration.

Evaluated through Jasser Auda's systemic *Maqāṣid Syarī'ah* approach, this digital commodification represents a dangerous reductionism. The commercial isolation of the religious subsystem from state legality ultimately

fails to fulfill the multidimensional purpose of marriage, particularly the holistic protection of lineage and civil rights. Therefore, addressing this phenomenon requires shifting the academic focus from mere theoretical fiqh debates to mitigating the structural legal injustice caused by digital religious markets. Rather than proposing rigid penal sanctions that fall outside the scope of family law analysis, state intervention must prioritize the modernization and inclusivity of the KUA bureaucracy. Formal channels must adapt to compete with the practicality of digital intermediaries without ever sacrificing systemic legal certainty.

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