

ASSESSING CRIMINAL PROTECTION OF MARITAL INTEGRITY IN INDONESIA: A SOCIO-LEGAL ANALYSIS OF COURT DECISIONS



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Article History :

Submission : December 19, 2025

Revised : February 27, 2026

Accepted : March 17, 2026

Published : May 06, 2026

Keywords : Criminal Liability,
Family Protection, Marriage
Integrity, Marriage Offences,
Socio – Legal Analysis

Abstract

This study aims to assess how Indonesian courts interpret and enforce criminal provisions concerning marriage – related offences and their role in protecting marital integrity and the rights of lawful spouses. Using a qualitative socio – legal approach, the study examines seven Indonesian district court decisions issued between 2021 and 2025. Data were collected through systematic document analysis and analyzed using qualitative content analysis and comparative case analysis, focusing on marital status, evidentiary basis, judicial reasoning, criminal liability, and sentencing. The results indicate that bigamy and unlawful remarriage constitute the dominant offences in the cases examined, while adultery involving married persons appears less frequently. A valid prior marriage consistently serves as the central basis for establishing criminal liability, with marriage certificates, registration records, and related administrative documents functioning as the principal evidence of marital status. Judicial reasoning demonstrates that criminal liability is shaped not only by the existence of a prior marriage but also by considerations of intent, deception, evidentiary circumstances, and the consequences of the offence for marital and family relationships. Variations in sentencing further reflect differences in the circumstances and impacts of individual cases. The study concludes that criminal law provides an important institutional mechanism for protecting marital integrity, legal certainty, and the rights of lawful spouses, but criminal sanctions alone cannot ensure comprehensive family protection. This study contributes a socio – legal perspective by demonstrating how judicial enforcement of marriage – related offences supports the legal protection of marriage and highlighting the need for an integrated framework combining criminal law, family law, marriage registration, and preventive mechanisms.

Abstrak

Penelitian ini bertujuan untuk menilai bagaimana pengadilan di Indonesia menafsirkan dan menerapkan ketentuan pidana terkait tindak pidana yang berhubungan dengan perkawinan serta perannya dalam melindungi integritas perkawinan dan hak-hak pasangan yang sah. Dengan menggunakan pendekatan sosio-legal kualitatif, penelitian ini mengkaji tujuh putusan pengadilan negeri di Indonesia yang diterbitkan pada periode 2021–2025. Data dikumpulkan melalui analisis dokumen secara sistematis dan dianalisis menggunakan analisis isi kualitatif serta analisis kasus komparatif, dengan berfokus pada status perkawinan, dasar pembuktian, pertimbangan hakim, pertanggungjawaban pidana, dan pemidanaan. Hasil penelitian menunjukkan bahwa bigami dan perkawinan kembali secara melawan hukum merupakan tindak pidana yang dominan dalam kasus yang diteliti, sedangkan perzinahan yang melibatkan orang yang telah menikah muncul lebih jarang. Adanya perkawinan sebelumnya yang sah secara konsisten menjadi dasar utama dalam menetapkan pertanggungjawaban pidana, sementara akta nikah, catatan registrasi, dan dokumen administratif terkait berfungsi sebagai alat bukti utama mengenai status perkawinan. Pertimbangan hakim menunjukkan bahwa

pertanggungjawaban pidana tidak hanya ditentukan oleh adanya perkawinan sebelumnya, tetapi juga oleh pertimbangan mengenai kesengajaan, penipuan, kondisi pembuktian, serta dampak tindak pidana terhadap hubungan perkawinan dan keluarga. Variasi dalam pemidanaan juga mencerminkan perbedaan keadaan dan dampak dari setiap perkara. Penelitian ini menyimpulkan bahwa hukum pidana menyediakan mekanisme kelembagaan yang penting untuk melindungi integritas perkawinan, kepastian hukum, dan hak-hak pasangan yang sah, tetapi sanksi pidana saja tidak dapat menjamin perlindungan keluarga secara komprehensif. Penelitian ini berkontribusi melalui perspektif sosio-legal dengan menunjukkan bagaimana penegakan hukum terhadap tindak pidana terkait perkawinan mendukung perlindungan hukum terhadap institusi perkawinan serta menegaskan perlunya kerangka terpadu yang menggabungkan hukum pidana, hukum keluarga, pencatatan perkawinan, dan mekanisme pencegahan.

INTRODUCTION

Marriage occupies a central position in Indonesian family law because it is not merely a private relationship but also a legal, social, moral, and administrative institution protected by the state (Altgelt, Reyes, French, Meltzer, & McNulty, 2018). Marriage establishes a lawful family order, determines spousal rights and obligations, provides legal certainty for children, and affects lineage, inheritance, guardianship, and civil status (Cammack, Young, & Heaton, 1996). Accordingly, Indonesian law regulates marriage through religious norms and formal state requirements, particularly marriage registration and statutory impediments (Gordon et al., 2019). Legal recognition of marriage is therefore closely associated with protecting marital integrity and maintaining family stability (D'Aoust, 2018). Nevertheless, violations of the legal order of marriage continue to occur, including entering into another marriage while a previous marriage remains legally valid, concealing marital status (Jeanfreau, Holden, & Brazeal, 2020), using misleading marriage documents, and engaging in adultery involving married persons. Such conduct may affect not only the individuals involved but also lawful spouses and family relationships by creating uncertainty concerning marital status and rights. These circumstances demonstrate the importance of examining marriage – related offences as conduct that may undermine the legal foundations of marriage (Monnickendam, 2019). The intersection between criminal enforcement and family protection therefore provides an important context for assessing how Indonesian law preserves marital integrity.

Existing scholarship has examined marriage regulation, criminal law, marriage registration, and marital misconduct in Indonesia from several perspectives. Studies have examined Indonesian marriage legislation as an instrument of social change, while others have discussed marriage plurality and registration among Indonesian Muslims (Harisudin & Choriri, 2021). Other studies have addressed marriage registration violations through a *maqasid al-shari'ah* perspective, developments in Indonesian criminal law policy, and criminal penalties in marriage law through comparative analysis (Berutu, 2019). Research has also examined the consequences of criminal imprisonment for wives and children and broader relationships between marriage and criminal offending (Butt, 2023). Although these studies provide important foundations, their discussions remain fragmented across criminal law, family law, marriage administration, and socio – criminological perspectives (Ardi, Nizar, Maharani, Menoh, & Rosyid, 2025). Limited attention has been given to how Indonesian district courts interpret and apply criminal provisions in concrete marriage – related cases (Aburabia, 2024). In particular, insufficient research connects judicial reasoning, evidentiary assessment, sentencing practices, and the broader objective of

protecting marital integrity. This gap warrants systematic examination of judicial decisions.

The limitations of previous studies provide a basis for positioning this research at the intersection of criminal law, family law, and socio–legal analysis. Existing scholarship establishes that marriage registration contributes to legal certainty, criminal law regulates particular forms of marital misconduct, and violations of marriage–related norms can affect spouses and family relationships (Yeung & Hu, 2016). However, these findings do not sufficiently explain how judges translate these normative frameworks into criminal responsibility in individual cases (Selterman, Garcia, & Tsapelas, 2020). Judicial decisions are particularly significant because they reveal how legal rules are interpreted, how a valid prior marriage is established, how documentary evidence is assessed, and how marital misconduct is reflected in sentencing. This study therefore examines seven Indonesian district court decisions involving bigamy, unlawful remarriage, and adultery involving married persons. Particular attention is given to the existence of a valid prior marriage, marriage certificates, marriage books, registration documents, judicial reasoning, and sentencing outcomes. Differences among the decisions are also examined to identify how intent, deception, knowledge of an existing marriage, and consequences for family relationships influence judicial assessment. Accordingly, this research moves beyond a purely doctrinal examination by positioning criminal adjudication as a potential mechanism for protecting marital integrity and family order.

The objective of this study is to examine the characteristics of marriage–related offences reflected in Indonesian district court decisions, analyze how judges construct legal reasoning and evaluate evidence in determining criminal responsibility, and assess the extent to which criminal law functions as a mechanism for protecting marital integrity and family order. The study argues that criminal law can serve as a protective instrument within Indonesian family law when its enforcement reinforces the legal certainty of marriage, protects the rights of lawful spouses, and responds to conduct that threatens an existing marital relationship. This argument is examined through a qualitative socio–legal analysis of seven district court decisions issued between 2021 and 2025 concerning bigamy, unlawful remarriage, and adultery involving married persons. The study examines these decisions not merely as instances of individual criminal wrongdoing but as judicial manifestations of the state's effort to maintain the legal order of marriage. Particular attention is given to the relationship between valid marital status, documentary evidence, judicial reasoning, and sentencing. The study contributes to family law scholarship by proposing criminal protection of marital integrity as an analytical perspective that connects criminal liability with family protection. It further emphasizes the importance of coherent regulation, reliable marriage registration, and preventive legal measures in safeguarding marital and family institutions.

METHODS

This study employs a qualitative legal research design using a socio–legal approach to assess how criminal law functions as a mechanism for protecting marital integrity in Indonesia. The socio–legal perspective examines the interaction between formal legal norms, judicial practice, and the protection of lawful marital relationships, rather than treating court decisions solely as applications of statutory provisions. The study analyzes seven publicly available Indonesian district court decisions concerning marriage–related offences issued between 2021 and 2025, namely Decision No. 51/Pid.B/2021/PN Tjp, No. 83/Pid.B/2022/PN Btm, No. 233/Pid.B/2022/PN Ktp, No. 3/Pid.B/2024/PN Mks, No. 245/Pid.B/2024/PN Pmk, No. 647/Pid.B/2025/PN Lbp, and No. 132/Pid.B/2025/PN Sgi.

These cases were selected because they represent judicial treatment of offences affecting the legal order and continuity of marriage, including bigamy, unlawful remarriage, and adultery involving married persons. Secondary data comprised legislation, scholarly books, journal articles, and legal commentaries addressing criminal law, family law, marriage registration, and family protection. Data were collected through structured document analysis using an extraction matrix covering factual circumstances, marital status, relevant legal provisions, evidentiary basis, judicial reasoning, and sentencing outcomes. The researcher independently conducted document collection, data extraction, and coding to maintain methodological consistency and transparency.

Data analysis combined qualitative content analysis with comparative case analysis. Each judgment was read repeatedly and coded according to five analytical categories: factual background, legal issues, evidentiary basis, judicial reasoning, and sentencing. Particular attention was given to the existence and validity of a prior marriage, marriage certificates or registration records, the defendant's knowledge of marital status, intent, deception, and the consequences of the offence for lawful spouses and family relationships. The cases were then compared to identify recurring judicial patterns in establishing criminal liability and determining sanctions. The socio–legal analysis examined how judicial practices reflect the relationship between criminal law and marriage as a social institution, particularly in protecting lawful spouses, maintaining marital integrity, and providing legal certainty. In the final stage, sentencing outcomes were assessed according to their protective function rather than solely their punitive character. Manual coding and tabular organization were used because the dataset consisted of seven judgments requiring contextual and interpretive analysis rather than statistical measurement. Analytical rigor was strengthened through systematic coding, cross–case comparison, and triangulation between judicial decisions and relevant legal scholarship.

RESULT AND DISCUSSION

RESULT

Patterns of Marriage-Related Crimes in Judicial Practice

The judicial decisions examined in this study indicate that bigamy and unlawful remarriage constitute the most prominent pattern of marriage–related criminal conduct. Four of the seven decisions involved defendants who entered subsequent marital relationships while previous marriages remained legally recognized. The cases reveal recurring manifestations, including entering a second marriage without terminating the first, concealing an existing marital relationship, and proceeding with remarriage despite awareness of continuing legal obligations. In determining the unlawful character of the conduct, the courts examined the chronology and status of the defendant's marital relationships, particularly whether the first marriage remained valid when the subsequent marriage occurred. Marriage certificates, family records, and other administrative documents helped establish this sequence of events. The emergence of bigamy was associated with individual decisions to disregard existing marital obligations, inadequate disclosure of marital status, and attempts to establish new relationships despite legal impediments. The findings further demonstrate that unlawful remarriage creates uncertainty for spouses and family members because multiple relationships may develop around conflicting claims of marital status. Judicial intervention consequently clarified marital circumstances and determined the criminal consequences of entering a subsequent relationship.

The decisions involving adultery and participation in adultery reveal another pattern of marriage–related criminal conduct, characterized by intimate relationships involving persons whose marital circumstances gave the conduct legal significance. The cases examined from Pamekasan and Tanjung Pati demonstrate that courts considered the marital status of the persons involved when assessing allegations of prohibited relationships. Judicial records indicate that responsibility could involve both a married individual and another person participating in the relationship, depending on the circumstances established during proceedings. Courts examined the relationship between the accused persons, the nature of their conduct, and evidence connecting the alleged acts with existing marital circumstances. The emergence of these cases was influenced by the interaction between individual behavior and continuing marital obligations, particularly where conduct was considered inconsistent with an existing marriage. The findings show that adultery–related cases cannot be understood solely through interpersonal relationships because their legal significance depends on the marital status and conduct of the persons involved. The judicial process transformed allegations concerning private relationships into legally assessable matters through evidentiary examination. Consequently, criminal protection addressed conduct considered harmful to marital integrity while requiring courts to distinguish proven violations from unsupported allegations.

The judicial decision involving informal and unlawful marriage practices demonstrates a distinct pattern in which a relationship may be socially or religiously perceived as marriage while lacking clear formal legal recognition. The case from Sigli illustrates how inadequate documentation can create uncertainty concerning the legal status of the relationship and the rights or obligations associated with it. Unlike bigamy, where the central issue concerns a subsequent marriage during the continuation of a previous marriage, informal marriage practices involve uncertainty surrounding the establishment or recognition of the marital relationship itself (Stavrova, Pronk, & Denissen, 2023). The emergence of this problem was influenced by individual decisions, limited compliance with formal procedures, incomplete documentation, and differences between social recognition and formal legal recognition (Rodrigues, 2024). The judicial record demonstrates that courts must examine the circumstances surrounding the relationship and available evidence before determining its legal relevance (Luo & Yu, 2022). The findings indicate that informal marital practices may create difficulties for parties and family members whose legal positions depend upon recognition of the relationship. This pattern demonstrates the importance of formal marital documentation in reducing uncertainty and enabling courts to determine marital status accurately. The case therefore shows that marriage protection requires responses to deliberate violations and mechanisms that establish clear, verifiable marital relationships.

Judicial Reasoning and Evidentiary Patterns

The judicial decisions demonstrate that courts interpreted marriage integrity primarily through the continuing legal status of marital relationships and the conduct of individuals toward those relationships. In bigamy cases, judges focused on whether a previous marriage remained legally recognized when the defendant entered another marital relationship. In adultery–related cases, judicial interpretation similarly considered the existence of a marriage and whether the alleged conduct could be connected to violations of obligations associated with that relationship. Courts therefore did not treat marriage integrity as an abstract principle but assessed it through concrete circumstances established in each case. Judicial reasoning commonly began by reconstructing the marital

history of the persons involved, followed by assessment of the defendant's conduct and its relationship to existing marital status. Factors such as awareness of a previous marriage, circumstances surrounding subsequent relationships, and the nature of alleged conduct influenced responsibility. The findings demonstrate that marriage integrity was understood through interaction between formal marital status and individual conduct. This approach enabled courts to distinguish interpersonal conflict from conduct having sufficient legal significance for criminal responsibility. Judicial interpretation consequently transformed the institutional concept of marriage into specific determinations concerning individual behavior, continuing marital obligations, and protection of existing family relationships within criminal adjudication.

The analysis of the seven judicial decisions demonstrates that documentary and testimonial evidence formed the principal basis for establishing facts underlying marriage – related criminal cases. Marriage books, marriage certificates, family registration records, and other administrative documents were particularly important for determining the existence, chronology, and continuing status of marital relationships. These documents enabled courts to establish whether a defendant was already married when the alleged offence occurred and whether a subsequent relationship conflicted with an existing legal marriage (Alkan & Tekmanlı, 2021). Testimonial evidence complemented documentary records by explaining circumstances surrounding relationships, knowledge of persons involved, and sequences of events that could not always be established through administrative documents alone. Courts generally assessed these forms of evidence together, particularly where parties presented competing accounts of their marital circumstances (Knopp et al., 2017). The emergence of evidentiary disputes was therefore influenced by the relational nature of marriage – related offences and the need to establish both objective marital status and individual conduct. The cases demonstrate that reliable documentation can strengthen judicial certainty, whereas incomplete or inconsistent records may require greater reliance on testimony and contextual evidence. The evidentiary pattern consequently shows that effective judicial protection of marriage depends substantially on evidence capable of establishing marital status and connecting individual conduct with the legally relevant circumstances of each case.

Despite differences in the factual circumstances of the seven decisions, several common judicial characteristics emerged from the analysis. First, courts consistently examined the marital status of persons involved before determining whether alleged conduct had criminal significance. Second, judges relied on documentary evidence concerning marriage registration and related administrative records while using testimony to clarify disputed factual circumstances. Third, judicial reasoning generally connected the defendant's conduct with the continuing legal status of marriage rather than examining the alleged act in isolation (McNulty, Meltzer, Makhanova, & Maner, 2018). Courts also reconstructed the chronology of relationships to determine whether the relevant marriage existed before, during, or after the alleged conduct (Rinaldo, Nisa, & Nurmila, 2024). These recurring characteristics indicate that marriage – related criminal cases require relational judicial reasoning because responsibility often depends on interactions among persons, events, and legal circumstances (Garijo, 2026). The factors influencing this approach include the formal nature of marital status, evidentiary requirements of criminal adjudication, and the need to establish individual responsibility from proven facts. The common characteristics have implications for judicial consistency because they provide a recognizable framework for resolving different categories of offences. Nevertheless, similar reasoning processes did not produce identical outcomes, since differences in evidence,

participation, conduct, and circumstances remained relevant. The findings therefore demonstrate consistency in judicial method alongside variation in case—specific conclusions.

Sentencing Trends and Factors Influencing Punishment

The seven judicial decisions demonstrate noticeable variation in sentences imposed for marriage—related criminal offences, with punishments ranging from one month to two years of imprisonment (Pichon et al., 2020). The sentencing patterns indicate that courts did not apply identical punishment to all cases, even where offences involved similar concerns regarding marriage integrity. Bigamy and unlawful remarriage generally received more substantial attention in sentencing because such conduct may involve establishing a subsequent marital relationship while an earlier marriage remains legally recognized. Adultery—related cases demonstrated different sentencing patterns corresponding to the particular circumstances and degree of participation established before the court. The differences suggest that sentencing was influenced not only by the formal category of offence but also by factual circumstances surrounding each case (Walravens & Rober, 2024). Factors such as seriousness of conduct (Ariyanti & Supani, 2024), defendant involvement, awareness of relevant marital circumstances, and consequences associated with the offence contributed to judicial assessment (Charnock, 2017). The findings indicate that sentencing disparities should therefore be understood within individualized judicial evaluation rather than automatically treated as inconsistency. At the same time, variations across cases demonstrate that judicial discretion plays an important role in determining practical criminal protection for marriage. Sentencing consequently functions as both an individualized response and an institutional signal concerning the seriousness attributed to conduct undermining legally recognized marital relationships.

The analysis demonstrates that judicial punishment was influenced by several interconnected factors, including the nature of the offence (Olson & Rick, 2022), defendant's role, awareness of marital circumstances, evidentiary strength, and consequences associated with the conduct. The nature of the offence was particularly important because bigamy, adultery, and informal or unlawful marital practices involve different forms of interference with marriage and different levels of legal complexity (Alqarni, 2025). In bigamy cases, the existence of an earlier marriage and the defendant's awareness of its continuing status were significant circumstances in evaluating responsibility (Lişman & Holman, 2021). In adultery—related cases, the degree of participation and relationship between accused persons affected assessment of individual conduct (Martínez, 2026). The evidentiary record also influenced punishment because judicial conclusions concerning responsibility depended on facts established during proceedings. Where evidence clearly demonstrated the defendant's conduct and circumstances, courts had a stronger basis for determining appropriate punishment. The findings indicate that judicial punishment resulted from a combination of objective circumstances and individual responsibility rather than offence classification alone. These factors also explain why similar categories of offences could produce different sentences. The results demonstrate that judicial discretion enables courts to respond to case—specific circumstances while remaining dependent on evidence quality and clarity with which circumstances are established.

The findings demonstrate that criminal adjudication contributes to protecting marriage and family institutions by identifying unlawful conduct, clarifying marital circumstances, and imposing punishment according to the seriousness of established offences. Across the seven decisions, courts protected marriage primarily through

recognition of continuing marital status, examination of evidence, determination of individual responsibility, and application of criminal sanctions. The findings also demonstrate, however, that criminal punishment alone cannot address all consequences arising from marriage–related violations (Osafo, Oppong Asante, Ampomah, & Osei–Tutu, 2021). Effective criminal protection depends on reliable marriage documentation, accurate evidence, consistent judicial reasoning, and capacity to establish the legal status of persons involved (Nasir, 2020). Where marital status is clearly documented, courts can more effectively determine whether subsequent conduct conflicts with an existing relationship (Salma, Wahida, & Adib bin Samsudin, 2022). Conversely, informal relationships, incomplete records, or conflicting testimony may increase uncertainty and complicate judicial determination. The implications are therefore broader than punishment of individual defendants because judicial decisions also contribute to legal certainty concerning family relationships. The findings suggest that criminal law operates as one component of a broader system of marriage protection in which formal recognition, evidentiary reliability, judicial assessment, and proportional punishment interact. Consequently, effective protection requires an integrated institutional response capable of preventing uncertainty, identifying violations, and safeguarding the legal stability of family relationships.

DISCUSSION

The examination of seven judicial decisions reveals three interconnected patterns of marriage–related criminal conduct in Indonesia: bigamy and unlawful remarriage, adultery and participation in adultery (Ushakova, 2023), and informal or unlawful marriage practices. Bigamy constituted the dominant category (Godschalx–Dekker & van Mook, 2024), with four cases demonstrating that criminal liability generally emerged when defendants knowingly entered subsequent marriages despite the continuing validity of previous marriages (Hunter–Parsonage, 2021). Adultery cases similarly demonstrated the importance of establishing the lawful marital status of the parties (Franco, 2024), while the informal marriage case illustrated the legal uncertainty that may arise when socially recognized marital practices conflict with formal registration requirements. Across the cases (Azehana, 2024), courts consistently relied on marriage books (Leavitt et al., 2024), certificates (Flynn, 2023), family registration records (Drea, Brown, & Sacco, 2021), and other administrative documents to establish marital status and legal impediments. Judicial reasoning also emphasized defendants' awareness, the existence of prior marriages (Radzyner, 2018), and the consequences of unlawful conduct (Kamaruddin, 2023). Sentencing, however, varied considerably (Hladnk, 2023), ranging from one month to two years of imprisonment, indicating that judges assessed the seriousness of each offence according to its circumstances and consequences.

The patterns identified in the decisions can be explained by the distinctive position of marriage as both a legal and social institution (McDaniel, Drouin, & Cravens, 2017). Marriage establishes enforceable rights and obligations concerning spouses (Simmons, 2016), children, property, maintenance (Schoppe, 2016), inheritance, and family status (Anglin Virgine Lumapow, Fransiska Alessandra Naomi, & Ensa, 2025). Consequently, conduct that disregards an existing marital relationship may affect not only private interests but also the reliability of the broader legal framework governing families (Bani Syarif Maula & Ariyanti, 2022). The criminalization of marriage–related conduct reflects this institutional dimension by treating certain violations as sufficiently harmful to justify state intervention (Chitimira & Lekopanye, 2019). From the perspective of family protection theory, criminal sanctions seek to preserve marriage integrity by discouraging

conduct that undermines marital exclusivity, transparency, and legal certainty. Marriage registration further explains the judicial emphasis on documentary evidence because official records provide an authoritative basis for determining whether a lawful marriage exists (Aguilar, 2021). Where individuals conceal marital status, manipulate documents (van Schellen, Poortman, & Nieuwbeerta, 2012), or circumvent registration requirements, administrative weaknesses may facilitate unlawful conduct. The findings therefore suggest that marriage—related offences emerge from the interaction of individual intentionality, insufficient legal compliance, administrative vulnerabilities, and the continuing importance of formal legal recognition.

The imposition of imprisonment communicates that deliberate violations of marital obligations are regarded as matters of public legal concern rather than merely private disputes (Whisman, 2016). This punitive function may strengthen deterrence and reinforce the legal significance of marriage (Zapfen, 2016). Nevertheless, the persistence of marriage—related offences and the variation in sentencing indicate that criminal sanctions alone cannot guarantee family protection (Turnea, Neştian, Tiţă, Vodă, & Guţă, 2020). Criminal proceedings generally occur after unlawful conduct has already taken place, meaning that spouses and children may experience emotional, social, economic, or legal consequences before judicial intervention occurs (Hudson, 2019). Family law and criminal law therefore perform complementary functions (Afandi, Nelli, & Yunus, 2023). Family law establishes the conditions, rights, and obligations surrounding marriage (Probert, 2026), while criminal law responds to serious violations of those norms (Piper, 2024). The findings further indicate that effective protection must consider vulnerable family members (Zapfen, 2016), particularly lawful spouses and children whose rights may be affected by unlawful remarriage or concealed marital status (Probert, 2019). A balanced approach should therefore combine institutional protection with proportionality, due process, and respect for individual rights.

Previous scholarship emphasizing marriage as a legally protected institution, the importance of registration, and the harmful consequences of bigamy and adultery for family stability. Earlier studies have generally recognized that formal marriage status provides the foundation for determining spousal rights, family obligations, and legal consequences (Reich & Kalantar, 2018). However, the present study extends this literature by examining how these principles operate simultaneously within judicial practice. Rather than treating marriage regulation (Santoso, 2017), criminalization (Sonkar, 2022), evidentiary issues, and sentencing as separate subjects, this study connects them through an analysis of seven court decisions (Latifah & Ritonga, 2022). The results demonstrate that documentary evidence does not merely establish marital status but also becomes central to judicial assessments of criminal responsibility and legal certainty (Alharbi, 2020). The study further identifies a sentencing distinction between offences that disrupt the legal structure of marriage and those that primarily violate marital fidelity (Newaj, 2020). This provides a more nuanced understanding of criminal protection (Bledsoe, 2025). Its principal contribution lies in showing that marriage integrity is constructed through the interaction of substantive family law (Karim, San, Jamaluddin, & Ahmad, 2018), administrative registration, evidentiary practice (Kyegombe, Stern, & Buller, 2022), judicial reasoning, and criminal punishment, while also raising questions about whether institutional protection adequately safeguards affected family members.

The findings support an integrated framework in which criminal law functions alongside preventive, administrative (Papadopoulos, 2022), civil, and family—law mechanisms. Conceptually, marriage protection should be understood not only as

preserving marital exclusivity but also as ensuring legal certainty, protecting spousal and children's rights, and maintaining family welfare. Methodologically, future research should examine a broader range of judicial decisions across different regions and periods to determine whether the patterns identified in this study remain consistent across Indonesia. Comparative research could also examine differences in judicial reasoning and sentencing between courts and categories of marriage – related offences. From a policy perspective, marriage registration and verification systems should be strengthened through accurate, interconnected, and accessible administrative records that can prevent concealment of existing marital status (Rahmani et al., 2019). Legal education should also improve public understanding of marriage obligations, registration requirements, and the consequences of unlawful remarriage. At the judicial level, greater consistency in assessing aggravating and mitigating circumstances could reduce unnecessary sentencing disparities while preserving judicial discretion. Criminal sanctions should remain available for deliberate and serious violations, but they should operate within a broader framework that prioritizes prevention, legal certainty, proportionality, and protection of vulnerable family members.

CONCLUSION

This study concludes that criminal adjudication provides a mechanism for addressing conduct that disrupts the legal order of marriage in Indonesia. Across the seven district court decisions examined, the judicial determination of criminal liability depends substantially on the legal status of an existing marriage and the evidentiary capacity to establish that status. The decisions demonstrate that documentary evidence, particularly marriage certificates and registration records, has a central role in connecting factual circumstances with legal responsibility. Judicial assessment also accommodates contextual factors, including the accused's knowledge, intention, deception, and the consequences arising from the conduct. Sentencing therefore reflects more than the classification of the offence, as courts consider circumstances that distinguish the seriousness of cases. The analysis indicates that criminal adjudication can reinforce the position of lawful spouses and the legal certainty attached to registered marriage. Nevertheless, its protective reach remains bounded by the reactive nature of criminal enforcement. The research question is consequently answered by showing that criminal law contributes to marital integrity primarily through recognition of lawful marital status, judicial enforcement, and sanctions against conduct that compromises that status.

The study contributes conceptually by framing marital integrity as an analytical dimension through which the protective function of criminal law can be understood within family law. This perspective moves beyond an exclusively offence – based assessment and places judicial enforcement within the institutional structure of marriage and family relations. Methodologically, the study demonstrates the value of combining qualitative content analysis with comparative case analysis to examine how legal rules acquire practical meaning through judicial reasoning. The structured examination of factual circumstances, evidence, reasoning, and sentencing provides a replicable framework for socio – legal research based on judicial documents. The study contributes theoretically by illustrating that criminal protection operates through an interaction between legal recognition, evidentiary practices, judicial interpretation, and sanctions. This approach can support discussions concerning the relationship between criminal justice and family protection in plural legal systems. It highlights the importance of considering marriage registration as part of the institutional infrastructure supporting legal protection, rather than treating registration merely as an administrative requirement. Accordingly, the study

offers a framework for understanding criminal law as one component within an architecture of marital protection.

This study has limitations that should be considered when interpreting its conclusions. The empirical scope is restricted to seven publicly available district court decisions issued between 2021 and 2025, selected for their relevance to marriage–related offences. The limited number of cases does not permit statistical generalization to Indonesian courts or establish whether the identified judicial patterns are representative nationally. The study also relies exclusively on documentary sources and therefore does not capture the experiences of lawful spouses, defendants, legal practitioners, prosecutors, or judges involved in these cases. In addition, differences in regional context, court practice, evidentiary availability, and case circumstances may influence judicial outcomes in ways that cannot be fully observed through judgments alone. Future research should expand the number and geographical distribution of cases and incorporate empirical socio–legal data, including interviews or other field–based methods. Comparative research across judicial regions could examine whether institutional and social contexts affect approaches to criminal liability and sentencing. Longitudinal studies may assess changes in judicial practice following developments in criminal and family law. Research would strengthen validity and clarify institutional differences across Indonesia.

DECLARATIONS

AUTHOR CONTRIBUTION STATEMENT

Vivi Ariyanti — Conceptualization, methodology, investigation, data curation, and writing—original draft. Bani Syarif Maula — Methodology, investigation, and data analysis. Wardah Nuroniyah — Literature review, validation, and critical revision of the manuscript. Najhan Parluhutan Harahap — Supervision, project administration, and writing—review and editing.

FUNDING STATEMENT

This research received no specific grant from any funding agency in the public, commercial, or not–for–profit sectors.

DATA AVAILABILITY STATEMENT

Data sharing is not applicable to this article because no new datasets were generated or analyzed during the current study. The article is based entirely on previously published literature cited in the reference list.

DECLARATION OF INTERESTS STATEMENT

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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