

Negotiating Polygamy, Public Morality, and State Authority: Digital Discourse on Governor of DKI Jakarta Regulation Number 2 of 2025

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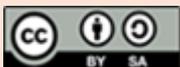
Abstract

This study examines DKI Jakarta Governor Regulation No. 2 of 2025, which regulates the licensing procedures for polygamy among civil servants (Aparatur Sipil Negara/ASN), as an instrument of law as a tool of social engineering within the context of Islamic family law in Indonesia. Employing critical discourse analysis of digital public responses circulating on social media platforms and online news outlets, this research investigates how the regulation is produced, contested, and interpreted in relation to the principles of polygamy in fiqh and the framework of maqāṣid al-sharī'ah. The findings reveal a polarized discourse: some actors perceive the regulation as an effort to strengthen morality and governance of marriage among ASN in line with the objective of family protection, while others criticize it as a form of state intervention into the private sphere and the normative authority of Islamic law. This study argues that positioning ASN as policy agents reinforces the state's legitimacy in managing Islamic family law practices at the bureaucratic level, yet simultaneously generates new tensions between fiqh norms, individual private rights, and modern bureaucratic ethics within Indonesia's public sphere. Accordingly, this article contributes to the discourse on Islamic family law by demonstrating how the normative authority of fiqh and maqāṣid al-sharī'ah is renegotiated through state administrative regulation.

[Studi ini menelaah Pergub DKI Jakarta No. 2 Tahun 2025 yang mengatur prosedur perizinan poligami bagi Aparatur Sipil Negara (ASN) sebagai instrumen law as a tool of social engineering dalam konteks hukum keluarga Islam di Indonesia. Dengan menggunakan metode analisis wacana kritis terhadap respons publik digital yang berkembang di media sosial dan pemberitaan daring, penelitian ini mengkaji bagaimana regulasi negara tersebut diproduksi, diperdebatkan, dan dimaknai dalam relasinya dengan prinsip-prinsip poligami dalam fiqh dan kerangka maqāṣid al-sharī'ah. Hasil analisis menunjukkan adanya polarisasi wacana: sebagian pihak memandang Pergub sebagai upaya penguatan moralitas dan tata kelola perkawinan ASN yang selaras dengan tujuan perlindungan keluarga, sementara sebagian lain mengkritiknya sebagai bentuk intervensi negara terhadap ruang privat dan otoritas normatif hukum Islam. Studi ini menegaskan bahwa penempatan ASN sebagai agen kebijakan memperkuat legitimasi negara dalam mengelola praktik hukum keluarga Islam pada level birokrasi, namun sekaligus memunculkan ketegangan baru antara norma fiqh, hak privat individu, dan etika birokrasi modern di ruang publik Indonesia. Dengan demikian, artikel ini berkontribusi pada diskursus hukum keluarga Islam dengan menunjukkan bagaimana otoritas normatif fiqh dan maqāṣid al-sharī'ah dinegosiasikan ulang melalui regulasi administratif negara.]

Keywords: Pergub DKI No. 2/2025, *polygamy*, ASN.

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INTRODUCTION

Polygamy is one of the classic institutions in Islamic family law, which has since been positioned as a conditional *rukhsah*, not an absolute right (Mashhour, 2005). Its legitimacy is derived from the Qur'an (QS. al-Nisā': 3) and is developed in the treasures of *fiqh* with the prerequisites of justice (*al-'adl*), responsibility for maintenance, and protection of the dignity of women and children. In the perspective of Islamic law, polygamy has never been understood as a value-free practice, but rather as a legal mechanism that is subject to consideration of benefits (*maqāṣid al-sharī'ah*), specifically *ḥifẓ al-nasl*, *ḥifẓ al-nafs*, and *ḥifẓ al-māl* (Kamali, 2011). Therefore, polygamy is always at the wedge between Sharia norms, social ethics, and legal responsibility.

In the context of the modern state, the wedge becomes increasingly complex when polygamy is confronted with the regime of administrative law and bureaucratic ethics. In Indonesia, the state's involvement in the regulation of polygamy is evident in the State Civil Apparatus (ASN), where marital status is not only seen as a private matter but is also associated with moral integrity, psychological stability, and quality of public services. Data in 2024 recorded 116 divorce cases among DKI Jakarta ASN (Siagian, 2025), which shows that the dynamics of ASN marriage have direct implications for bureaucratic governance and the moral legitimacy of the state apparatus.

In response to this situation, the Jakarta Provincial Government issued Governor's Regulation No. 2 of 2025 concerning Procedures for Granting Marriage and Divorce Permits for ASN. Juridically, this regulation is rooted in Government Regulation No. 10 of 1983 (Government Regulation of the Republic of Indonesia, 1983) and Government Regulation No. 45 of 1990 (Government Regulation of the Republic of Indonesia, 1990), but presents a more progressive approach by emphasizing transparency, accountability, and control of sexual morality in the bureaucracy. Within this framework, polygamy is no longer treated solely as an individual dispensation of an administrative nature, but rather as a social practice that is reconstructed through the intervention of state law. The state thus plays a role as an agent of *law as a tool of social engineering* that seeks to shape the behavior of ASN families for the sake of institutional stability and public service ethics.

However, the strengthening of the state's role in regulating polygamy raises more fundamental juridical issues, especially in relation to Islamic law. The key question that arises is whether the regulation of polygamy in the Jakarta Governor's Regulation No. 2 of 2025 can be understood as a form of *taqyid al-mubah*, namely administrative restrictions on practices that are basically allowed by Sharia for the benefit of the public, or whether it reflects a shift in state normative authority that has the potential to dominate the determination of the conditions and legitimacy of polygamy which is classically in the domain of Islamic law. From the perspective of *fiqh*, restrictions on what is *mubah* can only be justified as long as they do not negate the basic principles of Sharia, especially justice, responsibility, and the purpose of *maqāṣid al-sharī'ah* (Kamali, 2011). Therefore, state regulation of polygamy on ASN not only raises policy debates but also

presents normative tensions between state administrative law and Islamic law as a normative system that has epistemic autonomy.

These normative tensions are reflected in the public response in the digital space. Public discourse shows a sharp polarization: some support this regulation as an instrument to strengthen bureaucratic ethics and the protection of civil servants' families, while others see it as a form of restriction on religious rights and private autonomy. Concerns about the increasing practice of serial marriage as a consequence of strict regulations have also surfaced, especially related to the potential loss of legal protection for women and children (Izzuddin, 2025). This dynamic shows that the implementation of state law does not take place in a vacuum, but interacts intensely with religious norms and social perceptions of the community.

Departing from these problems, this study uses the framework of *law as a tool of social engineering* with a critical discourse analysis method to examine how polygamy is constructed in state regulations as well as negotiated in digital public discourse. The focus of the study is directed at the dialectical relationship between state administrative law, Islamic family law principles, and public opinion, so that polygamy is understood not only as an object of public policy but also as an Islamic normative institution that continues to be tested and debated in the context of modern bureaucracy.

Theoretically, this study contributes to the study of contemporary Islamic law by offering a rereading of the relationship between Islamic law, state law, and public opinion in the context of a majority Muslim country. This study shows that Islamic law in modern regulatory practice is not solely transformed or subordinated by the state, but rather presents as a norm negotiated through public discursive spaces. Thus, Islamic law is understood as a dynamic normative system, which interacts dialectically with bureaucratic rationality and the logic of public opinion, rather than simply as a norm engineered or instrumentalized by state power.

METHOD

This study uses a qualitative approach with the Critical Discourse Analysis (AWK) method to examine the Jakarta Governor's Regulation Number 2 of 2025 in the framework of *law as a tool of social engineering*. Epistemologically, this method was chosen because contemporary Islamic law is understood not only from fiqh texts, but also from state regulations and public discourse that produce and negotiate the meaning of Sharia. The language of state law and digital responses is positioned as an arena for the transformation of Islamic law authority and legitimacy, especially in the issue of polygamy.

The data was collected through digital observations on YouTube and TikTok on videos that appeared in the January-March 2025 period, as the initial phase of intensifying the discourse after the issuance of regulations. The analysis units include: (1) videos that explicitly discuss the Governor's Regulation or ASN polygamy permits; (2) narratives of *influencers*, academics, or religious figures who do normative framing; and (3) comments with significant interactions. The selection is carried out *purposively* based on direct relevance to regulations. The platform was chosen because of its audiovisual character and its high level of participation in the formation of contemporary legal opinions.

The analysis follows Fairclough's three-dimensional model: text, discursive practice, and social practice (Fairclough, 1997). The findings at the level of social practice are then evaluated normatively through *the theory of law as a tool of social engineering* to assess whether regulations function as legitimacy, administrative restrictions, or reinterpretations of the practice of polygamy that is permissible by Sharia.

Digital discourse is positioned as an indicator of the articulation of influential opinions, not a statistical representation of society. Validity is maintained through triangulation of sources and peer reading.

RESULTS AND DISCUSSION

Jakarta Governor's Regulation No. 2 of 2025 in the Framework of Social Engineering

Roscoe Pound introduced the idea that law is not a mechanical system of rules, but rather a social instrument that functions to engineer and shape the behavior of society. In his view, law is a tool of social engineering, a tool to direct social life to be in harmony with the goals of justice and common welfare (Pound, 1917; Pound & Treviño, 1942). Through law, the state seeks to balance various individual, public, and social interests, while regulating the pattern of human interaction in everyday life. The ultimate goal of this social engineering is to achieve harmony between these interests through a legal mechanism that is able to realize *substantive justice*, that is, justice that is alive and felt in real life in society (Pound & Treviño, 1942; Tamanaha, 2017).

Given that the object of the regulation of this Governor's Regulation is polygamy and divorce, which are normatively in the domain of Islamic family law, the analysis of the function of social engineering cannot be separated from the framework of fiqh, which is its normative foundation. In other words, the application of *the theory of law as a tool of social engineering* in this context needs to be tested for relevance through the principles of Islamic law that govern the legitimacy, conditions, and limits of the practice of polygamy.

In the context of Islamic family law, the idea of social engineering finds relevant normative slices. Polygamy, as affirmed in QS. An-Nisā' verse 3 has the status of *mubāḥ* with the main condition of the ability to act justly (*'adl*). The status of *mubāḥ* indicates that polygamy is not an absolute right without limits, but rather a conditional ability and depends on the fulfillment of the principle of substantive justice. Within the framework of fiqh proposals, something with *mubāḥ status* can be subject to administrative restrictions by public authorities through the mechanism of *taqyīd al-mubāḥ* if it is deemed necessary to prevent *mafsadab* and realize *maṣlahab* (Auda, 2008a). The concept of *taqyīd al-mubāḥ* in ushul fiqh refers to the authority of authority to restrict something that was originally *mubāḥ* for the sake of the wider good. The restriction is possible because the *mubāḥ* law does not contain normative demands to be carried out or abandoned, so that the space for *ijtihad* is open when the practice has the potential to cause *social mafsadab*. In this framework, the authority of *ulil amri*/leader is understood as an institutional instrument to maintain order and public welfare, as long as the restriction does not change the substance of sharia law to be absolutely haram (Dzimar & Ghazlan, 2024; Zakaria et al., 2025). Thus, the space for state intervention in the practice of polygamy theoretically has legitimacy in the fiqh tradition through the concept of *siyāsah shar'iyah*, which is the authority of the ruler in regulating the *territory of mu'āmalah* for the common good.

Roscoe Pound's thinking finds strong relevance in the legal context in Indonesia, where regulations are often used not only as a tool to control behavior, but also as an instrument for shaping public morals and structuring social relations, including in the family realm. In the perspective of *maqāṣid al-syarī'ah*, the regulation of the practice of polygamy and divorce does not only touch on formal legal aspects, but also deals with the protection of *ḥifẓ al-nasl* (continuity of descent), *ḥifẓ al-māl* (family economic stability), and *ḥifẓ al-naḥs* (psychological integrity of family members) (Auda, 2008b). Through this perspective, law can be understood as a means of value transformation that plays an active role in shaping the moral order idealized by the state while maintaining the normative goals of Sharia.

This idea finds concrete manifestation in the Jakarta Governor's Regulation No. 2 of 2025, which clearly shows how the concept of *law as a tool of social engineering* works in

Indonesian public policy practice. This regulation not only disciplines personnel administration, but also serves to instill moral values inherent in the role of the State Civil Apparatus (ASN) as a representation of bureaucratic ethics (Putra, 2025). Through regulations regarding marriage, divorce, and polygamy, this Governor's Regulation becomes a social instrument that directs the behavior of civil servants in the private sphere to be in line with the principles of responsibility, justice, and integrity of office.

Theoretically, the legal functions proposed by Pound, namely *social control*, *social engineering*, and *social adjustment* (Stone, 1965) can be mapped directly to the norm structure of this Governor's Regulation. Article 3, which requires ASN to report every marriage to the relevant agencies, is a tangible manifestation of *social control*, which is a legal mechanism that aims to maintain social order through the transparency of ASN's personal life. From the perspective of fiqh, this mechanism can be understood as a form of administrative supervision that aims to prevent practices that have the potential to cause *mafsadah*, so that it is in line with the principle of damage prevention (*dar' al-mafāsīd*) (Kamali, 2011).

Furthermore, Articles 4 to 9, which regulate polygamy, represent the function of *social engineering*. By setting strict conditions such as indicators of welfare, justice to the wife, and consent of the spouse, this Governor's Regulation not only regulates the legality of polygamy, but also institutionalizes *the principle of 'adl* as a substantive requirement that has since the beginning been the normative foundation of polygamy in Islam. In this context, the regulation can be read as a form of *fiqh-valid taqyīd al-mubāḥ*, which is an administrative restriction on what is permissible in order to ensure the realization of family *maslahah* and bureaucratic social stability.

Articles 10 to 22, which regulate divorce permits or information, function as a form of *social adjustment*. The state seeks to adapt bureaucratic policies to the reality of the modern family, where divorce not only impacts the individual but also affects the image and integrity of government institutions (Ardliyanto, 2026). Within the framework of *maqāṣid*, this arrangement can be understood as an effort to maintain a balance between individual rights and public interests, so that divorce decisions do not cause widespread adverse social impacts.

Therefore, Jakarta Governor Regulation No. 2 of 2025 is not just an administrative rule, but a modern articulation of the principle of *siyāsah shar'iyyah* in the nation-state. This regulation shows that state intervention in the practice of polygamy is not a form of negation of Islamic law, but an institutional mechanism to ensure that these abilities are carried out in the corridor of justice and responsibility (Jahar, 2019). Here, there is a meeting between the theory of *law as a tool of social engineering* and the tradition of fiqh which recognizes the authority of public authorities in regulating *the territory of mu'āmalah* for the benefit of the benefit (Alfitri, 2007).

However, it should be noted that overly restrictive administrative restrictions have the potential to shift from *taqyīd al-mubāḥ* to *de facto taḥrīm al-mubāḥ*, making something that is permissible under the Shari'ah almost impossible. To a certain extent, procedural restrictions can turn into substantive barriers if the conditions set are no longer proportionate to the goal of the benefit to be achieved. Therefore, the legitimacy of fiqh over state intervention requires a balance between regulatory authority and respect for the space of abilities that have been established by nash (Zakaria et al., 2025).

From a macro-sociological perspective, these policies have the potential to form new moral standards in the bureaucracy that are more aligned with the values of equality and public accountability. However, normatively, the acceptance of this regulation cannot be separated from how the public interprets the legitimacy of state intervention in the practice of polygamy. This is where the analysis of digital public responses comes in, not

They interpret the arrangement of polygamy permits as an effort by the government to uphold an ideal family order in accordance with religious teachings, where the decision to practice polygamy should not be made without careful consideration and valid permission. Comments such as *"this rule is important so that polygamy is not abused"* affirm the moral position of obedience, that state law must protect the sanctity of Sharia while preventing deviations in individual behavior. Within this framework, law is perceived as a collective moral guardian and an extension of religious norms in the public sphere (Astari et al., 2023; Hadi, 2022).

However, on the other hand, there has been a strong wave of rejection with a critical tone against the regulation. Many netizens consider this Governor's Regulation as a form of moral control that is gender-biased and has the potential to curb individual freedom. Criticism such as *"why should the government take care of family affairs?"* or *"the permissiveness of polygamy as if it only perpetuates male privileges"* marks the birth of a counter-morality: the morality of equality and personal autonomy. This view rejects the idea that the state has the right to be the sole interpreter of family morality. For this group, the law should not be a tool of moral supervision, but rather a mechanism of justice that guarantees rights and equality between men and women. Thus, the debate no longer stops at the legality of polygamy, but extends to the issue of power structure and gender representation in public policy (Karimullah, 2024; Kurniawan et al., 2022).

In addition to support and rejecting groups, there are also layers of society that are more reflective and pragmatic towards this policy. They do not take issue with the moral aspect of the Governor's Regulation, but highlight its relevance and effectiveness in answering real social problems. Comments such as *"the government should focus on the welfare of ASN families, not on taking care of marriage licenses"* show the emergence of rational morality: law is measured not by the piety of the values it contains, but by the extent to which it provides real benefits. This kind of utilitarian morality assumes that the primary function of public policy is social efficiency, not the regulation of private morality (Durkheim, 1933). This view shows a change in the public's orientation towards the law from moralistic to functionalistic.

The three forms of public responses show the fragmentation of the complex legal awareness of urban communities. A situation where religious values, modern rationality, and gender equality discourse intersect. The state, through the Governor's Regulation, tries to strengthen certain moral values, but the public responds with plural and even contradictory interpretations. The digital space then becomes a dialectical arena, where legal counsel is tested by public reason. Law, which in the context of Roscoe Pound is supposed to function to balance social interests, in this space is precisely a social text that is open to reinterpretation (Pound, 1917). This is where it can be seen that the legitimacy of law is not only built from its formal power, but also from the discursive processes that take place in society (Bourdieu, 1991).

Interestingly, the form of public expression on social media shows a transformation in the way of delivering criticism of the law. The public does not always use academic or formal language; They use humor, sarcasm, and even memes to convey moral and political views. This phenomenon shows that public morality now works in a digital symbolic logic that is fast, emotional, and easy to spread. In this context, law and morality are not only debated but also performatively shown, parodied, and negotiated. This pattern indicates that the function of law as a shaping of public morality must now be faced with a more fluid and participatory digital culture (Bauman, 2000; Stark & Castells, 1996).

From a legal perspective, this dynamic shows that the normative power of the state is no longer singular and hierarchical. Moral authority is now divided between legal

institutions and digital societies that actively shape opinions. In other words, the law loses its monopoly on the moral meaning it produces. Jakarta Governor's Regulation No. 2 of 2025 is a clear example of how the legitimacy of public policy is determined not only by procedural compliance but also by moral resonance in the wider social space. The state can regulate behavior, but it cannot completely control meaning (Foucault, 1991).

In the end, the public debate around this Governor's Regulation emphasizes that the law always lives in a dialogue relationship with its people. Regulations that are intended to instill moral discipline actually cause critical reflection and encourage the public to reassess the position of the state in the private lives of its citizens. The tension between state morality and societal morality is not a sign of failure, but part of a legal dynamic that continues to seek a new balance between social control and individual freedom (Cotterrell, 2006; Michelman & Habermas, 1996). Jakarta Governor's Regulation No. 2 of 2025 thus functions not only as an administrative regulation, but also as a mirror of how law, morality, and public awareness form each other in the new face of social life in contemporary Indonesia.

Language as an Arena of Engineering and Social Resistance

In the digital discourse space, language is not only a medium of communication but also an instrument of symbolic power that produces and negotiates the meaning of law (Bourdieu, 1991). Through speech, commentary, and digital expressions such as memes or satire, people build counter-narratives to the official meanings produced by the state (Fairclough, 1997). Jakarta Governor's Regulation No. 2 of 2025, which was originally intended as an administrative tool to uphold the morality of civil servants, actually gave birth to a battlefield of meaning where language became a tool of engineering as well as social resistance. In this context, law no longer operates only through normative texts, but also through social interpretations that are dispersed, negotiated, and reproduced in the digital realm.

Analysis of public responses on social media (TikTok and YouTube) during the invitation period up to two weeks after its enactment, shows that the debate on Jakarta Governor's Regulation No. 2 of 2025 does not take place within a single discourse framework. Based on *the open coding* process and thematic categorization, three dominant narrative patterns were found that formed the battle of meaning: (1) religious-normative narratives, (2) private-constitutional rights narratives, and (3) satirical-resistive narratives.

1. Religious-Normative Narrative

The first category is characterized by the use of moral or religious diction such as "sharia", "maintaining the family", and "civil servant order". One of his comments reads:

"In Islam, there is no requirement that a husband obtain permission from the first wife to remarry..."

Comments in this category tend to support regulations with the argument that the state has an obligation to maintain the morals of the apparatus as public representations.

Discursively, this narrative positions the state as the guardian of the ethical order and sees regulations as a form of protection for family values. The language used is affirmative and normative, with a tendency to associate administrative discipline with spiritual responsibility. This pattern shows the internalization of *moral governance*, where administrative regulations are read as an extension of religious values in the bureaucratic public space.

2. Narrative of Private–Constitutional Rights

The second category shows the tendency of argumentation based on individual rights and the limits of state intervention. Terms such as "private sphere", "constitutional rights", "personal freedom", and "*state overreach*". One of his comments reads:

"Regulations that are not useful and unproductive, just change. The government exists to regulate the country as a biased way, not to take care of civil servants..."

This narrative places marital and intimate relationships as private domains that should not be moralistically regulated by the state. Here, the law is positioned not as a moral protector but as a potential threat to citizens' autonomy. The arguments that arise often refer to the principles of equality and non-discrimination, and question the proportionality of administrative interventions in the personal lives of civil servants.

This pattern shows that there is a public legal awareness that is no longer passive, but critical of the normative legitimacy of a regulation.

3. Satirical–Resistive Narrative

The third category appears in the form of humor, satirism, and parody. One of the representative comments reads:

"I don't want to be the only one who doesn't want to be married to 8 people because I don't want to get married."

Textually, the comment appears to be a hyperbolic joke. However, within the framework of discourse analysis, this kind of expression serves as a symbolic delegitimization of the logic of moral bureaucratization. Humor is used as a resistance strategy that dismantles the state's assumptions about the rationality of private life arrangements.

The hyperbolic language and irony in this category indicate a form of *symbolic resistance*, i.e., the rejection of domination through egalitarian and populist discursive practices. Instead of attacking frontally, criticism is wrapped in a fluid and easily diffused form, thus expanding the reach of public participation.

From the perspective of *Roscoe Pound's theory of law as a tool of social engineering*, these dynamics reflect a shift in the relationship between law and society. The ideal law, according to Pound, is one that is capable of shaping the social order through public acceptance, not coercion (Pound & Treviño, 1942). But in the digital era, that relationship turns into an open dialogue. Jakarta Governor's Regulation No. 2 of 2025 is an arena for the meeting of two logics: the logic of the state that emphasizes morality and social discipline, and the logic of society that demands autonomy and equality. As a result, law no longer stands as a rigid norm, but becomes a negotiated social text, where its meaning and authority depend on the extent to which the public feels engaged and represented (Tamanaha, 2017).

The digital space then shows that the legitimacy of the law no longer rests on formal power, but on its symbolic resonance in the eyes of the public (Leane, 2010). The spontaneous and easily spread public language makes the law continue to be reinterpreted according to the social context. This is where the phenomenon of counter language emerges, namely, public discourse that challenges the moral message of the state through a more egalitarian and populist way. The state may try to instill certain values through regulation, but people have the ability to reverse that meaning through their own narratives (Bauman, 2000). Law eventually becomes part of a dynamic public conversation, no longer a source of truth residing.

Thus, in the digital era, the law not only faces challenges at the administrative implementation level, but also at the semiotic level. The public language that develops on social media confirms that the effectiveness of the law is largely determined by the state's ability to understand and dialogue with dynamic public morality. When the law fails to read

the social language that lives in society, it risks losing its symbolic legitimacy (Hamdani et al., 2023). On the contrary, when law is open to the dynamics of meaning, it has the potential to become an adaptive and democratic instrument of social engineering, in line with Roscoe Pound's affirmed spirit of law as a means of balancing the various social interests that live in modern society (Halperin & Halpérin, 2011; Pound, 1917).

CONCLUSION

Jakarta Governor Regulation No. 2 of 2025 reflects the transformation of family law from the private realm to bureaucratic public ethics through the mechanism of administrative restrictions on marriage, divorce, and polygamy of civil servants. From the perspective of *law as a tool of social engineering*, this regulation functions as an instrument of social control and engineering. In the framework of Islamic law, the policy can be understood as a form of *taqyid al-mubah*, which is a restriction on practices that are permissible in shari'i for the sake of consideration of benefits through *the instrument of shari'iyah*.

The state in this case does not prohibit polygamy, but reinterprets the concept of justice and benefit from the personal dimension to the social-institutional dimension. The restriction can be read as an effort to maintain *hifz al-nasl* and the integrity of public governance. However, the polarization of the digital public response suggests that claims of state benefit are not final, but rather tested discursively. It affirms that the legitimacy of *taqyid al-mubah* in the context of the modern Muslim state requires ethical resonance and participatory acceptance.

Theoretically, this study proposes a dialogical paradigm of Islamic family law: the state has the authority to limit the practice of mubah for the sake of benefit, but the ideal limit of intervention lies in the protection of substantive justice and policy proportionality. Normatively, state intervention should not shift to excessive moralization of private choices, but should be oriented towards the protection of rights and social balance.

The novelty of this article lies in the reading of Islamic family law through the analysis of digital discourse as an arena to test the legitimacy of the state's social engineering. Different from studies that focus on the purely normative-doctrinal or judicial dimensions, this article shows that the legitimacy of family regulation in contemporary Muslim contexts is shaped and negotiated in the digital public space. Thus, his scientific contribution lies in the integration of fiqh, public policy, and the dynamics of digital discourse in a single analytical framework that expands the horizons of Islamic family law studies.

REFERENCES

- Alfitri. (2007). Expanding a Formal Role for Islamic Law in the Indonesian Legal System: The Case of Mu'Amalat. *Journal of Law and Religion*, 23(1), 249–270. <https://doi.org/10.1017/S0748081400002666>
- Ardliyanto, A. (2026). *Kasus Perceraian ASN di Jatim Meningkat, DPRD Ingatkan Dampaknya ke Pelayanan Publik*. INews Surabaya. <https://surabaya.inews.id/read/666533/kasus-perceraian-asn-di-jatim-meningkat-dprd-ingatkan-dampaknya-ke-pelayanan-publik>
- Astari, R., Perawironegoro, D., Faturrahman, M. I., & Kistoro, H. C. A. (2023). Indonesian Muslim society's reception of sensation language and invitation to polygamy on social media. *Indonesian Journal of Islam and Muslim Societies*, 13(2), 369–397. <https://doi.org/10.18326/ijims.v13i2.369-397>
- Auda, J. (2008a). *Maqasid al-Shariah: An Introductory Guide*. IIIT. https://ia801209.us.archive.org/21/items/maqasid_guide-Feb_2008/maqasid_guide-

Feb_2008.pdf

- Auda, J. (2008b). *Maqasid al-Shariah as Philosophy of Islamic Law*. The International Institute of Islamic Thought. <https://iiit.org/wp-content/uploads/Maqasid-Al-Shariah-as-a-Philosophy-of-Islamic-Law-Combined.pdf>
- Bauman, Z. (2000). Liquid Modernity Revisited. In *Die Zwischengesellschaft* (pp. 1–225). Polity Press. <https://doi.org/10.5771/9783845251813-11>
- Bourdieu, P. (1991). Language and Symbolic Power. In *Polity Press* (pp. 163–171).
- Cotterrell, R. (2006). Law, Culture and Society Legal Ideas in the Mirror of Social Theory. In *Ashgate* (p. 206). Ashgate.
- Durkheim, E. (1933). *The division of labour in society* (trans. George Simpson) (p. 370).
- Dzimar, A., & Ghazlan, E. (2024). The Urgency of Implementing Siyasa Syar'iyah Values in National Law-Making: Harmonizing Islamic Governance Principles with Constitutional Democracy. *SYARLAT: Akhwal Syaksiyah, Jinayah, Siyasah and Muamalah*, 1(4), 172–179. <https://doi.org/10.35335/2frs5098>
- Fairclough, N. (1997). Critical Discourse Analysis. In *Discourse studies. A multidisciplinary introduction, Vol. 2. Discourse as social interaction* (pp. 258–284).
- Foucault, M. (1991). *Governmentality*.
- Hadi, M. N. (2022). THE NARRATIVE OF PROTECTING POLYGAMOUS WOMEN IN INDONESIA'S DIGITAL WORLD: Between Moderate and Conservative Muslims. *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 15(2), 161–186. <https://doi.org/10.14421/ahwal.2022.15201>
- Halperin, J.-L., & Halpérin, J.-L. (2011). Law in Books and Law in Action: The Problem of Legal Change. *Maine Law Review*, 64(1), 45.
- Hamdani, F., Fauzia, A., Mardhiyana, R., & Kusuma, L. A. N. (2023). Media Vs. Law: Which Acts as a Tool of Social Engineering? *Indonesia Media Law Review*, 2(2). <https://doi.org/10.15294/imrev.v2i2.69469>
- Izzuddin, H. (2025). *Aturan Poligami bagi ASN Jakarta Tuai Reaksi Pro dan Kontra*. Tempo. <https://www.tempo.co/hukum/aturan-poligami-bagi-asn-jakarta-tuai-reaksi-pro-dan-kontra-1196384>
- Jahar, A. S. (2019). Bureaucratizing Sharia in Modern Indonesia: The Case of Zakat, Waqf and Family Law. *Studia Islamika*, 26(2), 207–245. <https://doi.org/10.15408/sdi.v26i2.7797>
- Kamali, M. H. (2011). Maqasid Al-Shari'ah and Ijtihad as Instruments of Civilisational Renewal: A Methodological Perspective. *ICR Journal*, 2(2), 245–271. <https://doi.org/10.52282/icr.v2i2.647>
- Karimullah, S. S. (2024). A Feminist Critique of the Practice of Polygamy in the Context of Islamic Law and Human Rights. *Indonesian Journal of Law and Islamic Law (IJLIL)*, 6(1), 38–53. <https://doi.org/10.35719/ijlil.v6i1.354>
- Kurniawan, B., Purwanto, E., & Tehtae, S. (2022). BETWEEN ISLAMIC LAW AND HUMAN RIGHTS: AMBIGUOUS REGULATION REGARDING POLYGAMY IN INDONESIA. *Al'Adalah*, 25(2), 261–268. <https://doi.org/10.35719/aladalah.v25i2.312>
- Leane, G. W. G. (2010). Deliberative Democracy and the Internet: New Possibilities for Legitimising Law through Public Discourse? *Canadian Journal of Law & Jurisprudence*, 23(2), 373–401. <https://doi.org/10.1017/S0841820900004975>
- Mashhour, A. (2005). Islamic Law and Gender Equality: Could There be a Common Ground?: A Study of Divorce and Polygamy in Sharia Law and Contemporary Legislation in Tunisia and Egypt. *Human Rights Quarterly*, 27(2), 562–596. <https://doi.org/10.1353/hrq.2005.0022>

- Menjívar, C. (2023). State Categories, Bureaucracies of Displacement, and Possibilities from the Margins. *Estudios Sociológicos de El Colegio de México*, 42(1), 1–32. <https://doi.org/10.24201/es.2024v42.e2506>
- Michelman, F. I., & Habermas, J. (1996). Between Facts and Norms. In *The Journal of Philosophy* (Vol. 93, Issue 6). <https://doi.org/10.2307/2941077>
- Peraturan Pemerintah Republik Indonesia. (1983). *Peraturan Pemerintah Nomor 10 Tahun 1983 tentang Izin Perkawinan Dan Perceraian Bagi Pegawai Negeri Sipil* (10; pp. 1–14). LN. 1983/No 13, TLN No. 3250, LL Setkab: 9 HLM. [https://peraturan.bpk.go.id/Download/55171/PP NO. 10 TH 1983.pdf](https://peraturan.bpk.go.id/Download/55171/PP%20NO.%2010%20TH%201983.pdf)
- Peraturan Pemerintah Republik Indonesia. (1990). *Peraturan Pemerintah Nomor 45 Tahun 1990 tentang Perubahan Atas Peraturan Pemerintah Nomor 10 Tahun 1983 tentang Izin Perkawinan dan Perceraian Bagi Pegawai Negeri Sipil* (pp. 1–12). LN. 1990, No. 61, TLN No. 3424, LL Setkab: 7 HLM. [https://peraturan.bpk.go.id/Download/375134/PP Nomor 45 Tahun 1990 -ln.pdf](https://peraturan.bpk.go.id/Download/375134/PP%20Nomor%2045%20Tahun%201990%20-ln.pdf)
- Pound, R. (1917). *An Introduction to the Philosophy of Law* (pp. 1–309).
- Pound, R., & Treviño, A. J. (1942). Social Control Through Law. *Social Control Through Law*, 1–138. <https://doi.org/10.4324/9781315129495>
- Putra, R. P. (2025). *Pj Gubernur Teguh: Pergub No 2 Tahun 2025 untuk Lindungi Keluarga ASN*. Berita Jakarta. <https://m.beritajakarta.id/read/142045/pj-gubernur-teguh-pergub-no-2-tahun-2025-untuk-lindungi-keluarga-asn?utm>
- Siagian, O. (2025). *Pemprov Jakarta Catat 116 Kasus Perceraian ASN Terjadi Pada 2024*. Tempo. <https://www.tempo.co/politik/pemprov-jakarta-catat-116-kasus-perceraian-asn-terjadi-pada-2024-1196657>
- Stark, D., & Castells, M. (1996). The Rise of the Network Society. In *Contemporary Sociology* (Vol. 26, Issue 6). Blackwell. <https://doi.org/10.2307/2654643>
- Stone, J. (1965). Roscoe Pound and Sociological Jurisprudence. *Harvard Law Review*, 78(8), 1578. <https://doi.org/10.2307/1338955>
- Tamanaha, B. Z. (2017). A Realistic Theory of Law. In *A Realistic Theory of Law*. Cambridge University Press. <https://doi.org/10.1017/9781316979778>
- Zakaria, M. S. H., Omar, N., & Muda, Z. (2025). Regulating the Permissible: The Role of Taqyid al-Mubah in Malaysian Governance and Public Welfare. *International Journal of Research and Innovation in Social Science*, 9(30), 172–179. <https://doi.org/10.47772/IJRISS.2025.930000023>