

## Effectiveness of Protection for Women's Rights as Wives in the Implementation of Polygamy in Cirebon City

**Adde Ramadhani**

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: [Adderamadhani.std@unissula.ac.id](mailto:Adderamadhani.std@unissula.ac.id)

**Abstract.** *Polygamy often results in the violation of the rights of the wives in polygamous marriages. The type of research used is empirical legal research. Based on the discussion, it is understood that protection of the rights of wives in polygamous marriages in Cirebon City has not been realized. This is due to the fact that law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants, has not yet regulated the matter. Regulation of the definition of polygamy, protection of the rights of wives in polygamous marriages, and supervision of polygamy.*

**Keywords:** *Effectiveness; Polygamy; Protection; Wife.*

### 1. Introduction

Implicitly, the Qur'an allows polygamy, but does not specify any conditions explicitly, except only giving a warning "are you sure that if you practice polygamy, you will be able to act justly, because justice is very difficult, Allah as the creator of mankind knows that you will not be able to act justly in essence, but be careful not to be modestly more loving to some of your wives and neglecting the others". Thus, the justice stated in the Qur'an, Surah an-Nisa', verses 3 and 129 is not a condition for the permissibility of polygamy, but rather an obligation for husbands when they practice polygamy. This is in line with what was expressed by Ibrahim Hosen below:<sup>1</sup>

The fair condition for the permissibility of polygamy is not a legal condition, but it is a religious condition with the understanding that religion requires it, because

---

<sup>1</sup>Reza Fitra Ardhian, Satrio Anugrah, Setyawan Bima, "Polygamy in Islamic Law and Indonesian Positive Law and the Urgency of Granting Polygamy Permits in Religious Courts", Private Law, Vol. III No. 2, 2015, p. 102.

what is said to be a legal condition is what is required before the existence of the law, such as ablution as a condition for the validity of prayer, is required before prayer, because prayer is not valid unless with ablution. So prayer and ablution cannot be separated as long as the prayer is not finished, while fairness cannot be used as a legal condition for the validity of polygamy, because fairness cannot be realized before the realization of polygamy. Therefore, fairness is a religious condition that is one of the husband's obligations after practicing polygamy. In addition, legal conditions result in the law being void when the conditions are void, but religious conditions are not like that, but only result in sin to God. So a husband who does not act fairly is sinful and can be brought to court where the qadhi can give him the ta'ziir punishment. However, if we make fairness a legal condition for the permissibility of polygamy, then when the husband does not act fairly, his marriage is void. In this case, it turns out that none of the scholars have such an opinion. If we consider that fairness is not a legal requirement for the permissibility of polygamy, then the absence of fairness cannot be used as a mani' (barrier) to the permissibility of polygamy.

Based on the opinion of Ibrahim Hosen above, it can be understood that the justice referred to in the Qur'an, Surah An-Nisa', verse 3 and verse 129, is justice as a religious requirement, not a legal requirement for the permissibility of polygamy. Therefore, basically the permissibility of polygamy is absolute and justice is an obligation for husbands towards their wives and children because of religious demands. In this case of justice, is it not required to be fair to a single wife in a monogamous marriage, it's just that the capacity for justice in a polygamous marriage is heavier, that's why Allah SWT gives a warning to be careful and not intentionally prefer or tend to be more loving to some wives by ignoring the others.

Developments in society show that the implementation of polygamy has many disadvantages for the wives, this is because polygamy results in many women who become wives being neglected by their husbands who practice polygamy. According to data from the Class IA Religious Court of Cirebon City, there are 65 divorce cases where 50 divorce cases were carried out because the husband filed for divorce because he did not agree to polygamy while 15 other cases of divorce were filed by the wife because she did not get her rights when polygamous.<sup>2</sup>Data from the Cirebon City Central Statistics Agency (BPS) indicates that there were 46 divorce cases due to polygamy in 2024. Polygamy in Cirebon City has contributed to domestic violence issues and increased divorce filings in 2024.<sup>3</sup>

---

<sup>2</sup>Class IA Religious Court of Cirebon City, "Annual Report of Class 1A Religious Court of Cirebon City from 2016-2019", <https://web.pa-sumber.go.id/laporan-tahunan/>, May 12, 2025.

<sup>3</sup>Cirebon Regency Central Statistics Agency, "Number of Divorces According to Causal Factors and Month in Cirebon Regency in 2024", <https://cirebonkab.bps.go.id/id/statistics-table/2/NzQyZlZl=/jumlah-perceraian-menurut-faktor-penyebab-dan-bulan.html>, May 12, 2025.

One of the cases of domestic violence in Cirebon City due to polygamy can be seen in the case of abuse carried out by a pedicab driver who abused his wife with a sharp weapon due to a domestic conflict caused by the perpetrator practicing polygamy and the victim not being willing to accept the perpetrator's actions. The slashing action occurred on Sunday, May 4, 2025 at the victim's residence in Cirebon City. The perpetrator in this case is a man with the initials S (67) who works as a pedicab driver. Meanwhile, the victim is the perpetrator's common-law wife, with the initials AS (45), as a result of this incident the victim suffered injuries in several parts of the body after being hit by a sharp weapon. The violent action was triggered by the perpetrator's emotions after his common-law wife stated that she wanted to end the relationship.<sup>4</sup> This desire arose because the perpetrator's first wife had found out about the perpetrator's polygamous relationship. Not accepting this decision, the perpetrator was so blinded that he was determined to slash his common-law wife using a sharp weapon. The perpetrator carried out his actions at the victim's residence on Sunday, May 4, 2025 at around 06.30 WIB. Due to his sadistic actions, the perpetrator is threatened with a 5-year prison sentence. The article charged is Article 351 paragraph (2) of the Criminal Code with a threat of a five-year prison sentence.<sup>5</sup>

Problem polygamy be discussed in Congress Female Clerics Indonesia in Islamic Boarding Schools Al-Islamy Guava Garden Babakan Ciwaringin, Cirebon, and is considered a form of domestic violence (KDRT). Female clerics state that polygamy is a practice that has existed since before the time of the Prophet Muhammad. Lecturer at the Postgraduate School of Quranic Studies, Jakarta, Nur Rofiah Bil Uzm said that at that time men were allowed to marry an unlimited number of women, and this verse (in Surah An-Nisa) limits the place. "Polygamy is not tradition" From Islam, the Qur'an regulates it as a problem and then resolves it, just like marriage registration. There is a problem if marriages are not registered and people can divorce as they please, and then resolve it," Nur explained.<sup>6</sup> He said that in polygamy, the Prophet set an example of how to treat one's family fairly. The core teachings of Islam are justice within the family, not the number of families, as is commonly understood.<sup>7</sup>

---

<sup>4</sup>Praysi Nataly Rattu, Novie R. Pioh, and Stefanus Sampe, "Optimizing the Performance of the Socio-Cultural and Governance Sectors in Development Planning (A Study at the Office of the Regional Development Planning, Research and Development Agency of Minahasa Regency)", *Jurnal Governance*, Vol.2, No. 1, 2022, p. 4.

<sup>5</sup>detikJabar, "A Pedicab Driver in Cirebon Goes into a Dark Place After His First Wife Discovers His Polygamy", <https://www.detik.com/jabar/cirebon-raya/d-7900786/gelap-mata-tukang-becak-di-cirebon-usai-poligami-ketahuan-istri-pertama>, May 12, 2025.

<sup>6</sup>Hetty Hasanah, Consumer Protection in Consumer Financing Agreements for Motor Vehicles with Fiduciaries, <http://jurnal.unikom.ac.id/vol3/>, accessed on June 28, 2025 at 19.00 WIB

<sup>7</sup>KUPI Digital Encyclopedia, "Female Ulama Congress: "Polygamy is not an Islamic Tradition", [https://kupipedia.id/index.php/Kongres\\_Ulama\\_Perempuan:\\_%22Poligami\\_Bukan\\_Tradisi\\_Islam%E2%80%9D](https://kupipedia.id/index.php/Kongres_Ulama_Perempuan:_%22Poligami_Bukan_Tradisi_Islam%E2%80%9D), May 12, 2025.

The verse that is often used to justify polygamy is in Surah An-Nisa (4) verse 3: "... And if you fear that you shall not be able to deal justly with orphans (when you marry them), then marry (other) women of your choice: two, three, or four. Then if you fear that you shall not be able to deal justly, then (marry) only one, or the slaves whom your right hands possess. But according to Nur, in the verse there is also a message of monogamy. In the Quran in the same verse, which is understood to allow polygamy, there is also a strong message of monogamy, at the end of the verse and in the same verse, it says that if you are afraid that you cannot be just, this means that there is a high potential for injustice, then only one. In Indonesia, which is a democratic country, according to Nur, it adheres to monogamy as in Law No. 1 of 1974 concerning marriage, which regulates difficult conditions for polygamy. In Article 3 paragraph 1 it is stated, "In principle a man may only have one wife. "A woman may only have one husband," Nur said, "Verses on monogamy are rarely mentioned because there are still few female clerics. Some say polygamy is a form of domestic violence. Furthermore, domestic violence also includes physical, psychological, and economic violence. "Siti Aisyah, Chairwoman of the Aisyiah Central Board, said many women are reluctant to reveal that they are victims of domestic violence, because the act often uses religious legitimacy. "In reality, they only understand the Quran textually, mostly referring to Islamic jurisprudence, as if they don't dare to change it, even though they don't know that it's actually an understanding, and understanding can differ," Siti said. Siti said that eliminating violence against women is done through preaching by female clerics.<sup>8</sup>Based on various existing narratives, it is clear that polygamy can largely harm women's rights and related to this, is an act that is prohibited by Islam. The legal basis for protection for women who are victims of polygamy is also unclear, from the Criminal Code referring to the BW (Burgerlijk Wet Boek) a legacy of the Dutch which is still in effect, but articles regarding marriage from Article 26 of the Civil Code to Article 306 of the Civil Code were revoked and replaced by Law Number 1 of 1974 concerning marriage. All regulations regarding marriage in Indonesia such as, Customary Law, Islamic Fiqh Law for Muslims, Mixed Marriage Regulations (Regeling op de Gemene Huwlijken), Indonesian-Christian marriage Ordinance for Javanese, Minahasa and Ambon (Huwilijke Ordonantie voor Christen Indonesier Jawa, Minahasaen Ambonia), Stb 1933 No. 47 jo 36-607 LN 1946 Number 136, Civil Code (Burgerlijk Wet Boek), Law Number 32 of 1954 concerning Marriage Registration, Divorce, and Reconciliation (LN No. 1954 No. 98). was declared invalid after the issuance of Law No. 1 of 1974 concerning Marriage. The issue of legal protection for women who are victims of polygamy is an interesting problem, because on the one hand women want to maintain their household because they do not want to be disturbed by other women, on the other hand women ask for justice at the risk of regressing in their status as a wife in a marriage.

---

<sup>8</sup>Loc, cit.

## **2. Research Methods**

The type of research in this paper is empirical research. Empirical law research is called Also sociological legal research is legal research that examines law conceptualized as actual behavior, as an unwritten social phenomenon, which is experienced by every person in social relationships.<sup>9</sup>

## **3. Results and Discussion**

### **3.1. Regulations on Legal Protection of Women's Rights as Wives in the Implementation of Polygamy in Cirebon City**

Based on various provisions in the Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage and Compilation of Islamic Law, it can be seen that both Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage and Compilation of Islamic Law provide conditions for a man to have more than one wife. Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage provides conditions related to permission to marry more than one wife with an application to the Religious Court, where the application also has conditions in the form of approval from the wife/wives, certainty that the husband is able to guarantee the necessities of life for his wives and their children, and a guarantee that the husband will treat his wives and their children fairly. Then Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage also provides conditions that a man can have more than one wife if the wife is unable to carry out her duties as a wife, the wife has a physical disability or an incurable disease, and the wife cannot bear children. While the Compilation of Islamic Law provides conditions for a man in the form of having more than one wife at the same time must be with the condition that a polygamous marriage must have court permission, then a husband who wants to practice polygamy has a limit on the number of wives, which is limited to only four wives, the main condition for having more than one wife, the husband must be able to treat his wives and children fairly, if the husband is unable to treat his wives and children fairly, then it is prohibited to have more than one wife. Then in carrying out polygamy must be based on the reason that the wife cannot carry out her duties as a wife, the wife has a physical disability or an incurable disease, and the wife cannot bear children. The final requirement for a man to be able to practice polygamy is to obtain permission from the wives he has married and be able to fulfill the needs of his wives and children from his polygamous marriage and legal marriage. In addition to the Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning

---

<sup>9</sup>Muhaimin, 2020, Legal Research Methods, University of Mataram, Mataram, p. 55.

Marriage and Compilation of Islamic Law, regulations regarding efforts to prevent deviant polygamy are also regulated in Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants. Efforts to prevent deviant polygamy in Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants is carried out in a way that an ASN can have more than one wife if it meets the requirements in the form of a State Civil Apparatus to have more than one wife must have permission from an official within the institution where the ASN works. An ASN can apply to have more than one wife when the wife cannot carry out her duties as a wife, the wife has a physical disability or an incurable disease, or the wife cannot bear children. An ASN can apply to have more than one wife also because there is written consent from the wife, the male Civil Servant in question has sufficient income to support more than one wife and children as evidenced by an income tax certificate, and there is a written guarantee from the Civil Servant in question that he will treat his wives and children fairly.

Some groups say polygamy is a form of domestic violence, or KDRT. Furthermore, KDRT also encompasses physical, psychological, and economic abuse. Siti Aisyah, Chairwoman of the Aisyiah Central Board, said many women are reluctant to reveal that they are victims of domestic violence, because the act often uses religious legitimacy. "In reality, they only understand the Quran textually, mostly referring to Islamic jurisprudence, as if they don't dare to change it, even though they don't know that it's actually an understanding, and understanding can differ," Siti said. Siti said that eliminating violence against women is done through preaching by female clerics.<sup>10</sup>Based on various existing narratives, it is clear that polygamy can largely harm women's rights and related to this, is an act that is prohibited by Islam. The legal basis for protection for women who are victims of polygamy is also unclear, from the Criminal Code referring to the BW (Burgerlijk Wet Boek) a legacy of the Dutch which is still in effect, but articles regarding marriage from Article 26 of the Civil Code to Article 306 of the Civil Code were revoked and replaced by Law Number 1 of 1974 concerning marriage. All regulations regarding marriage in Indonesia such as, Customary Law, Islamic Fiqh Law for Muslims, Mixed Marriage Regulations (Regeling op de Gemene Huwlijken), Indonesian-Christian marriage Ordinance for Javanese, Minahasa and Ambon (Huwilijke Ordonantie voor Christen Indonesier Jawa, Minahasaen Ambonia), Stb 1933 No. 47 jo 36-607 LN 1946 Number 136, Civil Code (Burgerlijk Wet Boek), Law Number 32 of 1954 concerning Marriage Registration, Divorce, and Reconciliation (LN No. 1954 No.98). was declared invalid after the issuance of Law No. 1 of 1974 concerning Marriage.

---

<sup>10</sup>*Loc, cit.*



The various explanations above show that polygamy, which often violates wives' rights, still occurs, particularly in the city of Cirebon. This demonstrates that the protection of wives' rights as stipulated in the provisions of the law is inadequate. Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants have not been realized as expected.

### 3.2. Weaknesses in Legal Protection of Women's Rights as Wives in the Implementation of Polygamy in Cirebon City

#### 1) Weaknesses of Legal Substance (Weaknesses of Legal Regulation)

Efforts to provide legal protection for women's rights as wives in the implementation of polygamy as regulated in the Republic of Indonesia Law Number 1 of 1974 in conjunction with the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with the Republic of Indonesia Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants in the form of requirements for a man who wishes to have more than one wife which are divided into:

**Table: Legal Protection of Women's Rights as Wives in the Implementation of Polygamy in Marriage Law Regulations in Indonesia**

Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage	Compilation of Islamic Law	Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants
Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage does not essentially regulate polygamy, however, Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage provides protection for wives in polygamous marriages by preventing violations of the principles of marriage in polygamy that could harm the legitimate wife. This is demonstrated by the	<p>a. Based on the provisions in the Compilation of Islamic Law, it can be seen that a husband who wishes to practice polygamy must fulfill the conditions stipulated in Article 57 of the Compilation of Islamic Law (KHI) which are alternative in nature, namely:</p> <ol style="list-style-type: none"> <li>1) The wife cannot carry out her obligations as a wife;</li> <li>2) The wife has a physical disability or an incurable disease; And</li> <li>3) The wife cannot bear children.</li> </ol> <p>b. The provisions of Article 58 of the Compilation of Islamic Law require a man to obtain permission</p>	<p>Efforts to prevent the occurrence of deviant polygamy in Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants are carried out in the following ways:</p> <ol style="list-style-type: none"> <li>1) A State Civil Servant who wants to have more than one wife must have permission from an official within the institution where the ASN works.</li> <li>2) A civil servant can apply to have more than one wife when</li> </ol>

existence of conditions for husbands who wish to practice polygamy, namely:

a) A husband can practice polygamy if the parties concerned wish and obtain permission from the court.

b) A husband can practice polygamy if he has submitted an application to the court in the form of an application to marry more than one woman on the condition that:

1) there is consent from the wife/wives;

2) the certainty that husbands are able to guarantee the living needs of their wives and children;

3) there is a guarantee that the husband will treat his wives and children fairly.

c) A husband can have more than one wife if:

1) the wife cannot carry out her obligations as a wife;

2) the wife has a physical disability or an incurable disease;

3) the wife cannot bear children.

from the wives he has married and be able to fulfill the needs of his wives and children from his polygamous marriage and his legal marriage.

the wife cannot carry out her duties as a wife, the wife has a physical disability or an incurable disease, or the wife cannot give birth to children.

3) A civil servant can apply to have more than one wife also because there is written consent from the wife, the male civil servant in question has sufficient income to support more than one wife and children as proven by an income tax certificate, and there is a written guarantee from the civil servant in question that he will treat his wives and children fairly.

As explained above, even though the Republic of Indonesia Law Number 1 of 1974 in conjunction with the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with the Republic of Indonesia Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants has regulated strict requirements for a man who wishes to marry more than once and the maximum number of marriages is four marriages, however, the marriage referred to in the Republic of Indonesia Law Number 1 of 1974 in conjunction with the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 ... conditions for a man who wishes to marry more than once and the maximum number of marriages is four marriages, however, the marriage referred to in the Republic of Indonesia Law Number 1 of 1974 in conjunction with the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with the Republic of Indonesia Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants is a valid marriage, namely a marriage in the form of a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy



and eternal family based on the Almighty God. A valid marriage must be carried out according to the laws of each religion and belief, and recorded in accordance with applicable laws and regulations. While polygamy is a marriage system in which a person has more than one partner at the same time. The provisions in the Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants does not have a standard definition of polygamy, only regulating the conditions for polygamy which are identified with marriages carried out by more than one wife, while the conditions for being registered as an element of a valid marriage are not clearly stated in the definition of polygamy which is not regulated in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants.

The second legal weakness is that Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants do not regulate the protection of the rights of wives in polygamous marriages. This can result in the absence of sanctions and legal consequences for husbands who practice polygamy in a manner that deviates from the purpose of marriage.

The third legal weakness is the absence of regulations regarding supervision in society regarding polygamy that does not meet the provisions as stipulated in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants. Provisions in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants does not have specific implementing regulations regarding the implementation of polygamy including the monitoring system for polygamy that violates the requirements for marriage as regulated in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government

Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants.<sup>11</sup>

2) Weaknesses of Legal Structure (Weaknesses of Law Enforcement)

Based on the legal weaknesses as explained above, it can be concluded that:

1) Marriage as referred to in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants is a legal marriage, namely a marriage in the form of a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family based on the One Almighty God. A legal marriage must be carried out according to the laws of each religion and belief, and recorded in accordance with applicable laws and regulations. While polygamy is a marriage system in which a person has more than one partner at the same time. The provisions in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants does not have a standard definition of polygamy, only regulating the conditions for polygamy which are identified with marriages carried out by more than one wife, while the conditions for being registered as an element of a valid marriage are not clearly stated in the definition of polygamy which is not regulated in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants.

2) Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants do not regulate the protection of the rights of wives who practice polygamy. This can result in the absence of sanctions and legal consequences for husbands who practice polygamy in a manner that deviates from the purpose of marriage.

3) The absence of regulations regarding supervision in the community regarding polygamy that does not meet the provisions as stipulated in the Republic of

---

<sup>11</sup>Nina Agus Hariati, "Polygamy Regulation in Indonesia: M. Syahrur and Gender Perspective," *AsySyari'ah: Journal of Islamic Law* 7, no. 2 (2021): 187–208.

Indonesia Law Number 1 of 1974 Jo. Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Republic of Indonesia Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants. Provisions in the Republic of Indonesia Law Number 1 of 1974 Jo. Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Republic of Indonesia Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants do not have specific implementing regulations regarding the implementation of polygamy including the supervision system for polygamy that violates the requirements for marriage as stipulated in the Republic of Indonesia Law Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants.

The three legal gaps in the Republic of Indonesia Law Number 1 of 1974 in conjunction with the Republic of Indonesia Law Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with the Republic of Indonesia Government Regulation Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants regarding the special regulation of polygamy in Indonesia have resulted in polygamy that deviates from the principles of marriage, resulting in violations of the wife's rights becoming increasingly prevalent in society. Specific data on the number of polygamy cases in Cirebon according to a study in Cyber State Islamic University of Syekh Nurjati Cirebon stated that in 2024 there were 67 cases of polygamy which was a factor in divorce in Cirebon, or around 0.2% of total divorce cases. Of these, 67 cases were decided by the Cirebon Religious Court. Meanwhile, in 2025, no data was found on divorce cases filed by wives due to polygamy. According to the study, most wives in polygamous marriages experience physical and verbal violence and economic neglect.<sup>12</sup>

This shows that the concept of implementing prevention and action against deviant polygamy which is detrimental to the rights of wives has not been carried out by the Ministry of Religion of the Republic of Indonesia which is implemented by the Cirebon City Religious Affairs Office.<sup>13</sup> This is clearly contrary to the main task of the Office of Religious Affairs, which should be able to realize Sakinah family guidance, namely providing guidance to form a harmonious and Sakinah

---

<sup>12</sup><https://repository.syekhnurjati.ac.id/7137/1/Perceraian%20ditengah%20%20Pandemi.pdf>, June 12, 2025.

<sup>13</sup>Wahyu Simon Tampubolon, "Legal Protection Efforts for Consumers Reviewed from the Consumer Protection Law", *Scientific Journal of Advocacy*, Vol. 04, No. 01, p. 54.

family,<sup>14</sup> and family and population development, namely participating in developing harmonious families and managing population aspects related to religion.<sup>15</sup>

### 3) Weaknesses of Legal Culture (Weaknesses of Legal Culture)

The causes of deviant polygamy are generally rooted in a man's inability to meet his partner's needs (including biological ones) and a desire to cover up an affair without the first wife's consent. Other contributing factors include a dominant and abusive mentality in men, the inability to have children, and the failure to register marriages with official institutions such as the courts. The following factors contribute to the occurrence of deviant polygamy in society:<sup>16</sup>

#### 1) The desire to cover up an affair:

Polygamy is often used as a "way out" to cover up an affair that has already occurred, without wanting the first wife to know.

#### 2) Inability to meet biological needs:

If the wife can no longer fulfill her husband's biological needs, polygamy can be considered a solution, not divorce.

#### 3) Hereditary problems:

The desire to have children (especially boys) is often the driving force behind polygamy, especially if the first wife is considered unable to produce children.

#### 4) Feelings of domination and arbitrariness:

Some men have a dominant mentality and feel entitled to practice polygamy arbitrarily.

#### 5) Physical disability:

An elderly wife who is no longer able to serve her husband's needs can also be a driving factor for polygamy.

#### 6) Job factors:

---

<sup>14</sup>Fatimah, Rabi'atul Adawiyah and M. Rifqi, "Fulfillment of the Rights of Wives and Children Due to the Dissolution of Marriage Due to Divorce (Case Study at the Banjarmasin Religious Court)", *Journal of Civic Education*, Vol. 4, No. 7, May 2014, Banjarmasin: Lambung Mangkurat University, p. 559

<sup>15</sup>[https://kalteng.kemenag.go.id/palangkaraya/berita/512522/Ini-10-Tugas-Pokok-dan-Fungsi-KUA#:~:text=Palangka%20Raya%20\(Humas\)%20%2D%20%22,1/9/2022\).&text=%22Keseluruhan%20tugas%20pokok%20dan%20fungsi,haji%20bagi%20jamaah%20haji%20reguler](https://kalteng.kemenag.go.id/palangkaraya/berita/512522/Ini-10-Tugas-Pokok-dan-Fungsi-KUA#:~:text=Palangka%20Raya%20(Humas)%20%2D%20%22,1/9/2022).&text=%22Keseluruhan%20tugas%20pokok%20dan%20fungsi,haji%20bagi%20jamaah%20haji%20reguler), May 12, 2025.

<sup>16</sup>Interview with Mohammad Ali Abdul Latief as Head of the Administrative Section of the West Java Ministry of Religion Regional Office, September 16, 2025.

Husbands who work outside the area and far from their wives are also a driving factor.

7) Sexual desire (hypersexual):

Several studies have linked polygamy to hypersexual conditions in men.

In reality, deviant polygamy will have negative impacts on married life. The impacts of deviant polygamy are as follows:<sup>17</sup>

1) Internal conflict:

Polygamy that does not comply with the rules can cause internal conflict and jealousy among the wives.

2) Divorce:

This can end in a divorce that does not go through a court hearing.

3) Negative stigma:

Polygamy often gets a negative stigma from society because the perpetrators do not follow the rules of sharia properly.

#### 4. Conclusion

Protection for wives in polygamous marriages in Cirebon City is regulated in Law of the Republic of Indonesia Number 1 of 1974 in conjunction with Law of the Republic of Indonesia Number 16 of 2019 concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 in conjunction with Government Regulation of the Republic of Indonesia Number 45 of 1990 concerning Marriage and Divorce Permits for Civil Servants. The weaknesses in the protection of the rights of wives in polygamous marriages in Cirebon City are: the absence of regulations on the meaning of polygamy, protection of the rights of wives who are polygamous, and supervision of polygamy that deviates from the purpose of marriage in Law of the Republic of Indonesia Number 1 of 1974 Jo. Law of the Republic of Indonesia Number 16 of 2019 Concerning Marriage, Compilation of Islamic Law, and Government Regulation Number 10 of 1983 Jo. Government Regulation of the Republic of Indonesia Number 45 of 1990 Concerning Marriage and Divorce Permits for Civil Servants has resulted in the absence of the government's role in protecting and supervising the issue of violations of wives' rights due to polygamy that deviates from the principles of marriage law in society, so that polygamy that violates wives' rights is increasing in Cirebon City.

---

<sup>17</sup>*Loc, cit.*

## 5. References

### Journals:

Fatimah, Rabiatul Adawiyah dan M. Rifqi, "Pemenuhan Hak Istri dan Anak Akibat Putusnya Perkawinan Karena Perceraian (Studi Kasus di Pengadilan Agama Banjarmasin)", *Jurnal Pendidikan Kewarganegaraan*, Vol. 4, No. 7, Mei 2014

Hetty Hasanah, Perlindungan Konsumen dalam Perjanjian Pembiayaan Konsumenatas Kendaraan Bermotor dengan Fidusia, <http://jurnal.unikom.ac.id/vol3/>, diakses pada tanggal 28 Juni 2025

Nina Agus Hariati, "Regulasi Poligami Di Indonesia Perspektif M. Syahrur Dan Gender," *AsySyari'ah: Jurnal Hukum Islam* 7, No. 2, 2021

Praysi Nataly Rattu, Novie R. Pioh, dan Stefanus Sampe, "Optimalisasi Kinerja Bidang Sosial Budaya Dan Pemerintahan Dalam Perencanaan Pembangunan (Studi Di Kantor Badan Perencanaan Pembangunan, Penelitian Dan Pengembangan Daerah Kabupaten Minahasa)", *Jurnal Governance*, Vol.2, No. 1, 2022

Reza Fitra Ardhian, Satrio Anugrah, Setyawan Bima, "Poligami Dalam Hukum Islam Dan Hukum Positif Indonesia Serta Urgensi Pemberian Izin Poligam Di Pengadilan Agama", *Privat Law*, Vol. III No. 2, 2015

Wahyu Simon Tampubolon, "Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang Undang Perlindungan Konsumen", *Jurnal Ilmiah Advokasi*, Vol. 04, No. 01, 2017

### Books:

Muhaimin, 2020, *Metode Penelitian Hukum*, Universitas Mataram, Mataram

### Regulation:

Civil Code

Compilation of Islamic Law

Law Number 39 of 1999 concerning Human Rights

Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage

Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

The 1945 Constitution of the Republic of Indonesia



**Interview:**

Interview with Mohammad Ali Abdul Latief, Head of the Administrative Section of the West Java Ministry of Religion Regional Office, September 16, 2025

**Internet:**

Badan Pusat Statistika Kabupaten Cirebon, "Jumlah Perceraian Menurut Faktor Penyebab dan Bulan di Kabupaten Cirebon pada Tahun 2024", <https://cirebonkab.bps.go.id/id/statistics-table/2/NzQylzl=/jumlah-perceraian-menurut-faktor-penyebab-dan-bulan.html>, 12 May 2025

detikJabar, "Gelap Mata Tukang Becak di Cirebon Usai Poligami Ketahuan Istri Pertama", <https://www.detik.com/jabar/cirebon-raya/d-7900786/gelap-mata-tukang-becak-di-cirebon-usai-poligami-ketahuan-istri-pertama>, 12 May 2025

Ensiklopedi Digital KUPI, "Kongres Ulama Perempuan: "Poligami Bukan Tradisi Islam", [https://kupipedia.id/index.php/Kongres Ulama Perempuan: %22Poligami Bukan Tradisi Islam%E2%80%9D](https://kupipedia.id/index.php/Kongres_Ulama_Perempuan:_%22Poligami_Bukan_Tradisi_Islam%E2%80%9D), 12 May 2025

[https://kalteng.kemenag.go.id/palangkaraya/berita/512522/Ini-10-Tugas-Pokok-dan-Fungsi-KUA#:~:text=Palangka%20Raya%20\(Humas\)%20%2D%20%22,1/9/2022\).&text=%22Keseluruhan%20tugas%20pokok%20dan%20fungsi,haji%20bagi%20jamaah%20haji%20reguler](https://kalteng.kemenag.go.id/palangkaraya/berita/512522/Ini-10-Tugas-Pokok-dan-Fungsi-KUA#:~:text=Palangka%20Raya%20(Humas)%20%2D%20%22,1/9/2022).&text=%22Keseluruhan%20tugas%20pokok%20dan%20fungsi,haji%20bagi%20jamaah%20haji%20reguler), 12 May 2025

<https://repository.syekh Nurjati.ac.id/7137/1/Perceraian%20ditengah%20%20Pandemi.pdf>, 12 Juni 2025

Pengadilan Agama Kelas 1A Kota Cirebon, "Laporan Tahunan Pengadilan Agama Kelas 1A Kota Cirebon dari tahun 2016-2019", <https://web.pasumber.go.id/laporan-tahunan/>, 12 May 2025