

UNREGISTERED POLYGAMOUS MARRIAGE: A SOCIO-LEGAL STUDY IN POMBEWE VILLAGE, INDONESIA

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Abstract

This study examines the practice of unregistered polygamous marriage (poligami siri) in Pombewe Village, Sigi Biromaru District, through the lens of Indonesian positive law and socio-legal reality. Employing an empirical juridical method with a socio-legal approach, data were collected through in-depth interviews with community members, husbands who contracted unregistered polygamous marriages, and their legal wives, and analyzed qualitatively. The findings reveal that unregistered polygamous marriage persists despite clear legal requirements under Law Number 1 of 1974 on Marriage mandating Religious Court approval and formal registration. Its persistence is driven by economic pressures, deteriorating domestic relations, selective religious interpretation, and the deliberate circumvention of the legal wife's consent. Sociologically, the practice inflicts compounding harm: psychological distress and social stigma upon the legal wife, legal and social uncertainty for the unregistered wife, and administrative obstacles and discrimination for children of such unions. Legally, the practice violates Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law, rendering the marriage without legally recognized consequences for all parties under the national legal system.

Keywords: Indonesian marriage law; socio-legal analysis; unregistered polygamous marriage.

A. INTRODUCTION

Marriage in Indonesia is viewed not only as a religious event but also as a legal one that creates rights and obligations for everyone involved. The main laws governing marriage are Law Number 1 of 1974, updated by Law Number 16 of 2019, and the Compilation of Islamic Law (KHI). These laws establish that marriage is principally monogamous. Polygamy is only allowed under strict conditions, including court approval and the consent of the existing wife¹.

As social beings, humans naturally tend to live in pairs, making marriage both a social need and the foundation of family life. In Islamic jurisprudence, marriage is the lawful path for a husband and wife to fulfill their basic human needs. Islamic law further teaches that marriage is a recommended practice, following the example of the Prophet Muhammad, and serves as a means of completing one's worship and protecting one's honor². As society has changed, debates around marriage practices have grown, particularly around polygamy. While polygamy has a normative basis in Islamic law under certain conditions, its practice in Indonesian society often sparks controversy, especially when measured against the country's civil law

¹ Nurul Faizatur Rohmah and Budiharjo, "Praktik Pernikahan Poligami Dalam Pandangan Hukum Islam Dan Hukum Negara," *Profetika: Jurnal Studi Islam* 22, no. 2 (December 2021): 237–57, <http://nafiismawan.blogspot>.

² Nurul Hikmah and Agung Ari Subagyo, "Perlindungan Hukum Bagi Perempuan Terkait Praktik Poligami Dalam Perspektif Hukum Islam," *LENTERA: Journal of Gender and Children Studies* 2, no. 1 (July 2020), <https://journal.unesa.ac.id/index.php/JOFC>.

requirements³. In reality, not everyone follows the Marriage Law's requirement for official registration. As a result, some marriages are still conducted without any formal records⁴.

The Compilation of Islamic Law (KHI), Presidential Instruction Number 1 of 1991, requires that a husband be capable of treating his wives fairly and must have legally accepted reasons before practicing polygamy. In practice, however, some men still take additional wives without going through legal procedures or official registration commonly known as *siri polygamy* or unregistered polygamous marriage⁵. This continues because it is considered religiously valid, even though the state does not recognize it. From a civil law standpoint, unregistered polygamous marriage has no binding legal force. Without official documentation, the marriage is not recorded by the state, leaving the relationship legally fragile and potentially denying partners their rightful protections. Under Islamic law, however, unregistered polygamous marriage is considered valid as long as

³ Abdul Halim and Ariyall Hikam Pratama, "Poligami Tidak Tercatat Di Pengadilan Agama Di Indonesia Dan Mahkamah Syariah Malaysia," *Jurnal Yuridis* 7, no. 1 (2020).

⁴ Kharisudin, "Nikah Siri Dalam Perspektif Kompulasi Hukum Islam Dan Undang-Undang Perkawinan Indonesia," *PERSPEKTIF* 26, no. 1 (January 2021): 48–56, <https://doi.org/10.32507/mizan.v1i1.117>.

⁵ Leman Setia Budi and Marjan Miharja, "Akibat Hukum Poligami Yang Dilakukan Dengan Nikah Siri Dalam Perspektif Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Sebagaimana Diubah Dengan Undang-Undang Nomor 16 Tahun 2019 (Studi Kasus Putusan Nomor 1548/Pdt.G/2019/PA.JB)," *Qiyas : Jurnal Hukum Islam Dan Peradilan* 7, no. 2 (2022): 219–27, <https://ejournal.iainbengkulu.ac.id/index.php/QIYAS/article/view/8223>.

the essential conditions and pillars of marriage are properly fulfilled.

The legal basis for polygamy comes from both the Quran and Indonesian civil law. The Quran states in Surah An-Nisa (4:3). Scholars interpret this verse as making polygamy conditional rather than obligatory or forbidden. It is only permissible when a man is genuinely able to treat all his wives fairly, particularly in material matters that can be objectively assessed⁶. Broadly speaking, scholars and thinkers hold three main views on polygamy. The first view gives it relatively wide permission and, in some readings, treats it as recommended. The second accepts it as permissible but only under strict conditions, such as the husband's ability to be fair and the first wife's consent. The third view rejects polygamy outright, arguing it is no longer appropriate in modern society⁷.

Although Law Number 1 of 1974 sets clear requirements and procedures for marriage, unregistered polygamous marriages still occur outside the legal process. The consequences are significant and complex. They include household conflict, difficulties obtaining identity documents and settling inheritance,

⁶ Nisrina Durratul Hikmah and H. Ahmad Muhasim, "Aspek Masalah Dalam Praktik Poligami Perspektif Maqasid Al-Syari'ah Dan Regulasi Hukum Keluarga Islam Di Indonesia," *Tasyri' Journal of Islamic Law* 4, no. 2 (2025): 911–45, <https://ejournal.iainbengkulu.ac.id/index.php/QIYAS/article/view/8223>.

⁷ Mochamad Nurdin et al., "DINAMIKA POLIGAMI DALAM HUKUM KELUARGA ISLAM (Analisis Terhadap Perspektif Hukum, Kesejahteraan Keluarga, Dan Kesetaraan Gender)," *Al-Mashlahah Jurnal Hukum Islam Dan Pranata Sosial* 12, no. 01 (2024), <https://doi.org/10.30868/am.v12i01.6584>.

and increased vulnerability in areas such as economic stability, social standing, education, and family health.

This study examines unregistered polygamous marriage through a socio-legal lens, focusing on Pombewe Village, Sigi Biromaru District, Sigi Regency — a community where this practice has been observed. The central concern is how this practice affects the legal protection of women and children born from such marriages. Field observations revealed a case in which a legally married man with one child left his wife and entered a second, *siri* or unregistered marriage without her consent and without going through a legal divorce. He then settled in Pombewe Village with his new partner.

The study uses an empirical legal method, gathering data through observation, in-depth interviews, and document review. Sources include primary informants as well as legal texts such as the Quran, Hadith, the Marriage Law, and the Compilation of Islamic Law. The researcher acted as a non-participant observer — present in the field to collect data without getting involved in the participants' activities. Data was analyzed through reduction, presentation, and verification, and its credibility was tested using methodological triangulation. Information gathered through interviews was cross-checked against observations and documents. Where differences arose between these sources, the researcher returned to the original sources for clarification, recognizing that varying perspectives may each reflect a valid

point of view. This approach ensures the data is valid, relevant, and academically sound.

B. FINDINGS AND DISCUSSION

The practice of unregistered polygamous marriage (nikah siri) documented in Pombewe Village represents more than a technical failure to comply with administrative procedures. It reflects a deeper structural tension between the pluralistic normative landscape of Indonesian society and the singular civil law framework imposed by the state. While Rohmah and Budiharjo (2021) affirm that polygamy conducted without formal procedures contradicts the foundational principles of Indonesian marriage law, this study argues that the problem extends beyond procedural non-compliance — it reveals the state's limited capacity to enforce its own legal framework in socio-religiously conservative communities where customary and religious legitimacy continues to override formal legal recognition⁸.

An interview with the legal wife, identified by the initials S.R., revealed that the unregistered polygamous marriage was conducted without her knowledge or consent. This points to a serious lack of transparency in the marital relationship and a violation of the principles of fairness and openness that marriage demands. Both normatively and ethically, marriage requires good faith and honest communication between spouses. The husband's concealment not only reflects an imbalance of power within the

⁸ Rohmah and Budiharjo, “Praktik Pernikahan Poligami Dalam Pandangan Hukum Islam Dan Hukum Negara.”

household but also caused significant psychological and social harm to the legal wife. Syelvita and Kusaini (2025) note that polygamy carried out without the first wife's consent can trigger psychological distress, including stress, a sense of worthlessness, and even depression, particularly when the wife feels she has no say in major decisions affecting her marriage⁹.

The interview with S.R. — the legal wife who was unaware of her husband's second marriage until 2019 — reveals a case of compounded harm: the initial act of concealment, the prolonged deception, and the subsequent normalization of that deception within the marital relationship. However, to characterize this solely as an individual act of dishonesty would be analytically insufficient. The deeper issue is that unregistered polygamous marriage operates within — and is enabled by — a structural power imbalance in which the husband holds unilateral decision-making authority over a matter that fundamentally affects his wife's life, health, and legal standing

S.R.'s account that her husband frequently left home under the pretense of working in Kalimantan while maintaining a second household illustrates that unregistered polygamy is not simply practiced in secrecy — it is actively sustained through deception. This deception is not incidental; it is functionally necessary for the practice to continue without social or legal

⁹ Rema Syelvita and Utami Niki Kusaini, “Poligami Tanpa Persetujuan Istri: Implikasi Hukum, Dampak Psikologis Dan Analisis Kritis Terhadap Pendapat Publik Figur,” *University Of Bengkulu Law Journal* 10, no. 1 (2025): 31–48, <https://doi.org/10.33369/ubelaj.v10i1.40973>.

consequence. Halim and Pratama (2020) observe that unregistered polygamy is typically conducted in secrecy, leaving the legal wife's rights neglected from the outset. This study adds a critical dimension to that observation: secrecy is not a byproduct of siri marriage but its operational logic — it is the mechanism by which the husband avoids accountability to his wife, his family, the state, and the community simultaneously¹⁰.

The practice of unregistered polygamous marriage in Indonesia generally occurs because the parties involved fulfill only the substantive requirements of marriage — that is, the religious pillars and conditions — without satisfying the formal requirements under Article 2(2) of Law Number 16 of 2019, which mandates that every marriage must be officially registered in accordance with applicable regulations. Furthermore, Article 10(3) of Government Regulation Number 9 of 1975 requires that a marriage be conducted in the presence of and under the supervision of a Marriage Registration Officer. Kharisudin (2021) emphasizes that marriage registration is not merely an administrative formality but a condition that determines whether the state legally recognizes a marriage and all of its legal consequences¹¹.

The practice of unregistered polygamous marriage as found in this study creates legal harm for both the legal wife and

¹⁰ Halim and Pratama, “Poligami Tidak Tercatat Di Pengadilan Agama Di Indonesia Dan Mahkamah Syariah Malaysia.”

¹¹ Kharisudin, “Nikah Siri Dalam Perspektif Kompulasi Hukum Islam Dan Undang-Undang Perkawinan Indonesia.”

the *siri* wife. The legal wife is denied adequate state protection when her rights are violated through a polygamous arrangement that bypasses legal procedure. The *siri* wife, along with any children born from the unregistered marriage, has no clear legal standing within the national legal system, as the state does not recognize unregistered marriages. This places both women in a position of vulnerability where a situation made worse by limited access to legal protection and by the unequal power dynamics within the household.

Legally, the first wife has the right to file for divorce through the Religious Court if she has been wronged. However, S.R. explained that her primary reasons for not pursuing this route were concern for her children and her own psychological state. Although she no longer wished to continue the marriage in any meaningful sense, she chose to maintain her legal marital status for the sake of the children. Additional barriers included procedural and financial concerns. She worried that her husband would not respond to court summons and expressed hesitation about the cost and length of the court process. These findings are consistent with Syelvita and Kusaini (2025), who identify psychological, social, and economic obstacles as the primary factors preventing women from exercising the legal rights available to them¹².

¹² Syelvita and Kusaini, “Poligami Tanpa Persetujuan Istri: Implikasi Hukum, Dampak Psikologis Dan Analisis Kritis Terhadap Pendapat Publik Figur.”

The unregistered polygamous marriage practiced by S.R.'s husband also had a profound impact on her psychological well-being. She described experiencing considerable mental distress after learning of the second marriage. During the interview, she stated:

I felt ashamed, traumatized, shocked, and angry that my husband did something like that. Because of what he did, I sometimes become the subject of gossip among family members and people around me. He did it without my knowledge. I was furious, but what can I do? It was his choice, so I just had to accept it. I hope he regrets what he did to me.

S.R.'s testimony provides direct evidence of profound psychological harm. Asyura and Herawati (2022) document that psychological abuse is the most prevalent form of harm in polygamous families, accounting for 46.1% of cases and encompassing prolonged stress, jealousy, and betrayal. This study corroborates those findings but argues for a more critical framing: the psychological harm experienced by S.R. must be understood not merely as an emotional response to interpersonal betrayal but as a consequence of structural abandonment — by her husband, by the legal system, and partially by her community¹³.

From a social standpoint, unregistered polygamous marriage in Pombewe Village is generally viewed negatively by the community, particularly among women. Polygamy carried out without the legal wife's consent and without official registration

¹³ Finaul Asyura and Herawati, “Dampak Tekanan Psikologis Pada Keluarga Poligami Di Kabupaten Pidie,” *Journal of Healthcare Technology and Medicine* 8, no. 2 (2022): 2615–109, <http://jurnal.uui.ac.id/index.php/JHTM/article/view/2525>.

is widely interpreted as a betrayal of marital commitment and as reflecting a fundamental injustice in the husband-wife relationship. In communities where customary norms and religious values remain strong, such practices are typically conducted in secrecy to avoid social sanction. However, this secrecy itself tends to create conditions for broader conflict.

The social consequences extend beyond the couple and affect the entire family structure. The first wife is often the most affected party, both psychologically and financially. She experiences emotional distress rooted in feelings of betrayal, loss of trust, and diminished self-worth. Economically, having to support more than one household can reduce the financial well-being of the first family, especially when the husband's income is already limited. This is supported by Lahaling and Makkulawuzar (2021), who document that the impact of polygamy on wives includes psychological harm, economic neglect, and various forms of domestic violence¹⁴.

Children born from *siri* or unregistered marriage also face the risk of social stigma and legal uncertainty. Under Indonesian positive law, children from unregistered marriages have a legal relationship only with their mother, unless a court ruling formally recognizes the relationship with the biological father¹⁵. Muslim

¹⁴ Hijrah Lahaling and Kindom Makkulawuzar, "Dampak Pelaksanaan Perkawinan Poligami Terhadap Perempuan Dan Anak," *Al-Mujtahid: Journal of Islamic Family Law* 1, no. 2 (2021): 80, <https://doi.org/10.30984/jjfl.v1i2.1742>.

¹⁵ Samsul Arifin and Aly Maschan Moesa, "Tinjauan Yuridis Terhadap Status Anak Dari Nikah Siri Dalam Perspektif Hukum Islam Dan

and Kurniati (2024) stress that children from unregistered marriage face serious obstacles in obtaining legal identity, financial support, access to education, and inheritance rights, even though Constitutional Court Decision Number 46/PUU-VIII/2010 has opened the door to recognizing civil relationships with biological fathers¹⁶.

From the standpoint of Indonesian civil law, a *siri* or unregistered marriage carries no legal force. Under Law Number 1 of 1974, polygamy is only permitted when three conditions are met: (1) the court has granted permission; (2) the first wife has given written consent; and (3) the husband is materially and spiritually capable of supporting multiple families. Without official registration at the Office of Religious Affairs, a marriage has no legal standing, which in turn affects the fulfillment of civil rights, including rights to financial support, inheritance, and other legal protections.

In interviews about the husband's reasons for practicing unregistered polygamous marriage, one informant identified by the initials N.M. stated:

I chose to remarry for several reasons. One of them was an internal problem between me and my first wife — my feelings for her had faded because of ongoing conflict. So I eventually left the house and met my second wife in Bodi Village at a community

Hukum Positif Legal Review of The Status of Children from Siri Marriages from The Perspective of Islamic Law and Positive Law,” *Jurnal Hukum Lex Generalis* 6, no. 8 (2025): 1–13, <https://ojs.rewangrencang.com/index.php/JHLG/article/view/1656>.

¹⁶ Muslim and Herlina Kurniati, “Children’s Position as a Result of Sirri Marriage Under Islamic and Positive Law in Indonesia,” in *KnE Social Sciences*, vol. 2024, 2024, 384–99, <https://doi.org/10.18502/kss.v9i2.14997>.

event. After we had been in a relationship for some time, I decided to marry her through *siri* marriage. I did it of my own will, and also to avoid what people might say, since I was visiting her frequently. So we agreed to get married.

This statement suggests that the decision to enter an unregistered polygamous marriage was driven primarily by deteriorating marital relations. The erosion of affection and harmony in the first marriage became the main factor pushing the informant to seek a relationship outside it. However, the choice to marry without following legal procedure reflects a tendency to resolve domestic conflict through personal means rather than through available legal or mediation channels.

When asked about the impact of the unregistered marriage on his relationship with his first wife, N.M. responded:

It definitely had a big effect. My first wife was very disappointed and no longer trusts me. Since I remarried and left her, things between us have never improved. Honestly, I deeply regret it. I often try to visit her, but she avoids me and barely responds. My relationship with my children has also suffered, because my first wife may be discouraging them from seeing me, perhaps because of her disappointment.

The informant acknowledged that since contracting the second marriage, he has not lived with his first wife and their relationship has not recovered. He expressed regret over his decision and said he has made efforts to restore communication, but these have been unsuccessful as his first wife has chosen to keep her distance and does not respond to his attempts at contact.

When asked why he chose *siri* marriage over a formal one, N.M. explained:

Because if I had done it officially, my first wife definitely would not have given her consent. I was also afraid of being judged by people around me and by her family. On top of that, my second wife was pushing me to marry her. So I chose siri marriage to avoid the costs involved, and my second wife agreed to be married that way.

This admission is analytically significant. It reveals that the choice to pursue an unregistered marriage was not driven by ignorance of the formal legal process but by the deliberate circumvention of a legal safeguard — the first wife's right to consent — that Indonesian law specifically designed to protect women in polygamous arrangements. In this sense, the unregistered polygamous marriage in this case constitutes not merely a legal violation but what can be characterized as the weaponization of the siri marriage institution against the protective intent of the law itself. Husna et al. (2024) found similar patterns in their research, concluding that economic factors and fear of the first wife's refusal are the dominant reasons why men choose unregistered marriage over the formal legal process¹⁷.

Unregistered polygamous marriage is a complex phenomenon that continues to generate debate within society. On one hand, it is considered religiously valid because Islamic teaching does permit a man to have more than one wife under

¹⁷ Maratul Husna, Elimartati Elimartati, and Nofialdi Nofialdi, “Tinjauan Hukum Keluarga Islam Terhadap Problematika Poligami Siri Di Kabupaten Tanah Datar,” *Federalisme: Jurnal Kajian Hukum Dan Ilmu Komunikasi* 1, no. 3 (2024): 146–64, <https://doi.org/10.62383/federalisme.v1i3.66>.

specific conditions. On the other hand, it attracts significant criticism, particularly because it is seen as incompatible with the principles of justice, transparency, and legal protection for all parties involved.

The absence of official state registration leaves the legal status of the wife and children from a *siri* marriage without strong legal certainty, creating vulnerability to various forms of injustice in administrative, economic, and social terms. Community attitudes toward unregistered polygamous marriage therefore tend to be negative, particularly when it is practiced without adequate responsibility or is used to serve personal interests at the expense of the wife's and children's welfare and rights. This was reflected in interviews with community members, one of whom stated:

In my view, marriage should be conducted openly and legally, so that the status of those involved is clear. Polygamy is permitted in religion, but when it is done in secret through *siri* marriage, it is usually unfair. Many women and children end up as victims. Frankly, I disagree with such practices, especially when done in secret. It does not only harm the first wife — it also affects the children. And the neighbors are disturbed too, because of the arguments that inevitably arise, which become topics of conversation for people and family members alike.

This community member emphasized that marriage should be conducted openly and legally so that the couple's status is clearly recognized by both society and the law. While polygamy is permitted in Islam, practicing it in secret and without proper legal procedure tends to create injustice, especially for the women and children involved.

The same informant also noted that unregistered polygamous marriage harms not only the first wife, who may be unaware of or opposed to the second marriage, but also the children born from such a union. Furthermore, it can generate domestic conflict and disturb the broader community. Arguments arising from unregistered polygamous marriage arrangements frequently become subjects of community gossip and can trigger conflict within extended families. This perspective suggests that a segment of the Pombewe Village community holds a critical awareness of the negative consequences of unregistered polygamous marriage, particularly when it is carried out without transparency and without formal registration.

Unregistered polygamous marriage is therefore not only a formal legal problem but also a complex social issue, as it affects family stability, social relationships, and the futures of children born from such marriages. This underscores the urgency of a comprehensive approach that combines stronger regulation with greater public legal awareness.

The researcher also asked community members how much they knew about the number of individuals practicing unregistered polygamous marriage within their personal networks. One respondent replied:

I myself don't know for certain who in this village is practicing siri polygamy. People here are generally open about marriages, especially when the extended family is involved. But siri marriages are very private matters. Even if they happen, most people probably wouldn't know about it.

This response confirms that unregistered polygamous marriage is perceived as a private and secretive practice, making it difficult to identify with any certainty at the community level. While the Pombewe Village community is generally open about formally conducted marriages involving the extended family, unregistered marriages tend to be kept hidden and not made public. Even where such practices are suspected, community members lack reliable information or clear evidence of their occurrence.

From an Islamic perspective, marriage is understood as both an act of worship and a form of human interaction aimed at building a family grounded in *sakinah* (tranquility), *mawaddah* (affection), and *rahmah* (compassion). Islam permits polygamy in principle, but this permission is bound by strict conditions. Hikmah and Muhasim (2025) explain that from the perspective of *maqasid al-syariah*, polygamy can only be justified when it brings genuine benefit (*maslahah*), not merely to satisfy personal desires¹⁸.

This requirement is firmly grounded in the Quran, particularly in Surah An-Nisa (4:3), which establishes justice as the fundamental condition for polygamy. The verse explicitly states that if a man cannot act justly, he should marry only one wife. Polygamy in Islam is therefore not an unconditional right but a practice that must be accompanied by responsibility and the

¹⁸ Hikmah and Muhasim, “Aspek Maslahah Dalam Praktik Poligami Perspektif Maqasid Al-Syari’ah Dan Regulasi Hukum Keluarga Islam Di Indonesia.”

genuine capacity to treat all wives fairly, in both material and emotional terms.

A socio-juridical analysis of unregistered polygamous marriage in Pombewe Village reveals a clear dualism between the formal legal framework of the state and the socio-religious norms held within the community. Under Indonesian positive law, polygamy carried out without Religious Court approval and without formal registration at the Office of Religious Affairs has no legal force and receives no state recognition. Yet it is still considered socially and religiously valid by those involved, since the essential conditions of marriage — such as the pronouncement of the marriage contract (*ijab kabul*), the presence of a guardian (*wali*), and the presence of witnesses — have been fulfilled. Setia Budi and Miharja (2022) note that this dualism creates a gap that is continually exploited by some members of society to practice polygamy without facing formal legal consequences¹⁹.

The research also found that there is still limited public understanding of the legal status of unregistered polygamous marriage. Many community members are unaware that although such marriages are considered religiously valid, they carry no formal legal recognition, which significantly weakens the legal protection available to those involved. Even among those who are

¹⁹ Budi and Miharja, “Akibat Hukum Poligami Yang Dilakukan Dengan Nikah Siri Dalam Perspektif Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Sebagaimana Diubah Dengan Undang-Undang Nomor 16 Tahun 2019 (Studi Kasus Putusan Nomor 1548/Pdt.G/2019/PA.JB).”

aware of this, the issue is often not treated with urgency. A general indifference and low awareness of the legal and social consequences of unregistered marriage contribute to the continuation of the practice, without any meaningful effort to formalize it through the legal system.

Economic factors are among the primary drivers behind the decision not to register *siri* marriages formally in Pombewe Village. The administrative process is perceived as complicated and relatively costly, which becomes the main justification for avoiding formal registration. Meanwhile, the second wife, who typically has limited understanding of the legal consequences of an unregistered marriage, tends to accept it as an accessible way to gain social recognition and relationship status. This finding is consistent with Husna et al. (2024), who identify economic limitations and restricted access to legal information as the leading factors behind the choice of *siri* marriage over a formally registered one²⁰.

Unregistered polygamous marriage carried out without the first wife's knowledge has the potential to generate serious internal conflict within the household. Such conduct may be characterized as a form of psychological harm or neglect, both of which fall under the category of domestic violence as defined in Law Number 23 of 2004 on the Elimination of Domestic Violence. Article 5 of that law explicitly states that every person

²⁰ Husna, Elimartati, and Nofaldi, "Tinjauan Hukum Keluarga Islam Terhadap Problematika Poligami Siri Di Kabupaten Tanah Datar."

is prohibited from committing domestic violence in the form of physical, psychological, or sexual violence, or household neglect.

From a legal perspective, one of the most significant consequences of unregistered polygamous marriage is the absence of legal standing for the marriage. When a marriage is not registered at the Office of Religious Affairs, the legal relationship between husband and wife receives no state recognition in administrative terms. As a result, the woman in such a marriage has no legal standing as a wife under civil law. This produces a range of legal consequences, including:

1. No legal guarantee of the husband's obligation to provide financial support.
2. Weakened legal protection in cases of domestic violence or divorce.
3. No recognition of rights to shared marital property (*gono-gini*).
4. No certainty of inheritance rights if the husband dies without a will.
5. Problems relating to the legal identity and status of children, affecting their citizenship documentation, access to education, and healthcare services.

The lack of marriage registration also means the second wife has no strong legal basis on which to file a claim if her husband neglects his obligations. Under positive law, this weak administrative status directly limits her access to legal protection mechanisms. Furthermore, children born from *siri* marriages

must undergo a court validation process before they can be legally recognized as legitimate children. This process is relatively lengthy and requires specific administrative documentation, which in practice is not always easily obtained, particularly in rural areas with limited access to administrative services and legal information.

From both a legal and social perspective, the practice of unregistered polygamous marriage carries serious consequences. Legally, it results in the loss of certainty and protection of the rights of wives and children, as well as restricted access to justice. Socially, it can lead to the neglect of women, gender inequality, social stigma for children, and the reinforcement of patriarchal structures that tend to be discriminatory toward women. Muslim and Kurniati (2024) emphasize that children from *siri* marriages face serious administrative and social obstacles, from difficulties in obtaining birth certificates to barriers in accessing inheritance rights and education²¹.

This situation calls for comprehensive collaboration among the government, religious leaders, community figures, and educational institutions to strengthen public legal awareness. Inclusive and context-sensitive legal outreach efforts — ones that take local values into account — need to be expanded so that communities understand that the legality of marriage is not only a religious matter but also carries urgent importance within the

²¹ Muslim and Kurniati, “Children’s Position as a Result of *Sirri* Marriage Under Islamic and Positive Law in Indonesia.”

formal legal framework, in order to ensure the protection and legal certainty of all family members.

C. CONSLUSION

This study concludes that unregistered polygamous marriage (nikah siri) in Pombewe Village is not a product of legal ignorance but a deliberate circumvention of formal legal safeguards — most evidently demonstrated by the husband's own acknowledgment that he chose siri marriage to avoid obtaining his first wife's consent, as required by Indonesian marriage law. This finding reframes the problem from one of legal unawareness to one of structural incentive: the costs of non-registration fall entirely on women and children, while the husband bears no meaningful legal consequence.

Sociologically, unregistered polygamous marriage produces a range of harmful consequences. These include psychological distress for the first wife, an unclear social and legal standing for the second wife, and potential administrative difficulties as well as social stigma for the children born from such a marriage. In addition, the internal family conflict generated by this practice has the potential to spill over into broader social tensions within the community.

From a legal standpoint, the research findings show that although unregistered polygamous marriage are regarded as valid under Islamic teaching, they receive no recognition under Indonesian positive law. This is because they do not fulfill the formal registration requirements or the court authorization

conditions prescribed by Law Number 1 of 1974 on Marriage and the Compilation of Islamic Law. The absence of legal recognition creates serious uncertainty regarding the rights of wives and children, including rights to financial support, inheritance, shared marital property, and the legal identity and civil status of children.

From a socio-juridical perspective, this situation reflects a fundamental disharmony between formal legal norms and the social and religious norms that continue to live and develop within the community. Addressing this requires coordinated efforts among the government, religious leaders, community figures, and educational institutions to strengthen public legal awareness. Such efforts are essential to affirm the importance of formal marriage registration as the primary means of guaranteeing the legal and social protection of all family members.

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