

THE DYNAMICS OF LEGAL PROTECTION IN INDONESIA AGAINST THE ROLE OF THE SECOND WIFE



Suharti¹ , Suci Ramadhani Putri² , Nizamudin³ , Baiq Ratna Mulhimmah⁴ 

*Correspondence :

Email :
240702001.mhs@uinmataram.ac.id

Affiliation:

¹ Universitas Islam Negeri
Mataram, Indonesia

² Universitas Islam Negeri
Mataram, Indonesia

³ Universitas Islam Negeri
Mataram, Indonesia

⁴ Universitas Islam Negeri
Mataram, Indonesia

Article History :

Submission : December 12,
2024

Revised : April 30, 2025

Accepted : June 12, 2025

Published : June 24, 2025

Keyword : Legal
Protection, Second Wife,
Polygamy

Abstract

This article aims to comprehensively examine polygamy from various perspectives, with a particular focus on the legal protection afforded to second wives within polygamous practices in Indonesia. It explores the complex dynamics experienced by women who occupy the position of a second wife, including their roles, rights, and social perceptions. Furthermore, this study seeks to deconstruct the existence and identity of women in polygamous marriages by critically assessing the challenges they face and the efforts made to safeguard their legal and social well-being. Employing a qualitative research approach, this study utilizes Simone de Beauvoir's existentialist feminism theory as an analytical framework to understand how women's roles in polygamy are constructed and contested within patriarchal legal and social systems. The findings reveal that, although polygamy is permitted under Indonesian law, its practical implementation often leads to various injustices, particularly in the form of legal uncertainty and limited protection for second wives. These women frequently encounter stereotyping, social stigma, discrimination, and even the threat of criminal consequences when the polygamous marriage is carried out without the consent of the first wife. This article advocates for the reconstruction of the identity and social role of second wives, emphasizing the need for comprehensive legal reforms, increased public awareness, and the promotion of marriage registration to ensure the fulfillment of women's rights and the creation of a more equitable marital framework in polygamous settings.

Abstrak

Artikel ini bertujuan untuk mengkaji praktik poligami dari berbagai perspektif, dengan fokus utama pada perlindungan hukum terhadap istri kedua dalam praktik poligami di Indonesia. Kajian ini mengeksplorasi dinamika kompleks yang dialami perempuan yang menjadi istri kedua, termasuk peran, hak, serta persepsi sosial terhadap mereka. Selain itu, penelitian ini juga berupaya mendekonstruksi eksistensi dan identitas perempuan dalam pernikahan poligami dengan menelaah tantangan yang mereka hadapi serta upaya-upaya yang dilakukan untuk melindungi kesejahteraan hukum dan sosial mereka. Penelitian ini menggunakan pendekatan kualitatif dan memanfaatkan teori feminisme eksistensialis dari Simone de Beauvoir sebagai kerangka analisis untuk memahami bagaimana peran perempuan dalam poligami dikonstruksi dan dipertentangkan dalam sistem hukum dan sosial yang patriarkal. Temuan penelitian menunjukkan bahwa meskipun poligami dibolehkan secara hukum di Indonesia, implementasinya di lapangan sering kali menimbulkan berbagai bentuk ketidakadilan, khususnya dalam hal ketidakpastian hukum dan minimnya perlindungan bagi istri kedua. Para istri kedua kerap menghadapi stereotip, stigma sosial, diskriminasi, bahkan ancaman sanksi pidana jika pernikahan dilakukan tanpa persetujuan istri pertama. Artikel ini mendorong rekonstruksi identitas dan peran sosial istri kedua dengan menekankan pentingnya reformasi hukum secara menyeluruh, peningkatan kesadaran publik, serta promosi pencatatan pernikahan untuk menjamin pemenuhan hak-hak perempuan dan menciptakan kerangka pernikahan yang lebih adil dalam konteks poligami.

INTRDUCTION

Legal protection for second wives in polygamous marriages in Indonesia has been regulated through Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law (Kompilasi Hukum Islam), which prioritizes the principles of justice and the consent of the first wife as the main requirements for polygamy.¹ However, the implementation in the field often faces various polemics. Although the Marriage Law and KHI have provided a clear legal basis, the implementation and supervision of polygamy in Indonesia still faces challenges. Being a second wife in Indonesian society, especially in the context of polygamy, creates complex and often problematic dynamics.² The many stereotypes, risks of discrimination, and legal challenges that accompany the role of a second wife make this topic relevant to analyze from a legal, social, and religious perspective.³ In Indonesia, polygamy is allowed in Islamic law and regulated in Law No. 1/1974 on Marriage, but only if it meets certain conditions, including the consent of the first wife.⁴ Without adherence to legal procedures, a man who polygamizes without the consent of the first wife may face criminal charges and risk the legal status of the second wife if the marriage is not recorded by the State.

This issue has previously been studied by several researchers, including: First, an article by Misbahul Munir Makka and Tuti Fairiati Ratundelang related to polygamy without the permission of the first wife and its impact on the family. This study aims to determine the impact of polygamous marriage without the wife's permission and its impact on the family that occurs in Mahawu Village, Tuminting Subdistrict, Manado City.⁵ Second, Zainul Fitriyyah and Ahmad Mujab Masykur related to the joys and sorrows of being the second (qualitative study of the phenomenology of marital satisfaction in women who become second wives in polygamous marriages). This study focuses on the dynamics of the subject's life being a second wife in a polygamous marriage.⁶ Third, Muhammad Qasim Butt and Sultan Shah on Islamic viewpoint on surrogacy with the second wife. This study highlights the Islamic viewpoint on the possibility of surrogacy as a second wife.⁷ The research that the researcher conducted is different from the research by the previous 3 (three) researchers, this study aims to examine the dynamics of legal protection against second wives. Although the dynamics of polygamy law continue to develop, colored by various views of male and female scholars, both those who fully allow, allow with

¹ T. D. Wirastris and S. C. van Huis, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): 246–68.

² Yenny Febrianty et al., "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 14, 2025): 15, <https://doi.org/10.29300/mzn.v12i1.6930>.

³ M. Sholihin and Koentjoro, "Marital Satisfaction of Second Wives Undergoing Siri Polygamy among Orkng Kknkk," *Indigenous: Jurnal Ilmiah Psikologi* 8, no. 3 (November 30, 2023): 325–36, <https://doi.org/10.23917/indigenous.v8i3.2222>.

⁴ Suud Sarim Karimullah, "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, no. 1 (June 17, 2024): 38–53, <https://doi.org/10.35719/ijlil.v6i1.354>.

⁵ Misbahul Munir Makka and Tuti Fajriati Ratundelang, "Poligami Tanpa Izin Istri Pertama Dan Dampaknya Terhadap Keluarga," *Journal of Islamic Family Law* 2, no. 1 (2022): 34–51, <http://journal.iain-manado.ac.id/index.php/almujtahid>.

⁶ Zainul Fitriyyah et al., "Suka Dan Duka Menjadi Yang Kedua (Studi Kualitatif Fenomenologi Kepuasan Pernikahan Pada Perempuan Yang Menjadi Istri Kedua Dalam Pernikahan Poligami)," *Jurnal Empati* 9, no. 3 (2023): 249–55.

⁷ Ita Masithoh Alhumaedah, Muhammad Romli, and Ita Masithoh Alhumaedah, "Hukum Poligami; Studi Analisa Pemikiran Siti Musdah Mulia," n.d.

conditions, to those who prohibit absolutely. The researcher in writing this article rests on the understanding that polygamy is permitted and protected by Islam as well as the legal system in Indonesia.

Women who choose to become second wives often have to be prepared to face discrimination and stereotyping, not only from the first wife but also from the broader society, including from fellow women. This choice—often driven by social, emotional, or economic factors—rarely finds a fair place within the existing legal and social structures. In many cases, women who become second wives do not receive the consent of the first wife, which is a formal requirement under Indonesia's legal system for polygamous marriages to be legally registered. As a result, many of them enter into “underhand” or unregistered marriages (*nikah siri*), which are not officially recorded by the state. Such marriages lead to serious legal consequences, particularly concerning the protection of the rights of the second wife and her children. Without official registration, second wives are often excluded from legal entitlements such as financial support, inheritance rights, and legal recognition of their children. In a patriarchal society, the presence of a second wife is often viewed as a threat to the stability of existing marriages, and she is positioned as the antagonist or homewrecker. In reality, many second wives have limited agency in the decision to enter a polygamous marriage, often becoming passive subjects of unilateral decisions made by their husbands without equitable negotiation.

This article aims to examine polygamous practices from various perspectives, particularly focusing on the legal protection of second wives in Indonesia and the social dynamics surrounding their roles. It explores how legal systems, cultural norms, and social structures interact to shape women's experiences within polygamous marriages. Going beyond normative analysis, this article seeks to deconstruct the existence of women in marriage—especially in polygamous settings—through the lens of existentialist feminism as proposed by Simone de Beauvoir. This theoretical approach enables a critical understanding of how women are placed in subordinate roles and how they might reclaim autonomy and identity within unequal marital relations. One of the main focuses of this article is to uncover the real challenges faced by women as second wives, such as social pressure, lack of legal protection, economic marginalization, and the vulnerability of children born from unrecognized marriages. In this context, protection efforts may include legal education, increasing public awareness about women's rights in marriage, promoting official marriage registration, and advocating for legal reform oriented toward gender justice. Thus, this article is not only descriptive but also offers a transformative approach to understanding and addressing the realities faced by second wives in the practice of polygamy.

METHODS

This type of research is qualitative research. This research emphasizes the search for meaning, understanding, concepts, characteristics, symptoms, symbols, descriptions of a phenomenon, is natural and holistic, prioritizing quality which is ultimately presented in narrative form.⁸ This research uses a normative juridical approach, namely researchers examining library materials, both primary and secondary to further search for regulations relevant to this research.⁹ Furthermore, this research focuses on using the theory of

⁸ A. Muri Yusuf, *Metode Penelitian Kualitatif, Kualitatif Dan Penelitian Gabungan* (Jakarta: Prenada Media Grup, 2014).

⁹ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)*, ed. Elan Jaelani (Bandung: Widina Media Utama, 2023).

existentialist feminism by Simone de Beauvoir to analyze the dynamics of legal protection in Indonesia against women or second wives.

The primary data sources of this research are the Qur'an, Hadith and Ijtihad on polygamy and protection and justice for women. Other literature includes: Law Number 1 of 1974 concerning Marriage jo. Law Number 16 of 2019 and the Compilation of Islamic Law. The secondary sources of this research are books and works from Ulama and Islamic thinkers who study polygamy and justice for women as well as journals or research relevant to the topics discussed in this study. This research data material was collected using the documentation technique.

RESULT AND DISCUSSION

Polygamy in Various Perspectives

Polygamy comes from the Greek language, where "poly" or "polus" means many, and "gamein" or "gamos" means mating or marriage.¹⁰ With this understanding, we can say that polygamy is a type of marriage where a person has multiple partners and is not limited to their number.¹¹ Historically, the phenomenon of polygamy dates back to pre-Islamic times.¹² Before the prophet, tribal leaders had the custom of having more than one wife, on average hundreds of wives.¹³ In other words, polygamy before Islam had no limitations, not even the consideration of the requirements for the administration of justice.¹⁴ However, when Islam came, the customs of the community were not completely abolished, Islam only limited those who wanted to marry more than one wife and imposed strict requirements on men who wanted polygamy.¹⁵ It can be concluded that polygamy is not a legacy of Islam, but a custom that developed over a long period of time before the teachings of Islam were revealed.

In the view of the four main mazhab of thought of Islam (Hanafi, Maliki, Shafi'i, and Hambali), polygamy is allowed but under certain conditions, especially regarding the justice that must be upheld by the husband between his wives.¹⁶ Polygamy is not a necessity, but it is allowed for certain purposes, such as multiplying offspring and maintaining family welfare.¹⁷ According to the Hanafi mazhab, polygamy is permitted on

¹⁰ Muhammad Dzakwan Ma, Muhammad Akmal Inayatur Rahman, and Muhammad Fickriansya Alfari, "Polygamy in Islamic Point of View," *Jurnal Religion: Jurnal Agama, Sosial, Dan Budaya* 1, no. 6 (2023), <https://maryamsejahtera.com/index.php/Religion/index>.

¹¹ Muhammad Alfian and Muhammad Roy Purwanto, "Critical Analysis of Orientalist Understanding of Polygamy Sharia," *International Journal of Science and Society*, vol. 6, 2024, <http://ijsoc.goacademica.com>.

¹² Hervin Yoki Pradikta, "The Point of Views of Indonesian Mufassir (M. Quraish Shihab and Hamka) on Polygamy and Its Relevance to Legislation in Indonesia," *KnE Social Sciences*, January 11, 2024, <https://doi.org/10.18502/kss.v9i2.14991>.

¹³ Izomiddin, *Pemikiran Dan Filsafat Hukum Islam* (Jakarta: Kencana, 2018).

¹⁴ Sugianto Sugianto, Abdurrohman Abdurrohman, and Oriza Aditya, "Legal Reconstruction and Polygamy Problems in Sharia Maqashid and Positive Law Perspectives," *Journal of Social Science* 3, no. 5 (September 21, 2022): 1046–55, <https://doi.org/10.46799/jss.v3i5.411>.

¹⁵ Muhammad Ajib Abd Razak, Intan Hashimah Mohd Hashim, and Syazwani Drani, "How Do First Wives View Polygamy in Terms of Adaptation and Family Cohesiveness?," *International Journal of Academic Research in Business and Social Sciences* 12, no. 1 (January 18, 2022), <https://doi.org/10.6007/ijarbss/v12-i1/12170>.

¹⁶ Vivi Ariyanti et al., "The Dynamics of Polygamy and Divorce in Muslim Countries History of Author Abstract," vol. 2, 2023.

¹⁷ Dri Santoso and Muhamad Nasrudin, "Polygamy in Indonesia and Its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy," *AKADEMIKA*:

the condition that the husband can fulfill the rights of his wives fairly in terms of material needs, such as housing and maintenance.¹⁸ This mazhab emphasizes justice as an important requirement, but the husband cannot be completely just in feelings or love, which are excluded from the requirement of justice. The Maliki mazhab has a similar view to the Hanafi mazhab. A husband is allowed to be polygamous as long as he can be materially just. However, if the wife is dissatisfied or there is conflict, this mazhab of thought allows the wife to file for divorce as a result of perceived injustice in polygamy.¹⁹

The Shafi'i mazhab also allows polygamy but with strict restrictions regarding justice in the material and physical needs of the wife. If the husband cannot fulfill the requirements of justice in basic needs, this mazhab of thought advises against polygamy or even allows the wife to ask for a divorce. Finally, the Hambali mazhab, like the other mazhabs, emphasizes the requirement of fairness in polygamy and recommends that a husband should only be polygamous if he is confident that he can meet the needs of his wives fairly.²⁰ Inability to be fair can be a reason for the wife to sue for divorce. In general, all four mazhabs of thought emphasize that polygamy is permissible under the main condition of justice, especially in terms of material needs, but excluding emotional justice. If these conditions cannot be met, a husband is advised to marry only one wife.

The Qur'anic verse that talks about polygamy is Qs. An – Nisa [4]: 3. This verse indicates the permissibility of polygamy, or the marriage of more than one woman at the same time, under certain conditions, namely justice. If one is afraid of not being able to do justice, then it is enough to marry one woman. In understanding Qs. An – Nisa [4]: 3 the scholars are divided into 2 (two) groups. The pro group or the group that allows polygamy, either fully or partially. There is also a counter group or a group that does not allow polygamy, either fully or partially. This is due to differences in understanding and point of view used.

Siti Musdah Mulia emphasized that Qs. An – Nisa [4]:3 cannot be used as justification for allowing polygamy, it is even very wrong, considering that the verse was revealed not in the context of discussing polygamy, but in the context of discussing orphans and the unfair treatment they received.²¹ Musdah asserts that Qs. An – Nisa [4]: 3, which is often used to explain that the law of polygamy cannot be inferred independently, as it may lead to misunderstanding. However, to fully understand the content of this verse, it must be combined with the two previous verses (verses 1 and 2) and verse 129, because these verses are always related to each other. In addition, according to Musdah, marriage is to create a *sakinah* family environment, which is far from acts of domination, discrimination and exploitation. In this case, based on the words of Allah SWT in Qs. An – Nisa [4]:129, that the husband will not be able to be fair with

Jurnal Pemikiran Islam 26, no. 1 (June 30, 2021): 121, <https://doi.org/10.32332/akademika.v26i1.2406>.

¹⁸ Ahmad Hidir Adib, Moch Said Ahmad, and Narse Nur Afida, "Monogamy As The Substance of Pre – Nuptial Agreement: A Cross – Mazhab Comparative Study," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 15, no. 2 (December 2024), <https://journal.iainkudus.ac.id/index.php/Yudisia/index>.

¹⁹ Mughni Labib Ilhamuddin Is Ashidiqie, "Poligami Dalam Tinjauan Syariat Dan Realitas," *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 2, no. 2 (2021): 199 – 218, <https://doi.org/10.15575/as.v2i2.14332>.

²⁰ Ahmad Briyan Pratama et al., "Dinamika Pertumbuhan Fiqih Masa Imam Madzab Serta Implikasinya Terhadap Penyelesaian Isu Poligami," *Jurnal Kajian Islam Dan Sosial Keagamaan* 2, no. 2 (2024): 368 – 75, <https://jurnal.ittc.web.id/index.php/jkis/index>.

²¹ Siti Musdah Mulia, *Islam Menggugat Poligami*, 2nd ed. (Jakarta: PT Gramedia Pustaka Utama, 2007).

his wives, so the opportunity to do polygamy will be completely closed. Because justice is a condition of the permissibility of polygamy and people must be careful.

Musdah also emphasized that polygamy degrades the dignity of women and presents fundamental social problems, namely physical and non – physical violence. Musdah wants to abolish polygamy and slavery from people's lives, because both are contrary to human values and the spirit of Islamic teachings that make humans noble creatures and dignity.²² Musdah uses a gender approach, which is a perspective that places men and women as equal individuals before God, with the same human duties and rights.

In Tafsir al – Mishbah, Prof. Quraish Shihab interprets Qs. An – Nisa [4]: 3 by relating it to the context of the previous Qur'anic verses.²³ Quraish Shihab explains that this verse prohibits unfair treatment of orphans, given the previous prohibition against taking unfair advantage of orphans' property.²⁴ This verse emphasizes that it is not permissible to do injustice to them. When Prof. Shihab explains the phrase "Marry two, three, or four", he emphasizes that this verse does not actually provide rules on polygamy. This verse neither obliges nor advocates the practice of polygamy.²⁵ What it does describe is the possibility of marrying more than one wife, but under strict conditions and only in cases of extreme need. The main point is that polygamy is neither an obligation nor a recommendation, but rather an option that can only be taken under conditions that are difficult to fulfill.²⁶ Therefore, Quraish Shihab emphasizes that the essence of the verse is about justice and fairness in the treatment of orphans. Quraish Shihab also emphasizes that the verse does not encourage or justify indiscriminate polygamy.

The overview of polygamy provisions in several Muslim countries in the world also has a diverse attitude.²⁷ Some Muslim countries in the world that allow polygamy with conditions other than Indonesia are Pakistan, Egypt, and Jordan. Pakistan has strict marriage laws. Polygamy without the approval of the Arbitration Council is illegal. As many Pakistani women activists consider polygamy to be discrimination against women's rights, the harshness of the marriage rules especially with regard to polygamy is because they believe that men are more likely to ignore the rights of the first wife after remarrying. With Amendment Law No.100 of 1985, Egypt allowed polygamy. This amendment stipulates that polygamy can be grounds for divorce for the wife if polygamy causes problems with finances, regardless of whether it is listed in the ta'lik talak or not. In addition, the Court must notify the wife or their wives of the polygamy plan. In Jordan, the marriage law (The Code of Personal Status 1976) prohibits husbands who have more than one wife from living together in one house.

²² Devi Kasumawati and Uin Sultan Aji Muhammad Idris Samarinda, "KEBIJAKAN HUKUM PERKAWINAN POLIGAMI DALAM PEMENUHAN HAK ISTRI KEDUA BERDASARKAN SISTEM PERADILAN DI INDONESIA (Studi Komparasi Fiqih Munakahat Dan SEMA No 2 Tahun 2019)," *Tahun 2019) Mitsaq: Islamic Family Law Journal*, vol. 3, 2025, www.badilag.net,.

²³ Riyandi S, "Implikasi Poligami Dalam Interpretasi Al – Qur'an: Pandangan Ulama, Tafsir Kontemporer, Dan Perspektif Kementerian Agama RI," *AMEENA Journal* 1, no. 3 (2023): 254.

²⁴ Ali Yasmanto, "Keadilan Dalam Poligami: Studi Pemikiran Fazlur Rahman M. Quraish Shihab," *Journal of Islamic Law and Family Studies*, no. 1 (2021): 35–46.

²⁵ Adriana Mustafa and Arwini Bahram, "Relasi Gender Dalam Pernikahan Keturunan Sayyid Di Desa Cikoang Kabupaten Takalar; Studi Kasus Perbandingan Hukum Islam Dan Hukum Adat," *Mazahibuna*, December 23, 2020, 241 – 54, <https://doi.org/10.24252/mh.v2i2.18137>.

²⁶ Ali Yasmanto, "Keadilan Dalam Poligami: Studi Pemikiran Fazlur Rahman M. Quraish Shihab."

²⁷ Bian Ambarayadi and Andi Molawaliada Patodongi, "Keluarga Poligami Dalam Negara – Negara Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024), <https://doi.org/10.47476/assyari.v6i2.6663>.

The two Muslim countries in the world that prohibit polygamy are Turkey and Tunisia.²⁸ The prohibition of polygamy for Turkish citizens is found in the Turkish Family Law of Cyprus 1951. Among the reasons for the prohibition of polygamy in Turkey is due to the reinterpretation of the shari'ah text. This prohibition purely fulfills social and economic needs without basing it on the reasoning of the madhhab regarding the prohibition of polygamy which is based on a new interpretation of Q.S. An – Nisa' [4]:3, because the justice required for the permissibility of polygamy is not only in terms of maintenance, but also includes a sense of love that is impossible for humans to fulfill.

Tunisia is considered one of the most successful countries to abolish even criminal penalties against polygamists, along with Turkey. Article 18 of Majallah al – Ahwal al – Syakhsyah (Personal Status) No. 66 of 1956 further regulates the rules of polygamy in Tunisia.²⁹ According to this rule, if a Tunisian citizen engages in polygamy while the first marriage is still ongoing, he or she will be subject to a fine of 240,000 malims, or may also be subject to imprisonment.

Overview of Legal Protection for Second Wives

In the Indonesian legal system, there are various regulations governing marriage, including polygamous marriage.³⁰ Legal protection for second wives in polygamous marriages in Indonesia is regulated primarily through Law Number 1 of 1974 concerning Marriage (Marriage Law) which was later renewed through Law Number 16 of 2019, as well as in Islamic law which is the main reference for Muslims in Indonesia.

Although the Marriage Law and KHI provide a clear legal basis, the implementation and supervision of polygamy in Indonesia still faces challenges. Many polygamous marriages are conducted without a legal process, or are conducted siri (unrecorded), so that the second wife often loses her rights in the event of divorce or death of the husband.³¹ In these cases, the second wife does not receive proper legal protection and often does not have legal inheritance rights.

Law No. 1/1974 regulates the legal marriage, including polygamy, in Indonesia. Polygamy is allowed, but only under strict conditions aimed at protecting the rights of the wives and children in the marriage. Polygamy according to Article 3 Paragraph (2) of the Marriage Law can only be carried out if special reasons are met, and polygamy is only allowed if the husband obtains permission from the Religious Court.

The Compilation of Islamic Law stipulates the requirement of justice as the main element in polygamy. Article 57 of the KHI stipulates that husbands who wish to engage in polygamy must swear before the Religious Court to be able to do justice. Article 56 KHI also stipulates that justice in polygamy means providing alimony, housing and

²⁸ Yasrianto and Gempa Maulana, "Upaya Pencegahan Poligami Di Negara Muslim (Tunisia, Pakistan, Malaysia, Iran, Dan Indonesia)," *QIYAS: Jurnal Hukum Islam Dan Peradilan*, 2024.

²⁹ Mhd Yadi Harahap, Ramadhan Syahmedi, and Zaiunudin, "Konsekuensi Hukum Poligami Di Indonesia Dan Tunisia: Perspektif Teori Kepastian Hukum Dan Masalah Mursalah," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam*, 2022, <https://doi.org/10.30868/am.v10i01.2770>.

³⁰ Muhammad Nur and Dhiauddin Tanjung, "Contextualization of Polygamy Law; Justification of Islamic Legal Principles against Positive Regulations in Indonesia," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 2 (July 31, 2024): 273–87, <https://doi.org/10.32505/jurisprudensi.v16i2.8108>.

³¹ Dri Santoso and Muhamad Nasrudin, "POLYGAMY IN INDONESIA AND ITS RELEVANCE TO THE PROTECTION OF WOMEN AND CHILDREN IN THE PERSPECTIVE OF ISLAMIC LAW PHILOSOPHY," *AKADEMIKA: Jurnal Pemikiran Islam* 26, no. 1 (June 30, 2021): 121, <https://doi.org/10.32332/akademika.v26i1.2406>.

maintenance to all wives equally.³² In the context of Islamic law, this includes the wife's right to have her own place of residence and to receive no less maintenance than that given to the first wife. If the husband in a polygamous marriage does not act fairly or violates the agreement that has been mutually agreed upon, the second wife has the right to file a lawsuit with the Religious Court. Article 76 of the KHI regulates the wife's right to file for divorce if the husband does not carry out his obligations in fulfilling the wife's rights, including in terms of injustice or neglect of maintenance.

Article 4 Paragraph (1) of the Marriage Law states that a husband must apply to the court to remarry. Valid reasons for filing such a petition include: 1) The wife is unable to fulfill her obligations as a wife; 2) The wife suffers from an incurable disability or illness; 3) The wife is unable to bear offspring. Article 5 of the Marriage Law stipulates that the Religious Court will only grant permission for polygamy if the first wife gives consent. In addition, the prospective second wife must know the status of the prospective husband as the husband of the first wife, so that there is no element of fraud or falsification of information.³³ In the context of Islamic law in Indonesia, the main basis for polygamy is taken from Qs. An – Nisa [4]: 3 in the Qur'an, which allows a husband to marry up to four wives, but on the condition that he can be fair to his wives.³⁴ This is then reinforced by the Compilation of Islamic Law (KHI) implemented by Religious Courts in Indonesia, which contains regulations on marriage, including polygamy, divorce, and inheritance in Islamic law.

Based on Article 31 and Article 34 of the Marriage Law, the second wife has the same rights as the first wife in obtaining physical and mental maintenance. This right includes: 1) The right to receive maintenance from the husband (nafkah); 2) The right to be treated fairly according to the conditions mentioned in the Qur'an; 3) The right to inheritance in the event of divorce or death of the husband. In accordance with Article 42 of the Marriage Law, children born in a polygamous marriage, whether from the first wife or the second wife, are considered legitimate children who have the same rights. The inheritance rights of these children are regulated in KHI Article 176, which guarantees equal rights for children of all legal wives.³⁵ The division of inheritance is regulated in KHI Articles 176 – 193. The second wife, like the first wife, has the same inheritance rights, the amount of which is adjusted to the number of other heirs, including the first wife and children born from each wife.

³² Muhammad Nur and Dhiauddin Tanjung, "Contextualization of Polygamy Law; Justification of Islamic Legal Principles against Positive Regulations in Indonesia," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 2 (July 31, 2024): 273–87, <https://doi.org/10.32505/jurisprudensi.v16i2.8108>.

³³ Abdul Aziz, "CHARACTERISTICS OF THE COMPILATION OF ISLAMIC LAW IN INDONESIA: A STUDY OF MARRIAGE LAW FROM THE PERSPECTIVE OF POLITICAL LAW," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024), <https://doi.org/10.58812/eslhr.v1.i03>.

³⁴ Hotnidah Nasution and Ahmad Rifqi Muchtar, "Negotiating Islamic Law: The Practice of Inheritance Distribution in Polygamous Marriages in Indonesian Islamic Courts," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (March 14, 2024): 125–44, <https://doi.org/10.24090/mnh.v18i1.10921>.

³⁵ Inas Zulfa Sulasno and Eman Suparman, "JURIDICAL REVIEW OF THE STATUS OF CHILDREN OF POLYGAMOUS MARRIAGES NOT APPROVED BY THE FIRST WIFE UNDER ISLAMIC LAW AND INDONESIAN LEGISLATION," *EDUNITY* 2, no. 7 (2023), <https://edunity.publikasikupublisher.comhttps://edunity.publikasikupublisher.com/index.php/Edunity/index>.

Dynamics of the Second Wife's Role

The dynamics of being a second wife in a polygamous marriage in Indonesia include complex emotional, social and legal challenges. (Marzuki, 2005) Polygamy often involves an emotional imbalance between the wives, especially in relation to jealousy and unfairness in attention or financial support from the husband. In some cases, the second wife feels marginalized or has an inferior position to the first wife.

1. Stereotypes and Discrimination against Second Wives

In Indonesian society, second wives often face negative stereotypes and stigma. Second wives are often perceived as household "wreckers" or "bullies" who caused a rift in the previous marital relationship. This view is common in societies that still consider monogamy as the ideal form of marriage. As a result, second wives often experience psychological and social pressures that impact on their daily lives.

These stereotypes are also exacerbated by the media and popular culture, which often portray second wives as scheming or immoral. This creates a stigma that is difficult to break, which in turn has the potential to lead to discrimination. This discrimination can come from various parties, including the husband's extended family, social circles, and even from the first wife. In some cases, second wives do not receive equal treatment in terms of attention, maintenance, and extended family recognition.

From a legal perspective, the second wife should have the same rights as the first wife, such as the right to maintenance, protection and recognition as part of the legal family. However, social and legal discrimination remains a major challenge. Many second wives are treated unequally by their husbands and extended families, especially in terms of the division of attention, finances, and social status.³⁶ Legally, Law No. 1/1974 Article 31 and Article 34 emphasize that marital rights, including maintenance and protection, must be given equally to all wives.

However, discrimination against second wives more often arises when the marriage is not officially registered or is conducted "siri". Siri marriages, or marriages that are not legally registered with the state, make the second wife's position even more vulnerable because she does not get the same legal protection as a marriage that is registered at the Office of Religious Affairs (Kantor Urusan Agama). Without official registration, second wives do not have access to certain legal rights, such as inheritance rights, the right to claim maintenance, or the right to file for divorce in court.

2. Criminal Threats: Marriage without the First Wife's Consent

According to Article 3 and Article 4 of Law No. 1/1974 on Marriage, a man who wishes to engage in polygamy must obtain the consent of his first wife and permission from the Religious Court. If a man remarries without fulfilling these conditions, his actions can be considered unlawful. Article 279 of the Criminal Code (Kitab Undang–Undang Hukum Pidana) states that a person who marries without fulfilling the legal requirements is subject to criminal punishment. According to this article, marriage without the consent of the first wife and without the permission of the Religious Court is punishable by imprisonment of up to five years. This shows that Indonesian law not only regulates the administrative aspects of polygamy, but also provides criminal penalties for those who violate these provisions. In practice, husbands who become polygamous without official permission can be reported by the first wife or her family to the court. These criminal penalties aim to protect the rights of the first wife and prevent the practice of unauthorized

³⁶ T.D.; van Huis, S.C. Wirastri, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *J. Leg. Plur. Unoff. Law* 53 (2021): 246–68.

polygamy. However, many cases of polygamy are conducted clandestinely or without official registration, making it difficult to enforce the law. In some cases, the second wife is not even aware that her husband has been married before or that the marriage was not officially recorded.

3. *Risks of Siri (Unregistered) Marriages*

Unregistered or siri marriages pose various legal and social risks for the second wife. According to Article 2 Paragraph (2) of the Marriage Law, a valid marriage according to Indonesian law must be registered at the KUA. If the marriage is not registered, then the legal rights that the second wife should have become difficult to obtain. These include the right to maintenance, the right to inheritance, and the right to sue for divorce. This uncertainty of legal status can have serious repercussions if the husband dies or decides to divorce.³⁷ Second wives in unregistered marriages are not entitled to inheritance from the husband. In addition, children born from such marriages also face the risk that their legal status is not recognized by the state, making it difficult to obtain legal documents such as birth certificates that include the father's name. This lack of legal status is often used by the husband to avoid financial responsibility. Without an official record, the second wife cannot file a claim for maintenance or other rights with the Religious Court. In this situation, the second wife can only rely on the husband's "good faith" to obtain her rights, which unfortunately is not always fulfilled.

Deconstructing the Existence of Women in Marriage

As a second wife, women are faced with social pressures that place their status in an ambiguous position. Society often views second wives in a negative light, which prevents women from feeling empowered in their position.³⁸ This social criticism, according to de Beauvoir, is part of a form of restraint that keeps women in a subordinate position.

Simone de Beauvoir, a French existentialist philosopher, emphasized the importance of women's individual freedom in her book *The Second Sex* (1949).³⁹ Full name Simone Ernertine Lucia Marie Bertrand de Beauvoir, Simone de Beauvoir was born on January 9, 1908 in Paris, France. Simone was a lucky child in her childhood, and she had everything in her life. This was because she was born into a wealthy, bourgeois family. Simone was named after Georges de Beauvoir, her mother Françoise Brasseur de Beauvoir, and her younger sister Helena de Beauvoir. Simone is not only known as a philosopher who is very famous for her feminist perspective, but also as a novelist, political commentator, and political activist. She was known as an intellectual because of her expertise in philosophy. Simone was a highly influential thinker in the feminist world.

Simone, best known for her theory of existentialist feminism, argued that the burden of production on women's bodies was the beginning of the problem of women's oppression.⁴⁰ Simone also explained in her book *The Second Sex*, published in 1949, that

³⁷ Dian Septiandani, Ani Triwati, and Efi Yulistiyowati, "Kemaslahatan Dalam Perkawinan Poligami Dalam Kajian Hukum Islam Dan Hukum Positif Indonesia," n.d.

³⁸ Kazi Md Mukitil Islam and M. Niaz Asadullah, "Gender Stereotypes and Education: A Comparative Content Analysis of Malaysian, Indonesian, Pakistani and Bangladeshi Mazhab Textbooks," *PLoS ONE* 13, no. 1 (July 1, 2019), <https://doi.org/10.1371/journal.pone.0190807>.

³⁹ Vintges K. Simone de Beauvoir, "A Feminist Thinker for Our Times," *Hypatia* 14, no. 4 (1999): 133–44.

⁴⁰ Yessy Meivitasari and Ken Widyatwati, "Bentuk Ketidakadilan Gender Dan Perlawanan Tokoh Kinanti Dalam Novel Layangan Putus (Kajian Feminisme Eksistensialisme Simone de Behaviour)," *Diglosia: Jurnal Kajian Bahasa, Sastra, Dan Pengajarannya* 6, no. 4 (November 2, 2023): 1071–80, <https://doi.org/10.30872/diglosia.v6i4.798>.

long before feminist voices emerged, the book provided an opportunity for her to express her opinion on the condition of women from a biological and social point of view. (Siswadi, n.d.) She looked at existentialism from the perspective of the preface of the book by offering a way to free women from their shackles.

In her description, she based her ideas on the binary system of *Soi – même et l'Autre*, or Self and Other, and considered it as the fundamental category of human thinking, primordial duality and consciousness itself.⁴¹ She also saw the relationship between women and men as dialectical. Simone argues that the belief that men are the Self and women are the Other keeps society stratified, which causes women to be disadvantaged as they are placed in second place, after men.

De Beauvoir put forward the concept of "the Other" to explain how women are often seen as subordinate or companions to men, rather than as free and independent subjects. In polygamous lives, second wives often face social stigma or are perceived as inferior or less entitled than first wives. This perspective constructs women as "other" from men or even from the first wife, which places them in an unequal position within the family structure.

De Beauvoir argues that women are often placed as "the other" in patriarchal societies and that this status limits women's autonomy. According to de Beauvoir, women's empowerment can only occur if women recognize themselves as independent subjects, not just as objects shaped by social norms. In the context of women's protection, de Beauvoir promotes the idea that freedom and equality can only be achieved if women have the ability to choose their own lives. This approach has implications for the protection of women from exploitation and gender-based violence, as well as for the importance of giving them the space to make decisions related to their private and public lives.

The analysis of feminist existentialism theory on the existence and empowerment of women as second wives can be seen as a study of how women in this position define themselves, face complex social roles, and seek freedom and autonomy in a patriarchal society. Feminist existentialism, especially through the ideas of Simone de Beauvoir, provides insight into how women can be free from identities shaped by social and cultural expectations. In the context of second wives, feminist existentialism can provide a critical perspective on how this role is often seen as a subordinate role that makes it difficult for women to achieve existential freedom or have full power over themselves.

In the context of second wives, women often face roles determined by social, religious and cultural factors, which often view polygamy as legitimate but place second wives in a position that lacks autonomy. From the perspective of feminist existentialism, women as second wives are expected to be able to understand the role critically. She can evaluate whether this role fulfills the meaning of life she wants or if it inhibits her freedom and autonomy as an individual.

The role of second wife in many cases is considered a status that is not fully recognized both legally and socially. As a result, second wives may feel that their existence is defined by roles that do not give them full freedom. This makes it difficult for women to develop themselves or achieve empowerment, as these roles often marginalize them socially.

⁴¹ Thasyalina Amarthalia et al., "Reflection of Women Struggle Through the Main Character in Olivia Newman's *Where the Crawdads Sing* (2022)" 13, no. 1 (2025): 173 – 90, <https://doi.org/10.24256/ideas>.

According to feminist existentialism, in order for women to be free, they must break away from the identity given to them by society and begin to interpret their existence as autonomous individuals. In this case, a second wife is faced with a choice between accepting the identity assigned by the polygamous structure or resisting a role that is perceived to limit her existential freedom.

Feminist existentialism also encourages women to overcome the identity given by the role as a second wife and start building a new identity that is more authentic and in accordance with her personal values. Freedom in existentialism means that women are able to overcome the limitations given by social status or labels, so that they can choose their life roles freely.

For example, a second wife who has existential freedom can reassess whether her role fulfills her expectations of living a meaningful life. If this role restricts her freedom, then feminist existentialism offers the idea of renegotiating boundaries or even, if possible, leaving the role in favor of greater autonomy.

In order for women as second wives to achieve empowerment, feminist existentialism encourages them to not only accept their predetermined identities, but also to search for the meaning of life beyond the social boundaries that bind them. This can be achieved by redefining their existence, either through education, knowledge of their rights, or access to social support that allows them to take an active role in determining their own lives.

Challenges and Efforts to Protect Second Wives

The legal protection of second wives is a complex issue that requires a multidimensional approach.⁴² For second wives, the main legal challenge is the risk of non-recognition of the marriage if it is not officially registered.⁴³ According to Article 2 Paragraph (2) of Law No. 1/1974, a valid marriage according to state law must be registered, and if it is not recorded, the marriage is considered to have no legal force. This has a direct impact on the legal rights of the second wife, especially in terms of inheritance rights, maintenance rights, and protection of the rights of children born from the marriage.

If the marriage is not registered, the second wife will have difficulty claiming other legal rights such as the right to maintenance, rights in the division of joint property, and inheritance rights. Children from unregistered marriages also face challenges due to their unclear legal status, and therefore cannot obtain legal documents such as birth certificates that include the father's name.

To protect the rights of second wives in polygamous marriages, several legal protection measures can be taken, including the following:

1. Marriage Registration at the Office of Religious Affairs (Kantor Urusan Agama)

Marriage registration at the Kantor Urusan Agama is an important step to protect the rights of the second wife. Official registration allows the second wife to have legal rights, such as the right to maintenance, inheritance rights, and legal protection for her children. The government and religious institutions need to provide education on the

⁴² Selamat Lumban Gaol, "Division of Inheritance and Will: First Marital Children, Second Marital Wife (Literature Legal Review)," *Journal of Law, Politic and Humanities* 4, no. 3 (2024), <https://doi.org/10.38035/jlph.v4i3>.

⁴³ M Sifa et al., "Monogami, Poligami Dan Perceraian (Menurut Hukum Islam Dan Peraturan Perundang-Undangan Di Indonesia) Monogamy, Polygamy and Divorce (According to Islamic Law and Legislation in Indonesia)," *Jurnal Kolaboratif Sains* 8, no. 1 (2025): 454–66, <https://doi.org/10.56338/jks.v8i1.6802>.

importance of marriage registration for polygamous couples so that this legal protection can be guaranteed.

2. Justice in Maintenance and Other Rights

Legislation and Islamic law emphasize the importance of justice in polygamy, especially in the distribution of maintenance and attention. Articles 31 and 34 of the Marriage Law regulate the rights and obligations of husband and wife, which apply to all wives in polygamous marriages. Husbands who do not fulfill their obligation to provide equal maintenance can be sanctioned by the Religious Court, including a reduction in the husband's right to manage joint property.

3. Protection of Children's Rights

The protection of children in polygamous marriages is also an important part of legal protection efforts. The government and religious institutions need to ensure that children from both registered and unregistered marriages have the same rights. In addition, socialization of children's rights should be increased to ensure that children of second wives are not discriminated against in society.

4. Education and Socialization on the Rights of Wives in Polygamy

Education and socialization on the rights of wives in polygamy need to be improved. Many women who become second wives do not understand their rights in marriage. Government agencies, civil society organizations, and religious institutions can play an important role in providing adequate information on the rights of women in polygamous marriages, especially in terms of maintenance rights, rights to children, and inheritance rights.

CONCLUSION

This research highlights that although polygamy is legally allowed by the legal system in Indonesia, its practical implementation faces many hurdles, especially in ensuring justice and legal rights for second wives. Second wives have legal rights to maintenance, fair treatment, and inheritance under certain conditions. However, these rights are often not enforced due to unregistered or siri marriages, leaving second wives vulnerable to losing their rights if the marriage ends. In addition, second wives often face negative societal perceptions, being seen as intruders in the household. This study uses the theory of feminist existentialism, specifically Simone de Beauvoir's theory, to analyze the struggle of the second wife's position, emphasizing the patriarchal structure that limits women's autonomy. In order for women as second wives to achieve empowerment, feminist existentialism encourages them to not only accept their predetermined identities, but also seek the meaning of life beyond the binding social constraints. This can be achieved by redefining the existence of second wives, either through education, knowledge of their rights, or access to social support that allows them to take an active role in determining their own lives.

REFERENCES

Book

- A. Muri Yusuf, *Metode Penelitian Kualitatif, Kualitatif Dan Penelitian Gabungan* (Jakarta: Prenada Media Grup, 2014).
- Izomiddin, *Pemikiran Dan Filsafat Hukum Islam* (Jakarta: Kencana, 2018).
- Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)*, ed. Elan Jaelani (Bandung: Widina Media Utama, 2023).

Siti Musdah Mulia, *Islam Menggugat Poligami*, 2nd ed. (Jakarta: PT Gramedia Pustaka Utama, 2007).

Journal

Abdul Aziz, "CHARACTERISTICS OF THE COMPILATION OF ISLAMIC LAW IN INDONESIA: A STUDY OF MARRIAGE LAW FROM THE PERSPECTIVE OF POLITICAL LAW," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 2, no. 4 (2024), <https://doi.org/10.58812/eslhr.v1.i03>.

Adriana Mustafa and Arwini Bahram, "Relasi Gender Dalam Pernikahan Keturunan Sayyid Di Desa Cikoang Kabupaten Takalar; Studi Kasus Perbandingan Hukum Islam Dan Hukum Adat," *Mazahibuna*, December 23, 2020, 241 – 54, <https://doi.org/10.24252/mh.v2i2.18137>.

Ahmad Briyan Pratama et al., "Dinamika Pertumbuhan Fiqih Masa Imam Madzab Serta Implikasinya Terhadap Penyelesaian Isu Poligami," *Jurnal Kajian Islam Dan Sosial Keagamaan* 2, no. 2 (2024): 368 – 75, <https://jurnal.ittc.web.id/index.php/jkis/index>.

Ahmad Hidir Adib, Moch Said Ahmad, and Narse Nur Afida, "Monogamy As The Substance of Pre – Nuptial Agreement: A Cross – Mazhab Comparative Study," *YUDISIA: Jurnal Pemikiran Hukum Dan Hukum Islam* 15, no. 2 (December 2024), <https://journal.iainkudus.ac.id/index.php/Yudisia/index>.

Ali Yasmanto, "Keadilan Dalam Poligami: Studi Pemikiran Fazlur Rahman M. Quraish Shihab," *Journal of Islamic Law and Family Studies*, no. 1 (2021): 35 – 46.

Bian Ambarayadi and Andi Molawaliada Patodongi, "Keluarga Poligami Dalam Negara – Negara Islam," *As-Syar'i: Jurnal Bimbingan & Konseling Keluarga* 6, no. 2 (2024), <https://doi.org/10.47476/assyari.v6i2.6663>.

Devi Kasumawati and Uin Sultan Aji Muhammad Idris Samarinda, "KEBIJAKAN HUKUM PERKAWINAN POLIGAMI DALAM PEMENUHAN HAK ISTRI KEDUA BERDASARKAN SISTEM PERADILAN DI INDONESIA (Studi Komparasi Fiqih Munakahat Dan SEMA No 2 Tahun 2019)," *Tahun 2019) Mitsaq: Islamic Family Law Journal*, vol. 3, 2025, www.badilag.net.

Dri Santoso and Muhamad Nasrudin, "Poligamy in Indonesia and Its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy," *AKADEMIKA: Jurnal Pemikiran Islam* 26, no. 1 (June 30, 2021): 121, <https://doi.org/10.32332/akademika.v26i1.2406>.

Dian Septiandani, Ani Triwati, and Efi Yulistyowati, "Kemaslahatan Dalam Perkawinan Poligami Dalam Kajian Hukum Islam Dan Hukum Positif Indonesia.

Hervin Yoki Pradikta, "The Point of Views of Indonesian Mufassir (M. Quraish Shihab and Hamka) on Polygamy and Its Relevance to Legislation in Indonesia," *KnE Social Sciences*, January 11, 2024, <https://doi.org/10.18502/kss.v9i2.14991>.

Hotnidah Nasution and Ahmad Rifqi Muchtar, "Negotiating Islamic Law: The Practice of Inheritance Distribution in Polygamous Marriages in Indonesian Islamic Courts," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (March 14, 2024): 125 – 44, <https://doi.org/10.24090/mnh.v18i1.10921>.

Inas Zulfa Sulasno and Eman Suparman, "JURIDICAL REVIEW OF THE STATUS OF CHILDREN OF POLYGAMOUS MARRIAGES NOT APPROVED BY THE FIRST WIFE UNDER ISLAMIC LAW AND INDONESIAN LEGISLATION," *EDUNITY* 2, no. 7 (2023).

- Kazi Md Mukitul Islam and M. Niaz Asadullah, "Gender Stereotypes and Education: A Comparative Content Analysis of Malaysian, Indonesian, Pakistani and Bangladeshi Mazhab Textbooks," *PLoS ONE* 13, no. 1 (July 1, 2019), <https://doi.org/10.1371/journal.pone.0190807>.
- M. Sholihin and Koentjoro, "Marital Satisfaction of Second Wives Undergoing Siri Polygamy among Orkng Kknkk," *Indigenous: Jurnal Ilmiah Psikologi* 8, no. 3 (November 30, 2023): 325 – 36, <https://doi.org/10.23917/indigenous.v8i3.2222>.
- M Sifa et al., "Monogami, Poligami Dan Perceraian (Menurut Hukum Islam Dan Peraturan Perundang – Undangan Di Indonesia) Monogamy, Polygamy and Divorce (According to Islamic Law and Legislation in Indonesia)," *Jurnal Kolaboratif Sains* 8, no. 1 (2025): 454 – 66, <https://doi.org/10.56338/jks.v8i1.6802>.
- Mhd Yadi Harahap, Ramadhan Syahmedi, and Zaiunudin, "Konsekuensi Hukum Poligami Di Indonesia Dan Tunisia: Perspektif Teori Kepastian Hukum Dan Masalah Mursalah," *Al-Mashlahah: Jurnal Hukum Islam Dan Pranata Sosial Islam*, 2022, <https://doi.org/10.30868/am.v10i01.2770>.
- Misbahul Munir Makka and Tuti Fajriati Ratundelang, "Poligami Tanpa Izin Istri Pertama Dan Dampaknya Terhadap Keluarga," *Journal of Islamic Family Law* 2, no. 1 (2022): 34 – 51, <http://journal.iain-manado.ac.id/index.php/almujtahid>.
- Mughni Labib Ilhamuddin Is Ashidiqie, "Poligami Dalam Tinjauan Syariat Dan Realitas," *Al-Ahwal Al-Syakhsiyyah: Jurnal Hukum Keluarga Dan Peradilan Islam* 2, no. 2 (2021): 199 – 218, <https://doi.org/10.15575/as.v2i2.14332>.
- Muhammad Ajib Abd Razak, Intan Hashimah Mohd Hashim, and Syazwani Drani, "How Do First Wives View Polygamy in Terms of Adaptation and Family Cohesiveness?," *International Journal of Academic Research in Business and Social Sciences* 12, no. 1 (January 18, 2022), <https://doi.org/10.6007/ijarbss/v12-i1/12170>.
- Muhammad Alfian and Muhammad Roy Purwanto, "Critical Analysis of Orientalist Understanding of Polygamy Sharia," *International Journal of Science and Society*, vol. 6, 2024, <http://ijsoc.goacademica.com>.
- Muhammad Dzakwan Ma, Muhammad Akmal Inayatur Rahman, and Muhammad Fickriansya Alfarizi, "Poligamy in Islamic Point of View," *Jurnal Religion: Jurnal Agama, Sosial, Dan Budaya* 1, no. 6 (2023), <https://maryamsejahtera.com/index.php/Religion/index>.
- Muhammad Nur and Dhiauddin Tanjung, "Contextualization of Polygamy Law; Justification of Islamic Legal Principles against Positive Regulations in Indonesia," *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan Dan Ekonomi Islam* 16, no. 2 (July 31, 2024): 273 – 87, <https://doi.org/10.32505/jurisprudensi.v16i2.8108>.
- Riyandi S, "Implikasi Poligami Dalam Interpretasi Al – Qur'an: Pandangan Ulama, Tafsir Kontemporer, Dan Perspektif Kementerian Agama RI," *AMEENA Journal* 1, no. 3 (2023): 254.
- Selamat Lumban Gaol, "Division of Inheritance and Will: First Marital Children, Second Marital Wife (Literature Legal Review)," *Journal of Law, Politic and Humanities* 4, no. 3 (2024), <https://doi.org/10.38035/jlph.v4i3>.
- Sugianto Sugianto, Abdurohim Abdurohim, and Oriza Aditya, "Legal Reconstruction and Polygamy Problems in Sharia Maqashid and Positive Law Perspectives," *Journal of Social Science* 3, no. 5 (September 21, 2022): 1046 – 55, <https://doi.org/10.46799/jss.v3i5.411>.

- Suud Sarim Karimullah, "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, no. 1 (June 17, 2024): 38 – 53, <https://doi.org/10.35719/ijlil.v6i1.354>.
- T. D. Wirastri and S. C. van Huis, "The Second Wife: Ambivalences towards State Regulation of Polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021).
- Thasyalina Amarthalia et al., "Reflection of Women Struggle Through the Main Character in Olivia Newman's *Where the Crawdads Sing* (2022)" 13, no. 1 (2025): 173 – 90, <https://doi.org/10.24256/ideas>.
- Vintges K. Simone de Beauvoir, "A Feminist Thinker for Our Times," *Hypatia* 14, no. 4 (1999): 133 – 44.
- Vivi Ariyanti et al., "The Dynamics of Polygamy and Divorce in Muslim Contries History of Author Abstract," vol. 2, 2023.
- Yasrianto and Gempa Maulana, "Upaya Pencegahan Poligami Di Negara Muslim (Tunisia, Pakistan, Malaysia, Iran, Dan Indonesia)," *QIYAS: Jurnal Hukum Islam Dan Peradilan*, 2024.
- Yenny Febrianty et al., "Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 1 (April 14, 2025): 15, <https://doi.org/10.29300/mzn.v12i1.6930>.
- Yessy Meivitasari and Ken Widyatwati, "Bentuk Ketidakadilan Gender Dan Perlawanan Tokoh Kinanti Dalam Novel Layangan Putus (Kajian Feminisme Eksistensialisme Simone de Behaviour)," *Diglosia: Jurnal Kajian Bahasa, Sastra, Dan Pengajarannya* 6, no. 4 (November 2, 2023).
- Zainul Fitriyyah et al., "Suka Dan Duka Menjadi Yang Kedua (Studi Kualitatif Fenomenologi Kepuasan Pernikahan Pada Perempuan Yang Menjadi Istri Kedua Dalam Pernikahan Poligami)," *Jurnal Empati* 9, no. 3 (2023): 249 – 55.

Regulation

- Law Number 1 of 1974 jo. Law Number 16 of 2019 concerning Marriage (Undang – Undang Nomor 1 Tahun 1974 jo. Undang – Undang Nomor 16 Tahun 2019 tentang Perkawinan)
- Compilation of Islamic Law (Kompilasi Hukum Islam)