

Serial Polygamy without the Consent of Legal Spouses: Juridical Analysis and Study of Islamic Family Law

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Abstract

This study analyzes the practice of unregistered polygamous marriages (*poligami siri*) conducted without the knowledge of the lawful wife, which remains prevalent in Gampong Barueh, Kota Jantho, Aceh Besar. This phenomenon reveals a disparity between legal regulations and social practices, as it contravenes Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law, both of which require the consent of the first wife and official marriage registration. The research employs a juridico-empirical approach through case and conceptual studies, involving interviews with the village head (*Keuchik*) as the key informant and two respondents consisting of a married couple. The findings indicate that *poligami siri* is often conducted secretly, motivated by economic factors and biological needs. From the perspective of Islamic jurisprudence (*fiqh*), such marriages are deemed valid as they fulfill the essential elements (*arkan*) of marriage; however, from a legal standpoint, they lack state recognition, resulting in legal uncertainty, gender discrimination, and child neglect. The practice disregards the Islamic principles of justice (*al-'adl*) and responsibility (*mas'uliyah*). The study recommends strengthening the supervisory roles of the Office of Religious Affairs (KUA) and the Sharia Court (Mahkamah Syar'iyah), implementing collective *isbat nikah* programs, and enhancing family law literacy through community legal education. It further concludes that greater synergy between Islamic law and national law is essential to ensure that polygamous marriages are not only religiously valid but also legally enforceable to protect the rights of wives and children.

Keywords: Legal Implications, Marriage, *Siri* Polygamy.

Abstrak

Penelitian ini menganalisis praktik poligami siri tanpa sepengetahuan istri sah yang marak terjadi di Gampong Barueh, Kota Jantho, Aceh Besar. Fenomena ini menimbulkan ketimpangan antara regulasi dan praktik sosial, karena bertentangan dengan Undang-Undang Nomor 1 Tahun 1974 dan Kompilasi Hukum Islam yang mewajibkan izin istri serta pencatatan perkawinan. Penelitian menggunakan pendekatan yuridis-empiris dengan studi kasus dan konseptual melalui wawancara terhadap Kepala desa (Keuchik) selaku informan dan responden 2 orang yang terdiri dari pasangan suami istri. Hasil penelitian menunjukkan bahwa poligami siri dilakukan secara diam-diam dengan alasan ekonomi dan kebutuhan biologis. Secara fikih, pernikahan ini sah karena memenuhi rukun nikah, namun secara yuridis tidak diakui negara dan menimbulkan ketidakpastian hukum, diskriminasi terhadap perempuan, serta penelantaran anak. Praktik tersebut mengabaikan prinsip keadilan (*al-'adl*) dan tanggung jawab (*mas'uliyah*) dalam Islam. Penelitian merekomendasikan penguatan peran KUA dan Mahkamah Syar'iyah dalam pengawasan perkawinan, pelaksanaan *isbat nikah kolektif*, serta peningkatan literasi hukum keluarga melalui pendidikan masyarakat. Adapun rekomendasi dari penelitian ini yaitu dibutuhkan sinergi antara hukum Islam dan hukum nasional agar praktik poligami di masyarakat tidak hanya sah secara agama tetapi juga memiliki kekuatan hukum yang melindungi hak istri dan anak.

Kata Kunci: Implikasi yuridis, Pernikahan, Poligami Siri.

Introduction

Marriage is a fundamental institution in people's life that is not only recognized by religion, but also by the state legal system.¹ In the context of Indonesian law, marriage is not only an innate bond between a man and a woman, but also a legal event that must be officially recorded in the competent authority. Marriage registration is the main requirement to obtain legal recognition of the status of married couples, as well as to ensure legal protection of the rights of children born of the marriage.²

However, in social reality, not all people understand and comply with the legal provisions regarding marriage registration.³ One of the phenomena that is still rampant is the practice of serial marriage, which is a marriage that is carried out religiously but is not legally recorded.⁴ When this practice is carried out in the form of polygamy, which is a man remarries without registering his second marriage and without the permission of the legal wife or religious courts, a much more complex legal issue arises. The phenomenon of serial polygamy without the knowledge of the first wife not only violates administrative provisions, but also creates legal uncertainty in families formed outside the legal system of the state.⁵

Terminologically, polygamy has various meanings put forward by experts. One of the definitions was conveyed by Abdul Rahman Ghazaly, who explained that polygamy is a condition in which a man has more than one wife. But in practice, the number of wives is limited to a maximum of four people.⁶ Similar opinions were also expressed by Jamaluddin and Amalia in their book entitled *Marriage Law Textbook*. They explain that polygamy is a state when a man marries more than one woman. From the perspective of Islamic teachings, the practice of polygamy is permissible with the main provision that the husband must be able to act fairly towards all his

¹ Munawar Munawar et al., "A Dialog Between Islamic Law and Adat (Customary Law) in the Social Context of West Kalimantan, Indonesia," *Al-'Adalah* 22, no. 1 (2025): 323–46. <https://doi.org/10.24042/adalah.v22i1.24008>

² Lukman Santoso, and Hani Zain Fathuri. "Ambiguitas Hak Atas Perkawinan Dan Kebebasan Beragama Dalam Undang-Undang No. 1 Tahun 1974." *Al-Syakhsyiyah: Journal of Law & Family Studies*, Vol. 1 No. 1 (2019). <https://doi.org/10.21154/syakhsyiyah.v1i1.1825>

³ A Kumedi Ja'far, Edi Susilo, and Mursyid Al Haq, "Construction of Contemporary Fiqh in the Disorders of Sexual Development Problems Through the Integration of Maqâshid Al-Shari'a and Medical Science," *Al-'Adalah* 22, no. 1 (2025): 63–90. <https://doi.org/10.24042/adalah.v22i1.23825>

⁴ Iwan Setiawan et al., "Reforming Marriage Law in Indonesia: A Critical Examination of Islamic Law on the Ban of Interfaith Marriages," *Al-Manabij: Jurnal Kajian Hukum Islam*, 2024, 179–98. <https://doi.org/10.24090/mnh.v18i2.11134>

⁵ Roni Tabroni et al., "Hybridity, Intersection, and Challenge: Navigating the History of Customary and Islamic Family Law in Moluccan Marriages," *Al-Ahwal: Jurnal Hukum Keluarga Islam* 18, no. 1 (2025): 1–28. <https://doi.org/10.14421/ahwal.2015.18101>

⁶ Abdurrahman Ghazaly, *Fiqh Munakahat*, Jakarta: Kencana Prenada Media Group, 2003, p. 129.

wives.⁷ This justice includes various aspects, both in terms of material, attention, and daily treatment.⁸

However, if there is a concern that the man is not able to act fairly, then it is recommended to marry only one wife in order to maintain justice and balance in the household. According to Cholil Nafis' view, polygamy is a form of marriage in which a man has more than one wife.⁹ This term has the opposite meaning of polyandry, which is a condition when a woman has more than one husband. In this context, polygamy refers specifically to the practice of a man marrying several women in a legal marriage bond. On the other hand, if a woman has several husbands at the same time, then it is called polyandry, which is legally stated in Islam as an unlawful or forbidden act.¹⁰

Polygamy is also positioned as the opposite of monogamy. Monogamy is a common form of marriage, which is a bond between one man and one woman, and is the basic principle or principle in marriage according to Islamic teachings. However, Islam does not absolutely prohibit the practice of polygamy.¹¹ A husband is still allowed to marry more than one woman, as long as he is able to carry out his responsibilities fairly to all his wives, both in terms of material, attention, and other rights. This principle of justice is the main condition that must be met so that polygamy does not deviate from the values of justice upheld in Islamic teachings.¹²

Normatively, Indonesian law strictly regulates the practice of polygamy through Law Number 1 of 1974 concerning Marriage, which requires every husband who wants to marry more than one wife to first apply for permission to a religious court.¹³ This permission is not necessarily granted, but must meet a number of substantive conditions, such as the consent of the first wife, the husband's financial ability, and the guarantee of justice in the treatment of all wives and children. This provision was then reaffirmed in Government Regulation Number 9 of 1975 and

⁷ Dwi Aprilianto, Farida Ulvi Na'imah, and Ahmad Fauzi, "The Controversy of Child Marriage Culture in The Perspective of Maqāsid Al-Urah: A Case Study of The Authority of Lebe'in Brebes," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2024, 199–218. <https://doi.org/10.24090/mnh.v18i2.11554>

⁸ Jamaluddin and Nanda Amalia, *Textbook of Marriage Law*, Lhokseumawe: Unimal Press, 2016, p. 48.

⁹ Cholil Nafis, *Family Fiqh Towards the Sakinah Family, Mawaddah wa Rahmah, Healthy, Prosperous and Quality Family*, Cet. 4, Jakarta: Mitra Abadi Press, 2014, p. 44.

¹⁰ Jamaluddin and Nanda Amalia, *Textbook...*, pp. 48-49.

¹¹ Iwan. "Wife's Permission in Polygamy; An effort to protect the law against women." *At-Taḏakkī: Journal of Islamic Education and Humanities Studies*, Vol. 7 No. 1, 2023, p. 55. <http://dx.doi.org/10.47006/attazakki.v7i1.15321>

¹² Prija Djatmika et al., "Legal Policy of Disparity in Sentencing as a Ground for Judicial Review in Indonesia Corruption Cases," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 2025, 503–20. <https://doi.org/10.24090/volksgeist.v8i2.13287>

¹³ Safrudin Edi Wibowo and Fathiyaturrahmah Fathiyaturrahmah, "Women and the Transmission of the Quran: Marginalization, Legal Strategies, and Maqāsid Al-Sharī'ah-Based Resolution," *AHKAM: Jurnal Ilmu Syariah* 25, no. 1 (2025): 19–36. <https://doi.org/10.15408/ajis.v25i1.37944>

Supreme Court Circular Letter (SEMA) Number 3 of 2018, which closed the legal loophole for the practice of polygamy without a valid legal basis.¹⁴

Although legal regulations in Indonesia are quite clear about the procedures and requirements of polygamy, the reality is that there are still many violations in the field, especially when a husband decides to remarry secretly without the knowledge of his legal wife and without official registration.¹⁵ One of the real portraits of this problem can be seen in Gampong Barueh, Jantho City. In this region, the practice of serial polygamy is still often found, in which the husband marries another woman without involving or informing his first wife, and does not follow the legal path that has been established by the state at all. The consequences of these actions not only give rise to inequality and injustice in domestic relationships, but also lead to serious legal problems. The legal status of the second wife and children becomes unclear, they have difficulty accessing basic rights such as inheritance, birth certificates, or social services from the state. On the other hand, the potential for conflicts in the family and civil disputes in the future is even greater because there is no strong legal basis as a protection umbrella for all parties involved.¹⁶

This phenomenon illustrates the weak legal awareness in the community and the lack of effective supervision of marriage practices. The practice of serial polygamy without the knowledge of the legal wife creates a gray area in the family law system in Indonesia, where the state cannot guarantee basic rights for women and children who are part of a legally invalid marriage. Children born from such marriages are often unable to obtain birth certificates or legal recognition as legal children, making them vulnerable to discrimination and disenfranchisement.¹⁷

So far, studies on polygamy in series have been studied by many other researchers, but none of them are specifically the same as this study. Based on the results of the study, such as the writings of Fatkul Chodir and Aspandi Aspandi, which highlights the negative impact of under-hand marriage (not recorded) on the achievement of family goals in the perspective of *Maqasid al-*

¹⁴ Wibowo and Fathiyaturrahmah.

¹⁵ Azhari Akmal Tarigan et al., "Islam and Christianity at Rumah Gadang: The Household Characteristics of Minangnese Interfaith Marriage," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024): 27–39. <http://dx.doi.org/10.31958/juris.v23i1.11926>

¹⁶ Ashabul Fadhi et al., "Out-of-Court Assistance Based on the Principle of the Best Interests of the Child: Study on Examination Process of Marriage Dispensation Cases," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (2024): 67–80. <http://dx.doi.org/10.31958/juris.v23i1.10281>

¹⁷ M Faiz Nashrullah et al., "Judicial Invalidation of Ithbāt Nikāh Underage in the View of Religious Court Judges in Madura," *Al-Ahkam* 35, no. 2 (2025): 235–60. <https://doi.org/10.21580/ahkam.2025.35.2.27358>

Usrah. This study shows that unregistered marriages undermine legal certainty and hinder the protection of seven key aspects of family purpose.¹⁸

Mohamad Nurofik, et al., have also written about the issue of serial polygamy which concludes that serial polygamy without the permission of a legal wife is a practice that violates religious and state laws, and is contrary to the purpose of marriage in Islam. This case occurred due to legal loopholes and lack of enforcement of rules, so stricter regulations and socialization and legal enforcement are needed to prevent the negative impact it causes.¹⁹ Fadlan Muhajir, et al., that although polygamy is considered religiously legal, the practice of polygamy without the permission of the first wife is still against administrative law in Indonesia and can have a negative impact on the family and society. The lack of public understanding of the legality and consequences of polygamy is the main factor in its occurrence.²⁰

The *novelty* of this research lies in its focus which specifically examines the practice of *serial polygamy without the knowledge of the legal wife* in the local context of the community of Gampong Barueh, Jantho City, by combining the analysis of jurisprudence and positive Indonesian law through a juridical-empirical approach. Unlike previous research that only highlighted formal legal aspects or a purely theological review, this study places *the phenomenon of serial polygamy* as a structural problem that reflects the inequality between legal regulations, public awareness, and patriarchal culture that is still strong. This research also shows the dynamics of the relationship between state law and Islamic law in the social practices of the Acehnese people who have special autonomy based on sharia. Thus, the results of this study are expected to enrich the contemporary Islamic family law literature, especially in reaffirming the importance of marriage registration as an instrument of legal protection for women and children. The direction of this research does not stop at the descriptive stage to photograph social phenomena alone, but seeks to present a normative and conceptual analysis of the juridical implications of the practice of *serial polygamy* on the national legal system and the value of justice in fiqh. This research is directed to find a relevant and applicable legal settlement model through the approach of *tabkim, isbat nikah*, and harmonization of regulations between Islamic law and positive Indonesian law. With this

¹⁸ Fatkul Chodir and Aspandi Aspandi. "The Practice and Implications of Underhand Marriage on Family Goals: Maqasid Al-Usrah Perspective". *Indonesian Journal of Humanities and Social Sciences*, Vol. 4 No. 3, 2023, p. 642. <https://doi.org/10.33367/ijhass.v4i3.4507>

¹⁹ Mohamad Nurofik, Nuri Hidayati, and Cahya Andika. "Juridical Review of Serial Polygamy Without the Consent of Legal Spouses in the Perspective of Khi (Compilation of Islamic Law)." *JURNAL LAWNESIA (Indonesian State Law Journal)*, Vol. 1 No. 2, 2022, p. 90.

²⁰ Fadlan Muhajir, et al. "The Impact of Polygamy Without Wife's Permission on Domestic Life Reviewed According to Islamic Family Law in Indonesia." *Tabayyun: Journal Of Islamic Studies*, Vol. 2 No. 2, 2024, p. 427.

approach, this research not only contributes to strengthening the academic aspect in the study of Islamic family law, but also offers practical recommendations for state institutions, gampong apparatus, and religious institutions in building marriage governance that is fair, legal, and oriented towards the benefit of the family.

Research Methods

This research uses a case study approach and a conceptual approach.²¹ The case study approach was used to analyze the practice of serial polygamy without the knowledge of the legal wife in a socio-cultural context in Gampong Barueh, Jantho City, Aceh Besar Regency.²² Meanwhile, the conceptual approach aims to understand the doctrine and views of legal experts related to polygamy and marriage registration.²³ The type of research used is empirical juridical research, which combines literature studies of laws and regulations with field data collection through interviews and observations. The data source consists of primary legal materials such as Law Number 1 of 1974 concerning Marriage, as well as secondary legal materials in the form of legal literature and expert opinions.²⁴ Data collection techniques were carried out through interviews and literature studies. The validity of the data was maintained by comparing field data with literature data, as well as considering the social construction of the respondents.²⁵ The data analysis technique is carried out deductively, namely drawing conclusions from general to specific statements to answer the formulation of research problems.²⁶

Results and Discussion

The Concept of Series Polygamy in the Perspective of Fiqh

In law, polygamy is known as *double huwelijk*, which is a condition when a person, especially a man, marries more than one partner at the same time.²⁷ Meanwhile, in jurisprudence, polygamy

²¹ Firman Muntaqo et al., "The Transformation of Land Law in Indonesia: From Commodification to Maqāṣid and Social Justice," *Al-Ahkam* 35, no. 2 (2025): 287–312. <https://doi.org/10.21580/ahkam.2025.35.2.25605>

²² Ikrima Khansa Haidari et al., "The Rejection of Rohingya Refugees in Aceh: The Moral Role of Foundations on the Attitude of Aceh Rejection," *NUSANTARA: Journal of Social Sciences* 11, no. 10 (2024): 3981–93. <https://doi.org/10.1016/j.paid.2016.04.090>

²³ Oleg Gariaga et al., "Protection of Human Rights in the Framework of Global Judicial Reforms," *Mazāhib* 24, no. 1 (2025): 38–61. <https://doi.org/10.21093/mj.v24i1.9403>

²⁴ Abdul Aziz, "Impact of Polygamy Practices in Urban Communities in Kramatjati, East Jakarta," *Mazāhib* 24, no. 1 (2025): 131–55. <https://doi.org/10.21093/mj.v24i1.8978>

²⁵ Edi Susilo, Budi Santoso, and Yessy Eka Ambarwati, "Transformation of Contemporary Fiqh through a Collective Ijtihad Approach in Resolving Lineage Issues Arising from Egg Freezing," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 728–60. <https://doi.org/10.32332/milrev.v4i2.10403>

²⁶ Muhaimin, *Legal Research Methods*, Mataram: Mataram University Press, 2020, pp. 87–95.

²⁷ Rema Syelvita and Utami Niki Kusaini. "Polygamy Without Wife's Consent: Legal Implications, Psychological Impact and Critical Analysis on Public Opinion Figures." *University Of Bengkulu Law Journal*, Vol. 10 No. 1, 2025, p. 38.

is defined as a man who is married to more than one woman, a maximum of up to four wives.²⁸ Meanwhile, what is meant by siri or marriage under the hand, refers to a marriage that is religiously considered valid because it has fulfilled all the pillars and conditions set, such as the presence of a guardian, two witnesses, and ijab kabul. However, this marriage is not carried out in front of the Marriage Registrar. For Muslim couples, the marriage is not registered at the Religious Affairs Office (KUA), while for non-Muslim religious couples it is not registered at the Civil Registration Office. As a result, couples who marry in series do not have a marriage certificate officially issued by the state.²⁹ This practice is generally carried out in secret, and not through the applicable legal procedures. Although it is considered legal according to religion, nikah siri does not have legal force in the state, so it does not provide adequate legal protection for couples, especially for women and children born from the marriage.

It can be concluded that serial polygamy is a practice of polygamy that is carried out secretly, without obtaining permission from the first wife and without official registration at the Office of Religious Affairs (KUA). In Islamic law, this kind of marriage is still considered valid as long as it meets the requirements and pillars of marriage, such as the existence of ijab kabul, witnesses, and guardians. According to positive law in Indonesia, marriages that are not officially registered have no legal force. As a result, serial polygamy is not recognized by state law and can have a negative impact, especially on the rights of the second wife and so on. They have no legal guarantee for marital status, inheritance rights, or legal protection in the event of divorce or domestic conflict.³⁰ The majority of fiqh scholars agree that polygamy is permissible in Islamic teachings. This ability is based on the postulates of the Qur'an, precisely in Surah An-Nisa verse 3, which provides space for men to marry more than one, on the condition of justice. Polygamy is also seen as a form of solution or *maslahah* (goodness) in domestic life, if done responsibly and according to the rules.³¹

²⁸ Asmu'i, Muhammad Roihan Nasution, and Mardian Idris Harahap. "The Concept of Islamic Justice in the Specific Realm of Polygamy (Ta'adud Al-Zaujāt) in the Qur'an from the Perspective of Mufasssir Wahbah Al-Zuhaili." *Kamaya: Journal of Religious Science*, Vol. 7 No. 3, 2024, p. 80. <https://doi.org/10.37329/kamaya.v7i3.3477>

²⁹ Irfan Islami. "Marriage under the hand (Kawin siri) and its legal consequences." *ADIL: Journal of Law*, Vol. 8 No. 1, 2017, p. 77. <https://doi.org/10.33476/ajl.v8i1.454>

³⁰ Badrun Taman, Friska Linia Sari, and Abdul Gafar Olawale Fahm, "Time-Related Rulings in Fiqh Munakahat: A Contemporary Integration of Astronomical and Jurisprudential Analysis," *MILRev: Metro Islamic Law Review* 4, no. 2 (2025): 797–821. <https://doi.org/10.32332/8pvnz650>

³¹ Jaih Mubarak, *Modernization of Marriage Law in Indonesia*, Pustaka Bani Quraisy, 2005, 43.

There are several reasons why Islam allows polygamy.³² First, polygamy can be a way to maintain family honor. Instead of having sex secretly outside of marriage, it is better if it is done legally and openly through a legal marriage. Second, polygamy can be a solution if the wife experiences certain conditions that make her unable to carry out household obligations, without having to have a divorce.³³ Third, for men who have higher biological needs (hypersexual), polygamy can be a legitimate and respectable way to meet their needs without falling into adultery or promiscuity. Fourth, polygamy can also be a form of protection for women, especially in the condition that the number of women is more than men. Thus, women have the opportunity to build families and live more honorably. Finally, polygamy can be a means to pass on offspring through a way that is in accordance with the sharia.³⁴

In Islamic teachings, the ability to practice polygamy is not given freely without limits. Islam provides a very important condition, namely the necessity for a husband to be fair to all his wives, both in terms of attention, affection, maintenance, and time sharing. This justice is the main key in the practice of polygamy so that there is no discomfort and injustice in the household.³⁵ In the classical jurisprudence, the scholars of the four major schools of Hanafi, Maliki, Shafi'i, and Hanbali agree that polygamy is permissible, but with the caveat that the perpetrator is able to fulfill his responsibilities fairly to all his wives. For example, in the book *al-Fiqh 'ala al-Madzahib al-Arba'ah*, which is an important work in the comparative study of madhhab, it is stated that justice must be reflected in concrete matters such as the division of alimony and the turn of the night between wives.³⁶

In addition, in the book *al-Bayan wa al-Tashil*, a work of jurisprudence from the Maliki school, the concept of *al-Musawat* is explained, which is the obligation for husbands to treat all their wives fairly. This includes attitudes, attention, and the fulfillment of their rights in a balanced manner. This concept emphasizes that justice is not only in material form, but also in emotional and psychological terms.³⁷ Polemics arise when polygamy is carried out in series, that is, without

³² Suud Sarim Karimullah. "Polygamy from the Perspective of Fiqh and Family Law in Muslim Countries." *MADDIKA: Journal of Islamic Family Law*, Vol. 2 No. 1, 2021, p. 8.

³³ Fatimah Zuhrah et al., "Tradition Beyond Formal Fiqh: Ethnic Perspectives on Negotiating Kafā'ah in Marriage within the Aceh Singkil Community," *Journal of Islamic Law* 6, no. 2 (2025): 155–76. <https://doi.org/10.24260/jil.v6i2.4187>

³⁴ Putri Rahmah Nur Hakim et al., "Contesting Sharia and Human Rights in the Digital Sphere: Media Representations of the Caning Controversy under the Qanun Jinayat in Aceh," *Journal of Islamic Law* 6, no. 2 (2025): 206–35. <https://doi.org/10.24260/jil.v6i2.3600>

³⁵ Siti Zubaidah et al., "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (2025): 447–61. <http://dx.doi.org/10.29300/mzn.v12i2.8439>

³⁶ Ibid., p. 8.

official registration and carried out secretly. From the point of view of jurisprudence, even though the marriage contract is valid under Islamic law, this practice is prone to causing injustice. Second and subsequent wives who are married in series are at risk of not obtaining their rights properly because there is no state legal recognition of the marriage. In many cases, women who are married in series do not have access to inheritance, legal protection, or clarity on the status of children born from such marriages.

This is in accordance with scholars who have views in interpreting Surah An-Nisa' verse 3. Some scholars interpret this verse not only in terms of the ability to marry more than one woman, but also as a form of moral and legal warning against the potential injustice that can occur, especially against women and orphans.³⁸ One of the different views comes from As-Samarqandi and Imam al-Baidhawi. They interpret that the background of the descent of Surah An-Nisa' verse 3 is related to the fear of injustice to orphans and their mothers. In that context there was a practice in which women, especially mothers of orphans, were married without regard for justice or their rights.³⁹ This verse is seen as a warning not to use marriage, especially in polygamy, as an excuse to mistreat or take the rights of orphans unjustly.

When associated with the practice of polygamy, it is not only reviewed in the realm of fiqh, but is also closely related to social dynamics, gender justice, and legal protection. Fiqh does provide space for polygamy, but that space is limited by the principles of justice and moral responsibility. When polygamy is practiced in secret and ignores social responsibility, it moves away from the spirit and noble purpose of Islamic law. From the various views of scholars regarding polygamy in fiqh, it can be concluded that although polygamy is permissible in principle, its practice is not free without limits. These abilities are accompanied by very strict conditions, especially related to justice, responsibility, and the fulfillment of the rights of wives. The interpretation of the verse that is the basis of the law on polygamy, namely Surah An-Nisa verse 3, also varies depending on the approach of each scholar and the social context behind it.⁴⁰

In the context of the practice of serial polygamy has become a new problem. Although in fiqh the marriage may be considered valid because of the fulfillment of the conditions and principles of marriage, its implementation which is carried out secretly without the permission of

³⁸ Apriana Asdin. "The Concept of Justice in Polygamy in the Perspective of Islamic Law and Positive Law." *Darussalam Journal: Constitutional Law Thought and Comparative Madhbab*, Vol. 3 No. 1, 2023, 69. <http://dx.doi.org/10.59259/jd.v3i1.39>

³⁹ A Q Faqihuddin, *Choosing Monogamy*, Yogyakarta: LKis, 2005, pp. 54–57.

⁴⁰ Nguyen Tan Khang, "The Mông Sơn Thí Thực Ritual in the Context of Contemporary Vietnamese Culture: Social Role, Spiritual Significance, and Cultural Value," *Millah: Journal of Religious Studies*, 2025. <https://doi.org/10.20885/millah.vol24.iss2.ar6>

the first wife and without official registration, has great potential to cause injustice. When the marriage is not legally registered then the second wife and so on have no clear legal protection, especially in terms of inheritance rights, alimony, child recognition, and protection from unjust acts. Serial polygamy actually distances from the essence of justice emphasized in sharia, potentially giving birth to domestic conflicts, inequality of rights, and marginalization of women.

The Concept of Polygamy in Marriage Law and KHI

Polygamy is a form of marriage that is often discussed in society. This term refers to the practice of a husband who marries more than one wife at the same time. In the legal context in Indonesia, the practice of polygamy is not necessarily justified just like that, but is strictly regulated in Law Number 1 of 1974 concerning Marriage.⁴¹ Article 3 of the Marriage Law affirms that in principle, a man may have only one wife, and a woman may have only one husband. This provision reflects the principle of monogamy as the basis for marriage in Indonesia. However, in paragraph (2) of the same article, it is stated that the court can give permission to a husband to have more than one wife if desired by the parties concerned, namely the husband, wife, and additional wife-to-be.⁴²

Although the principle adhered to is monogamy, the law opens up the possibility of polygamy under certain circumstances. However, the implementation cannot be done unilaterally by the husband, but must go through legal procedures and approval from the court. This aims to protect the rights of all parties involved, especially the first wife and children.⁴³ Article 4 paragraph (2) of Law Number 1 of 1974 outlines the reasons that can be used as a basis for the court to grant a polygamy license. The court will only grant permission to a husband who wishes to have more than one wife if he fulfills one of the following three reasons:

1. The wife cannot carry out her duties as a wife. This can be interpreted as the wife experiences certain conditions that cause her to be unable to carry out her role in the household, both physically and psychologically, which has an impact on domestic harmony;

⁴¹ Busriyanti Busriyanti, Pujiono Pujiono, and Umar Chamdan, "Marriage Law Reform in Indonesia A Maqasid Al-Usrah Perspective on Legal Adaptation," *Al-Istinbath: Journal of Islamic Law* 10, no. 2 (2025): 631–49. <https://doi.org/10.29240/jhi.v10i2.12739>

⁴² Hendi Sugianto et al., "Islamic Law And Gendered Inheritance: An-Taradhin as Breakthrough for Women's Rights Disputes in Java, Bali, and Sumatra," *Al-Istinbath: Jurnal Hukum Islam* 10, no. 2 (2025): 700–731. <https://doi.org/10.29240/jhi.v10i2.12614>

⁴³ Esther Masri. "Polygamy in the Perspective of Law Number I of 1974 concerning Marriage and the Compilation of Islamic Law (KHI)." *Krtha Bhayangkara*, Vol. 13 No. 2, 2019, p. 229. <https://doi.org/10.31599/krtha.v13i2.7>

2. The wife is physically disabled or has an incurable disease. This condition can hinder various aspects of a husband's life, including in social and biological relationships. However, fair and prudent consideration is still needed in assessing whether these conditions are really a valid reason for polygamy;
3. The wife cannot bear children. For some couples, offspring are an important part of marriage. If the wife is unable to give birth to children after various efforts have been made, then the husband can apply for permission to remarry with the aim of obtaining offspring, of course while still paying attention to justice and protection of the rights of the first wife.

These three reasons are basically rooted in the main purpose of a marriage, which is to form a happy and eternal family based on the values of the One Godhead. In the Compilation of Islamic Law (KHI), this goal is further emphasized by the concepts of a *sakinah* (calm), *mawaddah* (full of love), and *rahmah* (affection) household. When such an objective cannot be achieved due to the circumstances mentioned above, the law provides limited space through the mechanism of polygamy, but remains subject to strict legal procedures. With the provision that opens up the possibility of polygamy, the principle of monogamy in the Marriage Law is not absolute, but is referred to as *open monogamy*. This means that in principle, Indonesian law adheres to the principle of monogamy, but under certain conditions allows polygamy. In practice, polygamy is placed as a form of emergency law that can only be applied in extraordinary circumstances.⁴⁴

Basically, polygamy is not an absolute right of a husband, but must go through a legal process and get permission from the court. This shows that the implementation of polygamy should not be carried out unilaterally and must meet administrative and substantive requirements.⁴⁵ In the context of religion, polygamy is indeed allowed but with great limitations and responsibilities. A husband who wants to practice polygamy should thoroughly consider his physical and mental abilities and ensure that the decision is made out of urgent necessity, not purely personal desire. In accordance with Article 40 of Government Regulation Number 10 of 1975, a husband who intends to marry more than one wife is obliged to submit a written application to the court at his place of residence. For those who cannot read or write, the application is still made in writing, but the signature on the application letter is replaced with a thumbprint as a form of

⁴⁴ Brendah Pua, Deicy N. Karamoy, and Mercy MM Setlight. "The Position of the Principle of Monogamy in the Regulation of Marriage Law in Indonesia." *NUSANTARA: Journal of Social Sciences*, Vol. 9 No. 6, 2022, p. 2374.

⁴⁵ Nur Shofa Ulfyat. "Human Rights Review on Wife's Permission as a Condition for Polygamy in the Marriage Law No. 1 of 1974." *De Jure: Journal of Law and Sharia*, Vol. 8 No. 2 (2017), p. 103. <https://doi.org/10.18860/j-fsh.v8i2.3746>

personal legalization. This shows that the legality aspect in applying for polygamy permits is very concerned, even for people who have limited education or administrative skills. Before a husband can carry out a polygamous marriage, there are a number of conditions that must be met as stipulated in Article 5 of Law Number 1 of 1974 concerning Marriage. This provision emphasizes that polygamy is not an absolute right of the husband, but must go through a legal mechanism and meet certain requirements substantially or administratively.

In Article 5 paragraph (1) it is stated that to apply for more than one wife to the court, a husband must meet three main conditions, namely:

1. There is an agreement from the wife or his wives. This approval is an absolute condition that must be met in order for the court to process the application for a polygamous license. This shows that the wife's will and rights remain protected by law, and the husband cannot unilaterally decide to remarry without the wife's lawful knowledge or consent;
2. There is certainty that husbands are able to guarantee the living needs of their wives and children. Polygamy is not only a matter of law and religion, but also of economic responsibility. A husband who wishes to practice polygamy must show proof that he is financially able to provide for all his family members without causing misery or injustice to either party;
3. There is a guarantee that the husband will act fairly towards his wives and children. Justice is the main principle in polygamy. A husband is obliged to show his commitment to be just, both in terms of attention, time, affection, and the division of material rights between his wives and children.

However, there are exceptions to the condition of consent from the wife as mentioned in Article 5 paragraph (2). Under certain conditions, a husband is allowed not to obtain the consent of his wife or wives if:

1. The wife cannot be asked for her consent, for example because she is unconscious or legally unable to be a party to the agreement;
2. The wife was not known or did not give any news for at least two years;
3. There are other reasons that the trial judge deems appropriate to exclude the consent condition.

This provision reflects that the marriage law in Indonesia not only emphasizes the husband's right to polygamy, but also emphasizes the importance of the principle of justice, the balance of rights and obligations and the protection of women's dignity in domestic institutions.

Regarding the requirements for applying for a polygamy license, it is necessary to distinguish between alternative requirements and cumulative requirements. Article 4 of Law Number 1 of 1974 regulates alternative conditions, which means that simply one of the conditions mentioned (for example, the wife cannot carry out her obligations, is permanently ill, or cannot bear children) can be used as a basis for applying for polygamy. Meanwhile, Article 5 of Law Number 1 of 1974 contains cumulative conditions, meaning that all the conditions listed must be met without exception.

This is also emphasized in Article 58 of the Compilation of Islamic Law (KHI) which explains that in order to obtain a polygamy license from the Religious Court, in addition to meeting the alternative requirements as mentioned in Article 57 of the KHI, the husband must also meet the cumulative requirements that are in line with Article 5 of the Marriage Law. In Article 58 paragraph (2) of the KHI it is explained that even if there has been written consent from the wife, the court will still ask for oral consent in an open hearing to strengthen the validity and ensure that the consent is given consciously, without pressure or coercion. However, there are exceptions to this condition if the wife has not been known for at least two years or in circumstances where it is not possible to obtain consent. This provision is regulated in Article 58 paragraph (3) of the KHI. In an effort to regulate the implementation of Law Number 1 of 1974 in more detail and technically, the government issued Government Regulation (PP) Number 9 of 1975. Article 40 of this PP states that a husband who intends to marry more than one wife is obliged to submit a written application to the court. The same is also affirmed in Article 56 of the Compilation of Islamic Law, which stipulates that the application for a polygamy license must be made through a written application to the Religious Court.⁴⁶

This application for a polygamy license is a form of contentious case, which is a disputed case. This means that the application will be thoroughly examined by the court, involving various parties, and decided through a trial process. The court will consider the evidence, hear the opinions of the parties, and assess whether the conditions have been legally and convincingly met before granting permission or denying the application.⁴⁷ In Indonesia, although the teachings of Islam allow a man to have more than one wife, the procedure and procedures are not explained in detail in the teaching. The state takes a role in regulating the implementation of polygamy in accordance with the principles of justice and protection of women and children. These regulations are contained in Law Number 1 of 1974 concerning Marriage, Government Regulation Number 9 of

⁴⁶ Ali Imron, *Islamic Marriage Law in Indonesia*, Semarang: CV. Karya Abadi Jaya, 2015, p. 69.

⁴⁷ Ibid.

1975, and the Compilation of Islamic Law (KHI). A husband who intends to marry more than once is required to submit a written application to the Religious Court.⁴⁸ This is in accordance with the provisions of Article 40 in Government Regulation Number 9 of 1975. This application is the first step that must be taken so that the second marriage and so on can be considered valid according to state law.

In the Compilation of Islamic Law, especially Article 55, it is stated that a husband may have more than one wife, with a maximum limit of four people. However, this cannot be done carelessly. The main condition that must be met is the husband's ability to be fair to his wives and their children. If this condition cannot be met, then the husband is prohibited from polygamy. Not only that, Article 56 of the KHI emphasizes that to carry out marriage more than once, a husband must obtain permission from the Religious Court. The application must be made by following the procedures that have been regulated by the state. If the husband marries without obtaining permission, then the marriage is considered to have no legal force. This shows how important the role of the state is in regulating and supervising the practice of polygamy. The reasons that can be accepted by the Religious Court to grant a polygamy license are regulated in Article 57 of the KHI.⁴⁹ Permission will only be granted if the first wife is unable to carry out her obligations, suffers from incurable disabilities or illnesses, or is unable to bear offspring.

However, the consent of the wife remains an important condition as explained in Article 58 of the KHI, where the husband must also prove that he is able to guarantee the living needs of all his wives and children. This licensing process involves strict supervision from the court. Even if the wife refuses to give permission, the court will still call and listen to her testimony in the trial. After that, the judge will decide whether or not permission can be granted. Otherwise, then the husband cannot continue his intention to practice polygamy, and the marriage registration will not be carried out by the Marriage Registrar, as stipulated in Article 44 of Government Regulation Number 9 of 1975.

Juridical Implications of Serial Polygamy Without the Knowledge of Legal Wife in Gampong Barueh

The phenomenon of serial polygamy that is carried out without the knowledge of the first wife grows from the pattern of domestic relations that denies the value of justice and openness.

⁴⁸ Muhammad Ridwan. "Execution of Religious Court Decision Related to Iddah Maintenance, Mut'ah." *USM Law Review*, Vol. 1 No. 2 (2018), p. 229. <https://doi.org/10.26623/julr.v1i2.2255>

⁴⁹ Alfian Arbie, and Milhan Milhan. "Analysis of the Granting of Polygamy Permits on the Grounds of Impregnating the Second Wife-to-be (Study of Decision Number 41/Pdt. G/2019/PA. Rtg)." *UNES Law Review*, Vol. 6 No. 1 (2023), p. 3443. <https://doi.org/10.31933/unesrev.v6i1.1138>

In the context of a society that upholds the values of equality and respect, this pattern gives rise to anxiety that spreads from the household level to the broader social layer. Serial polygamy, which takes place without an official state registration mechanism, is outside the corridor of marriage law regulated in Law No. 1 of 1974 and various implementing regulations. A husband who decides to remarry secretly has created an asymmetrical relationship in the household. The first wife, who should be the party to dialogue and agree on determining the future of the household, is instead excluded from the decision-making process that has a long-term impact on her and her children. Feelings of betrayal, loss of trust, and deep inner trauma grow as a collective experience for first wives, and can even spread to affect the psychological development of children who grow up in the midst of a pattern of relationships full of secrets.

The implications of this pattern not only stop at the personal and household levels, but also have a far-reaching impact on social cohesion. The surrounding environment that originally upheld the value of harmony can turn into a space full of prejudice and dispute. Rumours and condemnations from various parties grow as a form of reaction to the violation of common values embraced by the community. The integrity of the social structure, which originally stood on the basis of mutual trust, is in danger of turning into a relationship full of suspicion and division. In the legal order, serial polygamy carried out without the consent of the first wife and without state approval carries significant implications for the legal status of the second wife and the children born of the marriage.⁵⁰ Their status that is not recognized by the state results in the loss of various forms of legal protection, from inheritance status to recognition as legal parties in state documents. This situation has a real impact on the loss of opportunities for the relevant parties to obtain legal guarantees that should be guaranteed by the state based on the principle of legality and protection for all citizens.

In practice, serial polygamy without the knowledge of the first wife is still often found, even though it is contrary to the principles of justice in the household and the applicable legal provisions. One of the real examples of this practice was found by researchers in Gampong Barueh. The chronology is a married couple who have been married for 25 years and have been blessed with three children. The relationship seems harmonious on the surface, but behind it the husband has secretly married another woman without his wife's knowledge. According to Zulkhairah, her marriage to her husband has lasted for 25 years, to be precise since 2000. From

⁵⁰ Fitria Wahyu Ningrum. "Nikah Siri and Its Impact on the Rights of Women and Children in Itsbat Nikah." *TADHKIRAH: Journal of Applied Islamic Law and Sharia Philosophy Studies*, Vol. 2 No. 1 (2025), p. 60. <https://doi.org/10.59841/tadhkirah.v2i1.85>

this marriage, they have been blessed with three children. The first child is 21 years old, the second child is 15 years old and the third child is 9 years old. During the marriage, there were never any suspicious signs or indications that her husband was secretly practicing serial polygamy. She only found out about this series of polygamous marriages after finding a conversation through the WhatsApp application with another woman in 2019, and suspecting the husband's habit of often traveling for the reason of official trips and organizational activities.⁵¹

She further explained, her husband often shows quite striking changes in attitude. He often lies, especially related to family financial management, and becomes more introverted and quiet. Even though previously he often invited his wife and children to spend time together outside the house. Later she found out that her husband had practiced polygamy in a series of ways without her knowledge and consent as the first wife. This action provoked a strong reaction from the extended family and triggered conflicts that had an impact on domestic harmony. But over time, the husband's family turned to support what her husband did.⁵²

Serial polygamy carried out without the knowledge of the legal wife not only violates ethical values in the household, but also has serious psychological and social consequences. From a psychological perspective, the husband's actions of not being open in remarrying can leave deep inner wounds for the first wife. He feels betrayed, loses trust, and feels no longer secure in the marriage bond. Even though trust is one of the most important foundations in building a household. When a big decision like this is hidden, the foundation slowly crumbles and shakes the emotional stability of the family as a whole.

In social life, the practice of polygamy carried out without the knowledge of the first wife is often a source of conflict in the family, both in the nuclear family environment and in the extended family. Unacceptance from the wife's family often causes prolonged tension that damages harmony and communication between family members. This situation often has an impact on the emotional state of children, who are victims of relationship imbalances in the household. Zulkhairah said that this conflict had been resolved by mediation between the two family parties, even to the point of involving gampong officials as a third party in mediation, but there was no common point and agreement to end this conflict. But over time conflicts in the household fade over time, with consideration of the integrity of the household due to the child factor.⁵³

⁵¹ Interview with Zulkhairah, Victim of Siri Polygamy, on May 10, 2025.

⁵² Interview with Zulkhairah, Victim of Siri Polygamy, on May 10, 2025.

⁵³ Interview with Zulkhairah, Victim of Siri Polygamy, on May 10, 2025.

Conflict resolution due to serial polygamy without the knowledge of the legal wife is not enough if it only relies on family mediation or the intervention of the gampong apparatus. Although various efforts have been made, the reality is that it is not easy to find common ground. This shows that the problem faced is not just a matter of rules or agreements, but concerns a much deeper matter, namely damaged trust and unfair feelings experienced by the wife. According to Adnan's statement, he practiced polygamy marriage in series with the background of religious reasons. According to his understanding, in Islamic teachings there is no prohibition on marrying more than one, and there is no need to obtain permission from the first wife. Another reason is his desire to avoid bad stigma from his family and the community in Gampong. In general, people view the practice of polygamy as something that is not good, even though it is not religiously prohibited, as long as it is met with very strict requirements. This is due to the view that polygamy and infidelity are considered to have something in common, namely both sharing affection and sharing love with more than one partner.⁵⁴

The practice of such model marriage has caused social conflicts both internally and externally. According to information from Keuchik Gampong Barueh, this problem has been solved several times at his house, but has not found a common point or *win-win solution*. This dispute has actually created a bad stigma in the eyes of the public, in several times mediation was held both parties did not want to reconcile.⁵⁵ He further explained that, until now the dispute has not been resolved, but they are still in the marriage bond for the reason of child consideration. As a gampong apparatus, if there is a dispute in the household, it can be resolved through the gampong customary institution. This is in accordance with qanun Number 9 of 2008 concerning the Development of Customary Life and Customs, in Article 13 the gampong is given the authority to be able to resolve disputes in the household gradually and in accordance with the conditions.⁵⁶

In the legal order of marriage in Indonesia, marriage is not only limited to a physical and mental bond between two people, but is also a legal institution that is strictly regulated in Indonesian laws and regulations. A valid marriage must meet the applicable legal provisions both in terms of civil and criminal matters. This is important so that the rights and obligations of each party in the household, especially wives and children, can be protected fairly. One of the practices that often causes legal problems is polygamy which is carried out in series, namely without state registration and without permission from the legal wife. Although in Islam it is permissible to have

⁵⁴ Interview with Adnan, the Perpetrator of Siri Polygamy, on May 10, 2025.

⁵⁵ Interview with Amirudin, Keuchik Gampong Barueh, on May 8, 2025.

⁵⁶ Interview with Amirudin, Keuchik Gampong Barueh, on May 8, 2025.

more than one wife, the practice in Indonesia is subject to very strict legal rules. A husband who wants to remarry must obtain permission from the first wife and approval from the religious court. Without it, the marriage is not only considered flawed in civil law, but can also be subject to criminal sanctions. The act of secretly remarrying without the permission of the first wife basically violates the rights of the legal wife as a protected party in the marriage agreement. In fact, by criminal law, this act is included in the criminal act of violation of civil position. The Criminal Code (KUHP) has regulated this provision in several articles, especially Article 279, which states that anyone who marries even though he knows that he is still bound in a valid marriage, can be sentenced to a maximum prison sentence of five to seven years.⁵⁷

This affirmation has also been affirmed by the Supreme Court through the Supreme Court Circular Letter (SEMA) Number 4 of 2016, which states that if a husband remarries another woman without obtaining permission from the previous wife, then the provisions in Article 279 of the Criminal Code can apply. This means that these acts are not only violating social or religious norms, but are also violations of the law that can be criminally processed.⁵⁸ The practice of serial polygamy carried out without the knowledge and permission of the legal wife not only causes rifts in the household, but also creates legal uncertainty that is detrimental to many parties. Not infrequently, this action triggers prolonged conflicts in the family, hurts trust, and has a bad impact on the psychological condition of wives and children. Another juridical implication is that in administrative matters, marriages registered by the state have different juridical consequences compared to marriages that are not registered. Marriages that are carried out without going through an official registration procedure (serial marriage) pose quite serious legal risks, both for wives and children born from the marriage.

The unrecorded marriage causes the legal status of the wife and child to be unclear. Children born from serial marriages have the potential to be legally unrecognized, which can ultimately lead to discrimination in the fulfillment and protection of their rights. It also has an impact on legal relationships in the family, including inheritance rights, custody, and parental legal responsibilities. Children's rights to social services and education are also hampered.⁵⁹ One obvious example is the difficulty in the school registration process because they do not have a birth certificate, which is an important document in the management of educational administration.

⁵⁷ Chyntia Helmi Sekoh. "Juridical Study of Husbands Remarrying (Polygamy) Without the Permission of the First Wife is reviewed from Law Number. 1 of 1974 on marriage." *Lex Privatum*, Vol. 9 No. 2, 2021, p. 136.

⁵⁸ Ibid.

⁵⁹ Nor Hidayatullah. *The Practice of Polygamy Siri and its impact on family harmony: A case study on people with economic income below UMR in Sreseh District, Sampang Regency*. Thesis from Maulana Malik Ibrahim State Islamic University, 2023, p. 100.

Similar obstacles also occur in the management of health services, such as BPJS Kesehatan registration, as well as access to various government social assistance, such as BOS funds and other assistance that requires complete administrative documents.

To solve the problem of serial polygamy marriage in Gampong Barueh, it is not enough just with a moral and religious approach. The first step can be taken through a deliberation mechanism or *tahkim*, which is facilitated by the gampong together with religious leaders and traditional leaders. In practice, this mechanism has been carried out by the Gampong to reconcile the two parties. However, there has been no common ground or *win-win solution* in the deliberations held at *Genchik's house*. The next step is that the parties can apply for *isbat nikah* to the Sharia Court in Aceh Besar Regency. This application was submitted by the wife of Siri to obtain legal status and legal protection for marriage and the status of children born from marriage. For legal wives, if they feel that the marital bond can no longer be maintained, the state provides legal space to file a divorce lawsuit with the Sharia Court, and for legal wives, they can report the actions of their husbands who are proven to have committed criminal acts in accordance with Article 279 of the Criminal Code.

In the view of *fiqh*, the practice of serial polygamy marriage carried out without the knowledge of the legal wife in Gampong Barueh has legal consequences. From a religious point of view, such a marriage can be considered valid if it fulfills the harmony and conditions of marriage, this opinion is in accordance with the *ijtihad* of previous scholars. However, if referring to the opinion of contemporary scholars, the practice of serial polygamy marriage is considered deviant from Islamic values, especially the aspects of justice and harm arising from the practice, the scholars remind that the absence of permission from the first wife can make the marriage enter the realm of *makruh* or even *haram* if it causes the impact of *dharar* (harm) for the first wife, the second wife, as well as the children of the marriage.⁶⁰ To resolve domestic conflicts caused by serial polygamous marriages in Gampong Barueh, it can be pursued with the concept of *tahkim* that allows the parties to dialogue, evaluate each other's needs and obligations, and establish a mutual agreement regarding marital status and the division of household responsibilities.

It can be concluded that the resolution of domestic conflicts due to the practice of serial polygamy in Gampong Barueh requires an approach that does not only rely on the religious side, but also pays attention to the legal and humanitarian routes. When the deliberation or *tahkim* route

⁶⁰ Nurul Hikmah, and Agung Ary Subagya. "Legal Protection for Women Related to the Practice of Serial Polygamy in the Perspective of Islamic Law." *LENTER: Journal of Gender and Children Studies*, Vol. 2 No. 1, 2020, p. 50. <https://doi.org/10.26740/lentera.v2i1.9039>

has not resulted in an agreement, legal steps such as marriage isbat, divorce lawsuit, and criminal reporting are important to provide fair protection for all parties, especially affected women and children. In the view of fiqh, the practice of serial polygamy is not justified because it is contrary to the universal values in Islam, without paying attention to justice and transparency, the practice can actually cause harm and violate the principle of justice in the household. Therefore, the best way is to open a space for honest dialogue, based on good intentions, and accompanied by a willingness to submit to the applicable legal rules, in order to create clarity of status and sustainable family harmony.

Conclusion

Siri polygamy is the practice of polygamy that is carried out without the permission of the first wife and without official state registration, even though it is legal according to Islamic law because it meets the requirements and harmony of marriage. This practice is not recognized by Indonesia's positive law and has the potential to cause various problems, such as injustice to wives and children, lack of legal protection, and social and domestic conflicts. Although Islam permits polygamy on the condition of justice, its serial implementation tends to ignore the principle of justice that is at the heart of the sharia. The issue of serial polygamy without the knowledge of legal wives in Gampong Barueh shows that this practice not only violates legal norms and household ethics, but also causes deep social and psychological wounds to women and children. Although the marriage can be considered legally legal, the reality on the ground proves that without justice, openness, and official records, this practice gives birth to more suffering than benefit. Therefore, the solution needs to combine customary, religious, and legal approaches holistically. Deliberation through tahkim can be the first door to ease tensions, but if it does not produce a solution, legal channels such as marriage isbat, divorce lawsuits, or criminal reporting must be taken for the sake of clarity of status and protection of the rights of the affected parties.

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