



Analysis of Gorontalo Religious Court Judges' Considerations in Polygamy Permits

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Abstract: This study aims to determine how the effectiveness of the implementation of Article 57 of the Compilation of Islamic Law in relation to polygamy permits due to adultery resulting in pregnancy. This research uses empris research method with Sociological Jurisprudence approach. The result of this research is that the application for polygamy permit in Decision Number: 904/Pdt.G/2018/PA.Gtlo, does not fulfill the alternative requirements as a reason for polygamy, only fulfills the cumulative requirements. According to the author, the applicant's reason for wanting to be polygamous on the grounds that the prospective second wife is currently 8 months pregnant violates the provisions of Article 4 of Law Number 1 of 1974 concerning Marriage, Article 41 of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage, and article 57 of the Compilation of Islamic Law.

Keywords : Consideration of the Panel of Judges; Religious courts; Polygamy

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1. Introduction

Allah SWT presents humans with human instincts which of course need to get fulfillment, besides humans were created by Allah SWT to devote themselves to the creator with all their life activities.¹ Fulfilling human human instincts, which include biological needs including life activities, so that humans obey the purpose of their occurrence, Allah SWT regulates human life with the rules of marriage.²

As something that is very sacred both in state law and religion, marriage has laws that must be obeyed in order to form an eternal and happy household based on belief in one and only God,³ this is as mandated in our country's constitution, where in Article 28 B paragraph (1) The Constitution of the Unitary State of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) states that:

"Everyone has the right to form a family and continue offspring through a legal marriage".⁴

The process of legal marriage will be a means to achieve the ideals of fostering a happy household, where husbands and wives and children can live in harmony and peace towards the realization of a materially and spiritually prosperous society.⁵ Besides that, marriage is not solely for the benefit of the person who is carrying it out, but also for the benefit of the family and society.

According to Salim HS, that:

"Marriage is a very important institution in society. The existence of this institution is to legalize the legal relationship between a man and a woman. What is meant by marriage is an inner and outer bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on Belief in One Almighty God (Article 1 UU Number 1 Year 1974)".⁶

Meanwhile, according to Munir Fuady, marriage: "Marriage is a very important legal event for humans with various legal consequences."⁷ Because of that, the law regulates

¹ Pomahiya, Sinta, Nur M. Kasim, and Dolot Alhasni Bakung. "Legal Consequences of Marriage During Iddah Period Based on Compilation Islamic law." *Estudiante Law Journal* 4.2 (2022): 708-719.

² Abdullah, Suaib. "Polemic and Existence Marriage Dispensation given Marriage Law." *Estudiante Law Journal* 1.3 (2019): 726-740

³ Mootalu, Sri Rahayu. "The effectiveness of the national land agency in implementing the complete systemic land registration program." *Estudiante Law Journal* 2.3 (2020): 511-529

⁴ "Pasal 28 B Ayat (1) Undang-Undang Dasar Negara Kesatuan Republik Indonesia Tahun 1945.," t.t.

⁵ Dali, Debi Sintia, Sri Nanang Meiske Kamba, and Nurul Fazri Elfikri. "Analysis Of The Role Of The Office Of Religious Affairs In Managing The Case Of Siri Marriage Couples." *Estudiante Law Journal* 4.2 (2022): 157-172.

⁶ Salim H.S, *Hukum Kontrak: Teori dan Teknik Penyusunan Kontrak* (Sinar Grafika, 2021).

⁷ Lamara, Aneng T. "The Legal Position Of Marriage Through a Unified Marriage Isbat Trial At The Gorontalo Religious Court." *Estudiante Law Journal* (2020): 36-52

this marriage issue in detail.⁸ However, not a few of them who have had marriages ended in divorce, or at least polygamous or polyandry. The problems that arise usually cover only three things, namely economic deficiencies, less harmonious family relationships, sex and infidelity.

Polygamy, for example, this issue becomes an interesting topic and discussion to be debated every day, even though we all know that the Polygamy issue has been very clearly described in the provisions of laws and regulations, starting with the birth of the provisions of Law Number 1 of 1974 Concerning Marriage, Government Regulations (PP) Number 45 of 1990 concerning Amendments to Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants.⁹

As Article 4 of Law Number 1 of 1974 concerning Marriage confirms, among other things, that a husband will have more than one wife, then he is obliged to submit an application to the Court in the area where he lives, the intended Court only gives permission to a husband who will have more than one wife.¹⁰

A husband who intends to have more than one wife, then he must apply for a polygamy permit to the Religious Court, then the Religious Court will make a decision whether the application is granted or rejected. In giving its decision, the court must really consider its decision, because the problem of polygamy concerns the happiness and welfare of the household. The Religious Courts in their duties to give decisions regarding applications for polygamy, are guided by the applicable regulations.¹¹

Among them Law no. 1 of 1974, Government Regulation Number 9 of 1975 and Compilation of Islamic Law Articles 55-59 Religious courts have the power to try or handle cases (*Absolute Coupetensial*). *Absolute* power means the power of the court relating to the type of case or type of court or level of court, in contrast to other types of case or type of court or level of court.¹²

In this case the court has the power to adjudicate or handle the issue of applications for polygamy permits in which the judge must interpret and consider the decision or decision to be taken. In the case of the application for polygamy, this is a *contentious case* .¹³

⁸ Mishbahul Munir dan Rhido Jusmadi, *Buku Ajar: Praktek Peradilan Perdata* (SCOPINDO MEDIA PUSTAKA, 2020).

⁹ Hulukati, Syafira Amalia. "Legal Implications of Prenuptial Agreements in Marriage in Indonesia: Between Protection of Rights and Justice." *Estudiante Law Journal* 6.2 (2024): 329-350

¹⁰ Hudodo, Siti Nur Magfirah A., Nur Mohamad Kasim, and Sri Nanang Meiske Kamba. "Analysis of the Legal Consequences of Legalizing Polyandry Marriages in the Gorontalo Religious Court Area." *Estudiante Law Journal* 5.3 (2023): 730-741

¹¹ Srirahma, Srirahma, and Sri Nanang Meiske Kamba. "Effectiveness of Article 53 On Marrying Pregnant Women In Compilation Of Islamic Law." *Estudiante Law Journal* 4.2 (2022): 739-758

¹² Adam, Rikson, Erman Rahim, and Abdul Hamid Tome. "Analysis Of Judge's Decision Against Substitute Charities In Religious Courts Consider From Islamic Law Commission." *Estudiante Law Journal* 4.2 (2022): 60-76

¹³ Jusuf, Melany Fauzia. "Imposition of Ex-Wife's Post-Divorce Livelihoods: A Socio-Legal Overview." *Estudiante Law Journal* 2.3 (2020): 478-491.

There are many reasons behind someone applying for polygamy which is accepted and granted by the Religious Courts that occur in our society in general, the reasons contained in Law Number 1 of 1974 concerning marriage such as a wife who cannot serve her husband due to disability or illness. heavy even with the reason of not being able to get offspring.¹⁴

Then on October 14 2019 the President of the Republic of Indonesia inaugurated Law Number 16 of 2019 Concerning Marriage. One of these changes is stated in Article 7 Paragraph (1) of Law Number 16 of 2019 concerning Marriage. The change to Law Number 16 of 2019 is an amendment to Law Number 1 of 1974 concerning Marriage. In Law Number 16 of 2019 that marriage is only permitted if a man and woman have reached the age of 19, this is a significant change because previously it was regulated in Law number 1 of 1974 Article 7 Paragraph (1) That marriage is only permitted if the man has reached the age of 19 (nineteen) years and the woman has reached the age of 16 (sixteen) years.¹⁵

If there is a violation of the age limit provisions, the male and/or female parents can request dispensation from the court with very urgent reasons accompanied by sufficient supporting evidence (Article 7 Paragraph (2) of Law Number 16 of 2019 concerning amendments on Law Number 1 of 1974 Concerning Marriage),¹⁶

However, there are other reasons that are not in accordance with the Law mentioned above, where the reasons behind a person applying for a polygamous permit include such as the prospective wife being pregnant out of wedlock. Pregnant out of wedlock is a woman who becomes pregnant before entering into a marriage contract or marriage. In this case a woman has sexual intercourse with a man to get pregnant without prior marriage ties.¹⁷

The emergence of various legal constructions that regulate polygamy and its legal consequences mentioned above, is not only seen from the point of view of the validity of a legal product, but the problem of polygamy has also entered the realm of privacy and human rights (HAM). State intervention with the enactment of these regulations by prohibiting polygamy has no other purpose than maintaining the social balance that occurs within the Indonesian people.¹⁸

¹⁴ Supu, Mohamad Nuralim. "The Judge's Consideration In Granting The Application For Marriage Dispensation After The Enactment Of Law No. 16 2019." *Estudiante Law Journal* (2020): 153-165.

¹⁵ Hulukati, Syafira Amalia. "Legal Implications of Prenuptial Agreements in Marriage in Indonesia: Between Protection of Rights and Justice." *Estudiante Law Journal* 6.2 (2024): 329-350.

¹⁶ Maku, Dwi Citra Maharani, Dian Ekawaty Ismail, and Apripari Apripari. "The Challenges of Diversion at LKS Ummu Syahidah Gorontalo For Juvenile Offenders." *Estudiante Law Journal* 6.2 (2024): 313-328

¹⁷ Hudodo, Siti Nur Magfirah A., Nur Mohamad Kasim, and Sri Nanang Meiske Kamba. "Analysis of the Legal Consequences of Legalizing Polyandry Marriages in the Gorontalo Religious Court Area." *Estudiante Law Journal* 5.3 (2023): 730-741

¹⁸ Muis, Andi Asfarida. "Assessing the Authority of the General Election Supervisory Agency in Maintaining the Neutrality of the State Civil Apparatus in the 2020 Regional Elections." *Estudiante Law Journal* 1.1 (2024): 46-67.

In fact, the purpose of marriage has been explained, namely to appease (calm) the soul, preserve offspring, fulfill biological needs and carry out practical exercises in carrying responsibility. The existence of a request for polygamy on the grounds that the prospective wife is pregnant out of wedlock is of course different from the purpose of marriage. If the marriage occurs, it is done because the man is held responsible for his actions.¹⁹

Those who suffer the most from the practice of polygamy are none other than the "have" or women. Therefore, prospective researchers consider that Nagara should contribute to prohibiting the practice of polygamy because it will cause injustice to women. In other words, protection by the state must be extended to women who are the object of violent practices through unofficial marriages (marriage not registered by the state through the KUA).²⁰

It is quite clear that there has been an increase in polygamy permits handled by the Gorontalo Religious Court, both cases of polygamy permits being dismissed by a panel of judges, being rejected and cases of polygamy permits being aborted.

In the provisions of Article 55 of the Compilation of Islamic Law it is stated that:

1. Having more than one wife at the same time, limited to four wives.
2. The main requirement is to have more than one wife, the husband must be able to treat his wives and children fairly.
3. If the main conditions referred to in paragraph (2) cannot be fulfilled, the husband is prohibited from having another wife.

Meanwhile, Article 57 of the Compilation of Islamic Law also requires that:

"The Religious Court only gives permission to a husband who will have more than one wife if:

- a) the wife cannot carry out her obligations as a wife;
- b) the wife has a physical disability or an incurable disease;
- c) the wife cannot bear children.

One example of a polygamy case that has reached the court stage with decision number 904/Pdt.G/2018/PA.Gtlo. Whereas the sitting case explained that the Petitioner who was married wanted to remarry (polygamy) because his second wife-to-be was currently 8 months pregnant. From the above case, the judge considered that the panel of judges was of the opinion and assessed that the applicant's request

¹⁹ Alulu, Rizal, Lisnawaty W. Badu, and Mohamad Taufiq Zulfikar Sarson. "Victimological Review Of The Criminal Offence Of Child Abuse By Father And Step-Uncle." *Estudiante Law Journal* 5.3 (2023): 687-698

²⁰ Pulubuhu, Zhakilla Salsabilla Rizky Imani, Lisnawaty Wadju Badu, and Mellisa Towadi. "Factors That Cause Families To Commit Crimes Against Children." *Estudiante Law Journal* 5.3 (2023): 568-579.

to allow the applicant to practice polygamy met the requirements and reasons as stipulated in Law No. 1 of 1974 concerning marriage in Article 5 paragraph 1 letters ab and c that a person who wants to be polygamous, requires the approval of his wife or wives. The husband guarantees the necessities of life for his wives and children. Furthermore, in article 53 KHI paragraph 1 explains that a pregnant woman out of wedlock can be married to a man who impregnated her, paragraph 2 marriage to a pregnant woman mentioned in paragraph one can be carried out without waiting for her child to be born, paragraph 3 does not need a re-marriage after his son was born.

Furthermore, the panel of judges gave permission to the applicant to practice polygamy on the basis of protecting the civil rights of the prospective second wife who was pregnant out of wedlock. Therefore, the first wife of the applicant allowed polygamy because of the element of compulsion on the basis of the judge's consideration that the applicant was able to support both of them.

2. Research methods

This type of research is empirical legal research using the Sociology of Law approach. This research is descriptive in nature, which generally aims to accurately describe individual characteristics, conditions, symptoms or certain groups. This study uses data collection techniques through document studies, interviews, and observation. The data used by prospective researchers are primary data and secondary data. Primary data is obtained from the research field directly and comes from the first sources in the research field, such as respondents and informants who are directly related to the research. Secondary data is obtained and sourced from a literature review in the form of literature, scientific papers (research results), laws and regulations, documentation from various agencies and data that has been documented in legal sources that are related to the problem to be studied.

3. What are the considerations of the Panel of Judges of the Gorontalo City Religious Court on the Case of Polygamy Permits

Etymologically the word polygamy comes from the Greek which consists of two words namely "*poly* " or "*polus*" which means many, and gamos which means marriage or marriage. When combined into one word, it means that many marriages do not only occur once. As for terminology, polygamy can be interpreted as a marriage bond where one party has or marries several members of the opposite sex at the same time where one party still has a marriage bond with one of the opposite sex.²¹ Even though in the above sense the sentence "one of the parties" is because the term woman who has many husbands is known as polyandry, then what is meant by polygamy here is in a marriage bond or marriage with a husband who has several wives (polygyny) in his life partner at the same time . According to a review of social anthropology, polygamy means that a man marries many women or vice versa . Polygamy in the view of social anthropology is divided into two kinds, namely:

²¹ Abdullah, Sintiarawati. "Judge's Considerations in Granting the Request for Marriage Dispensation." *Estudiante Law Journal* 5.2 (2023): 273-281

- a) Polyandry, namely marriage between a woman and several men.
- b) Polygyny, namely marriage between one man and several women.²²

In its development, the term polygyny is rarely used, it can even be said that this term is not used among the community. Except for anthropologists.²³ So that the term polygamy directly replaces the term polygyny. In the Big Indonesian Dictionary it is stated that the notion of polygamy is a marriage bond in which one party has or marries several members of the opposite sex at the same time. While polygamy is running or doing polygamy. In Arabic polygamy or having more than one wife is known as ta'addud zaujat" is if a man marries more than one wife at the same time even though the wives are in different areas. Based on the definition above, a person is said to practice polygamy if there is a marriage after marriage or a marriage where the husband still has a wife so that in the end the husband can have more than one wife at the same time. Whereas a husband whose wife dies and then remarries cannot be said to be polygamous, because he only marries one wife at a time. So if a person has been married four times or more, but the last wife is one, it cannot also be said to be polygamous.

Basically, the principle of marriage is based on Law No. 1 of 1974 adheres to the principle of monogamy, namely in a marriage a man may only have one wife and a woman may only have one husband. However, in Article 3 paragraph 2 of Law Number 1 of 1974 it still tolerates polygamy, that the court can give permission to someone if the person concerned wants it. In practicing polygamy, a person must obtain permission from the Religious Court and must also be completed by the Religious Court based on the authority of the Religious Courts Article 4 paragraph (1) of Law Number 1 of 1974 concerning marriage, article 40 of Government Regulation Number 9 of 1975 concerning implementation of law No. 1 of 1974 concerning marriage and article 56 paragraph (3) Compilation of Islamic Law. In accordance with the provisions of the Compilation of Islamic Law article 56 paragraph 3, marriage with more than one wife must obtain permission for polygamy from the local Religious Court so that it has legal force, so that the obligations and rights of the husband and wife can be fulfilled.²⁴

In practice, if someone wants to remarry or polygamy within a marriage bond, of course, they must comply with the existing provisions, both in Islamic law and statutory regulations made and stipulated by the state government. So that in conditions like this, judges are people who are very influential in taking action or

²² Achmad Nasrullah Ubaidah, "Analisis hukum positif dan hukum Islam terhadap putusan Pengadilan Tinggi Agama dalam mengabulkan permohonan itsbat nikah poligami bagi pegawai negeri sipil: Studi putusan banding nomor 0093/Pdt. G/2014/PTA. NTB" (Universitas Islam Negeri Maulana Malik Ibrahim, 2017).

²³ Kohongia, Cindra Ningsih. "Legal Protection for Women as Victims of Domestic Violence Based on Article 1 of Law No. 23 of 2004." *Estudiante Law Journal* 5.2 (2023): 330-338.

²⁴ M. RAFI' AKBAR, "ANALISIS GENDER TERHADAP PUTUSAN HAKIM TENTANG IZIN POLIGAMI (STUDI KASUS DI PENGADILAN AGAMA SLEMAN TAHUN 2017)" (UIN SUNAN KALIJAGA YOGYAKARTA, 2018).

making decisions by considering justice, legal certainty and expediency. In the Marriage Law number 1 of 1974, the court can give permission for polygamy to the applicant must complete at least three cumulative requirements as well as one of the alternative requirements including:

The cumulative requirements are (Article 5 paragraph 1 of the 1974 Marriage Law):

1. The wife/wives give permission
2. That there is a real guarantee that a husband can meet the life needs of his wife and children.
3. The real guarantee is that a husband can apply as fairly as possible to his wife or child.

The alternative requirements are (Article 4 paragraph 2 of the 1974 Marriage Law):

1. Wife is unable to carry out obligations
2. The wife has a physical disability or illness that is impossible to heal.
3. The wife cannot give children.²⁵

In the polygamy permit case Number: 904/Pdt.G/2018/PA.Gtlo, the Majelis Judge first conducted an examination of the reasons presented by the Petitioner. Where in this case the Petitioner applied for a permit to polygamy because the prospective second wife was currently 8 months pregnant. Then the judge's considerations granted the applicant's request, namely:

1. Considering, that the panel of judges gave an explanation to the Petitioner, the Respondent and the Petitioner's wife-to-be, relating to the polygamy issue raised by the Petitioner, but the Petitioner remained in the Petitioner's stance on polygamy, then the Petitioner's petition was read out, the contents and intent of the Petitioner's petition were retained, and had comply with the provisions of article 6 paragraph (5) of Law Number 1 of 1974.
2. Considering, that the principal issues between the Respondent and the Petitioner's wife-to-be are as follows:
 - a. Whereas is it true that the Petitioner has the physical and spiritual ability to have more than one wife
 - b. That is true, the Petitioner is able to treat his wives and children fairly in the future
 - c. That is true, the Respondent and the Petitioner's future wife are willing and willing to be pitted by the Petitioner

That, in order to substantiate the pretext of the Petitioner's application, that the applicant has submitted documentary evidence in the form of *Authentic Deed*, P1, P2, P4, P5, P6, and one-sided deed in the form of P3 evidence, and *Deed* P1 in which the Petitioner and the Respondent entered into a *Marriage Contract* on the day Saturday, November 10 2018 and the P2 *Authentic Deed* in which the Petitioner is able to act fairly and the P3 unilateral *Deed* in which the Petitioner has a monthly income of Rp.

²⁵ Presiden Republik Indonesia dan I. Bab, "Undang-Undang Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan," *Lembaran Negara Republik Indonesia Tahun, 1974*.

4,870,000.00 and the P4 *authentic deed* , in which the respondent explained that the respondent gave permission to the Petitioner to remarry and the P5 *authentic deed* , in which the applicant's prospective second wife is willing to be combined with the P6 *Authentic Deed* , in which the Petitioner and the Respondent and the prospective wife of the Petitioner are not incarnated there is blood relationship;

1. Considering, that the testimony of the Petitioner's witnesses is consistent with what is felt, in accordance with what was heard directly and in accordance with what was seen by the witnesses, also knowing the intention of the applicant to apply to the court to obtain a permit for polygamy, therefore the knowledge of the Petitioners the witness, is a source of knowledge for the witnesses, is perfect and binding and relevant to the argument that must be proven by the Petitioner, thus the information given by the witnesses has fulfilled the material requirements of proof by witnesses, by fulfilling the provisions of articles 308 and 309 R.Bg .
2. Considering, that based on this evidence, the panel of judges considers that the Petitioner has been able to prove the arguments of the Petitioner's petition, thus, that the Petitioner is Muslim, has an address in the legal area, (*Yurusdiksi*) Religious Court of Gorontalo City, the Petitioner and the Respondent are still bound in a legal marriage and the case This is related to marital issues, therefore the application for a polygamy permit submitted by the Applicant can be accepted for consideration.²⁶

The application for polygamy permit in Decision Number: 904/Pdt.G/2018/PA.Gtlo, does not fulfill the alternative requirements as a reason for polygamy, only fulfills the cumulative requirements. According to the author, the applicant's reason for wanting to be polygamous on the grounds that the prospective second wife is currently 8 months pregnant violates the provisions of Article 4 of Law Number 1 of 1974 concerning Marriage, Article 41 of Government Regulation Number 9 of 1975 concerning the Implementation of Law Number 1 of 1974 concerning Marriage, and Article 57 of the Compilation of Islamic Law.²⁷

Article 4 paragraph 2 of Law Number 1 of 1974 concerning Marriage, the Court referred to in paragraph (1) of this article only gives permission to a husband who will have more than one wife if:

- a. The wife cannot carry out her obligations as a wife.
- b. The wife has a physical disability or an incurable disease.
- c. The wife cannot bear children.

Article 41 of Government Regulation Number 9 of 1975 concerning Implementation of Law Number 1 of 1974 concerning Marriage, the Court then examines whether or not there are reasons that allow a husband to remarry, namely:

- a. That the wife cannot carry out her obligations as a wife;

²⁶ "Putusan Nomor 904/Pdt.G/2018/Pa.Gtlo," t.t.

²⁷ "Putusan Nomor 904/Pdt.G/2018/Pa.Gtlo."

- b. That the wife has a physical disability or an incurable disease;
- c. That the wife cannot bear children.

Article 57 KHI The Religious Courts only give permission to husbands who will have more than one wife if:

- a. The wife cannot carry out the obligations of the wife.
- b. The wife has a physical disability or an incurable disease.
- c. The wife cannot bear children.

In this decision, the reason used by the applicant for polygamy because the second wife-to-be is 8 months pregnant is not relevant for someone to practice polygamy. This is because in order to practice polygamy there are limitations and conditions for practicing polygamy, as explained in Article 4 of Law Number 1 of 1974 concerning Marriage, Article 41 of Government Regulation Number 9 of 1975, and Article 57 of the Compilation of Islamic Law.²⁸ According to the article above, it is clear that a polygamous husband is permissible if in a condition where the wife cannot carry out her obligations as a wife, the wife has a disability or an incurable disease and the wife cannot give birth to offspring. In terms of alternative requirements (Article 4 of the 1974 Marriage Law), in this decision it is clear that the main reason put forward by the applicant as the reason is because the prospective second wife is already 8 months pregnant, according to the author the reasons put forward by the applicant are not relevant and not strong to be used as a reason to obtain permission from the court to practice polygamy and this reason is not the main reason for applying for a polygamy permit. This reason is not contained in the applicable law.

In decision Number: 904/Pdt.G/2018/PA.Gtlo, in the decision after the trial it was found that there were other reasons that became the consideration of the panel of judges in granting the application for a polygamy permit, the reason referred to was that there was no between the Petitioner and the prospective second wife blood relationship, there is no sexual relationship and there is no sexual relationship. The Petitioner and the Petitioner's future wife already know each other and have even been in a relationship for 2 years.

Polygamy is not prohibited, but polygamy according to laws and regulations must fulfill certain alternative reasons. In the case of an application for a polygamy permit at the Religious Court, there are several clauses that need to be observed by the judges:

1. First, based on data in the field, it is proven that polygamy has a negative impact on family survival, especially for wives and their children.
2. Second, polygamy exists for and against its existence.
3. Third, there are several cases where the reason for applying for a polygamy permit is not stated in the laws and regulations.

²⁸ Yunde, Risky Yanto, Nur Mohamad Kasim, and Dolot Alhasni Bakung. "Efforts to Optimize the Office of Religious Affairs of Paleleh District Buol Regency in overcoming the increase in early marriage after the Covid-19 pandemic." *Estudiante Law Journal* 5.1 (2023): 10-24.

4. Fourth, many applicants for polygamy permits come from the lower middle class economic group.
5. Fifth, many people practice outside the religious courts (illegal).²⁹

Based on the five problems above, judges should be able to decide on polygamy cases submitted with full consideration, caution and driven by a strong conscience to give a fair decision to the applicant and the wife. For this reason, a judge should not only close himself to the normative doctrines of the laws and regulations used, but they must also be sensitive to reading the dynamics that develop in society, the psychological conditions of the parties at trial and continue to add insight into the discourse on polygamy and study the results from several researches on polygamy practices in the field.³⁰

5. Conclusion

The socio-juridical review of the crime of embezzlement of Fiduciary Guarantee objects in Kabila District, Bone Bolango Regency is based on the socio-juridical scope, namely the first law, where the implementation of the legal system must pay attention to the constitution and laws that apply in society. Therefore, Law No. 42/1999 on Fiduciary Guarantees is a form of balance to accommodate the needs of the community regarding the implementation of guarantees. Two state institutions that function to form or create and enforce the law, where the prioritized institution is the police. In addition, there is an interactive relationship between the formal legal system and the legal order of society. This discussion focuses on finding answers regarding the level of public awareness and compliance with the law. The factors that cause the criminal act of embezzlement of Fiduciary Guarantee objects include economic factors, where the provision of rewards is one of the reasons KN is willing to lend its identity to be used in the Fiduciary Guarantee agreement by AHI. The second factor is the social environment factor, where the friendship established between the perpetrators of the embezzlement of the Fiduciary Guarantee object is also the cause of AHI using KN's identity.

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²⁹ Agus Sunaryo, *Polygamy in Indonesia*, p. 12.

³⁰ *Ibid.*, p. 13

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