



## Protection of Rights Against Legal Wives on Fulfillment of Household Maintenance by Husband

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**Abstract:** This study examines the protection of the rights of legal wives in the fulfillment of household maintenance by husbands based on the Marriage Law in Indonesia. The main focus of the research is to analyze the effectiveness of the implementation of the law in protecting the wife's right to earn a decent living. The research method used is empirical with a qualitative approach. Data were obtained through in-depth interviews with wives, husbands, Religious Court judges, and legal practitioners, as well as direct observation in the field. Data analysis was done descriptively-analytically. The results showed that although the Marriage Law has regulated the husband's obligation to provide maintenance, its implementation still faces various obstacles in the field. Factors such as weak law enforcement, low public legal awareness, and diverse interpretations of the provisions of the law are the main obstacles. The study also identifies several efforts that can be made to improve the effectiveness of legal protection, including strengthening the role of the Religious Courts, improving coordination between relevant institutions, and empowering civil society.

**Keywords :** Legal Protection; Wife's Rights; Household Maintenance.

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## 1. Introduction

Marriage is one of the most sacred moments in human life. Every individual who wants to get married must fulfill the various conditions and pillars of marriage that have been determined, which will then lead to rights and obligations for both partners. The rights and obligations of husband and wife can vary according to their respective abilities. One of the legal consequences of marriage is the determination of the husband's role as head of the family and the wife as a housewife. In addition, the husband has the obligation to provide for and educate his children and wife, as well as provide a decent place to live for his family.<sup>1</sup>

Establishing a household is not just about mutual ownership or control between one party and the other. The marriage contract contains many key duties and obligations for both parties, including the responsibility of maintenance. Maintenance is a right that must be fulfilled by a husband towards his wife. This can take many forms, including food, shelter, education, and clothing.

In Indonesia, marriage is regulated by Law Number 1 of 1974 concerning Marriage, which has been amended by Law Number 16 of 2019. This law regulates the basic principles of marriage, including: the principle of eternal marriage aimed at forming a happy and lasting family; marriage is valid according to religious law or their respective beliefs; marriage must be recorded in accordance with applicable regulations; the principle of monogamy; and the balance of rights and position of husband and wife in household and community life.<sup>2</sup>

In household life, maintenance is a very important aspect. Every family member must realize the importance of the family economy or *nafkah*, especially the husband who is responsible for his wife and children. If *alimony* is not well taken care of, it often poses a threat to the survival of the household. Therefore, married couples should not underestimate this issue, especially for husbands who have the main responsibility in providing maintenance.

The Marriage Law defines marriage as a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and lasting family or household based on the Almighty God. This definition emphasizes that marriage has a close relationship with spiritual aspects. The basic principles of marriage emphasize that couples must be physically and mentally mature to be able to undergo marriage successfully, without ending in divorce, and be able to produce good offspring.<sup>3</sup>

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<sup>1</sup> Moh Ali Wafa, "Hukum Perkawinan Di Indonesia: Sebuah Kajian Dalam Hukum Islam Dan Hukum Materil" (YASMI (Yayasan Asy-Syari'ah Modern Indonesia), 2018), <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/71252/1/Buku.pdf>.

<sup>2</sup> Hazarul Aswat and Arif Rahman, "Kewajiban Suami Memberi Nafkah Dalam Kompilasi Hukum Islam," *JURNAL AL-IQTISHOD* 5, no. 1 (March 25, 2021): 16–27.

<sup>3</sup> Abdul Fatakh, "Nafkah Rumah Tangga Dalam Perspektif Hukum Islam," *INKLUSIF: JURNAL PENGKAJIAN PENELITIAN SYARIAH DAN ILMU HUKUM* 3, no. 1 (July 25, 2018): 57–74, <https://doi.org/10.24235/inklusif.v3i1.2766>.

In household matters, husbands and wives can confer and decide issues together. Among the rights and obligations of a husband towards his wife are to be fair, provide for her, and speak kindly. Given the sacredness of marriage, as a state of law, it is not enough for the implementation of marriage in Indonesia to be carried out in accordance with religious law, but it must also be in accordance with state laws, especially Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019.

This law also regulates polygamy by stating that the principle of marriage is monogamy. Polygamy is only allowed under strict conditions and under certain circumstances. The Marriage Law is the legal basis that regulates marriage in Indonesia, including the rights and obligations of husbands and wives in terms of fulfilling household maintenance. Therefore, it is important to examine how this law is applied and protects legal wives in the context of fulfilling household maintenance.<sup>4</sup>

With the existence of laws that guarantee the rights of children and the rights of wives, it is hoped that there will be peace in family life, without any party feeling disadvantaged, either the obliged party or the entitled party. However, in practice, there are still cases where husbands enter into polygamous marriages without fulfilling the conditions set by the law. Such marriages, although fulfilling the religious requirements and pillars, are not conducted in the presence of a Marriage Registration Officer (PPN) as an official government official.

One important aspect of legal protection for legal wives is the fulfillment of household maintenance. Household maintenance includes basic needs such as food, clothing, shelter, education, and health. However, in practice, there are often problems related to the fulfillment of household maintenance that can harm legal wives. Legal wives often face various problems such as injustice in the division of joint property, the inability of the husband to fulfill his maintenance obligations, or neglect of family financial responsibilities.<sup>5</sup>

Polygamy is recognized and permitted by Indonesian law and Islamic law, as explained in Article 3 Paragraph two of the Marriage Law. However, husbands must fulfill certain conditions and obtain court approval to practice polygamy. With court permission, a husband can remarry if his first wife wishes. This is related to the various religions that exist in Indonesia, where some religions prohibit polygamy and some allow it.

For polygamy, the first wife must give written or verbal consent. However, the oral consent of the first wife must be affirmed in a religious court. One of the main requirements that a husband must fulfill is the ability to be fair to his wives and children (Article 55 Paragraph 2 KHI). If a husband cannot fulfill this condition, then he is prohibited from marrying more than one woman. In addition, marriage to a

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<sup>4</sup> Haris Hidayatulloh, "Hak Dan Kewajiban Suami Istri Dalam Al-Qur'an," *Jurnal Hukum Keluarga Islam* 4, no. 2 (2019): 143-65.

<sup>5</sup> Ahmad Yani, Sumarni Alam, and Edi Mulyadi, "Perlindungan Hukum Terhadap Hak-Hak Perempuan Dan Anak Pasca Perceraian Menurut Peraturan Perundang-Undangan Yang Berlaku," *JURNAL PEMANDHU* 2, no. 3 (2021): 299-313, <https://doi.org/10.33592/jp.v2i3.2173>.

second, third or fourth wife cannot be conducted without the permission of a religious court.

Many people in our society still do not fully understand the importance of registering a marriage. Some people may simply follow custom or consider marriage registration as a purely administrative matter, without fully realizing the benefits of marriage registration. Although Indonesian marriage law adheres to the principle of monogamy, many people interpret the principle as an encouragement to establish monogamous marriages by complicating and narrowing the use of the institution of polygamy rather than abolishing the polygamous system altogether.<sup>6</sup>

Polygamy is often the most feared thing by women because its practice tends to show discrimination against women, where women or women are used by men in domestic life. If polygamy is not restricted with strict regulations, this will cause bad things to happen in the household. The existence of a marriage law in Indonesia that also regulates polygamy aims to ensure that men who will be polygamous really fulfill the conditions and requirements, namely being able to economically support and fulfill the needs of clothing, food, and shelter for their families, as well as being able to be fair to their wives to prevent them and their children from being wasted.

In addition, as a form of legal respect for the wife's position, the law stipulates that husbands who wish to engage in polygamy must obtain permission or consent from the wife. To achieve this, the law places great trust in judges in the Religious Courts, and their role is crucial to ensuring justice for all parties.<sup>7</sup>

However, in practice, there are still many cases of polygamy that occur without fulfilling the applicable legal requirements. For example, in Dulupi Village, Dulupi Subdistrict, Boalemo Regency, there are several cases of polygamy that leave legal wives without household maintenance. One of them is the case of a woman with the initials RD who is a legal wife with two sons. Initially, RD and her husband's life was harmonious and well-off. However, with an economic surplus, RD's husband was encouraged to remarry another woman through an arranged marriage.

RD found out about this a few weeks later, when she noticed her husband's different behavior and heard rumors from the surrounding community. Although it was difficult to accept this fact, RD decided to maintain her marriage for the sake of her children. However, this situation caused RD and her husband to be separated for an indefinite period of time, until finally her husband was no longer living with RD because he was living with his fourth wife. As a result, her husband no longer provided for her and her children.

A similar case was also experienced by a legal wife with the initials MM who has been building a household for 2 years. Initially, MM's household looked very harmonious,

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<sup>6</sup> Muhammad Aidil Rahman and Fauziah Lubis, "Perlindungan Hukum Terhadap Hak Atas Nafkah 'iddah Istri Yang Mengajukan Cerai Gugat Perspektif Sema Nomor 3 Tahun 2018," *Kabillah: Journal of Social Community* 8, no. 1 (June 25, 2023): 935–43, <https://doi.org/10.35127/kabillah.v8i1.256>.

<sup>7</sup> Nasriah Nasriah, Dachran S. Busthami, and Hamza Baharuddin, "Perlindungan Hukum Hak-Hak Istri Pasca Perceraian," *Journal of Lex Philosophy (JLP)* 2, no. 1 (June 30, 2021): 15–31, <https://doi.org/10.52103/jlp.v2i1.272>.

especially when MM was pregnant. However, disaster struck when MM's baby died while still in the womb at the age of 7 months. Since then, MM's husband has shown a different attitude, which led to severe arguments and made MM decide to return to her parents' house. A few years later, MM's husband and her parents picked MM up and met with MM's parents, promising to establish a good relationship again. However, a few months later, MM's husband returned to his unchanged behavior. MM eventually returned to her parents' house and learned that her husband had remarried. Since then, they have been separated and MM's husband no longer provides for MM.

Another case involved a wife with the initials A who survived alone while pregnant. Instead of getting good treatment from her husband, she found out that he had another woman, which made her depressed. After several years of separation, A's husband remarried and has not provided for her since.

Data from the Central Bureau of Statistics (BPS) shows fluctuations in the number of divorces caused by the practice of polygamy in Boalemo. In 2019, there was only 1 person who experienced divorce due to polygamy. However, in 2020, the number increased significantly to 3 people. Then in 2021, there was a slight decrease with 2 people experiencing divorce due to polygamous practices. This data provides an overview of the dynamics of divorce in Indonesia, with changes in the number of divorces caused by polygamy from year to year.

Polygamy cases often increase in the community without legal prosecution due to a lack of understanding of the laws governing polygamy. Many individuals may not be familiar with the legal provisions, so sometimes the decision to engage in polygamy is made without understanding the implications and limitations. This creates an environment where legal awareness on polygamy needs to be raised so that people can make more informed and compliant decisions.

This phenomenon shows the importance of more intensive education and socialization regarding marriage law, especially regarding polygamy and the rights of wives in marriage. People need to understand that marriage is not just a personal or religious matter, but also has legal aspects that must be obeyed. A better understanding of marriage law can help protect the rights of wives and children, and prevent the practice of polygamy that is not in accordance with the law.

In addition, stricter law enforcement against illegal polygamy practices is also needed. Authorities need to be more proactive in cracking down on cases of unlawful polygamy, including imposing strict sanctions on perpetrators. This will not only provide a deterrent effect for the perpetrators, but will also raise public awareness about the importance of complying with marriage laws.

The role of the Religious Courts is also crucial in handling polygamy cases. Religious Court judges must be more careful in considering polygamy license applications, ensuring that all conditions have been met, including the husband's ability to be fair and meet the economic needs of all family members. In addition, Religious Courts must also be more responsive to complaints from wives who feel their rights are violated in the practice of polygamy.

The government and related institutions also need to increase efforts to protect the rights of women and children in the context of marriage. This can be done through strengthening legal consultation services, legal assistance for victims, and economic empowerment programs for women. By increasing women's economic independence, it is hoped that they will have a stronger bargaining position in marital relationships.<sup>8</sup>

Pre-marital education and training also need to be strengthened and expanded. These programs should include a comprehensive understanding of rights and obligations in marriage, including the legal aspects and consequences of polygamous practices. With a better understanding, it is hoped that couples getting married will be able to make wiser and more responsible decisions.

Social media can also play an important role in raising public awareness on issues surrounding marriage and polygamy. The dissemination of accurate and educative information through various media platforms can help shape public opinion that is more critical of practices that harm women and children in the context of marriage.

The role of religious and community leaders cannot be ignored. They need to be involved in socialization and education efforts on marriage law and the negative impacts of irresponsible polygamy practices. As respected figures in the community, their voices can have a significant influence in shaping community attitudes and behaviors towards marriage issues.

In a broader context, there is also a need for ongoing review and evaluation of the effectiveness of existing marriage laws. If necessary, revisions or improvements to the law can be made to further strengthen the protection of the rights of women and children, as well as to accommodate new developments and challenges in the dynamics of marriage in the modern era.

Finally, it is important to remember that efforts to enforce the law and protect rights in marriage are not just the responsibility of the government or legal institutions alone. It is the shared responsibility of all elements of society. Every individual needs to have the awareness and commitment to respect the law of marriage and uphold the principles of justice and equality in marital relationships.<sup>9</sup>

With a comprehensive approach that involves various parties, it is hoped that harmful polygamous practices can be minimized, and the rights of women and children in marriage can be better protected. This will ultimately contribute to the creation of more harmonious families and a more just and prosperous society.

## 2. Method

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<sup>8</sup> Himawan Tatura Wijaya and Erwin Jusuf Thaib, "Efektivitas Pelaksanaan Undang-Undang Republik Indonesia Nomor 16 Tahun 2019 Tentang Perubahan Atas Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Di Kabupaten Pohuwato," *AS-SYAMS* 1, no. 1 (2020): 30–46.

<sup>9</sup> Neng Hilda Febriyanti and Anton Aulawi, "Kesadaran Hukum Masyarakat Terhadap Perkawinan Dibawah Umur Ditinjau Dari Undang-Undang No. 16 Tahun 2019 Tentang Perubahan Undang-Undang No. 1 Tahun 1974 Tentang Perkawinan," *Pro Patria: Jurnal Pendidikan, Kewarganegaraan, Hukum, Sosial, Dan Politik* 4, no. 1 (2021): 34–52.

The research method used in this research uses empirical legal research methods by taking a qualitative approach.<sup>10</sup>

### **3. Protection Of The Rights Of Legal Wives To The Fulfillment Of Household Maintenance By Husbands**

The implementation of the Marriage Law in Indonesia, particularly Law Number 1 Year 1974 on Marriage, which has been amended by Law Number 16 Year 2019, plays an important role in protecting the rights of legal wives in marriage. This law includes various provisions that ensure the welfare of legal wives, especially in the fulfillment of financial rights, legal protection, and role arrangements in the household. In the Indonesian marriage law system, the rights of legal wives are fully recognized, including the right to receive alimony from the husband, the right to physical and mental protection, and the right to be treated fairly. Through this law, the state seeks to guarantee these protections and create a harmonious, equitable, and balanced marital relationship between husband and wife.<sup>11</sup>

One of the main provisions in the Marriage Law is the husband's obligation to provide for his wife and children, which includes food, clothing, shelter and education. The fulfillment of this maintenance is a form of protection for legal wives, who are often the vulnerable party in marriage, especially if there are household conflicts or financial problems. In Article 34 of the Marriage Law, the husband is obliged to provide maintenance according to his ability. Meanwhile, the wife is also given the rights and responsibilities to manage the household, help the husband, and look after the children. This balance of rights and obligations aims to create harmony in the household, so that each party can fulfill its role without feeling disadvantaged.

In this context, the implementation of the Marriage Law also includes provisions regarding the principle of monogamy. In Indonesia, the principle of monogamy is the basic principle upheld, although the Marriage Law provides exceptions for the practice of polygamy. Polygamy is only permitted under certain conditions and must meet strict requirements, such as obtaining the consent of the legal wife and permission from the religious court. The granting of this permission is based on the consideration that the husband must be able to be fair in fulfilling the financial and emotional rights of his legal wife and children. Article 5 of the law stipulates that without the permission of a religious court and the consent of the legal wife, polygamy cannot be practiced. Through this regulation, the rights of legal wives are strictly protected from the harmful practice of polygamy, and the state seeks to prevent the

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<sup>10</sup> Budi Juliardi et al., *Metode Penelitian Hukum* (CV. Gita Lentera, 2023), [https://books.google.com/books?hl=id&lr=&id=vyXbEAAAQBAJ&oi=fnd&pg=PA107&dq=metode+penelitian+hukum+2023&ots=URsVKN1YD1&sig=QzJh2fORIs3Ga8\\_DExUkt\\_YWOYY](https://books.google.com/books?hl=id&lr=&id=vyXbEAAAQBAJ&oi=fnd&pg=PA107&dq=metode+penelitian+hukum+2023&ots=URsVKN1YD1&sig=QzJh2fORIs3Ga8_DExUkt_YWOYY).

<sup>11</sup> Rohmad Agus Solihin, "Perlindungan Terhadap Pemenuhan Nafkah Anak Dalam Pelaksanaan Putusan Perceraian Di Pengadilan Agama," *Indonesian Journal of Law and Islamic Law (IJLIL)* 2, no. 1 (2020): 126–53.

abuse of the institution of marriage that often results in the neglect of the rights of wives and children.<sup>12</sup>

Although the Marriage Law has provided strict legal protection for legal wives, challenges in its implementation still remain. For example, there are still cases where husbands engage in polygamy clandestinely or through *nikah sirri* without permission from the court and without the consent of the legal wife. These *sirri* marriages often have adverse effects on the legal wife, who may lose her financial rights and social protection. Without official registration, it is also difficult for the legal wife to claim her rights, including the right to maintenance and the right to joint property. Therefore, it is important for the government to increase public socialization and understanding of the importance of marriage registration and following legal procedures in the practice of polygamy so that the rights of wives and children can be protected.

The role of religious courts in handling polygamy applications is very important in protecting the rights of legal wives. Before granting a polygamy license, the religious court must ensure that the husband is truly capable of being fair and adequately meeting the needs of all family members. The religious court also verifies that the legal requirements have been met, including the written consent of the legal wife and the husband's economic capacity. This step aims to ensure that the practice of polygamy does not harm any party in the household.<sup>13</sup> In addition, religious courts are responsible for mediating conflicts that may arise regarding polygamy, providing legal protection for legal wives who feel aggrieved, as well as ensuring that the practice of polygamy does not neglect the basic rights of wives.

Apart from polygamy, another aspect regulated in the Marriage Law is the right of legal wives to receive proper household maintenance. This maintenance obligation covers basic needs such as food, clothing, shelter, and health, as well as educational needs for children. *Nafkah* is an important aspect of marriage, which functions as a form of responsibility and a form of commitment from the husband in ensuring the welfare of the family. In domestic life, this obligation of maintenance is often an important factor that determines the sustainability of the relationship. If the husband is unable to fulfill his maintenance properly, this can cause problems that lead to conflict or divorce. Therefore, the fulfillment of maintenance is a right that must be guaranteed by law, and the state must seek law enforcement to ensure that this right is well protected.

The reality on the ground shows that there are still many cases where husbands fail to fulfill their maintenance obligations to legal wives, especially in conditions of unregistered marriages or in situations of polygamy that are not properly regulated. Many legal wives end up having to bear the economic burden of the family alone or

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<sup>12</sup> Eka Susylawati, Moh Masyhur Abadi, and M. Latief Mahmud, "Pelaksanaan Putusan Nafkah Istri Pasca Cerai Talak Di Pengadilan Agama Pamekasan," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 8, no. 2 (2013): 374–93.

<sup>13</sup> Aziz Sholeh, Dian Rachmat Gumelar, and Aah Tsamrotul Fuadah, "Pendampingan Hak-Hak Perempuan Dan Anak Pasca Perceraian," *JCIC: Jurnal CIC Lembaga Riset Dan Konsultan Sosial* 1, no. 2 (2019): 80–99.



not getting enough financial support. In this situation, the state must be present to protect the rights of wives and children, especially through stricter law enforcement. In addition, the government must also strengthen legal aid services for women who experience injustice in the household, including those who experience neglect of maintenance or injustice due to polygamy.

The implementation of the Marriage Law also involves the role of the community in understanding and complying with existing legal provisions. Many people do not fully understand the legal provisions related to marriage, especially in terms of marriage registration and legal procedures related to polygamy. Some individuals still consider marriage registration as a purely administrative matter, without realizing the legal implications of an unrecorded marriage. Therefore, intensive socialization and legal education are needed so that people have a better understanding of their rights and obligations in marriage. This education can be done through government institutions, religious leaders, and social media, which play a major role in shaping people's understanding of marriage issues.<sup>14</sup>

In addition, the Marriage Law recognizes the important role of religious and community leaders in supporting the implementation of marriage law. As respected figures, religious and community leaders can help educate the public on the importance of practicing marriage in accordance with religious and state law. They can also play a role in providing advice to couples who are getting married or who are facing marital problems, so that they can resolve problems in a good way and remain within the legal framework. With the support of religious and community leaders, it is hoped that the community can better understand the importance of protecting rights in marriage, especially for legal wives.<sup>15</sup>

On the other hand, the government also needs to evaluate the effectiveness of the Marriage Law in protecting the rights of women and children. If provisions are found to be inadequate or irrelevant, it is necessary to revise the law to adjust to the needs of modern society and new challenges in the dynamics of marriage. A review of the law could include stricter regulation of polygamy, protection of alimony, and improving legal wives' access to legal protection. The revision of the law should also take into account aspects of gender and equality, so as to accommodate women's rights in the context of marriage.

#### **4. The Challenge of Fulfilling Maintenance in the Context of Polygamy**

Marriage is one of the most sacred moments in human life, which brings various rights and obligations for couples. In the context of polygamy, the challenge of fulfilling maintenance becomes a complex issue and often causes problems. In Indonesia, marriage is regulated by Law Number 1 Year 1974 on Marriage, which emphasizes the principle of monogamy but also provides room for polygamy under certain

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<sup>14</sup> Sifa Mulya Nurani, "Relasi Hak Dan Kewajiban Suami Istri Dalam Perspektif Hukum Islam (Studi Analitis Relevansi Hak Dan Kewajiban Suami Istri Berdasarkan Tafsir Ahkam Dan Hadits Ahkam)," *Al-Syakhsiiyyah: Journal of Law & Family Studies* 3, no. 1 (2021): 98-116.

<sup>15</sup> Misra Netti, "Hak Dan Kewajiban Suami Istri Dalam Bingkai Hukum Keluarga," *Jurnal An-Nahl* 10, no. 1 (2023): 17-26.

conditions. One of the husband's main obligations is to provide for his wife and children, but in practice, this fulfillment often does not go as expected, especially in polygamous situations.

In a polygamous system, a husband is required to be fair to all his wives and children. However, the reality shows that many husbands are unable to fulfill this obligation. Unfairness in the distribution of maintenance can result in domestic tension and even divorce. For example, cases where legal wives do not receive proper maintenance after the husband remarries are common. This shows that although there are laws governing polygamy, their implementation is often inadequate.<sup>16</sup>

One of the main challenges is the husband's inability to meet the economic needs of all his family members. In many cases, husbands who engage in polygamy find it difficult to provide sufficient support to their wives and children. This can be due to a variety of factors, including unstable economic conditions or a change in life priorities after remarriage. This inability is not only detrimental to the legal wives but also the children who should be getting attention and support from their parents.

In addition, there is also the issue of neglecting financial responsibilities. Some husbands may choose to focus more on their new wife and neglect their obligations towards their first wife and her children. This creates dissatisfaction and prolonged conflict within the household. In this context, it is important to consider how the law can be more effective in protecting the rights of the legal wife and children.<sup>17</sup>

Polygamy is recognized in Islamic law and Indonesian law, but its implementation must meet certain conditions. One of the main requirements is the husband's ability to be fair. However, many cases show that husbands are unable to fulfill this requirement, both financially and emotionally. This injustice often leads to the neglect of maintenance for the legal wife, which has the potential to cause a rift in the family relationship.

Real-life cases in the community show the negative impact of polygamy without proper maintenance. For example, a legal wife may experience economic hardship after her husband remarries without fulfilling his maintenance obligations. This can cause emotional and psychological stress for the wife and children involved. Moreover, this dissatisfaction may lead to divorce or prolonged conflict between the spouses.<sup>18</sup>

Data from the Central Bureau of Statistics (BPS) shows fluctuations in divorce rates due to the practice of polygamy in Indonesia. Although the number of divorces is still relatively low, the increase in divorce rates in certain years shows that the practice of polygamy has a significant impact on household stability. Therefore, it is important to

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<sup>16</sup> Cahya Samekta Jati, Muhyidin Muhyidin, and Suparno Suparno, "Pelaksanaan Tuntutan Nafkah Terhutang Suami Pada Perkara Perceraian Sebagai Pemenuhan Hak Istri (Studi Di Pengadilan Agama Banyumas)," *Diponegoro Law Journal* 10, no. 3 (2021): 596–608.

<sup>17</sup> Fahmi Basyar, "Relasi Suami Istri Dalam Keluarga Menurut Hukum Islam Dan Undang-Undang Nomor 1 Tahun 1974," *Istidial: Jurnal Ekonomi Dan Hukum Islam* 4, no. 2 (2020): 138–50.

<sup>18</sup> Amelia Ine, "Studi Komparatif Perlindungan Hukum Dan Pelaksanaan Pemenuhan Nafkah Istri Dan Anak Pasca Percerian Menurut Hukum Islam Indonesia Dan Malaysia," 2023, <http://digilib.unila.ac.id/id/eprint/74831>.

understand how marriage law can be strengthened to protect the rights of women and children in the context of polygamy.

One solution to address the challenges of maintenance fulfillment in the context of polygamy is to increase people's understanding of their rights under marriage law. Education on the importance of marriage registration and fulfillment of maintenance obligations should be strengthened to make people more aware of the legal implications of polygamous practices. In addition, socialization on women's rights in marriage also needs to be increased so that they can protect themselves.

The role of the Religious Courts is crucial in handling polygamy cases and ensuring that all conditions have been met before permission is granted. Judges should carefully consider whether the husband is able to fulfill his maintenance obligations to all his wives and children before allowing polygamy. This will help prevent polygamous practices that harm certain parties.<sup>19</sup>

To improve the protection of the rights of women and children in the context of marriage, the government needs to strengthen legal consultation services and provide legal aid for victims of domestic injustice. Economic empowerment programs for women should also be expanded to give them a stronger bargaining position in marital relationships.

Pre-marital education should also include legal aspects regarding the rights and obligations of husband and wife as well as the consequences of practicing polygamy. With a better understanding of marital law, couples can make wiser decisions before entering into marriage. Social media have an important role to play in raising public awareness on issues surrounding marriage and polygamy. The dissemination of accurate information through various media platforms can help shape public opinion that is more critical of practices that harm women and children.<sup>20</sup>

Religious and community leaders also need to be involved in socialization efforts on marriage law and the negative impacts of irresponsible polygamy. Their voices can have a significant influence in shaping people's attitudes towards marriage issues.

Finally, an ongoing review of the effectiveness of existing marriage laws is needed to ensure that the protection of women's and children's rights remains relevant to the times. If necessary, revisions or improvements to the law can be made to accommodate new challenges in the dynamics of modern marriage.

## 5. Conclusion

Implementation of the Marriage Law plays an important role in ensuring the protection of the rights of legal wives in the institution of marriage in Indonesia. Through its provisions on maintenance obligations, restrictions on polygamy practices, and marriage registration requirements, the law guarantees that legal wives

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<sup>19</sup> Ilham Henga and Nuvazria Achir, "Problematika Tanggung Jawab Ayah Terhadap Pemenuhan Nafkah Anak Yang Ditelantarkan Di Kota Gorontalo," *Gorontalo Law Review* 4, no. 2 (2021): 187–200.

<sup>20</sup> Firdaus Firdaus et al., "Perempuan Bekerja Dalam Pemenuhan Nafkah Keluarga," *Jurnal Kajian Dan Pengembangan Umat* 3, no. 2 (2020), <https://www.jurnal.umsb.ac.id/index.php/ummatanwasathan/article/view/2327>.

receive justice and welfare in marriage. In addition, the role of religious courts in overseeing polygamy licenses and the role of community leaders in legal education also support the implementation of these provisions. However, challenges remain, particularly in improving public understanding of the rights of wives and the importance of official marriage registration for legal protection. Therefore, synergy between the government, community and religious leaders is needed to strengthen education and law enforcement, so that the rights of legal wives can be optimally protected in every marriage. Thus, the Marriage Law is not only a legal guideline, but also creates a foundation for harmony and justice in the household.

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