

# The Impact of Polygamy on Wives and Children as Reviewed in Law Number 1 of 1974 Concerning Marriage

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## Keywords

Polygamy; Wives and children, Law No. 1 of 1974.

## Abstract

*This study aims to analyze the impact of polygamy on wives and children in the context of Law No. 1 of 1974 on Marriage and to compare legal provisions with social realities. The methods employed are normative and sociological legal approaches, with data collection conducted through a literature review and case documentation. The results of the study show that although polygamy is legally permitted under strict conditions, this practice often causes injustice, especially to the first wife and the children of subsequent wives. The impacts include emotional injustice, violation of legal rights, and family instability. In conclusion, stronger regulations and more stringent legal protection are needed to minimize the negative impacts of polygamy, as well as a reformulation of legal policies that are more favorable to gender justice and the protection of children's rights. This study contributes to the development of marriage law policy in Indonesia by emphasizing the importance of gender justice and the protection of children's rights in the practice of polygamy.*

## Kata Kunci

Poligami; Istri dan anak-anak, Undang-Undang Nomor 1 Tahun 1974.

## Abstrak

Penelitian ini bertujuan untuk menganalisis dampak poligami terhadap istri dan anak dalam perspektif Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan serta membandingkan ketentuan hukum dengan realitas sosial. Metode yang digunakan adalah pendekatan yuridis normatif dan yuridis sosiologis, dengan pengumpulan data melalui studi pustaka dan dokumentasi kasus. Hasil penelitian menunjukkan bahwa meskipun poligami diperbolehkan secara hukum dengan syarat ketat, praktik ini sering menyebabkan ketidakadilan, terutama terhadap istri pertama dan anak-anak istri berikutnya. Dampak yang ditimbulkan meliputi ketidakadilan emosional, pelanggaran hak hukum, dan ketidakstabilan keluarga. Kesimpulannya, diperlukan penguatan regulasi dan perlindungan hukum yang lebih tegas untuk meminimalkan dampak negatif poligami, serta reformulasi kebijakan hukum yang lebih berpihak pada keadilan gender dan perlindungan hak anak. Penelitian ini memberikan kontribusi dalam pengembangan kebijakan hukum perkawinan di Indonesia dengan menekankan pentingnya keadilan gender dan perlindungan hak anak dalam praktik poligami.

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## INTRODUCTION

Polygamy is a marital practice that allows a man to marry more than one woman simultaneously (Rohmah & Budihardjo, 2021). In the context of Indonesian law, polygamy is regulated by Law No. 1 of 1974 on Marriage, which states that a husband may only practice polygamy with the consent of the first wife and permission from the court (Law No. 1 of 1974 on Marriage, n.d.). Although polygamy is legally allowed under certain conditions in Indonesia, it still has complex social impacts on the wives and children involved. These impacts are not only economic but also psychological and social within families with multiple wives (Aryani & Lindawati, 2025).

The impact of polygamy on wives and children is significant (Rahmayanty et al., 2023). Polygamy often leads to imbalances in the distribution of love, attention, and family resources, which can affect the development of children and the mental well-being of the wives (Andriana, 2024). For instance, in Hutaraja, children of the first wife were able to pursue higher education, while children from the second wife only completed secondary school. A similar case in Bandar Hapinis saw the first wife's children drop out of school due to a lack of affection, caused by uneven attention between children from the first and second wives.

Studies on polygamy often highlight the imbalance in attention and resource distribution in polygamous families (Mardani & Ferdiansyah, 2024). Several studies note that children of the second wife tend to receive more attention from the husband, especially regarding education and other needs, while children of the first wife often feel neglected (Iskandar et al., 2019; Hasanah, 2020; Rizkillah et al., 2015; Hyoscyamina, 2011). This injustice can affect children's psychological development, leading to feelings of low self-esteem and deteriorating family relationships. Additionally, wives in polygamous families often experience significant psychological pressure due to feelings of marginalization and the inability to meet the expectations of their husbands in their roles as wives and mothers.

The phenomenon in communities, such as Hutaraja and Bandar Hapinis, reveals disparities in the distribution of affection and attention from husbands, which impacts the psychological and social well-being of the children. On the other hand, wives also experience adverse impacts such as jealousy, social envy, and internal conflict, which can affect their relationships with their husbands and children. This creates tension in the household, potentially damaging family stability in the long term.

Previous research on polygamy and its impacts on wives and children often focuses on economic and social aspects without considering the legal perspective regulating this practice. In economic terms, polygamy tends to increase inequalities in wealth distribution and family support (Afandi, 2024; Hardi & Husti, 2025; Satia, 2024; Sridepi & Nurcahaya, 2024; Utama, 2024). However, these studies have not explored the psychological and social impacts experienced by wives and children, which should also be an important part of the analysis of the impact of polygamy. This research aims to address this gap by focusing on the legal perspective regulated in Law No. 1 of 1974 on Marriage.

The gap in this research lies in the lack of attention to the psychological and social impacts of polygamy, especially in relation to the existing legal perspectives. Although polygamy is regulated by law, a mismatch exists between the legal rules and the social practices observed in the field. Law No. 1 of 1974 on Marriage requires the first wife's consent and court permission. However, in practice, many polygamous families experience inequality in the distribution of rights and responsibilities between the first and second wives. This research seeks to fill this gap by examining the impact of polygamy on wives and children in society, referring to the applicable legal provisions.

The purpose of this study is to analyze the impact of polygamy on wives and children as viewed through Law No. 1 of 1974 on Marriage. This research will examine how the legal provisions on polygamy are applied in practice and their impact on families, particularly regarding the distribution of affection, attention, and resources. Additionally, this research aims to delve deeper into how polygamy affects the psychology and well-being of the children involved and to evaluate whether the existing laws are sufficient to protect the rights of wives and children in polygamous families.

## METHOD

The research uses a qualitative approach with a descriptive-analytical method. The descriptive approach is used to provide a detailed account of the impact of polygamy on wives and children in the context of the law regulated in Law No. 1 of 1974 on Marriage, as well as the social and psychological conditions occurring in the field. The analytical approach is used to thoroughly examine the relationship between applicable legal norms and social reality in society, as well as to investigate the impacts resulting from the practice of polygamy.

This research was conducted in 2025. The research subjects consist of two main groups: (1) Wives involved in polygamy, including the first and second wives, who experience or are affected by the practice of polygamy in accordance with the provisions of the Marriage Law; (2) Children from couples practicing polygamy, who may be affected emotionally and socially by having a father with more than one wife.

The selection of research subjects focuses on individuals within polygamous families who directly or indirectly experience the impact of this practice, whether socially, psychologically, or in terms of their rights as individuals within the family.

Data collection is carried out through two main techniques: 1) Literature Study: The researcher will gather relevant literature, such as books, journals, and legal articles discussing polygamy, the rights of wives and children in Indonesian law, and the provisions of Law No. 1 of 1974 on Marriage. This literature will be used as a basis for understanding the legal context governing polygamy and providing theoretical insights into its impact on wives and children; 2) In-depth Interviews and Observations: The researcher will conduct interviews with wives involved in polygamy and children of polygamous couples. In addition, observations of the daily lives of polygamous families will be carried out to gain a deeper understanding of the social and psychological impacts of this practice. These interviews and observations will provide rich qualitative data for analysis.

After data collection, data analysis will be carried out using a qualitative approach involving descriptive and analytical processes: 1) Descriptive Analysis: Presenting a detailed account of the impact of polygamy on wives and children, both socially, emotionally, and psychologically. This process includes grouping data found from interviews and observations into relevant themes. 2) Analytical Analysis: Analyzing the relationship between the findings from the field and the legal provisions in Law No. 1 of 1974. This analysis aims to assess how closely the practice of polygamy aligns with legal provisions and the real-world impacts on wives and children. Additionally, this analysis will evaluate the alignment between existing legal norms and the social realities occurring in society.

## RESULTS AND DISCUSSION

### Result

#### 1. Polygamy in Law and Islam

Polygamy is a form of Marriage where a man marries more than one woman at the same time. In Islamic law, polygamy is allowed with a limit of up to four wives, as stated in the Qur'an Surah An-Nisa verse 3. However, the main condition for polygamy is fairness in providing for the wives, giving them affection, and treating them equally. Meanwhile, in Indonesian positive law, polygamy is regulated in Law No. 1 of 1974 concerning Marriage, which generally adopts the principle of monogamy. However, under certain conditions, polygamy is allowed with strict requirements, such as obtaining the consent of the first wife and approval from the court (Law No. 1 of 1974 on Marriage, n.d.).

In Indonesian positive law, polygamy is regulated in Law No. 1 of 1974 concerning Marriage, specifically in Articles 3, 4, and 5. Article 3, paragraph (1) states that in principle, a man may only have one wife. However, paragraph (2) provides an exception, stating that the court may grant permission for a man to marry more than one wife if desired by the concerned party (Law No. 1 of 1974 on Marriage,

n.d.). Meanwhile, Article 4 paragraph (2) sets out three reasons for applying for polygamy: if the first wife cannot fulfill her duties as a wife, has an incurable disability or illness, or cannot bear children (Law No. 1 of 1974 on Marriage, n.d.).

According to legal practitioners, such as lawyers and the Religious Affairs Office (KUA), polygamy is often criticized from a social and psychological perspective. Several studies show that polygamy often leads to marital conflicts, emotional pressure on the wife, and psychological disorders in children (Erna Sri Mardani & Riski Ferdiansyah, 2024). Family psychology studies show that children from polygamous families are more vulnerable to emotional instability due to the lack of attention from their father. Additionally, academic studies also examine the economic impact of polygamy, where, in many cases, the husband who practices polygamy struggles to distribute his financial support fairly among all his wives and children.

## 2. Principles of Justice in Polygamy

The theory of justice in Islamic family law, according to the fuqaha (Islamic jurists), is one of the primary foundations in the study of family law, particularly in the relationships between husband and wife, and between husband and children. In both classical and modern Islamic legal literature, justice (al-'adl) is a central value in life, encompassing the family as well.

The theory of justice also functions as a bridge between normative religious values and positive legal regulations. In national law, the condition of "ability to be just," as stated in Article 5 paragraph (1) letter c of Law No. 1 of 1974, is a direct implementation of this principle. However, without supervision and in-depth assessment of psychological and social aspects, this provision often becomes a mere formality. Therefore, a theoretical approach to family justice is crucial to encourage legal reforms that are more humane and substantively just.

In Indonesian positive law, the concept of justice in polygamy is also a significant concern. Law No. 1 of 1974 on Marriage stipulates that, in principle, Marriage is monogamous. However, under certain conditions, polygamy is allowed, provided the husband can act justly (Law No. 1 of 1974 on Marriage, n.d.). Article 3, paragraph (2) states that the court can grant permission for a man to marry more than one wife if desired by the concerned party. This provision is outlined in Article 4, paragraph (1), which states that a man who intends to marry more than one wife must submit a request to the court. Meanwhile, Article 4 paragraph (2) specifies three reasons that can be grounds for applying for polygamy: if the first wife is unable to fulfill her obligations as a wife, suffers from an incurable illness or disability, or is unable to bear children (Law No. 1 of 1974 on Marriage, n.d.).

Additionally, Article 5 paragraph (1) of Law No. 1 of 1974 on Marriage affirms that a husband who intends to practice polygamy must obtain the consent of the first wife and prove that he is capable of providing for his wives fairly (Law No. 1 of 1974 on Marriage, n.d.). Thus, in practice, the court will not automatically grant permission for polygamy without concrete evidence regarding the husband's ability to ensure fairness, both economically and in other aspects. This indicates that Indonesian law prioritizes fairness as a fundamental condition for polygamy, rather than merely an administrative formality.

## 3. The Impact of Polygamy on Wives and Children

Polygamy often results in significant psychological impacts on wives, particularly in terms of emotional pressure, jealousy, and stress. When a husband decides to marry again, the first wife may feel a loss of security and trust in her partner (Ayu Nopitasari & Anjar Sri Ciptorukmi Nugraheni, 2024). Jealousy is a common psychological reaction in polygamous households, especially when the wife feels neglected or mistreated (Alshahab, 2025). This can lead to prolonged stress, and in some cases, it may trigger psychological disorders such as depression and anxiety (Rifki Haekal & Hannase, 1970). In Islam, although polygamy is permitted, husbands are required to maintain emotional balance in their

households and avoid hurting their wives' feelings. However, in practice, many husbands fail to meet this responsibility, causing suffering for the first wife.

The impact of polygamy is not only felt by wives but also by the children in polygamous families. Many cases show that children from polygamous families struggle to receive enough attention and affection from their father, particularly if the husband focuses more on his new wife and children from the second marriage (Asdin, 2023). This lack of attention can affect the psychological well-being of children, making them feel neglected and deprived of emotional support from their parents. Several studies indicate that children from polygamous families are more vulnerable to behavioral problems, such as tendencies to be aggressive, difficulty adapting to social environments, and academic struggles.

With the implementation of regulations, it is hoped that polygamy practices in Indonesia will be carried out more fairly and without harming the wives and children involved. However, challenges in the implementation of these laws remain an issue, as there are still many cases of polygamy being conducted unlawfully or without fulfilling the conditions set by the law. Therefore, tighter supervision and better legal awareness are necessary to ensure that polygamy is carried out more responsibly and in accordance with the principles of justice taught in Islam and positive law.

#### 4. Maslahah in Polygamy

In Islamic thought, the concept of *maslahah* plays an important role in determining the law of a matter, including the practice of polygamy (Alshahab, 2025). *Maslahah* literally means "benefit" or "good," and in Islamic jurisprudence (usul al-fiqh), it refers to anything that brings benefit and prevents harm to individuals and society. One form of *maslahah* often used in the formation of Islamic law is *Maslahah Mursalah*, which refers to the public good that is not explicitly mentioned in the Qur'an or Hadith but is still considered based on the general principles of Islamic law.

In the context of Indonesian law, the approach of *maslahah mursalah* aligns with the mandate of Law No. 1 of 1974 on Marriage and Law No. 35 of 2014 on Child Protection, which prioritizes the protection of children from all forms of neglect, discrimination, and violence, both physical and psychological. Therefore, the integration of Islamic principles and national law demonstrates that the practice of polygamy must be assessed not only from a legal perspective but also from its social, spiritual, and psychological benefits.

### Discussion

#### 1. Application of Fair Material Support (Nafkah Lahir) to Wives and Children in Polygamous Families in Muara Batangtoru

Fair material support (nafkah lahir) in a polygamous family refers to the husband's responsibility to provide for the material (physical) and emotional needs of each wife and their children equally and professionally, without discrimination. This includes necessities such as food, clothing, housing, education, health, and other essential needs, tailored to the circumstances and capabilities of each wife and child. In Muara Batangtoru, the application of fair material support has not yet been fully realized, as expressed by Mrs. Elvi Sari Hasibuan in an interview. She mentioned that her husband's distribution of material support and responsibilities was not fair, as the first wife was not given work, while the second wife was. Furthermore, her husband always prioritized the second wife over the first, providing the first wife with only IDR 2 million a month. In contrast, the second wife received IDR 2.5 million, despite the first wife's higher financial needs.

The husband must fulfill the basic needs of each wife and child based on their respective living standards. All spouses and children have the right to receive equal attention and financial support tailored to their individual needs. For instance, Mr. Parlaungan provides a single home for all his wives, despite Islamic justice dictating that each wife should have her own living space. However, he believes that fairness is the priority (Informant P, 2025). In Islam, fairness does not mean identical treatment but equitable distribution according to each wife's and child's needs and the husband's financial capacity.

During an interview with Mr. Mahmud Lubis, the researcher found that his reason for practicing polygamy was to have male descendants to continue his lineage (Informant NF, 2025).

a. Application of Fair Material Support (Nafkah Lahir) to Children

Fair material support for children in a polygamous family refers to providing equal material rights to each child from all wives, without discrimination based on their mother's identity. This includes basic needs such as food, clothing, housing, education, and health. An essential aspect of fair material support is ensuring that each child, whether from the first or second wife, has equal rights in the eyes of religion and law. Mr. Wildan Nasutian shared his experience, in which he felt neglected after his half-siblings from his father's second wife arrived. He was deprived of attention, particularly in his education, leading to him transferring schools (Informant WN, 2025).

b. Application of Fair Emotional Support (Nafkah Batin) to Wives

Fair emotional support in marriage, particularly in polygamy, is crucial for maintaining harmony. This form of fairness encompasses not only physical aspects but also psychological and emotional ones. In polygamous families, where the average marriage has lasted over ten years before the husband decides to marry again, the reasons for polygamy range from wanting more children, conflicts in the household, or personal attraction to other women. In one case, the first wife was unaware of her husband's second marriage until several months after it occurred.

The husbands in the families studied are generally employed in informal sectors, such as former members of the Regional People's Representative Council (DPRD), village heads, or palm oil farmers. Their income significantly impacts the distribution of responsibilities and attention to each family. In families with stable finances, the distribution of household needs between the first and second wives is more organized, although emotional inequality remains. In families with weaker economic conditions, new issues arise, such as financial conflicts, competition for resources, and jealousy between families. Some first wives even complain about the lack of attention their husbands give to their children from the first marriage.

c. Application of Fair Emotional Support (Nafkah Batin) to Children

Emotional support for children refers to the non-material attention given by parents, particularly fathers, such as affection, emotional care, moral education, guidance, and quality time together. In the context of fairness in polygamous families, fathers must provide equal attention, affection, and guidance to all children from different wives without favoritism. This means ensuring equal affection, time spent together in play, study, worship, and offering advice and religious education to all children, regardless of whether their mother is the first or second wife. One of the children expressed frustration at not receiving enough time with her father, either for vacations or simply being together (Informant WN, 2025).

## 2. Negative Impacts of Injustice in Polygamy on Wives and Children

a. Impact of Polygamy on Wives

Polygamy directly affects the psychological well-being of wives, particularly the first wife, who often experiences shifts in her role and status within the family. Interviews with several first wives in Muara Batangtoru revealed feelings of being undervalued, emotionally abandoned, and even losing their identity as the center of their husband's attention. They perceive the presence of a second wife as a betrayal of the original marital commitment (Informant NF, 2025).

Many first wives expressed feelings of low self-esteem and mild depression, exacerbated by a lack of communication from their husbands regarding the reasons behind the polygamous decision (Informant NF, 2025). In some cases, the first wife only learns about the second marriage after several months, which creates significant emotional turmoil. One informant even shared that she had considered suicide because she could not cope with the drastic changes in her life (Informant P, 2025).

This indicates that polygamy impacts not only the social fabric but also deeply disturbs psychological stability.

Although the second wife might initially seem emotionally more stable, she faces her own psychological pressure. She often endures societal stigma, being labeled as a homewrecker. Some second wives feel guilty about hurting another woman and live in constant unrest, especially when their relationship with the first wife is not harmonious. In some cases, second wives experience social anxiety and choose to withdraw from community activities to avoid conflict or gossip (Informant ESS, 2025).

### 1) Economic Impact

Economic factors play a crucial role in the practice of polygamy in Muara Batangtoru. Limited economic resources lead to significant inequality in the distribution of material support among the wives. Interviews revealed that the majority of first wives reported a significant decline in economic support after their husbands remarried. Some even mentioned that they no longer received regular financial support and had to work as laborers or start small businesses to meet their families' needs (Informant NF, 2025).

On the other hand, the second wife often receives better economic treatment, especially at the beginning of the marriage. This may be seen as a "honeymoon phase" or an attempt by the husband to please the new spouse. However, in the long run, second wives also complain about financial uncertainty due to the husband's limited income. In one interview, a second wife stated that she had to work as a street vendor because her husband could not manage his time and finances proportionally (Informant ESH, 2025). This demonstrates that without proper economic planning, polygamy can result in negative consequences for everyone involved.

### 2) Social Impact

The social impact of polygamy in Muara Batangtoru is complex. First wives often face significant social pressure, as changes in their family status impact their social standing within the community. They often receive sympathy but also face criticism for failing to maintain their husband's loyalty. This situation evokes feelings of shame, which hinder their participation in social activities such as religious gatherings, community events, and local clubs (Informant P, 2025).

Moreover, first wives often face internal conflicts with the husband's family, particularly with the mother-in-law, who may favor the new wife. Relationships between the wives are often tense, as each feels entitled to the husband's attention and limited resources. In some cases, open disputes are known to the community, further tarnishing the family's public image (Informant P, 2025).

Meanwhile, second wives are also subject to social pressures. They are often branded as homewreckers and accused of lacking empathy for other women. Although some second wives feel justified because the marriage is legally and religiously valid, they still face public scorn or isolation. In one case, a second wife had to relocate to another village because she felt unwelcome by the neighbors and her husband's extended family (Informant DS, 2025).

### 3) Impact of Jealousy Between Wives

Their individual positions and experiences heavily influence the difference in perception between the first and second wives regarding polygamy. First wives generally view polygamy as an injustice and a violation of the monogamous marriage commitment that has been built over the years. They feel that their husband's decision to remarry without discussion or consent is a form of patriarchal domination that harms women (Informant ESH, 2025).

On the other hand, second wives tend to adopt a more pragmatic or even religious perspective. Some view polygamy as part of Islamic law, which they believe should be accepted with sincerity. However, many also recognize that their position is vulnerable because they often lack strong social and legal recognition. In some cases, their marriages are not officially registered and only conducted privately (siri), which ultimately disadvantages them legally and economically (Informant ESS, 2025).

The emotional responses of both parties differ significantly. The first wife tends to be more expressive in voicing her disappointment and anger, whereas the second wife often holds back to maintain stability in the new relationship. Nonetheless, both the first and second wives experience emotional unrest in their family life.

**b. Impact of Polygamy on Children**

**1) Psychological Pressure on Children**

One of the most striking effects of polygamy is the psychological pressure experienced by the children. Many children feel confused, anxious, and even angry at their father for deciding to remarry. Younger children often struggle to fully comprehend the reasons behind the arrival of a "new mother" and "half-siblings," which can cause internal conflict and feelings of neglect.

Some children exhibit signs of withdrawing from social interactions, becoming more introverted, and losing motivation to engage in academic activities. There are even cases where children begin to resent their father and refuse to communicate with him. These patterns suggest that when polygamy is not managed with fairness and open communication, it can severely harm a child's psychological well-being.

**2) Impact on Children's Education**

The impact of polygamy on children's education is another important concern. Based on field findings, children from polygamous families often experience a decline in academic performance. This is due to factors such as a lack of attention from parents (especially the father), unaddressed psychological burdens, and limited economic resources because the husband has to divide his income among multiple families.

On the other hand, children of the second wife sometimes receive more attention initially, especially if the father feels the need to "make up" for his absence. However, over time, this attention fades due to increasing financial burdens (Informant NS, 2025). This demonstrates that no one is truly immune to the negative impact on education caused by poorly managed polygamy.

**3) Social Impact and Sibling Relationships**

As a result of these conditions, children become reluctant to interact and feel embarrassed about their family situation. They tend to keep their home life private from friends and teachers. In some cases, children may become more aggressive or exhibit behavioral changes as a way of coping with the emotional pressure they are experiencing.

Relationships between step-siblings are not always harmonious. Children from the first wife often feel that children from the second wife have "taken" their father's affection (Informant NF, 2025). Meanwhile, children from the second wife feel that they are not entirely accepted by the extended family (Informant ES, 2025). If these conflicts are not handled wisely, they can escalate into long-lasting disputes that may persist into adulthood.

**4) The Impact of Trauma on Children Regarding Marriage**

Children growing up in polygamous families often develop negative or ambiguous views of marriage. They directly witness their mother's emotional suffering, their father's inability to distribute justice, and the complicated family dynamics caused by the presence of a third party.

Several children in the study expressed a reluctance to marry or a fear that they would end up with a partner who behaves like their father. This indicates that childhood trauma in polygamous families can have long-term effects on their readiness to establish their own families in the future. In some cases, boys view polygamy as normal and acceptable without considering the psychological impact on women and children. This highlights the importance of educating society about healthy and just marriages.

**5) The Impact of Disharmony Between Children and Stepmothers/Fathers**

The relationship between children and their father in polygamous families in Muara Batangtoru varies, depending on how the father divides his time, attention, and affection fairly among all his children. However, most of the interviewees revealed that the relationship between the children and

their father has become distant, especially with the first wife's children. Children often feel a loss of emotional closeness to their father after the arrival of the second wife. The presence of the "new family" creates an invisible but palpable gap, particularly in daily routines (Informant NF, 2025).

The relationship with step-siblings is also quite complex. While some children form harmonious relationships and accept each other, many others experience tension and jealousy. Children from each side often feel that they are mistreated or compared to one another. Passive hostility, such as avoiding contact or refusing to greet one another, or even open conflicts, can occur. In some families, parents attempt to bring children from both wives together for activities or family events, but without the proper emotional approach, this does not always help build closeness.

#### 6) Comparison of the Father's Treatment of Children

Attention from the father is often unequal. Children from the second wife typically spend more time with their father, both during daily activities and vacations. In contrast, children from the first wife report seeing their father only once a week or even once a month. This lack of interaction makes the children feel neglected, even though their basic financial needs are still minimally met.

Love and affection also become significant issues for many children. One informant mentioned that their father no longer hugged them or read them stories like he used to before remarrying. They sensed a shift in their father's emotional expressions. The same sentiment was shared by other children, who observed their father being more expressive with children from the second wife, such as calling them with endearing names, buying them gifts, or taking them out on trips.

### 3. Review of Law No. 1 of 1974 on the Forms of Justice for Lahir and Batin Welfare in Polygamous Families

#### a. Principles of Justice in Polygamy

Article 4, paragraph (2) of Law No. 1 of 1974 states that a husband who wants to have more than one wife must meet the requirement of being able to act reasonably towards his wives and children. The term "fair" here not only refers to distributing time equally but also includes fairness in meeting physical needs (lahir welfare), such as food, shelter, and education; as well as emotional needs (batin welfare), such as affection, attention, and emotional respect (Malaka, 2023).

If this principle of justice is violated, then the husband is unworthy of engaging in polygamy. Furthermore, Article 5 paragraph (1) specifies that in order to practice polygamy, the husband must obtain consent from his first wife and approval from the court, which will consider the husband's ability in financial matters and fairness (Muhammad, 2020).

#### b. Responsibility for Providing Welfare

Article 34 of Law No. 1 of 1974 explicitly states that a husband is obliged to protect his wife and provide everything needed for the household. In the Indonesian legal system, lahir welfare is considered the absolute right of the wife and children. Meanwhile, batin welfare, although not measured materially, becomes a moral and spiritual responsibility that cannot be neglected.

Injustice in the provision of welfare means the husband has breached his legal and moral obligations as the head of the family. This can also be seen as a form of economic and emotional abuse against the wife, as stated in the Law on the Elimination of Domestic Violence (Law No. 23 of 2004).

#### c. Child Protection in the Legal System

Law No. 35 of 2014 on Child Protection affirms that children have the right to care, protection, and to have their basic needs met decently. In polygamous families where there is injustice, these rights are often neglected. A husband who fails to treat all of his children equally violates the principle of non-discrimination and could face legal sanctions under the Child Protection Law (Rahmat Syukri et al., 2024).

d. Local Culture and Perception of Polygamy

Culturally, the people of Muara Batangtoru are part of the Batak Angkola community, which holds high the values of family and kinship. However, in matters of polygamy, there are varying attitudes. Some of the community still view polygamy as something permissible, especially when linked to the religious teachings of Islam, which allows it under certain conditions. In interviews with local community leaders, it was mentioned that as long as the husband can act reasonably and provide lahir and batin welfare, polygamy is not considered a significant problem. In certain situations, the community tends to blame the first wife for being unable to "keep" her husband, prompting him to seek a second wife (Rahmat Syukri et al., 2024).

e. Responses from Community Leaders and Related Institutions

The views of community leaders and related institutions are important in analyzing the impact of polygamy on wives and children, especially in local contexts like Muara Batangtoru. These perspectives provide insights into how polygamy is viewed socio-culturally, as well as how legal and social protection for women and children in polygamous families is applied or neglected in the community (Informant AWS, 2025).

The role of the Muara Batangtoru district government in the review of Law No. 1 of 1974 on marriage (polygamy) is as follows:

1) Response from Religious Leaders

In interviews with several religious leaders in Muara Batangtoru, it was found that polygamy is understood as permissible in Islamic teachings, with the main condition being justice. However, religious leaders also acknowledge that implementing justice in practice is a challenging task. One ustaz (Islamic scholar) stated, "legally in sharia it is allowed, but in practice, it is rare for a husband to be fair." He emphasized that many men use religious justifications to remarry but often overlook their primary obligation to be fair to their wives and children (Informant SF, 2025).

Some religious leaders even suggest that polygamy should be avoided if the husband is not emotionally and financially ready. They are concerned about the adverse effects on the family, especially the children. This shows that, normatively, polygamy is not prohibited, but ethically and morally, it is considered high-risk if not done with strong responsibility.

2) Response from Traditional Leaders and the Community

Traditional leaders in Muara Batangtoru have a somewhat different view. In the Batak Angkola culture, family relationships are highly valued, and household harmony is considered a key principle. According to one of the traditional leaders interviewed, the practice of polygamy was not commonly practiced by their ancestors because it was seen as a cause of division within the extended family (marga). However, in recent decades, external cultural influences and loose interpretations of religion have led to polygamy being accepted for specific reasons, particularly when done officially.

3) Government Institutions and Protection for Women and Children

From an institutional perspective, handling cases of the impacts of polygamy in Muara Batangtoru is not well-coordinated. Institutions such as the Women's Empowerment and Child Protection Agency (DP3A) are still limited in their reach and function, both in terms of education and direct intervention. Many women and children experiencing injustice in polygamous families are unaware of where to report or seek protection. This is due to a lack of socialization about the rights of women and children within families, as well as insufficient legal and psychological assistance.

As a result, polygamy continues without any evaluation or intervention when problems arise. Many women and children live in neglected conditions but have no effective channels for complaints or protection. The lack of evaluation also contributes to the normalization of polygamous practices in the community, ultimately further marginalizing the voices of women and children who are affected.

## CONCLUSION

The implementation of justice in providing both material and emotional support (nafkah lahir and batin) in Muara Batangtoru District does not align with the Qur'an, Hadith, and positive law, particularly the husband's obligations to meet the basic needs of the family, such as food and drink, clothing, housing, healthcare, children's education, and other essential needs. The husband's responsibilities also include fulfilling the psychological and biological needs of the wife, including a proper sexual relationship, attention, affection, protection, communication, and emotional closeness with both the wife and children. However, these forms of justice are not being applied in accordance with existing laws.

The impacts of polygamy on wives and children, from psychological, economic, and social perspectives, are significant. The first wife generally experiences emotional pressure, feelings of neglect, and deep jealousy due to the changes in the husband's attitude after he enters into a polygamous marriage. Economically, there is an imbalance in the distribution of financial support between the first and second wives. Socially, both the first and second wives often face pressure and stigma from the surrounding community. The impact on children is also undeniable. Children from polygamous families tend to experience psychological disturbances, a decline in motivation to study, and unequal treatment in terms of affection and access to educational facilities. Children from the first wife feel neglected, while children from the second wife receive more attention, especially in the early years of the marriage. The relationship between children and their father, as well as between step-siblings, tends to become strained due to the imbalance in attention and time division.

The practice of polygamy in the field has not fully complied with the provisions of Law No. 1 of 1974 concerning Marriage. Although some cases have received official administrative approval, the essential requirement of justice for the wives and children has not been substantively fulfilled. This shows a gap between the legal legitimacy of polygamy and the reality of its implementation in the Muara Batangtoru community. Furthermore, legal protection and social support for the wives and children in polygamous families are still minimal at the village and district levels. There is no effective post-polygamy monitoring mechanism, and the relevant institutions have not maximized their efforts to provide legal and psychological support. As a result, many women and children live in injustice without access to adequate protection pathways.

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