



Human Rights and Gender Equality: An Analysis of Polygamy Regulations for Civil Servants in Indonesia

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Abstract

This research aims to analyze the regulations related to marriage and divorce permits for Civil Servants (PNS) in Indonesia as stipulated in Government Regulation of the Republic of Indonesia Number 45 of 1990. This regulation is often considered a new regulation, even though it has been in effect since 1983. The lack of legal awareness of this regulation has caused confusion in the community and sparked debate, mainly due to: (1) the lack of understanding and socialization related to this regulation, causing social chaos; (2) the assumption that the regulation is unfair because it contradicts Law Number 1 of 1974 concerning Marriage, especially in the provision of polygamy; and (3) potential violations of human rights, especially in relation to gender equality. This research uses a normative juridical method with a descriptive normative approach. The analysis is based on secondary legal sources, such as legislation and relevant literature. The results show that this regulation has urgency in upholding legal awareness in the community as a form of compliance with marriage rules for civil servants, especially in terms of polygamy permits for men and the prohibition of being a second wife for women. In addition, social chaos arising from this regulation can be prevented through strengthening legal awareness, which aims to create a better legal culture and increase compliance with applicable regulations. While this regulation is designed to provide legal protection for individuals and maintain ethics within the bureaucracy, its implementation must be in line with the principles of human rights and gender equality. Therefore, further evaluation of this regulation is needed so that it remains relevant to the social and legal dynamics developing in Indonesia.

Keywords: Civil Servant Marriage Regulation, Legal Awareness, Polygamy, Human Rights, Gender Equality.

Abstrak

Penelitian ini bertujuan untuk menganalisis peraturan terkait izin perkawinan dan perceraian bagi Pegawai Negeri Sipil (PNS) di Indonesia sebagaimana diatur dalam Peraturan Pemerintah Republik Indonesia Nomor 45 Tahun 1990. Peraturan ini sering dianggap sebagai regulasi baru, meskipun telah berlaku sejak tahun 1983. Kurangnya kesadaran hukum terhadap peraturan ini menyebabkan kebingungan di masyarakat dan memicu perdebatan, terutama karena: (1) kurangnya pemahaman dan sosialisasi terkait peraturan ini, yang menyebabkan ketidakpastian sosial; (2) anggapan bahwa peraturan ini



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tidak adil karena bertentangan dengan Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, khususnya dalam ketentuan poligami; dan (3) potensi pelanggaran hak asasi manusia, terutama dalam kaitannya dengan kesetaraan gender. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan deskriptif normatif. Analisis didasarkan pada sumber hukum sekunder, seperti peraturan perundang-undangan dan literatur yang relevan. Hasil penelitian menunjukkan bahwa peraturan ini memiliki urgensi dalam menegakkan kesadaran hukum di masyarakat sebagai bentuk kepatuhan terhadap aturan perkawinan bagi pegawai negeri sipil, terutama dalam hal izin poligami bagi laki-laki dan larangan menjadi istri kedua bagi perempuan. Selain itu, ketidakpastian sosial yang timbul akibat peraturan ini dapat dicegah melalui penguatan kesadaran hukum, yang bertujuan untuk menciptakan budaya hukum yang lebih baik dan meningkatkan kepatuhan terhadap peraturan yang berlaku. Meskipun peraturan ini dirancang untuk memberikan perlindungan hukum bagi individu dan menjaga etika dalam birokrasi, implementasinya harus selaras dengan prinsip-prinsip hak asasi manusia dan kesetaraan gender. Oleh karena itu, evaluasi lebih lanjut terhadap peraturan ini diperlukan agar tetap relevan dengan dinamika sosial dan hukum yang berkembang di Indonesia.

Kata Kunci: Peraturan Perkawinan PNS, Kesadaran Hukum, Poligami, Hak Asasi Manusia, Kesetaraan Gender.

Introduction

Marriage is one of the social institutions regulated by various regulations in Indonesia, including for state civil servants who work in the government sector. The topic of whether polygamy is allowed for men and the prohibition of women becoming second wives among civil servants has sparked intense discussions in Indonesian society. The regulations governing this matter are quite stringent and have become a significant point of contention. This phenomenon resurfaced in early 2023, raising various questions regarding the legality and ethics of marriage among civil servants in Indonesia.

With the resulting confusion in the community, which began with the statement of the State Personnel Agency (BKN), the BKN conducted a press release on June 2, 2023 with Number: 007/RILIS/BKN/VI/2023 regarding an explanation of the many issues that male civil servants can marry more than one person and the prohibition on female civil servants to engage in polygamous marriages as second, third, or fourth wives. Researchers are interested in analyzing what actually happened in Indonesia, whether there is a lack of legal awareness, minimal socialization of these regulations resulting in social and legal chaos, or is there something else.

Various research on the law on polygamy for women, among others, according to the opinion Rachel Heath¹ reveals that the reduction of greater disputes in the household can be minimized by the practice of polygamy. But in practice this makes women's rights apart from gender-based culture, as happened in South Africa.² In Indonesia itself, in terms of polygamy, it is very selective in making it happen, namely by tightening what is called

¹ Rachel Heath, Melissa Hidrobo, dan Shalini Roy, "Cash Transfers, Polygamy, and Intimate Partner Violence: Experimental Evidence from Mali," *Journal of Development Economics* 143 (1 Maret 2020): 102410, <https://doi.org/10.1016/j.jdeveco.2019.102410>.

² John C. Mubangizi dan Mpho T. Tlale, "How Gender-Based Cultural Practices Violate Women's Property Rights and Inhibit Property Ownership: A South African Perspective," *Women's Studies International Forum* 96 (1 Januari 2023): 102678, <https://doi.org/10.1016/j.wsif.2023.102678>.

gender justice for women workers, as happened in West Lombok, Indonesia.³ On the other hand, in Indonesia, there are still men who are victims of sexual violence.⁴ On the one hand, Muslim women in Indonesia can advocate for reforms and changes to laws that are detrimental to them,⁵ polygamy is no exception. In other countries such as Cameroon in Central Africa, that polygamy has become an arena for strengthening power.⁶

It is hoped that the novelty and novelty in this study will provide a comprehensive understanding of these regulations. First, it will be explained in detail about the permissibility of Polygamy for civil servants men in Indonesia, regulated by provisions "Article 10 of Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants". These regulations encompass various conditions that must be met, such as alternative conditions and cumulative conditions. Furthermore, officials possess the power to decline requests from male government employees who are seeking approval to enter into polygamous marriages and have multiple wives. Moreover, this study will also address the prohibition imposed on women who work in the civil service are prevented from becoming second, third or fourth wives. This prohibition is outlined in "Article 4, Paragraph 2 of Government Regulation No. 45 of 1990, which amends Government Regulation No. 10 of 1983 regarding marriage and divorce permits for civil servants". According to this regulation, "female civil servants are not allowed to enter into marriages as second, third, or fourth wives". The research will explore and analyze the implications and reasons behind this prohibition. This study aims to provide a thorough overview of the regulations surrounding the marriage of state civil servants in Indonesia, with a specific focus on the permissibility of polygamy for men and the prohibition of women becoming second wives. It aims to present a comprehensive understanding of the legal framework and policies surrounding these issues.

The objective of this study is to perform an extensive examination of the regulations pertaining to marriage and divorce permissions for civil servants in Indonesia. Specifically focus is on "Republic of Indonesia Government Regulation No. 45 of 1990, which amends Government Regulation No. 10 of 1983 concerning marriage and divorce permissions for government personnel". The study intends to delve into these regulations and explore their impact on civil servants in relation to marriage and divorce. The goal is to provide a thorough understanding of these regulations and their implications for civil servants. Many thought that the regulation was a new rule, causing a stir, this was due to: 1) the lack of legal awareness of the regulation, causing public confusion and social chaos; and 2) The regulation

³ Kuntala Lahiri-Dutt, Balada Amor, dan Rachel Bernice Perks, "Gendered and Embodied Legacies: Mercury's Afterlife in West Lombok, Indonesia," *The Extractive Industries and Society* 8, no. 3 (1 September 2021): 100960, <https://doi.org/10.1016/j.exis.2021.100960>.

⁴ Muhammad Rosyid Ridho, Moh Riza Taufiqul Hakim, dan Uswatul Khasanah, "Diskriminasi Laki-Laki Sebagai Korban Kekerasan Seksual Perspektif Kesetaraan Gender," *ADLIYA: Jurnal Hukum dan Kemanusiaan* 16, no. 1 (27 Agustus 2022): 21–42, <https://doi.org/10.15575/adliya.v16i1.18021>.

⁵ Norani Othman, "Muslim Women and the Challenge of Islamic Fundamentalism/Extremism: An Overview of Southeast Asian Muslim Women's Struggle for Human Rights and Gender Equality," *Women's Studies International Forum*, Islam, Gender and Human Rights, 29, no. 4 (1 Juli 2006): 339–53, <https://doi.org/10.1016/j.wsif.2006.05.008>.

⁶ Pierre André dan Yannick Dupraz, "Education and Polygamy: Evidence from Cameroon," *Journal of Development Economics* 162 (1 Mei 2023): 103068, <https://doi.org/10.1016/j.jdeveco.2023.103068>.

is considered unfair because it contradicts the existing Law, namely Law Number 1 of 1974 concerning Marriage, especially regulations related to polygamy; and 3) the regulation is deemed to be contrary to human rights, namely women's rights to achieve gender equality.

Based on the provided background, the researcher has formulated detailed research questions regarding "the regulations concerning marriage and divorce permits for civil servants in Indonesia as stated in the government regulation No. 45 of 1990, which amends government regulation No. 10 of 1983 regarding marriage and divorce permits for civil servants". These research questions include: 1) What is the urgency of legal awareness in society regarding the Civil Servant Marriage Regulations: Permits for Polygamy for Men and Prohibition of Second Wives for Women in Indonesia?; 2) What are the efforts to prevent social chaos from occurring on Civil Servant Marriage Regulations: Polygamy Permits for Men and Prohibition of Second Wives for Women in Indonesia?; 3) What is the position of human rights in civil servant marriage regulations: permission for polygamy for men and prohibition of second wives for women in Indonesia?.

This research uses normative juridical research methods,⁷ with a descriptive normative approach,⁸ based on secondary sources, especially existing regulations.⁹ This method is used to analyze and interpret the regulations governing the marriage of state civil servants in Indonesia. In this research method, a literature study approach is used to collect data from secondary sources, especially existing regulations. The data obtained from this literature study was then analyzed critically to understand the applicable regulations regarding the permissibility of polygamy for men and Prohibition of being a second wife for women in the context of civil servants in Indonesia. The analysis includes an understanding of the meaning and purpose of the regulation, the historical context behind the regulation, and the legal interpretation that underlies the provisions governing civil servants marriages. In conducting the analysis, the researcher will refer to explanations, interpretations, and related legal decisions that are relevant to the topic of this research.¹⁰ The secondary sources and rules related to research themes which are the focus of research include:

Article 10 of Government Regulation No. 10 of 1983 focuses on regulating the permissibility of polygamy for male civil servants in Indonesia. It outlines alternative conditions, cumulative requirements, and the authority of officials to grant or refuse marriage licenses to Male civil servants seeking more than one wife. On the other hand, "Article 4, Paragraph (2) of Government Regulation No. 45 of 1990, which amends Government Regulation No. 10 of 1983, addresses the prohibition for female civil servants to become second, third, or fourth wives". According to this article, female civil servants are explicitly prohibited from entering into marriages as second, third, or fourth wives. These two articles highlight the specific regulations and restrictions imposed on polygamy for male

⁷ Sanne Taekema, "Methodologies of Rule of Law Research: Why Legal Philosophy Needs Empirical and Doctrinal Scholarship," *Law and Philosophy* 40, no. 1 (1 Februari 2021): 33–66, <https://doi.org/10.1007/s10982-020-09388-1>.

⁸ Katherine A. Currier dan Thomas E. Eimermann, *The Study of Law: A Critical Thinking Approach* (Wolters Kluwer Law & Business, 2009), hlm 21-24.

⁹ Mark Davies, *Law and the Regulation of Scientific Research: Trusting Experts* (Routledge, 2022), hlm 20.

¹⁰ Andrea B. Yelin dan Hope Viner Samborn, *The Legal Research and Writing Handbook: A Basic Approach for Paralegals* (Aspen Publishers, 2009), hlm 23-25.

civil servants and Preventing female civil servants from becoming extra wives in the context of the Indonesian.

Legal Awareness and Its Role in Civil Servant Marriage Regulations

The regulations governing the permissibility of polygamy for male state civil servants in Indonesia are outlined in "Article 10 of Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants". This article specifically discusses the criteria and prerequisites that male civil servants must fulfill in order to pursue polygamous marriages and have multiple wives. It includes provisions regarding alternative terms, cumulative requirements, and the authority of officials to refuse permission to male civil servants applying for polygamous marriages.

The specific regulations regarding the permissibility of polygamy for male civil servants in Indonesia can be found in "Article 10 of Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants". These regulations delineate the stipulations and prerequisites which would have to be satisfied with a male civil servant to obtain consent to enter into polygamous marriages and have multiple wives. The article encompasses the following provisions:

Firstly, a worker may permit polygamy if he/she fulfills at least one of the alternative conditions and satisfies all three cumulative conditions specified in paragraphs (2) and (3) of the article. Second, alternative conditions include cases if the wife is unable to fulfill her obligations as a wife, she suffers from a physical disability or terminal illness, or is unable to bear children. Third, the cumulative requirements include obtaining written consent from the wife, proof of sufficient income to support many wives and children through income tax certificates, and providing written guarantees that civil servants will treat their wives and children fairly. Fourth, permission to marry more than one wife is not given by officials if it conflicts with religious teachings or regulations adopted by employees, does not meet alternative requirements and cumulative requirements, violates applicable laws and regulations, and lacks common sense, or has the authority to interfere with official duties of civil servants.

Furthermore, the prohibition pertaining to Female civil servants become the second, third or fourth wives is addressed in "Article 4, Paragraph (2) of Government Regulation No. 45 of 1990, which amends Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants". This article explicitly states that female civil servants are not allowed to enter into marriages as second, third, or fourth wives. The details and provisions related to this prohibition can be found in "Article 4, Paragraph (2) of Government Regulation No. 45 of 1990 which reads Female civil servants are not allowed to become second/third/fourth wives".

The enactment of Article 4, paragraph (2) of Government Regulation No. 45 of 1990, which prohibits female civil servants from becoming second, third, or fourth wives, was perceived as unjust because it contradicted the existing law, specifically Law No. 1 of 1974 regarding marriage, particularly the provisions related to polygamy. An examination or analysis was conducted regarding the implementation of Article 4, paragraph (2) of Government Regulation No. 45 of 1990 in terms of the concept of the rule of law. In this context, it was found that the enactment of Article 4, paragraph (2) of Government

Regulation No. 45 of 1990, which restricts female civil servants from engaging in polygamous marriages, is in direct conflict with Article 7, paragraph (1) of Law No. 12 of 2011, which establishes the hierarchy and position of government regulations at the fourth level. It is evident that Government Regulation No. 45 of 1990, specifically in the provision of Article 4, paragraph (2), must adhere to and align with previously established laws that hold a higher hierarchical position. Additionally, there are also provisions within Law No. 1 of 1974 concerning marriage that prohibit men from practicing polygamy without specific conditions and reasons. As Government Regulation No. 45 of 1990 occupies a lower position in the hierarchy of applicable legislation, namely under Law No. 1 of 1974 concerning marriage, it is expected that Article 4, paragraph (2) of Government Regulation No. 45 of 1990 should comply with and adhere to the provisions of Law No. 1 of 1974 concerning marriage.

If the author influenced the book by Purbacaraka and Soerjono Soekanto, highlights the importance of principles that ensure specific regulations have a positive impact and effectively achieve their goals. One such principle is *lex specialis derogat legi generalis*, which means that private laws (*lex specialis*) take precedence over general laws (*lex generalis*) in legal interpretation. In this context, the *lex specialis* is "Article 4, Paragraph (2) of Government Regulation No. 45 of 1990, which prohibits female civil servants from becoming second, third, or fourth wives". On the other hand, the *lex generalis* is "Article 3, Paragraph (2) of Law No. 1 of 1974 concerning Marriage". These principles help guide the interpretation and implementation of regulations, ensuring that specific provisions hold more weight when there is a conflict between general and specific laws.¹¹

There is a dispute concerning the interplay between Law Number 1 of 1974 regarding Marriage and Government Regulation Number 45 of 1990. The argument posits that the implementation and enforcement of Article 4, Paragraph (2) of Government Regulation No. 45 of 1990, which restricts female civil servants from becoming second, third, or fourth wives, cannot be effectively executed. According to the hierarchy of laws and regulations, Government Regulations are considered lower in rank compared to laws, and therefore the principle of *lex superior derogate legi inferior* should apply. This principle asserts that if there is a conflict between lower-ranking laws and higher-ranking laws, the lower laws will be deemed invalid and unenforceable. However, in society, "Article 4, Paragraph (2) of Government Regulation No. 45 of 1990" is perceived to have binding legal force and must be strictly adhered to by female civil servants without any exceptions. Violation of this regulation, where female civil servants engage in polygamous marriages as second, third, or fourth wives, may result in severe disciplinary actions, including dishonorable discharge not at their own request.

The enactment of Government Regulations is provided for in the 1945 Constitution, specifically Article 5, paragraph (2), which states that "The President establishes Government Regulations to carry out the Law as appropriate." These Government Regulations are created in accordance with existing laws and regulations. Consequently, it becomes apparent that there exists a discrepancy and contradiction with Article 5, paragraph (2) of the 1945 Constitution and Law Number 1 of 1974 regarding marriage itself. Therefore, it is necessary

¹¹ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penerapan Hukum* (Jakarta: PT Raja Grafindo Persada, 2008). 15

to amend Government Regulation No. 10 of 1983, which was subsequently revised as Government Regulation Number 45 of 1990. This regulation is considered as one of the implementing regulations designed to reinforce the provisions of Law Number 1 of 1974 concerning Marriage. However, it still lacks rules regarding the regulation of polygamy for civil servants who intend to apply for such marriages.

Related to the background that it is forbidden for female civil servants to be able to accept polygamy as a second/third/fourth wife that civil servants are servants of the state is a role model for society and so that when they work they should not be disturbed by their household life, their dignity as a civil servant, they become women others in her husband's household life. Initially, in PP No. 10 of 1983 polygamy for female civil servants was allowed, but with the issuance of PP No. 45 of 1990 it was no longer allowed and absolutely prohibited. law and religion, of course, this is not an excuse that can and can be justified because this has given the value of injustice to these female civil servants.

According to the author, if PP Number 45 of 1990 is analyzed and linked to the rules of polygamy which the regulations pertaining to marriage are found in both Law Number 1 of 1974 concerning Marriage and the Compilation of Islamic Law, we can see that the rules regarding polygamy only regulate how men will polygamy does not regulate how the wives of women who will accept polygamy agree to be able to give permission or refuse as well as provide responses or other efforts to propose polygamy to their husbands, this is in Law Number 1 of 1974 concerning Marriage and in the Compilation of Islamic Law there is a legal vacuum and the laws made are patriarchal (only in favor of men).

The consent of the wife, as stated in paragraph (1) letter (a), is not necessary for a husband in certain circumstances. These circumstances include situations where the wife or wives cannot provide consent, cannot be parties to the agreement, or if there has been no communication from the wife for a period of at least two years. Additionally, the Religious Court Judge can assess other reasons that may warrant the granting of permission for polygamy. However, the implementation of Article 4, Paragraph (2) of Government Regulation No. 45 of 1990, which prohibits female civil servants from becoming second, third, or fourth wives, contributes to increased discrimination against women. This discrimination is particularly evident for women who hold civil servant positions.

Government Regulation Number 45 of 1990 prohibits female civil servants from entering into polygamous marriages as second, third, or fourth wives is an article that discriminates against women because male civil servants who are about to become polygamous are still given the opportunity to have more than one wife, by fulfilling predetermined requirements. It is very clear that female civil servants have no chance at all to become polygamous. Laws that should not be discriminatory and aim to create a sense of justice in society, there is content in Article 4 paragraph (2) of Government Regulation Number 45 of 1990 concerning the prohibition of female civil servants to accept second/third/fourth wives which have been made, stipulated and enacted actually provide restrictions for a woman. Her profession/work as a civil servant and in terms of her daily position as a wife requires that she is not allowed to accept polygamy as a second/third, fourth wife, but can still be the first wife. Article 4 paragraph (2) Government Regulation Number 45 of 1990 is an article which also implies the existence of a prohibition and obligation that must be obeyed without any exceptions for these female civil servants.

Legal Awareness of Civil Servant Marriage Regulations in Indonesia: Polygamy Rules for Men and Restrictions for Women

The Urgency of Legal Awareness in Society on Civil Servant Marriage Regulations: Permission for Polygamy for Men and Prohibition of Second Wives for Women in Indonesia is a form of respect as well as a form of legal compliance. This is intended so that order, peace, tranquility, and justice can be realized in the association between people. This means that every citizen, both male and female, needs to respect and comply with the law regarding regulations regarding: first, the permissibility of polygamy for male state civil servants in Indonesia as strictly regulated in the provisions of "Article 10 of Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits For Civil Servants", which basically regulate alternative conditions, cumulative conditions, and the authority of officials to refuse to grant permission to male civil servants who apply to have more than one wife. Second, the Prohibition regarding female Civil Servants who will become second/third/fourth wives is regulated in "Article 4 paragraph (2) of Government Regulation Number 45 of 1990 concerning Amendments to Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants which reads Female civil servants are not allowed to become second/third/fourth wives".

So it can be concluded that legal awareness is the understanding and recognition of individuals or communities about the importance of respecting and obeying the law. This involves an understanding of the rights and obligations governed by law, as well as an understanding of the possible consequences of violating the law. Legal awareness is important in a society because it can influence individual and group behavior. By having good legal awareness, a person tends to respect the law and carry out their obligations and rights properly. Legal awareness can be developed through legal education, counseling, and everyday experiences. Legal education helps people understand legal principles, consequences for breaking the law, and their legal rights. Counseling offers practical information on applicable laws in daily life. Strong legal awareness contributes to a fairer and more stable society, as individuals actively participate in legal processes, report violations, and respect court decisions. However, legal awareness levels vary based on factors like education, culture, and access to legal information. Therefore, promoting legal awareness and understanding is crucial for the government and relevant institutions.

The law does not always guarantee fairness, as it can sometimes include oppressive elements. The regulations regarding marriage and divorce permits for civil servants are designed to enable them to carry out their responsibilities as public servants without being encumbered by family matters. The primary goal is to foster proper conduct, behavior, and adherence to relevant laws and regulations. However, the restriction on female civil servants from becoming second, third, or fourth wives can have implications for their employment status. Additionally, severe penalties are imposed on those who violate this prohibition.

Enforcement of legal culture towards today's society's tolerance is urgently needed,¹² bearing in mind that upholding a legal culture is a concept that refers to efforts to encourage

¹² Achmad Faidi, Achmad Fauzi, dan Dimas Danar Septiadi, "Significance of Legal Culture Enforcement on Tolerance among Madurese Society through Inclusive Curriculum at IAIN Madura,"

and maintain respect for laws and rules in society. The ultimate goal is to create an environment where laws are respected and applied fairly and consistently. Upholding a legal culture involves various steps, including educating the public about the importance of law, and imposing strict sanctions on violations of the law, and strengthening law enforcement agencies.¹³

Regulating Civil Servant Marriages in Indonesia: Polygamy Permits for Men and Second-Wife Ban for Women

One of the key efforts to prevent social discord arising from Indonesia's Civil Servant Marriage Regulations—specifically, the provisions on polygamy permits for men and the prohibition of second wives for women—is to enhance legal awareness within society. Strengthening public understanding of these laws is crucial for fostering a culture of legal compliance, mutual respect, and adherence to established regulations. Indonesians, particularly male and female civil servants, must be aware of the specific legal provisions governing this matter. First, the permissibility of polygamy for male civil servants is strictly regulated under Article 10 of Government Regulation Number 10 of 1983 on Marriage and Divorce Permits for Civil Servants. This article outlines both alternative and cumulative conditions that must be met for male civil servants to obtain permission for polygamous marriage, while also granting authorities the right to deny such requests. Second, the prohibition against female civil servants becoming second, third, or fourth wives is explicitly stated in Article 4, Paragraph (2) of Government Regulation Number 45 of 1990, which amends Government Regulation Number 10 of 1983. This provision clearly prohibits female civil servants from entering into polygamous marriages, reinforcing the legal framework that governs marriage among civil servants in Indonesia. By promoting awareness and understanding of these regulations, society can cultivate a legal culture that upholds fairness, respects the rule of law, and ensures compliance with existing legal frameworks.

Legal social disorder according to Charles Sampford,¹⁴ refers to a situation where there is legal uncertainty, rampant lawlessness, or a weakness in the justice system that causes significant social unrest, conflict, or disturbance. This condition can occur when the law is not enforced fairly or when there is a gap in legal protection that causes people to lose faith in the legal system.

Several factors that can cause social legal chaos include: 1) Legal Uncertainty, meaning that if the law is not clear or open to different interpretations, this can cause uncertainty among the public.¹⁵ This uncertainty can be exploited by irresponsible parties to violate the law without fear of the consequences. 2) Corruption, in this case the existence of corruption in the justice system or law enforcement officials can damage the integrity of the

AL-IHKAM: *Jurnal Hukum & Pranata Sosial* 16, no. 1 (22 Juni 2021): 50–67, <https://doi.org/10.19105/al-lhkam.v16i1.4302>.

¹³ Haris Maiza Putra dan Hisam Ahyani, "Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia," *Jurnal Ilmiah Al-Syir'ah* 20, no. 1 (30 Juni 2022): 68–90, <https://doi.org/10.30984/jis.v20i1.1861>.

¹⁴ Charles J. G. Sampford, *The Disorder of Law: A Critique of Legal Theory* (B. Blackwell, 1989).

¹⁵ Martin Zagler, "Foreign Direct Investment, Legal Uncertainty and Corporate Income Taxation," *International Economics* 173 (1 Mei 2023): 19–28, <https://doi.org/10.1016/j.inteco.2022.11.005>.

law.¹⁶ If corruption is rampant, those with wealth or power can escape accountability, while ordinary people are denied fair protection from the legal system. Inequality of Access to 3) Justice, meaning If people do not have equal access to the justice system, this can trigger social chaos. Inequality can exist in terms of access to qualified lawyers, high court costs, or unfair treatment of certain groups in the justice system. As with injustice in polygamy too.¹⁷ 4) Social and Political Conflict, where widespread social and political chaos within a country or region can affect the stability of the legal system. Armed conflict, riots, or political instability can hinder law enforcement and affect public confidence in the legal system. Such as gender errors, polygamy, beliefs will also cause Social and Political Conflict.¹⁸

The impact of legal social chaos can be very detrimental to society. This can lead to a decline in trust in the justice system, disruption of social order, and amplification of cycles of injustice. To address social legal chaos, it is important for the government and legal institutions to carry out reforms aimed at improving the justice system, eradicating corruption, increasing access to justice, and ensuring fair and consistent law enforcement. In addition, strengthening legal awareness in society is also important in order to create a legal culture that respects and obeys the law. Preventing the potential for social chaos to arise in a multicultural society like Indonesia has become a joint obligation for the Indonesian people, this is because Indonesia has the most potential for social conflict, so to prevent it, it needs to be highlighted from various aspects to prevent it. As with the occurrence of social legal chaos regarding Polygamy Permits for Men and the Prohibition of Second Wives for Women in Indonesia, it is necessary to strengthen legal awareness in society. Consciously the people of Indonesia, related to self-readiness materially (economic elements), this is a reference for people to get married.¹⁹ Likewise a civil servant, both male and female, whether to practice polygamy in marriage is also the same.

Position of Human Rights in Civil Servant Marriage Regulations: Permission for Polygamy for Men and Prohibition of Second Wives for Women in Indonesia

The position of human rights in Civil Servant Marriage Regulations: Polygamy Permits for Men and Prohibition of Second Wives for Women in Indonesia is a form of government legal protection in order to protect the individual rights of Indonesian people through regulations, policies and a fair justice system, meaning a form of legal protection the regulations in force in Indonesia must be able to protect the individual rights of society, namely regarding: first, the permissibility of polygamy for male state civil servants in

¹⁶ Zhiyuan Guo, "Anti-Corruption Mechanisms in China after the Supervision Law," *Journal of Economic Criminology* 1 (1 September 2023): 100002, <https://doi.org/10.1016/j.jeconc.2023.100002>.

¹⁷ Aurangzaib Alamgir, "Islam and Polygamy: A Case Study in Malaysia," *Procedia - Social and Behavioral Sciences*, 4th World Conference on Psychology, Counseling and Guidance (WCPCG-2013), 114 (21 Februari 2014): 889–93, <https://doi.org/10.1016/j.sbspro.2013.12.803>.

¹⁸ Jantina de Vries, Guida Landouré, dan Ambroise Wonkam, "Stigma in African Genomics Research: Gendered Blame, Polygamy, Ancestry and Disease Causal Beliefs Impact on the Risk of Harm," *Social Science & Medicine* 258 (1 Agustus 2020): 113091, <https://doi.org/10.1016/j.socscimed.2020.113091>.

¹⁹ Hisam Ahyani, Muhamir Muhamir, dan Dian Permana, "Philosophical Review of Materialism and Idealism Married Age Limits in Indonesia (Study of Article 7 Paragraph (1) of Law 16 of 2019 in Conjunction with Law 1 of 1974 Concerning Marriage)," *Al-Ihkam: Jurnal Hukum Keluarga Jurusan Ahwal Al-Syakhiyyah Fakultas Syariah Iain Mataram* 12, no. 2 (25 Desember 2020): 107–24, <https://doi.org/10.20414/alihkam.v12i2.3048>.

Indonesia is strictly regulated in the provisions of "Article 10 of Government Regulation Number 10 of 1983 concerning Marriage Permits and Divorce for Civil Servants" which principally regulates alternative terms, cumulative conditions, and the authority of officials to refuse to grant permission to male civil servants who apply to have more than one wife. Second, the Prohibition regarding female Civil Servants who will become second/third/fourth wives is regulated in "Article 4 paragraph (2) of Government Regulation Number 45 of 1990 concerning Amendments to Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants which reads Female civil servants are not allowed to become second/third/fourth wives".

According to Eko Hidayat's opinion, human rights are inherent to individuals from birth and are given directly by God. These rights are fundamental and should be respected, upheld, and protected by the state, law, government, and all individuals to preserve human dignity. Indonesia is a country that is founded on the principles of the rule of law, where the law holds supreme authority. The state has the responsibility to provide protection for human rights to all its citizens. As a legal subject, the state can be held accountable before the court for any unlawful actions, as it is governed by the principles of rechtstaat, which means a state based on the rule of law.

Human Rights (HAM) are rights inherent in every individual as a human being, not depending on certain rules or laws. Human rights include inherent and universal basic rights that are granted to all people without discrimination based on race, religion, gender, ethnicity or social status. Regulations or laws that apply in a country should support and protect individual human rights. However, regulations do not create human rights, instead they should recognize, respect and protect human rights that have existed since an individual was born. It is important to understand that human rights are not dependent on any particular rule or law. Human rights are universal, inseparable and non-transferable. The government and the state have the responsibility to protect and promote individual human rights through rules, policies and a fair justice system. Good laws and regulations must comply with widely recognized international human rights standards and principles. Examples of universally recognized human rights include: Right to life: Every individual has the right to life and cannot be attacked or killed arbitrarily. Freedom of opinion and expression: Every individual has the right to express opinions, opinions and expression without fear of persecution or restrictions from the authorities. Freedom of religion: Every individual has the right to choose, change, or maintain a religion or belief that is in accordance with his conscience, and carry out worship according to his personal beliefs. Protection from torture and inhumane treatment: Every individual has the right not to be tortured, treated in an inhumane manner, or treated in a manner that degrades human dignity. Right to equality before the law: Every individual has the right to be considered equal before the law, without discrimination based on race, religion, gender or social status. Good regulations and laws should protect and strengthen individual human rights. If there are regulations that conflict with international human rights standards or violate basic individual rights, it is important for civil society, NGOs and human rights organizations to fight for change and ensure fair and equitable protection of human rights for all people.

The research findings in this study are first, legal awareness of Civil Servant Marriage Regulations, especially regarding Permission for Polygamy for Men and Prohibition of

Second Wives for Women in Indonesia, has become a must, meaning that the Indonesian people, especially for male and female civil servants, should respect and comply with the law on regulations regarding Permits. The regulations regarding marriage and divorce for civil servants in Indonesia, particularly concerning the permissibility of polygamy for male civil servants, are tightly regulated in Article 10 of Government Regulation Number 10 of 1983. This article sets forth strict guidelines and conditions that must be met for male civil servants to be granted permission to engage in polygamous marriages. The aim is to ensure that the process is carefully regulated and in line with the applicable laws and regulations for civil servants.

The second finding, to prevent social chaos from happening to the Marriage Regulations for civil servants, especially regarding the Permit for Polygamy for Men and the Prohibition of Second Wives for Women in Indonesia, one form of prevention is the need to strengthen legal awareness in society, in this case it is important to do so in order to create a legal culture good manners, and respect each other and comply with applicable laws.

The third finding, the position of human rights (human rights) in the Marriage Regulations for Civil Servants regarding Polygamy Permits for Men and the Prohibition of Second Wives for Women in Indonesia, is positioned as the right to protect individuals in every society in which case the Indonesian Government provides legal protection through regulations, policies, and a fair judicial system, meaning that the form of legal protection for regulations that apply in Indonesia must be able to protect the rights of individual people, especially protecting the individual of each civil servant, both male and female.

Explanation of the first research findings above, namely the urgency of Legal Awareness in Society regarding Civil Servant Marriage Regulations: Permission for Polygamy for Men and Prohibition of Second Wives for Women in Indonesia is a form of respect as well as a form of legal compliance. This is intended so that order, peace, tranquility, and justice can be realized in the association between people. This is in accordance with the opinion of John Rawls recommending that in society there needs to be a moral obligation,²⁰ to comply with the law.²¹ Just as Muslims must submit and obey the rules of the Islamic religion.²² Because Indonesia is not an Islamic country, but a country that adheres to the Continental European Legal System (civil law system),²³ the existence of legislation is very important,²⁴ because if it is associated with the principle of legality which means that every government action must have a basis in the applicable laws and

²⁰ John Rawls, *A Theory of Justice* (Oxford University Press, 1999), hlm 19-21.

²¹ M. B. E. Smith, "Is There a Prima Facie Obligation to Obey the Law?," *The Yale Law Journal* 82, no. 5 (1973): 950-76, <https://doi.org/10.2307/795537>.

²² Hisam Ahyani, Memet Slamet, dan Tobroni, "Building the Values of Rahmatan Lil 'Alamin for Indonesian Economic Development at 4.0 Era from the Perspective of Philosophy and Islamic Economic Law," *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 16, no. 1 (2021): 111-36, <https://doi.org/10.19105/al-ihkam.v16i1.4550>.

²³ Sakirah Sakirah dkk., *Development of Islamic Economic Thought and Civilization (a Theoretical and Practical Review)* (Bandung: CV Widina Media Utama, 2022), <https://repository.penerbitwidina.com/publications/406507/>.

²⁴ Putra dan Ahyani, "Internalization in Islamic Law Progressive in Criminal Law Changes in Indonesia."

regulations.²⁵ Likewise in terms of legal awareness of the Civil Servant Marriage Regulations, especially regarding Permits for Polygamy for Men and Prohibition of Second Wives for Women in Indonesia, this should be the case for the Indonesian people, especially for male and female civil servants, to respect and comply with the law on these regulations, which regarding Permits for Marriage and Divorce For Civil Servants, the regulation contains a clause stating that "polygamy is permissible for male state civil servants in Indonesia" as strictly regulated in the provisions of Article 10 of Government Regulation Number 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants.

Furthermore, an explanation of the second finding, namely efforts to prevent social chaos from civil servant marriage regulations: polygamy permits for men and prohibition on second wives for women in Indonesia, one of which is strengthening legal awareness for the community, this is important to do in order to create a good legal culture. and respect each other and comply with applicable laws. However, in order to strengthen legal awareness in the community, it requires collaborative efforts between the government and related institutions.²⁶ Strengthening legal awareness for the community has a very important role in maintaining order, justice and social stability.²⁷ Following are some of the reasons why strengthening legal awareness is important:

First, understanding of rights and obligations, meaning that legal awareness helps people to understand their rights and obligations in a legal context. This involves an understanding of human rights, civil rights, and the responsibility of society to the law. With this understanding, people can carry out their rights and obligations appropriately and responsibly.²⁸

Second, increasing compliance with the law, meaning that legal awareness plays a role in increasing compliance with the law. When people understand the consequences of breaking the law, they are more likely to comply with applicable regulations.²⁹ This helps create a more secure, orderly and fair environment.³⁰

²⁵ Dedah Jubaedah dkk., "Legal Analysis of Crypto Investment in Era 4.0 View from Credo Theory," *Diponegoro Law Review* 7, no. 2 (27 Oktober 2022): 262–78, <https://doi.org/10.14710/dilrev.7.2.2022.262-278>.

²⁶ Dwi Iman Muthaqin dan Baeihaqi Baeihaqi, "Strengthening Legal Knowledge Through E-Legal Basic Learning Methods" (Annual Civic Education Conference (ACEC 2021), Atlantis Press, 2022), 503–6, <https://doi.org/10.2991/assehr.k.220108.090>.

²⁷ Aleksandra Klich, "The Impact of COVID-19 on the Functioning of Legal Clinics in Poland," *Procedia Computer Science*, Knowledge-Based and Intelligent Information & Engineering Systems: Proceedings of the 26th International Conference KES2022, 207 (1 Januari 2022): 4477–85, <https://doi.org/10.1016/j.procs.2022.09.511>.

²⁸ Nikolay A. Dukhno dan Olga N. Skuybedina, "The Formation of Legal Culture of a Person in Order to Ensure Transport Safety," *Transportation Research Procedia*, XII International Conference on Transport Infrastructure: Territory Development and Sustainability (TITDS-XII), 61 (1 Januari 2022): 253–58, <https://doi.org/10.1016/j.trpro.2022.01.042>.

²⁹ Hanna Berkel, Christian Estmann, dan John Rand, "Local Governance Quality and Law Compliance: The Case of Mozambican Firms," *World Development* 157 (1 September 2022): 105942, <https://doi.org/10.1016/j.worlddev.2022.105942>.

³⁰ Francisco d'Albertas dkk., "Agricultural Certification as a Complementary Tool for Environmental Law Compliance," *Biological Conservation* 277 (1 Januari 2023): 109847, <https://doi.org/10.1016/j.biocon.2022.109847>.

Third, community empowerment, the meaning is that legal awareness empowers people to protect their rights and participate in the legal process.³¹ Law-aware citizens are able to access the justice system, report violations, and file lawsuits if their rights are violated. This strengthens the position of the community in the legal community.³²

Fourth, prevention of social conflict and disorder, meaning that legal awareness helps prevent social conflict and disorder.³³ When people understand their rights and obligations, they tend to resolve disputes peacefully and through available legal channels. Legal awareness also helps people avoid unlawful behavior, reducing the potential for conflict,³⁴ and create social stability.³⁵

Fifth, participation in community development, meaning legal awareness is also important in encouraging active community participation in the community development process. With an understanding of the law, the public can provide input and participate in policy formulation, development planning, and monitoring of law implementation.³⁶ This helps build societies that are inclusive, democratic, and responsive to people's needs and aspirations.

Sixth, protection against rights violations, namely legal awareness provides protection to the public against violations of their rights.³⁷ With an understanding of their rights, people can recognize actions or policies that violate their rights and seek legal protection. This is important in maintaining justice and protecting society from abuse of power or unfair treatment.³⁸

Explanation of the third research findings, namely the Position of Human Rights in Civil Servant Marriage Regulations: Polygamy Permits for Men and Prohibition of Second Wives for Women in Indonesia is a form of government legal protection in order to protect every individual rights of Indonesian people through regulations, policies, and a justice

³¹ Joanna Szegda dan Grzegorz Tylec, "The Level of Legal Security of Citizen Journalists and Social Media Users Participating in Public Debate. Standards Developed in the Jurisprudence of the European Court of Human Rights (ECtHR) and the European Court of Justice (ECJ)," *Computer Law & Security Review* 47 (1 November 2022): 105740, <https://doi.org/10.1016/j.clsr.2022.105740>.

³² Ib Ravn, "Beyond Chaos and Rigidity, Flexstability," *New Ideas in Psychology* 66 (1 Agustus 2022): 100948, <https://doi.org/10.1016/j.newideapsych.2022.100948>.

³³ Aili Fang dkk., "Chaos in Social Learning with Multiple True States," *Physica A: Statistical Mechanics and Its Applications* 392, no. 22 (15 November 2013): 5786–92, <https://doi.org/10.1016/j.physa.2013.07.042>.

³⁴ Illan Barriola, Bruno Deffains, dan Olivier Musy, "Law and Inequality: A Comparative Approach to the Distributive Implications of Legal Systems," *International Review of Law and Economics*, 23 Mei 2023, 106139, <https://doi.org/10.1016/j.irle.2023.106139>.

³⁵ Jesse Jonkman dan Marjo de Theije, "Amalgamation: Social, Technological, and Legal Entanglements in Small-Scale Gold-Mining Regions in Colombia and Suriname," *Geoforum* 128 (1 Januari 2022): 202–12, <https://doi.org/10.1016/j.geoforum.2021.10.017>.

³⁶ Oyeniyi Abe, "Between Control and Confrontation: The Pitfalls and Potential of Corporate-Community Participatory Development in Africa's Energy and Extractive Industries," *The Extractive Industries and Society* 11 (1 September 2022): 101095, <https://doi.org/10.1016/j.exis.2022.101095>.

³⁷ Aliu Oladimeji Shodunke dkk., "Establishing the Nexus among Mob Justice, Human Rights Violations and the State: Evidence from Nigeria," *International Journal of Law, Crime and Justice* 72 (1 Maret 2023): 100573, <https://doi.org/10.1016/j.ijlcj.2022.100573>.

³⁸ Mohammad Alghababsheh, Atif Saleem Butt, dan Syed Mithun Ali, "The Role of Buyers Justice in Achieving Socially Sustainable Global Supply Chains: A Perspective of Apparel Suppliers and Their Workers," *Journal of Purchasing and Supply Management* 29, no. 2 (1 Maret 2023): 100820, <https://doi.org/10.1016/j.pursup.2023.100820>.

system that fair, meaning that the form of legal protection for regulations in force in Indonesia must be able to protect the rights of individual people. This means that the law is protective because this is its purpose. In order to guarantee every right of every society. Then to create a balance, justice and order from the various interests that exist in society.³⁹ Protecting law refers to the principle that the legal system in a country is designed to protect the rights, freedoms and interests of individuals or groups in society. This concept underlines that the main function of law is to create and maintain conditions that are just, safe and orderly for all members of society.⁴⁰ Protecting laws provide a clear framework for upholding human rights, protecting property rights, maintaining security and public order, and regulating relations between individuals and institutions in society. The law also provides protection against unlawful acts, such as crime, abuse of power, and discrimination. The legal principle of protection also encourages legal certainty, where everyone has equal access to the law and can rely on fair and objective legal protection. The law must be applied consistently and not discriminatory, and must provide guarantees of justice and protection against arbitrary actions or abuse of power.⁴¹

In addition, protective laws also cover the protection of minority rights, workers' rights, consumer rights, and environmental rights. The goal is to create a balance between individual interests and public interests, so that all parties can live in harmony and are protected by law.⁴² However, it is important to remember that the implementation and effectiveness of protective laws may vary from country to country. A good and independent legal system, adherence to the rule of law, and active participation of the public in the legal process are critical to maintaining the success of protective law.

So that the position of human rights (human rights) in the Marriage Regulations for Civil Servants regarding Polygamy Permits for Men and Prohibition of Second Wives for Women in Indonesia, is positioned as the right to protect individuals in every society, in this case the Government of Indonesia provides legal protection through regulations, policies, and a fair justice system, meaning that form of legal protection for the regulations in force in Indonesia must be able to protect the individual rights of the public, in particular to protect the individuals of each civil servant, both male and female.

Conclusion

Based on the analysis above, three key points emerge regarding the legal awareness of civil servant marriage regulations in Indonesia, particularly concerning polygamy permits for men and the prohibition of second marriages for women. *First*, legal awareness is crucial

³⁹ Dorota Pyć, "Global Ocean Governance: Towards Protecting the Ocean's Rights to Health and Resilience," *Marine Policy* 147 (1 Januari 2023): 105328, <https://doi.org/10.1016/j.marpol.2022.105328>.

⁴⁰ Ariana E. Athy dkk., "Clarifying Longitudinal Relations between Individuals' Support for Human Rights and Climate Change Beliefs," *Journal of Environmental Psychology* 84 (1 Desember 2022): 101875, <https://doi.org/10.1016/j.jenvp.2022.101875>.

⁴¹ Tao Li, "Fisheries Tenure Arrangement in China: Legislative Ambiguity, Judicial Settlement Conflicts, and the Gap in Protecting Traditional Fishers' Rights," *Marine Policy* 152 (1 Juni 2023): 105607, <https://doi.org/10.1016/j.marpol.2023.105607>.

⁴² Ujjal Kumar Sarma dan Indrani Barpujari, "Realizing a Rights-Based Approach to Resettlement from Protected Areas: Lessons from Satpura Tiger Reserve, Madhya Pradesh (India)," *Land Use Policy* 125 (1 Februari 2023): 106494, <https://doi.org/10.1016/j.landusepol.2022.106494>.

in ensuring compliance with marriage regulations, as these laws serve as a form of respect for legal norms and contribute to maintaining social order, peace, and justice in society. *Second*, strengthening public legal awareness is essential to prevent social conflicts arising from these regulations. By fostering a culture of legal compliance and mutual respect, society can uphold the principles of justice and fairness. *Third*, the civil servant marriage regulations reflect the government's role in safeguarding human rights through legal protection. These policies aim to balance individual rights with broader societal interests, ensuring a fair and just legal framework.

To further improve the implementation and public acceptance of these regulations, the government should take concrete steps, including: 1) specify practical methods such as collaborations with educational institutions, legal training for civil servants, or social media campaigns to enhance legal awareness. 2) Clear and Accessible Legal Guidance – Provide clear explanations and guidelines regarding marriage regulations, ensuring that individuals fully comprehend their rights and obligations. 3) Legal Counseling Services – Establish accessible legal counseling services for civil servants to address concerns and prevent potential legal disputes. 4) Monitoring and Evaluation – Regularly assess the impact of these regulations to ensure they effectively serve their intended purpose while upholding fairness and justice. 5) Inclusive Dialogue and Policy Review – Engage stakeholders, including legal experts, civil servants, and community representatives, in discussions to refine policies and address societal concerns. By implementing these measures, the government can promote better legal understanding, reduce misconceptions, and ensure that marriage regulations contribute to a harmonious and legally compliant society.

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