

ANALYSIS OF UNVALID SECOND MARRIAGES UNDER ARTICLE 279 OF THE CRIMINAL LAW BOOK (KUHP)

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Abstract

Marital crimes. The condition for a person to be punished under this article is that the person must know that he was married in the past and that this marriage has not yet been relinquished. Therefore it is very interesting and important to study further about how to regulate the Punishment of Second Marriage Based on Article 279 of the Criminal Code (KUHP)? and how is the responsibility for the punishment of second marriage based on Article 279 of the Criminal Code (KUHP)? To answer these problems, normative juridical legal research methods are used with statutory and conceptual approach methods. From the results of the study, it was found that the invalid second marriage arrangement in Law Number 1 of 1946 concerning the Regulation of Criminal Law (KUHP) contained in it, namely crimes against the origin of marriage. In the Criminal Code (KUHP) Article 277 paragraph (1), Article 279 and Article 280. Criminal Acts Against Origin and Marriage is the 14th Chapter in Law Number 1 of 2023 concerning the Second Book of the Criminal Code. Contains 5 Articles, namely from Article 401 to Article 405. The liability of an invalid second marriage under Article 279 is specifically regulated in article 279 of the Criminal Code. The act of a husband who conducts a polygamous marriage without the wife's consent and court permission violates the provisions in Article 279 of the Criminal Code, with a maximum prison sentence of 5 years.

Keywords: *Crime, Second Marriage*

Abstrak

Crime marriage . Condition so people can punished according to chapter This is that person must know that He Formerly Once marriage and marriage This Still Not yet released Therefore very interesting and important For study more carry on about How arrangement Sentencing To Marriage Second Based on Article 279 of the Criminal Code (KUHP) ? and how accountability Sentencing To Marriage Second Based on Article 279 of the Criminal Code (KUHP) ? For answer problem mentioned , is used method study law juridical normative with method approach regulation statutory and conceptual . From the results study obtained that arrangement marriage the second one is not legitimate in Constitution Number 1 of 1946 concerning The Criminal Law Regulations (KUHP) are contained therein ie crime to origin marriage . In the Criminal Code (KUHP) Article 277 paragraph (1), Article 279 and Article 280. Actions Criminal On Origins and Marriage is the 14th CHAPTER in Constitution Number 1 of 2023 concerning the Book Criminal Code Second . Contains 5 articles , namely from Article 401 to Article 405. Accountability marriage the second one is not legitimate based on Article 279 special arranged in article 279 of the Criminal Code. Actions the husband did it wedding polygamy without agreement wife and permission court violate provision in Article 279 of the Criminal Code, with threat criminal prison maximum 5 years .

Keywords : Act Criminal , Marriage Second

INTRODUCTION

Marriage is a very legal event important in human life with various consequences the law. Therefore, the law regulates this marriage issue in detail. What is meant by marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on the Almighty Godhead, which must also be recorded according to the applicable laws and regulations.¹

Marriage and marriage are often considered the same. Even though these two words have different meanings. According to the Big Indonesian Dictionary (KBBI), *nikah* or marriage is a marriage bond (contract) that is carried out according to legal and religious provisions. This means that this is a new life as a husband and wife without violating religious teachings. Meanwhile, the meaning of marriage or marrying is forming a family with the opposite sex. This is also often referred to as being married, married, or married. Apart from being referred to humans, the word mating is also commonly used for animals to mean having sex or producing offspring.²

From these differences it can be concluded that marriage is a term used by religion to unite partners in a bond of promise or in Islam it is called a contract. Meanwhile, marriage is a process of regeneration or, more easily, we can call it the process of forming offspring. In the Indonesian legal system, these two things are called marriage. The choice of the word marriage is used to regulate a broader understanding of not only marriage but also regulating the offspring of a marriage.

In the legal system in Indonesia, marriage is regulated in Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage³ as amended by Law of the Republic of Indonesia Number 16 of 2019 concerning Amendments to Law Number 1 of 1974 concerning Marriage.⁴ Based on Article 1 of Law Number 1 of 1974, it states that "Marriage is a physical and spiritual bond between a man and a woman as husband and wife with the aim of forming a happy and eternal family (household) based on belief in the Almighty God."⁵ Furthermore, Article 2 states that "Marriage is valid if it is carried out according to the laws of each respective religion and belief".⁶ Thus it is clear that a marriage is valid if it is carried out without violating religious teachings. This means that if religion prohibits it, the law also prohibits it.

The basis of marriage according to Law Number 1 of 1974 adheres to the principle of non-absolute monogamy. We can see this from the contents of Article 3 as follows:

¹Munir Fuady, *Concept of Civil Law*, (Jakarta: RajaGrafindo Persada, 2014), p. 10.

²Dresyamaya Fiona, *Difference Between Marriage and Marriage, Don't Get Mistaken Again!*, <https://www.orami.co.id/magazine/beda-nikah-dan-kawin>, accessed on 22 August 2023, at 21.47 WIB.

³Indonesia, *Law of the Republic of Indonesia Concerning Marriage*, Law Number 1 of 1947, State Gazette of the Republic of Indonesia of 1974 Number 1, Supplement to State Gazette of the Republic of Indonesia Number 3019.

⁴Indonesia, *Law of the Republic of Indonesia concerning Amendments to Law Number 1 of 1974 concerning Marriage*, Law Number 16 of 2019, State Gazette of the Republic of Indonesia of 2019 Number 186, Supplement to State Gazette of the Republic of Indonesia Number 6401.

⁵Indonesia, Law Number 1 of 1947, Article 1.

⁶*Ibid*, Article 2.

1. Basically in a marriage a man can only have one wife. While a woman can only have one husband.
2. The court can grant permission to a husband to have more than one wife if desired by the parties concerned.⁷

The explanation from the article above is that a man is only allowed to have one wife, as well as a wife can only have one husband. In this way, Law Number 1 of 1974 *jo.* Law Number 16 of 2019 concerning Marriage was implemented not only as a solution to problems regarding marriage that occur in society, but also as a protection for women to fight for their rights as wives, so that they are not treated arbitrarily. In fact, it is not only civil sanctions that will be received for those who violate the rules of the Marriage Law, criminal sanctions can also be imposed on them.

The Law on Marriage does not regulate crimes, but the Criminal Code (KUHP) does regulate marriage crimes. This can be seen in the Criminal Code in CHAPTER XII Article 279 which states:

Paragraph (1): Threatened with a maximum imprisonment of five years:

1. Whoever enters into a marriage knowing that the existing marriage or marriages constitute a valid obstacle to it;
2. Whoever enters into a marriage knowing that the marriage or marriages of another party are an obstacle to that.

Paragraph (2): If the person who commits an act based on paragraph (1) point 1 conceals to another party that an existing marriage is a valid obstacle to this, he is threatened with imprisonment for a maximum of seven years.

Paragraph (3): Revocation of rights based on Article 35 No. 1-5 can be stated.⁸

Based on the provisions mentioned above, the condition for a person to be punished according to this article is that the person must know that he was previously married and this marriage has not yet been dissolved (there has been no divorce). A man can be charged under Article 279 of the Criminal Code as long as it can be proven that there was a previous marriage.

Cases like this really happen a lot in society. One case that attracted attention was through an article uploaded by the owner of a *Facebook account* named Mommy ASF which went viral and attracted the attention of many *netizens*. The article tells the story of a wife who has a husband who is known to be very religious. They have been married for 8 (eight) years and are blessed with 5 (five) children. However, their youngest child died when he was 4 (four) months old. The household, which was built in 2011, has been experiencing problems since February 2018. Her husband suddenly disappeared. After 12 (twelve) days, her husband finally came home, but did not provide an explanation or apology to his wife. A year later, Mommy ASF found evidence that

⁷Harumiati Natadimaja, *Civil Law Concerning Personal Law and Object Law*, (Jakarta: Graha Ilmu, 2000), p. 23.

⁸ Moeljatno, *Criminal Code, Criminal Law*, (Jakarta: Bumi Askara, 2001), p. 101.

her husband had remarried and was on his honeymoon in Turkey, specifically in *Cappadocia* , which was her dream place.⁹

It turns out that Mommy ASF's writing went viral. After it went viral, Mommy ASF deleted all her uploads from *Facebook* . However, Mommy ASF did not reveal the reason why it deleted the upload. However, at the end of 2020, Mommy ASF, known as Eca Prasetya, published the novel "Layangan Putus". This novel tells the story of the household life of the actors named Aris and Kinan who are hit by problems from a third person. The success of the novel "Layangan Putus" made the production house MD Entertainment interested in turning it into a serial film.¹⁰

From the case stories above and many more, these cases have actually opened our eyes to the fact that there are still many problems regarding marriage. This is all due to a lack of knowledge about marriage law or actually there is still a lack of socialization about marriage law. In fact, knowledge about marriage law is actually very important to know and understand, especially for women who are going to become wives or who are already living a married life, so that they are not harmed by the act of remarrying by men or their husbands. In this way, women can defend their rights as wives in the future.

Some examples of cases of underhanded marriage,

- 1) In Polewali Mandar, West Sulawesi, a married couple, Sappe alias Andri Hamzah (32 years) and Rasdiana (31), were charged with violating Article 279 paragraph 1 of the Criminal Code with the threat of a sentence of seven years in prison for marrying secretly while both of them still had a partner. legitimate. In the trial with the agenda of reading the indictment at the Polewali Mandar District Court, West Sulawesi this afternoon, the public prosecutor revealed that the two of them underwent an unregistered marriage on November 13 2009 in Landi Pokki Hamlet, Baru Village, Luyo District, Polewali Mandar. The two of them married in a series for reasons of mutual love. Sappe comes from West Mapilli Village, Luyo District, Polewali Mandar Regency. Meanwhile, Rasdiana comes from Campalagian District. The problem is, Sappe already has a wife named Ziarah. His marriage to Ziarah produced four children, respectively Fikki (13), Fikran (10), Firasma (8) and Firmia Zera (6). Rasdiana also has a first husband named Baharuddin. Rasdiana's marriage to Baharuddin also produced four children, namely Ridwan (10), Samir (7), Ayu (4), and Aco (3). During the trial, the two defendants, an unregistered married couple, were charged by the Polewali Mandar District Attorney, M. Ahsan Thamrin, with the same article of the Criminal Code but with different points. The defendant Sappe was charged with Article 279 paragraph (1) 1c of the Criminal Code, and the defendant Rasdiana with Article 279 paragraph (1) 2c of the Criminal Code.¹¹

⁹ The Initial Story and Chronology of the Kite-Side Story, (29 December 2021), <https://www.cnnindonesia.com/hiburan/20211229152908-220-740166/cerita-awal-dan-kronologi-cerita-layang-besar> , accessed on 22 August 2023, 08.45 WIB.

¹⁰ *Ibid* .

¹¹TEMPO Interactive , “ Sari Married Couples Threatened Seven Year Prison ”, <https://nasional.tempo.co/read/228107/patangan-nikah-siri-diancam-tujuh-tahun-penjara> , accessed on 19 December 2023, at 08.02 WIB .

2) ABDUL MUSA Bin MANAP and witness KARTINI Binti A. MANAN on Monday 06 January 2020 at approximately 21.00 WIT or at least at another time in January 2020 or at least at another time in 2020, at witness ZHRUL's house AFENDI Bin A. MANAN, located in Kasuk Baru Village, Permanent District, Kaur Regency or at least in another place which is still included in the jurisdiction of the Bintuhan District Court which has the authority to examine and adjudicate, entered into a marriage even though he knew that his marriage or marriages were there has been a legitimate barrier to that. Considering, that because all the elements of Article 279 paragraph (1) 1 of the Road Criminal Code have been fulfilled, the Defendant must be declared to have been legally and convincingly proven guilty of committing the criminal act as charged. Declare that the Defendant ABDUL MUSA BIN MANAP above has been legally and convincingly proven guilty of committing the crime of "Crimes of Origin of Marriage" as in the first indictment. Sentenced the defendant to prison for 1 (one) year and 2 (two) months. (Decision Number 16/Pid.Sus/2020/PN Bhn). Based on the description above, the main points that will be researched and expressed in this writing are as follows:

1. How is an invalid second marriage regulated under Article 279 of the Criminal Code (KUHP)?
2. What is the responsibility for an invalid second marriage based on Article 279 of the Criminal Code (KUHP)?

RESEARCH METHODS

Types of research This is study law juridical normative . Study law juridical normative this can also be called as study law doctrinal . Dogmatic Legal Science reviewing , maintaining and developing building law positive with building logic , the so -called “ doctrinal ” studies or also called study “ normative ” law . Approach study use method approach legislation (*statute approach*) , approach case (*case approach*) and approach conceptual . The data type inside study This is Secondary Data This is very important factor , because the data source will be concerning quality and results study . Therefore , the data source becomes material consideration in determination method data collection . Data collection techniques used in study This is technique study literature (*library research*).

RESULTS AND DISCUSSION

A. Arrangement Marriage Second, which is invalid based on Article 279 of the Criminal Code (KUHP)

1. Arrangement Sentencing Against Marriage Second (husband married wife more) Based on Article 279 of the Criminal Code (KUHP)

In Article 15 of the Law Marriage confirmed that Whoever Because marriage himself Still bound with one from second split parties and above base Still exists marriage , yes prevent new marriage , with No reduce provisions of Article 3 paragraph (2) and Article 4 of this Law .¹²

¹²Indonesia, Law Republic of Indonesia Number 1 of 1974 Concerning Marriage Article 15.

Marriage can be prevented if there are parties who do not fulfil terms for carry out marriage as intended in Constitution Republic of Indonesia Number 1 of 1974 Concerning Marriage. Which can prevent marriage are families in lineage straight above and below, relatives, marriage guardians, guardians, guardians from one of them candidate bride and groom and interested parties. Those are the ones who also has the right to prevent ongoing marriage if one of them from candidate bride is under forgiveness, so with marriage the for real result misery for candidate the other bride and groom.¹³

Understanding origin is genealogy, sequence descent, and origin start. Whereas marriage is engagement the marriage took place in accordance with provision religious law and teachings. For that, you can say that origin marriage containing identity second bride and groom and identity guardian from second bride and groom. In Law Number 1 of 1946 concerning Criminal Law Regulations (KUHP) exist possible settings used for ensnare husband married wife Again (marriage second) without permission from wife and applies also to a married wife Again whereas he still bound in a way legitimate marriage previously. Crime to origin marriage arranged in the Criminal Code (KUHP) Article 277 paragraph (1), Article 279 and Article 280.

Article 277 paragraph (1) of the Criminal Code regulates that "Whoever with one deed on purpose darken people's origins, threatened because embezzler origins, with criminal a maximum of six years in prison year".¹⁴ Furthermore in Article 279 of the Criminal Code confirms that: "Threatened with criminal imprisonment for a maximum of 5 (five) years:

- 1) Whoever stage marriage whereas know that marriage or his previous marriages there is become legal barrier for that;
- 2) goods who stage marriage whereas know that marriage or marriages the other party becomes barrier for that. (2) If the person who does it deed based on paragraph 1 point 1 hides to the other party that existing marriage there is become legal barrier for that threatened with criminal a maximum of seven years in prison year. (3) Revocation right based on article no. 1 - 5 can be stated.¹⁵

Temporary in Article 280 of the Criminal Code states that "Whoever stage marriage, though on purpose no telling you to the other party that lawful obstruction, threatened with criminal imprisonment for a maximum of 5 (five) years, if then based on barrier that is, marriage then stated no valid."¹⁶

¹³ Indonesia, Law Republic of Indonesia Number 1 of 1974 Concerning Marriage Article 13.

¹⁴ Indonesia, Criminal Code Article 277 paragraph (1).

¹⁵ Indonesia, Criminal Code Article 279

¹⁶ Indonesia, Criminal Code Article 280.

2. Arrangement Sentencing Against Marriage Second (husband married wife more) Law 1 of 2023 concerning the Criminal Code (KUHP) Book Second

Act Criminal On Origins and Marriage is the 14th CHAPTER in Constitution Number 1 of 2023 concerning the Book Criminal Code Second . Contains 5 articles , namely from Article 401 to Article 405. Incl in Act Criminal On Origins and Marriage is :¹⁷

- 1) Embezzlement origin ;
- 2) carry out marriage , though is known that existing marriage become legal barrier For carry out marriage the ; or
- 3) carry out marriage , though is known that existing marriage from the other party becomes legal barrier For carry out marriage the .
- 4) hide to the other party that existing marriage become legal barrier For carry out marriage .

Everyone who takes part marriage or not tell to the other party that for him There is legal barrier , and based barrier the marriage Then stated No legal , punished with criminal imprisonment for a maximum of 6 (six) years or criminal maximum fine category IV. And can sentenced criminal addition form retraction right as intended in Article 86 letter d and/ or letter e.¹⁸

Following is copy fill Act Criminal On Origins and Marriage in Constitution Number 1 of 2023 concerning the Book Criminal Code Second:

Article 401

Everyone who embezzles origin of the person, be punished Because embezzlement origins , with criminal imprisonment for a maximum of 6 (six) years or criminal maximum fine category V.¹⁹

Article 402

- 1) Convicted with criminal imprisonment for a maximum of 4 (four) years 6 (six) months or criminal maximum fine category IV, Everyone who:
 - a) carry out marriage , though is known that existing marriage become legal barrier For carry out marriage the ; or
 - b) carry out marriage , though is known that existing marriage from the other party becomes legal barrier For carry out marriage the .
- 2) If Everyone is like referred to in paragraph (1) letter a to hide to the other party that existing marriage become legal barrier For carry out marriage said , be punished with criminal imprisonment for a maximum of 6 (six) years or criminal maximum fine category IV.²⁰

Article 403

¹⁷ jogloabang , “ Take action Criminal Regarding Origins and Marriage ”, <https://www.jogloabang.com/Hukum/tindak-pidana-terhadap-asal-ulus-perkawinan> , accessed on January 29 2024 at 02.11 WIB.

¹⁸ *Ibid* .

¹⁹ Indonesia, Law Number 1 of 2023 concerning the Book Criminal Code Second Article 401 .

²⁰ Indonesia, Law Number 1 of 2023 concerning the Book Criminal Code Second Article 402.

Everyone who takes part marriage or not tell to the other party that for him There is legal barrier , and based barrier the marriage Then stated No legal , punished with criminal imprisonment for a maximum of 6 (six) years or criminal maximum fine category IV.²¹

Article 404

Everyone who doesn't fulfil obligation in accordance with provision regulation legislation For report to Authorized official about birth , marriage , divorce , or death , punishable with criminal maximum fine category I.²²

Article 405

Everyone as intended in Article 403 can sentenced criminal addition form retraction right as intended in Article 86 letter d and/ or letter e.²³

B. Accountability Marriage Second, which is invalid based on Article 279 of the Criminal Code (KUHP)

The Criminal Code (KUHP) also regulates registered marriage in Chapter XIII about Crime On Origins and Marriage . the chapter consists from four chapter namely 277, 278, 279, and 280. Prohibition marriage with legal barrier in a way special arranged in Article 279 of the Criminal Code which states :²⁴

- (1) Threatened with criminal maximum imprisonment of five years :
 1. goods Who stage marriage whereas know that marriage or his previous marriages There is become legal barrier For That ;
 2. goods Who stage marriage whereas know that marriage or marriages the other party becomes barrier For That .
- (2) If that does deed based on paragraph 1 point 1 hides to the other party that existing marriage There is become legal barrier For That threatened with criminal a maximum of seven years in prison year .
- (3) Revocation right based on article no. 1 - 5 can be stated .

Based on chapter the somebody can convicted when one party do something marriage Again whereas hindered by marriage previously . Blocked interpreted as indicators that cause marriage Then become No can done . Criminal with weighting done when the person does it marriage Again whereas Still hindered by a previous marriage but hide matter the to partner later married .

In the description above has stated that the marriage took place Defendant the No recorded by employees marriage registrar , so although marriage the legitimate according to religion, but No powerful law . Marriages performed below hand it's not intended marriage in Article 279

²¹ Indonesia, Law Number 1 of 2023 concerning the Book Criminal Code Second Article 403.

²² Indonesia, Law Number 1 of 2023 concerning the Book Criminal Code Second Article 404.

²³ Indonesia, Law Number 1 of 2023 concerning the Book Criminal Code Second Article 405.

²⁴Indonesia, Criminal Code Article 279 .

paragraph (1) point 1 of the Criminal Code because such a marriage No recognized by state/ national law (law positive).²⁵

Something interesting thing when speak about punishment to perpetrator marriage below hand without permission wife First . Wife first intended that is legal wife from perpetrator , who is married according to provisions of Article 2 paragraph (1) and paragraph (2) of the Law Marriage .

If reviewed from corner law criminal , because marriage below hand No recognized in a way state/ national law (law positive) , so marriage the considered No There is . Article 7 of the Compilation of Islamic Law states that :²⁶

- a. Marriage only can proven with Marriage Certificate made by the employee Marriage Registrar .
- b. In terms of marriage No can proven with Marriage Certificate , yes submitted itsbat his marriage to religious courts

Therefore that , if perpetrator Still bound marriage with another, and then do marriage Again below hand with the others , then the most appropriate article For applied namely Article 284 paragraph (1) of the Criminal Code which states :²⁷

- (1) Threatened with criminal a maximum of nine years in prison month :
 - 1a. a man who has married who did overspel , *even* though is known that article 27 BW applies for him ,
 - 1b. a women who have married who did not bad , though is known that article 27 BW applies for him .
 - 2a. a the man who came along as well as do deed that , though he knows that's what comes along guilty has marry ;
 - 2b. a person women who have get married too as well as do act that , though known by him that also guilty already married and article 27 BW applies for him .

If referring to Article 284 paragraph (1) of the Criminal Code then more appropriate said If marriage sort of That is adultery . According to R Soesilo , adultery is sexual intercourse carried out by men or women who have marry with Woman or man yan No wife or her husband . So come in chapter this , then intercourse That must done with Like The same like it , no can There is coercion from one party . Furthermore said that intercourse is contest between member genitals ordinary men and women executed For get child .²⁸

Still men own bond legal marriage and then do marriage below hand , though has he knows that defendant Still bound with marriage The previous one is valid , so it is very correct For Article 284 applies . the article refers to men who have own legal wife according to law , then do adultery

²⁵ Rochxy & Bayu Lesmana, “ Sentencing To Perpetrator Marriage Under Hand Without Permission Wife First ”, Journal Judicial Vol. 6 No. December 3, 2013, p . 263
Article 7.

²⁷Indonesia, Criminal Code Article 284 paragraph (1).

²⁸ R.Soesilo , *Criminal Code (KUHP) and its comments Complete Article by Article* , (Bogor: Politeia, 1976), p . 209

with other women who are not his wife . Legal wife according to law namely those that are subject to Article 27 of the Civil Code before enactment Republic of Indonesia Law Number 1 of 1974 concerning Marriage .

Within the framework this , Before birth Republic of Indonesia Law Number 1 of 1974 is used Book I of the Civil Code (*Burgerlijk Wetboek*) article 27 and article 50.

Article 27 states At the same time a man only allowed have one woman as his wife , one Woman only One man as her husband .²⁹Article 50 states Everyone who wants to get married , you have to tell will That to employee notes civil place just one left from second party .³⁰

However , the provisions of Article 27 of the Civil Code the revoked with presence Republic of Indonesia Law Number 1 of 1974 so that Article 284 paragraph (1) point 1 letter a refers to provision Constitution Marriage . This matter based on principles enforceability the law states that *lex posterior derogat legi priori* . That means more laws new (applicable then) aside Constitution previous (previous) along arrange the same object . Therefore that , Article 284 of the Criminal Code must follow provision Constitution Marriage .³¹

important thing is that it's not can ruled out that follow the crime mentioned in Article 284 of the Criminal Code is offense complaint absolute (*absolute*). That means , act criminal the only can sued if There is complaint from husband or wife who feels disadvantaged . Throughout No There is complaint from the person concerned , such a matter No can brought before the court the judge .

CONCLUSION

1. Arrangement marriage the second one is not legitimate in Constitution Number 1 of 1946 concerning The Criminal Law Regulations (KUHP) are contained therein ie crime to origin marriage . In the Criminal Code (KUHP) Article 277 paragraph (1), Article 279 and Article 280. Actions Criminal On Origins and Marriage is the 14th CHAPTER in Constitution Number 1 of 2023 concerning the Book Criminal Code Second . Contains 5 articles , namely from Article 401 to Article 405.
2. Accountability marriage the second one is not legitimate based on Article 279 special arranged in article 279 of the Criminal Code. Actions the husband did it wedding polygamy without agreement wife and permission court violate provision in Article 279 of the Criminal Code, with threat criminal prison maximum 5 years .

²⁹Indonesia, Civil Code Article 27 .

³⁰ Indonesia, Civil Code Article 50 .

³¹ Rochxy & Bayu Lesmana, *Op. Cit* , p . 264.

SUGGESTION

1. Necessity policy government (stakeholders), for do harmonization (synchronization) of laws before set A regulation legislation specifically in context repair law family to be realized harmonized regulations with regulation other , comprehensive as well as based justice , certainty law and expediency .
2. Should all element enforcer law For more put forward solution case in a way kinship especially in cases where this occurs in family like case the marriage took place without exists agreement wife First . That matter naturally For can guard wholeness family not to happen divorce .

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