

The Implementation Of Polygamy Law: Indonesian Women Marrying Malaysian Men in Satun, Thailand

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Abstract. *One fundamental human need, which requires a highly specific solution, is the fulfillment of sexual desires, with marriage serving as its gateway. Therefore, a man who is already married may go to great lengths to marry again. Cross-border polygamous marriages involving Indonesian women and Malaysian men, conducted in Satun, Thailand, present a complex legal phenomenon. This study aims to analyze the implementation of laws governing such marriages under Indonesian, Malaysian, and Thai legal systems, as well as their impact on the legal status of the marriage, women's rights, and legal recognition in each country. The findings reveal that cross-border marriages often fail to fulfill registration procedures in the home country, rendering them legally unrecognized in Indonesia and Malaysia. In Thailand, Islamic law applied in Satun permits polygamy, but such recognition is local and does not automatically extend across national borders. This study recommends strengthening legal cooperation among countries to provide better legal protection for couples and related parties involved in cross-border marriages.*

Keywords: Polygamy, cross-border marriage, marriage law, Thailand, Indonesia, Malaysia

1. INTRODUCTION

Marriage is a **sunnatullah** (a divine law) intentionally created by Allah SWT with profound purposes. It is not without reason but contains deep wisdom intended to provide tranquility for His servants in this world (Hasan, 2003). This is affirmed in the Qur'an, Surah Ar-Rum, verse 21, which states:

"And among the signs of His power is that He created for you wives from among yourselves, so that you would be inclined and feel at ease towards them, and He made between you feelings of love and affection. Indeed, in that there are indeed signs for a people who think."

Apart from that, in the hadith narrated by Ibn Majah Rasulullah SAW has also confirmed in his words: "From Ahmad bin al-Azhar, from Adam, Isa bin Maymun, from alQasi, from Aisyah said: Rasulullah SAW said: "Marriage is my sunnah "Anyone who does not carry out my sunnah is not part of my people." (HR. Ibn Majah).

There are marriages that are considered Halal, Sunnah, Haram and permissible. The law of marriage to only one wife can be considered obligatory (if the man already has money, has a prospective wife and is afraid of committing adultery, if he doesn't get married he will be sinful), some are sunnah (normal lust, has money, seeing the situation that will do it is still between wanting and not wanting), some are haram (the intention is to feel the taste of women

only/damage). Likewise, marriage with more than one wife, namely (polygamy) this law also applies. The opinion in society about polygamy is that the sunnah of the Prophet is wrong because it is necessary to first examine who is getting married and what and how the treatment is in the marriage.

For those who want to have polygamy, there is a sharia that allows it when the time is right and there are rules so that it is not wrong and damaging. If the practice of polygamy is oppressive, then it is not included in the law of the sunnah and can even change to haram if it is not fair and not responsible to the wives and children. What applies to a marriage with one wife also applies to the practice of marriage with more than one wife.

From the perspective of Islamic law, a man is fundamentally permitted to have more than one wife simultaneously (polygamy), up to a maximum of four wives. However, this permission is conditional upon the ability to act justly toward all his wives. This principle is emphasized in the Qur'an, Surah An-Nisa (4), verse 3, which states: *"And if you fear that you will not deal justly with orphan girls, then marry those that please you of [other] women, two, or three, or four. But if you fear that you will not be just, then [marry only] one or those your right hand possesses. That is more suitable that you may not incline [to injustice]."* (QS. An-Nisa, 4:3).

Polygamy in the view of the four schools of Islamic jurisprudence (Hanafi, Maliki, Syafi'i, and Hanbali) is generally considered mubah (permissible) based on the evidence from the Qur'an (QS. An-Nisa: 3). However, each school of thought places different emphasis on the conditions, context, and laws of its implementation.

The al-Zhahiri school, which adheres to the literal meaning of the sharia text (the Qur'an and Hadith), interprets that permission for polygamy is absolutely permissible, as long as a man can fulfill the conditions of justice mentioned in the verse of Annisa.

In the view of the Al Zhahiri school of thought, practicing polygamy has the consequence of permissible law, which has no qarinah at all to make it disliked, let alone forbid it. The salaf scholars adhere to the zhairah verse, which indicates the command word. Then related to the limitation of the number of wives allowed "mastnaa watsulaasa wa arruba". The majority of scholars agree that a husband is only limited to a maximum of four wives at the same time. This is different from the Shiite school of thought which argues that a man may marry nine women at the same time, because the Shiite school interprets the verse of An-Nisa' verse 3 with two additions (2+3+4=9).

According to Khoirudin Nasution, based on the Law in the Kingdom of Malaysia regarding whether or not a man can practice polygamy, there are three things that need to be discussed, such as the conditions, reasons for considering whether or not polygamy is permissible, and procedures. In the Law in Malaysia, there is no affirmation of the principles of marriage. The conditions that must be met include (1) polygamy without prior permission from the court may not be registered; (2) polygamy without permission may be registered on the condition that a fine is first paid or a punishment that has been determined (Nasution, 2022). regulated in the Acts and amendments in each state: Enakmen 6 of 2002 in Negeri Kelantan, Enakmen 12 of 1985 in Negeri Terengganu, Enakmen 6 of 2004 in Negeri Perak, Deed 303 (Federal Territories) of 1984 and reprinted in 2005 in Negeri Kuala Lumpur, Enakmen 2 of 2003 in Negeri Selangor, Ordinant 43 Years 2001 in Sarawak State and Enakmen 8 of 2004 in Sabah State.

Polygamous marriages are regulated in the KHI and the Marriage Law in Indonesia, specifically Article 3 paragraph (2) of Law Number 1 of 1974, which has been amended by Law Number 16 of 2019 concerning Marriage, which adheres to the principle of open monogamy. However, in forced circumstances, the husband can practice closed polygamy, with the supervision of a judge (Hadikusuma, 2007).

This marriage law contains alternative or optional and cumulative requirements in terms of polygamy practices. What is meant by alternative requirements is a requirement that must be met at least one that relates to the reasons that can be used by a husband in applying for permission for polygamy. This requirement is emphasized in article 3 paragraph 2 that "The court may grant permission to a husband to have more than one wife (one) if desired by the parties concerned", articles 11 and 14 of Law Number 16 of 2019 concerning Marriage.

Then in Malaysia, according to the Chairperson of the Kelantan Health and Community Development Committee Wan Ubaidah Omar said that polygamous marriages of wives and other families will be given incentives in the form of gifts or financial allowances, with the aim of harmonizing household life. In addition, Wan Ubaidah Omar suggested that husbands who want to remarry (polygamy) should marry widows because currently there are 25,000 widows in Kelantan under the age of 60

However, it does not rule out the possibility that Malaysian men are interested in marrying women/widows from other nearby ASEAN countries, one of which is Indonesia. Men who are married, who of course are bound to one legal wife (first wife) and are bound by marriage laws in both Indonesia and Malaysia, namely applying for permission from a

religious court or sharia court. Knowing that the process is so long so Indonesian women are required to follow the steps of Malaysian men in choosing a shortcut to legalize their marriage in Thailand. Of course, it is realized that in the future they will face further processes in the marriage law regulations governing polygamy and International Law.

And the next consequence of course many things will be encountered and felt from all aspects of life related to polygamy because it requires high mental and spiritual and a big soul to enter this realm. There are things that will be faced both in joy and sorrow related to many aspects of life that will be faced legally, economically, socially, culturally and psychologically. Especially if in the future the marriage is not registered in the country of one of the partners, of course it becomes a big problem and is detrimental to the point of polygamy disputes.

Although the presence of the first wife is not required to conduct a marriage in Satun, Thailand, religiously, to avoid legal problems in Malaysia and Indonesia, the husband must obtain permission from the Sharia Court in Malaysia before or after marriage. If this marriage is not recognized by Malaysian law, the rights of the Indonesian woman who is married as a second wife, such as the right to maintenance, inheritance rights, or child recognition, can be threatened. Therefore, it is necessary for the husband to ensure that he obtains permission from the Malaysian Sharia Court for polygamy, even though the marriage has been carried out in Thailand.

Such cases have arisen, but often the resolution depends on the jurisdiction in which the couple seeks legal recognition. For example, if the couple returns to Indonesia, a religious court will examine whether the marriage meets the requirements of national and religious law.

Polygamy procedures in Malaysia are still not uniform because each state still uses its own procedures. One of the reasons for the implementation of polygamous marriages in Thailand by citizens across countries is because the requirements for polygamy in Satun Thailand are more relaxed. The author's review of the Islamic Religious Council in Satun Province, South Thailand, found that many Malaysians came to register their second and subsequent marriages. Because the area does not require polygamy which requires permission from the wife.

Polygamy practices across countries, namely Thailand, are widely practiced. The attitude of some people who find it difficult to compromise with the issue of polygamy is because there are too many disadvantages that arise from polygamy. And the ignorance of the perpetrators in the implementation and regulation of polygamy laws across countries

according to the title of this paper. And even though polygamy is not the end of the rift in the household, many divorces are caused by polygamy.

Based on the above background, the author wants to study and research in depth the analysis of Islamic law, Indonesian and Malaysian national law, and Thailand's legal recognition of cross-border polygamous marriages, which show differences in procedures and legal recognition that affect the legal status of the couple. In this case, the author is interested in the title: **“IMPLEMENTATION OF POLYGAMY LAW: INDONESIAN WOMEN MARRY MALAYSIAN MEN IN SATUN THAILAND”**

2. RESEARCH METHODS

This research uses a juridical-normative method with the following approaches:

1. Legislative Approach: Analysis of the Marriage Act in Indonesia, family law in Malaysia, and Thai regulations.
2. Comparative Approach: Comparing the implementation of laws in three countries.
3. Case Study: Analyzing cross-border marriages in Satun, Thailand.

3. RESULTS AND DISCUSSION

Polygamy comes from the Greek word *Polus*, meaning many, and *gamos*, meaning marriage. A marriage system in which a man has more than one wife (Shadily, 1994). According to the Theology Dictionary, polygamy comes from Greek, meaning many marriages, more than one wife at the same time. So polygamy is a marriage carried out by a man as a husband who has more than one wife or many at the same time.

The needs of mankind (men) in matters of lust, the way to solve it is very special, namely marriage. And if lust is excessive (without reducing other reasons) then the lawful way and not displeased by Allah is by carrying out polygamous marriage. So if a married man wants to remarry, any way will be done including facilitating the difficult (heart-related) and complicated (regulation-related) polygamy process. Women are waiting by nature, if there is a man who proposes/invites her to marry, the woman must of course look carefully. If the man meets the requirements and *syara'*, the woman should not refuse. Even though it is in the realm of polygamous marriage. .

That the issue of polygamy is not only related to the basic problem or religious argument alone, but also includes implications on the issue of injustice for the interests of women. That is why in the context of the State of Indonesia there is a special legal rule

regulated in the Religious Court that one of the requirements to be able to practice polygamy is that there must be permission from the first wife (Abdullah, 1994).

Polygamy cases in the Indonesian Religious Courts are regulated by Law Number 1 of 1974 concerning Marriage in conjunction with Law Number 16 of 2019 concerning Marriage and the Compilation of Islamic Law (KHI). The law in Indonesia basically adheres to the principle of monogamy, but opens up the possibility of polygamy if certain requirements are met. Specifically for civil servants/ASN applies Government Regulation Number 10 of 1983 concerning marriage and divorce permits for civil servants, which was later revised to become Government Regulation Number 45 of 1990.

In Article 3 paragraph (2) of the Marriage Law: The court may grant permission for polygamy if the parties concerned agree to it. Article 4 paragraph (2): The requirements for applying for permission for polygamy include strong reasons, such as the wife being unable to carry out her obligations, having a physical disability or incurable illness, or being unable to produce children. Article 5 paragraph (1): Cumulative requirements, including the wife's consent, the husband's financial capability, and guarantees of justice for wives and children.

As for the procedure in the religious court, a husband who wants to practice polygamy must submit a written application for permission to the Religious Court. The court will examine the legal requirements, including hearing statements from the wife. In some cases, if the wife's consent cannot be obtained for certain reasons (for example, the wife is missing or her whereabouts are unknown for more than two years), the court can make a decision based on other legal considerations.

Case No. 915/Pdt.G/2014/PA.BPP at the Balikpapan Religious Court shows that permission for polygamy can be granted if all requirements are met, including the reasons and evidence submitted by the husband. However, there are also cases where the application is rejected because it does not meet the requirements, such as the absence of the wife's consent or the husband's inability to provide guarantees of justice.

For the case related to Indonesian Women marrying Malaysian men in Satun Thailand, this has never been found in the form of a litigation case, only the level of family mediation, even then there are not many and do not appear on the surface. to the realm of litigation law, it looks calm, there has not been any dispute arising from this polygamy.

The Religious Court acts as an arbiter in disputes related to polygamy, both for permits and legal consequences such as division of property, child custody, or divorce lawsuits involving polygamy. Judges use considerations based on the Marriage Law and the KHI to make fair and legal decisions.

The widespread practice of polygamy is not based on feelings and love alone but also to fulfill economic, political and socio-cultural functions, as a symbol of wealth for a man, as a man's right, feeling dissatisfied with his partner both mentally and sexually and also the wife is too obedient to her husband so that she is willing to sacrifice anything as long as she does not lose her husband so that the husband is allowed to practice polygamy.

Factors that cause polygamy in Indonesia and Malaysia are for reasons: old wives, barren wives, want to have more children, help new wives (from other religions and poor), husbands are more powerful, for no good reason, already pregnant (adultery), far apart (work), reconciliation with ex-wife, mother's pressure, wanting to marry one more time (love has been acquainted for a long time, soul is depressed and empty, promises to future wife, wife tells him to do so), adds zuriat (adds a man and women), have more income, have too strong desires, avoid doing evil things, pity, seclusion and religious reasons, namely Islam justifies and stabilizes the household. Sometimes the first wife just becomes prey and some are picked on and forced to accept polygamy.

Although the wife's permission is a factor that needs to be considered by the Malaysian Sharia Court in granting approval for polygamy, it is not actually a mandatory requirement. In reality, only the person who will practice polygamy is asked to sign an application document. Unlike in Indonesia, a statement letter from the wife allowing her husband to marry a man (polygamy) must be brought by the wife and stated by the wife in the courtroom of the religious court.

Cases of polygamous marriages between Indonesian women and Malaysian men in Thailand are common, but finding specific examples brought up in court is quite difficult. These cross-border marriages often exploit legal loopholes in Thailand, as the marriage procedures there are relatively simpler compared to those in Indonesia and Malaysia. Among the factors that cause the increase in the practice of polygamy are;

1. Economy. Economic and income growth are among the factors that drive the increase in polygamy requests. Men who feel they have the economic ability to support their families will think about and have a strong desire to build a second and subsequent marriage.

2. Health. Improvement in health is also a factor that increases the number of polygamists. Good health will encourage men to have polygamous marriages. Because one of the requirements for agreeing to polygamy is the ability to provide physical and spiritual sustenance.
3. Weakness of religious knowledge. One of the causes or factors that encourage polygamy is also due to the weakness of religious knowledge in the household. So disharmony occurs starting from the attitude of the husband or wife. The wife's nusyuz actions can also cause the husband to want to establish a second marriage. Or the husband's religious weakness leads to infidelity which leads to being forced to build a household with his adulterous partner.
4. Social media also contributes to the wife's or husband's illicit relationship with outside parties. A breakdown in the relationship between husband and wife not only leads to divorce, but husbands who are unable to divorce their wives will take the path of marrying a second time with a partner who can make them happy.
5. Wife's social life. Most modern wives have good jobs and economic status. So sometimes the wife has a higher income than the husband. The wife's busyness in pursuing her career and social activities causes household matters and services for her husband to be neglected. This encourages husbands to remarry to fulfill their emotional needs to be calm and to be served by a wife with good service.
6. Weaknesses of the law. One of the factors that causes the implementation of polygamy is the weakness of the law itself. Some countries have very loose regulations so that anyone can engage in polygamy even if they are not fit and capable. Some other countries also have very strict regulations so that individuals who want to practice polygamy are forced to move their partners to the south of Thailand and marry there.

Solutions offered. Seeing the prevailing reality regarding polygamy which is often practiced without legal consent, the author suggests the following matters. So that this action does not apply widely, causing negative impacts in various aspects. These are household, social, economic aspects, as well as aspects of inheritance and inheritance of property.

Analysis of Islamic law, Indonesian and Malaysian national law, and Thai legal recognition of cross-border polygamous marriages, showing differences in procedures and legal recognition that affect the legal status of these couples:

Islamic Law. In Islamic law, polygamy is permitted on the following conditions: 1) The husband must be fair to all wives (QS An-Nisa: 3). 2) The permission of the first wife is not explicitly mentioned in the Quran, but is respected as part of family ethics. 3) Marriages must be registered in accordance with the principles of *ṣlaḥah*, so that the rights of the couple are protected. However, the application of Islamic law varies depending on the local jurisdiction, so the procedures and recognition are not uniform between Indonesia, Malaysia, and Thailand.

Indonesian National Law. Marriage Law Number 1 of 1974 in conjunction with Law Number 16 of 2016 and the IPR, explains that polygamy requires: 1) Permission from the first wife. 2) Legitimate reasons (wife is unable to carry out obligations, cannot give birth, or suffers from a serious illness). 3) Permission from the religious court. 4) Registration: Marriages conducted abroad must be registered at the Office of Religious Affairs (KUA) or civil registry in accordance with Article 56 of the Marriage Law. Otherwise, the marriage is considered invalid under national law. Failure to register a marriage can have an impact on: 1) The legal status of children and inheritance rights. 2) The rights of the second wife to legal protection.

National Law of Malaysia. Malaysian law with *Enakmen* in each state recognizes polygamy in Islamic law, but the practices and procedures vary. Some are stricter and some are lighter but the procedures are still long. such as: 1) Permission from the Syaria Court: The husband must submit an application with a valid reason. 2) The consent of the first wife is often considered by the judge, although not always mandatory. 3) Overseas marriages also require re-registration in Malaysia to be legally valid. Failure to comply with these procedures can result in the marriage being considered illegal, and the couple can be subject to criminal sanctions under the Syaria laws of some states.

Thai Legal Recognition. In Thailand, polygamy is generally not recognized by civil law because the country adheres to a monogamous system based on national law. However, in Muslim-majority provinces such as Satun, local Islamic law is applied, allowing the practice of polygamy. Marriages are often performed through a marriage contract by a local religious leader, but are not always officially registered. The problem is that Thai law does not recognize polygamy nationally and marriages performed in Muslim areas (Satun) often do not have full legal force outside the province.

The Impact of Differences in Procedure and Legal Recognition. Occurrence of 1) Legal Status inconsistency, a marriage may be valid religiously (Islam) in Thailand but not legally recognized in Indonesia or Malaysia if not re-registered. 2) In terms of Women's Rights: without legal recognition, the second wife often loses her rights, such as maintenance, inheritance rights, or legal protection in divorce. 3) Conflict Between Laws: inconsistencies in laws between countries can cause complications in managing children's citizenship or legal recognition of partners in the future.

Legal cooperation between countries including Thailand, Indonesia, and Malaysia, in the context of cross-border marriages such as polygamy, can utilize various international mechanisms to provide better legal protection for couples and related parties. Here are some important aspects:

1. Recognition and Enforcement of Judgments. In the case of cross-border marriages, recognition and enforcement of court decisions are often challenging. For example, Thailand may recognize a marriage as valid under its laws, but the implementation of certain rights or obligations in Indonesia or Malaysia depends on the recognition of each country's jurisdiction. This often requires bilateral agreements or the use of international legal frameworks such as the Hague Convention on the Enforcement of Civil Judgments..
2. Child Protection and Human Rights. When the conflict involves issues such as child custody or asset distribution, the laws of Thailand, Indonesia, and Malaysia often prioritize the protection of children's rights. Legal cooperation may include cross-border mediation or recognition of children's rights under the internationally recognized United Nations Convention on the Rights of the Child (UNCRC)..
3. Dispute Resolution Mechanisms. Mediation is often used to resolve cross-border family disputes. Thailand, for example, can provide a neutral mediator to help couples reach an agreement that can be recognized in their home country. This mechanism is usually quicker and less expensive than full-blown litigation..
4. Bilateral or Regional Agreements. Thailand, Indonesia and Malaysia could enhance protection through bilateral or regional agreements governing the legal aspects of cross-border marriages, as the European Union has done with rules such as Brussels II bis to harmonise jurisdictions in cross-border family cases..

This step not only helps couples understand their rights but also enables courts in each country to provide more effective legal protection to all parties involved.

Cross-border marriages, particularly in the case of Indonesian women marrying Malaysian men in Thailand, have significant implications for citizenship, especially for the spouse and children born from the marriage. Here is an analysis based on Indonesian, Malaysian, and Thai citizenship laws:

1. **Indonesian Women's Citizenship.** According to Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia, Indonesian women who marry foreign men still have the right to maintain their citizenship, unless they voluntarily apply for a change of citizenship. Article 26 Paragraph 1: Indonesian women do not lose their citizenship even if they marry a foreign citizen. If the woman applies for the citizenship of her husband's country (Malaysia), she must go through the procedure for relinquishing Indonesian citizenship.
2. **Citizenship of Children.** Children born from inter-national marriages have the possibility of obtaining dual citizenship temporarily. Indonesia: Children of this couple are considered Indonesian citizens (WNI) if one of the parents is an Indonesian citizen, according to Article 4 of Law No. 12 of 2006. Malaysia: Malaysia adheres to the principle of *jus sanguinis*, where a child automatically obtains Malaysian citizenship if the father is a Malaysian citizen. If the child is born in Thailand, Thai law which adheres to the principle of *jus soli* can grant Thai citizenship, although this is not automatic and depends on the birth registration in that country. **Citizenship Conflict:** Up to the age of 18, a child can have dual citizenship (Indonesia and Malaysia). After that age, the child must choose one citizenship, according to Article 6 of Law No. 12 of 2006.
3. **Husband's Citizenship Status (Malaysian Men).** A Malaysian husband who marries an Indonesian woman does not automatically obtain Indonesian citizenship. To live or work in Indonesia, he needs to apply for a permanent residence permit (KITAP) or naturalization if he wants to become an Indonesian citizen.
4. **Challenges of Citizenship Law in the Thai Context.** If a marriage takes place in Thailand without official registration in Indonesia or Malaysia: The legal status of the child may be unclear, especially if the birth certificate does not list the legal father. The child may only be recognized as a Thai citizen if born there and the parents fail to register the marriage or citizenship status in their respective countries of origin.

To avoid unwanted things in this inter-country marriage problem, Solutions and Recommendations can be done, namely: Marriage Registration: Couples must register their marriage at the consulate or embassy of their respective countries of origin to ensure legal validity. Also, the Child's Birth Certificate must include the citizenship of both parents to facilitate the process of obtaining dual citizenship for the child. Couples also need to consult with a consulate or lawyer specializing in cross-country citizenship law to ensure their rights are protected.

In the context of Thai law, polygamy has not been legally recognized since 1935, when the official monogamy system was introduced under the Civil and Commercial Code of Thailand. Therefore, if there is a dispute regarding polygamy, the second or subsequent marriage will not have a valid legal status. This means that the couple in the marriage cannot officially register their marriage, and therefore is not recognized by the state for legal purposes such as inheritance rights, division of assets, or other legal responsibilities.

Regulations regarding cross-border polygamous marriages between Thailand, Indonesia and Malaysia have significant differences in procedures and legal implications, particularly in the context of Islamic family law and state recognition, such as:

1. Regulation in Thailand. Islamic Marriage in Southern Thailand: In provinces such as Satun, Narathiwat, and Pattani, which are predominantly Muslim, marriages can be conducted according to Islamic law. These marriages are valid according to religion, but must be registered with the Thai civil authorities in order to be recognized by state law. If not registered, their legal status is limited to religious recognition. **Flexibility of Islamic Law in Thailand:** Thailand provides dispensation for the Muslim community to practice Islamic family law, including polygamous marriages. However, Thai civil law generally does not regulate or recognize polygamy as a legal practice.

Satun, as one of the provinces in Thailand with a majority Muslim population, has a unique marriage law system compared to other parts of Thailand. Foreigners who want to get married in Satun, especially Muslim couples, must understand the applicable regulations and processes. Here is a complete explanation:

a. **Marriage Law System in Satun. Islamic Law Implemented:** Satun, along with three other provinces (Pattani, Yala, and Narathiwat), implements Islamic law for marriage and family matters for Muslim residents. **Islamic Court:** The Islamic Court in Satun has the authority to validate marriages under Islamic law, including for foreign Muslims. **Civil**

Registration: Marriages still need to be registered at the Civil Registration Office (Amphur) in order to be officially recognized by Thai law.

- b. Marriage Process for Foreigners in Satun. Foreigners who wish to get married in Satun must pay attention to the following steps:
 - a. Document Requirements: Original and photocopy of Passport, Thai Visa (not a tourist visa, if possible), Certificate of Unmarried/divorce certificate from the embassy of your country of origin in Thailand (this letter must be translated into Thai by a sworn translator, legalized at the Thai Ministry of Foreign Affairs), Marriage Guardian Approval Letter (if necessary, especially for Women), Proof of Islam (if Muslim), such as a certificate of shahada (for converts).
 - b. Registration at the Sharia Court. If you are Muslim and the marriage will be conducted under the supervision of the Satun Sharia Court: this process involves a marriage guardian, two witnesses, and a kadi (sharia judge), the court will issue a sharia marriage certificate as proof of the validity of the marriage according to Islamic law.
 - c. Registration at the Civil Registration Office (Amphur): After obtaining a certificate from the Sharia Court, you must register your marriage at Amphur Satun to obtain legal recognition in Thailand. Amphur will issue an official marriage certificate (Marriage Certificate) which is valid internationally.
 - c. Recognition in the Country of Origin. After the marriage is conducted in Satun, foreigners need to legalize the marriage so that it is recognized in their country of origin in terms of: Legalization of the marriage certificate at the Ministry of Foreign Affairs of Thailand and the Embassy of the country of origin in Thailand. Furthermore, Registration in the Country of Origin if in Indonesia, then must apply for marriage confirmation at the Religious Court of the wife's residence address (if the marriage is conducted according to sharia without civil registration in Amphur).
2. Regulation in Indonesia. National Legal Recognition: In Indonesian national law (Law No. 1 of 1974 concerning Marriage), polygamy is permitted with very strict conditions, including the consent of the first wife, proof of financial ability, and permission from a religious court. If a marriage is conducted abroad without meeting these requirements, its status is not automatically recognized in Indonesia if without additional legalization processes, the marriage can be considered invalid, especially in an administrative context.

Here are the steps and things that need to be done in Indonesia to ensure the status of the marriage in terms of ensuring the Validity of Marriage. Islamic Law: A marriage is valid

according to religion if it has met the requirements and pillars of marriage, such as the presence of a guardian, two witnesses, *ijab kabul*, and dowry.

However, because the man who has become a husband is a Malaysian citizen and already has a wife in Malaysia, there are several things to consider: a. In Indonesia: In Indonesian law (Marriage Law No. 1 of 1974), polygamy is only legal if the husband has permission from the Religious Court, there is approval from the first wife, the husband is able to meet the financial and justice requirements for polygamy. And if the husband has not met these requirements, the legalization of your marriage in Indonesia may face obstacles.

To validate a marriage in Indonesia, the marriage confirmation process must be carried out at the Religious Court. In the context of Indonesian law in terms of: a. Polygamy Permit: Marriage Law No. 1 of 1974 Article 4-5, which requires: Permission from the first wife, Proof of the husband's ability to act fairly and provide for the family, if the marriage is carried out without meeting these requirements, the court can reject the validation of your marriage; b. Permission Status from the First Wife. If the husband has not obtained permission from the first wife in Malaysia, the process of validating your marriage in Indonesia can face obstacles, especially if there are objections from the first wife.

. After getting married in Satun, Thailand, an Indonesian woman who marries a man with a Malaysian wife needs to take certain steps to legalize the marriage in Indonesia, especially because of the husband's status as a Malaysian citizen with a previous wife. Here are the steps that can be followed:

1. Understand the Legal Status of Marriage. Marriage in Thailand: If the marriage is only performed at the Islamic Religious Council in Satun, then the marriage is considered valid according to religion, but not valid according to international law (either in Indonesia or Malaysia) unless registered at the Civil Registration Office (Amphur) in Thailand. Indonesian Law: In order to be legally recognized in Indonesia, the marriage must go through the marriage confirmation process at the Religious Court. Malaysian Law: Polygamy is only legal if the husband obtains permission from the Malaysian Syariah Court before or after the marriage is performed. Without this permission, the marriage is considered invalid under Malaysian law.

2. Steps to Legalize a Marriage in Indonesia.

- a. Legalization of Marriage Documents from Thailand (need to ensure that the marriage documents from Thailand have been legalized for use in Indonesia): If married at the Islamic Religious Council in Satun, obtain a marriage certificate from the institution, Register the marriage at the Amphur Office in Thailand to obtain an Official Thai

Marriage Certificate, Legalize the marriage certificate at the Thai Ministry of Foreign Affairs and the Indonesian Embassy (KBRI) in Thailand;

- b. Submitting Marriage Confirmation at the Indonesian Religious Court. After the documents from Thailand have been legalized, you need to submit a marriage confirmation at the Religious Court in your place of residence by making an application and attaching: Marriage certificate from Thailand (which has been legalized), Passport with immigration stamp to prove presence in Thailand at the time of marriage, KTP and KK of the wife as an Indonesian citizen and the husband's identity (Malaysian passport or Malaysian identity card). In the hearing, you must explain that the marriage was conducted in Thailand and request the ratification of the marriage in Indonesia.

c. Registration at the KUA

If the husband does not want to do it because he feels that the marriage has occurred or even does not produce children so that it is considered trivial by the husband, then the wife needs to consult this situation with a sharia lawyer in Malaysia and Indonesia in order to understand the legal consequences and steps to protect the rights of this Indonesian wife. In a conducive manner, this situation needs to be discussed with the husband and first wife to avoid legal conflicts in the future. Because the husband needs to get permission from the Malaysian Sharia Court for polygamous marriages. Without such permission, marriage in Thailand can be considered a violation of Malaysian law, and Indonesian women are not recognized as legal wives according to both countries and the husband as a Malaysian citizen can be fined or imprisoned in Malaysia.

Legal Status of Children. If you have children from this marriage, the status of the child depends on the validity of the marriage: If the marriage is not legally recognized, the child is considered born “out of wedlock” and only has a legal relationship with the mother. Therefore, it is necessary to ensure that the marriage is legalized through isbat nikah so that the legal status of the child is clear.

Conflict with First Wife: If the first wife finds out about this marriage, there is a possibility that she will sue her husband with his new wife, therefore the husband must fulfill the requirements for polygamy in Malaysia. If you really intend to marry because you want to get the reward of worship. Make sure your husband is committed to taking care of the legality of the marriage in both countries so that your rights are protected. Given that this situation involves two countries, it is important to comply with the laws in both countries to avoid

problems in the future. With this step, Indonesian women as wives in this situation can protect their marital status and rights as wives.

3. Regulation in Malaysia.

Malaysia has strict Islamic family law that regulates polygamy. To practice polygamy, a husband must obtain permission from the Malaysian Syariah Court. The permission or opinion of the first wife is required in the courtroom but is not absolute. If the husband does not obtain permission from the Malaysian Syariah Court first, the polygamous marriage performed abroad may be considered invalid in Malaysia. If the marriage in Thailand is performed without permission from the Syariah Court, the first wife can sue the husband in a Malaysian court and the husband may be subject to legal sanctions, such as fines or imprisonment, for violating the rules of Islamic family law in Malaysia.

A married man needs to legalize his polygamous marriage in the Sharia Court in his home country (in this case Malaysia) after getting married in Satun, Thailand. This is necessary for the marriage to be legally recognized in Malaysia. Here is the full explanation:

1. Polygamy Law in Malaysia. Mandatory Permission from the Syariah Court: Polygamy is only permitted with prior permission from the Syariah Court. If a man remarries without the Court's permission, the marriage is considered unlawful even though it is religiously valid. If the marriage is conducted abroad (for example in Thailand), the marriage must still be reported to the Syariah Court and verified and validated in order to have legal status in Malaysia.

2. Process in the Sharia Court for Polygamy. After getting married in Satun, Thailand, the steps that must be taken by a married man in Malaysia are:

- a. Reporting the Marriage to the Sharia Court. The husband must submit an application to the Sharia Court to legalize the marriage that has been carried out. Documents that need to be prepared: Marriage certificate from Thailand (from the Islamic Religious Council or Amphur), Proof of legalization of marriage documents at the Thai Ministry of Foreign Affairs and the Malaysian Embassy in Thailand. And a Passport with an immigration stamp as proof of presence in Thailand at the time of the marriage.
- b. Approval from the Sharia Court. The Sharia Court will review whether the marriage is valid according to sharia and whether the husband is able to fulfill the requirements for polygamy, such as: Permission from the first wife (or proof that the first wife knows and does not object) and the ability to be fair and provide for both wives.

c. Marriage Registration If the Syariah Court approves and validates the marriage, the next step is to register the marriage with the State Islamic Religious Affairs Department (JAIN) to be officially recognized in Malaysia.

3. If you do not report to the Sharia Court, the marriage is not legally valid:

A second marriage that is not reported to the Syariah Court is considered invalid in Malaysia even though it is valid according to religion. Legal Penalties: The husband can be subject to sanctions in the form of: A fine of up to RM 1,000 and a prison sentence of six months, depending on the sharia law in the country where the husband lives. And No Legal Rights: 1) The second wife has no legal rights regarding maintenance, inheritance, or other legal protection. 2) Children from this marriage are considered “illegitimate” children unless there is official recognition from the father.

The Importance of Involving the Sharia Court is due to legal recognition and avoiding conflict (polygamy disputes). By validating the marriage in the Sharia Court, the marriage has legal force and protects the rights of the second wife and children born from the marriage. Avoiding Conflict: Reporting to the Sharia Court also helps avoid legal conflicts with the first wife, especially if there is a lawsuit in the future.

This cross-border polygamous marriage shows the vast differences in legal recognition between Indonesia, Malaysia and Thailand. Thailand facilitates marriages based on Islamic law but prioritizes civil registration. Meanwhile, Indonesia and Malaysia have strict regulations governing polygamy to protect the rights of wives and children. This can have legal implications for couples, especially regarding citizenship, inheritance rights, and administrative recognition of marriage.

The following is an analysis of Islamic law, Indonesian and Malaysian national law, and Thailand's legal recognition of cross-border polygamous marriages, showing the differences in procedures and legal recognition that affect the legal status of these couples:

1. Islamic law

In Islamic law, polygamy is permitted on the following conditions: The husband must be fair to all wives (QS An-Nisa: 3), The permission of the first wife is not explicitly mentioned in the Quran, but is respected as part of family ethics, Marriages must be registered in accordance with Islamic principles, so that the rights of the couple are protected. However, the application of Islamic law varies depending on the local jurisdiction, so the procedures and recognition are not uniform between Indonesia, Malaysia, and Thailand.

2. Indonesian National Law.

Law No. 1 of 1974 concerning Marriage stipulates that polygamy requires: Permission from the first wife, Legitimate reasons (wife is unable to carry out obligations, cannot give birth, or suffers from a serious illness), Permission from a religious court, Registration: Marriages conducted abroad must be registered at the Office of Religious Affairs (KUA) or civil registry in accordance with Article 56 of the Marriage Law. Otherwise, the marriage is considered invalid under national law. Failure to register a marriage can impact: Legal status of children and inheritance rights, Rights of the second wife to legal protection.

3. National Law of Malaysia

Malaysia recognizes polygamy under Islamic law, but the procedures are more stringent: Permission from the Syariah Court: The husband must apply with a valid reason, The consent of the first wife is often a consideration for the judge, although not always mandatory, and Overseas marriages also require re-registration in Malaysia to be legally valid. Failure to comply with these procedures can result in the marriage being considered illegal, and the couple may be subject to criminal sanctions under the Syariah laws of some states.

4. Thai Legal Recognition.

In Thailand, polygamy is generally not recognized by civil law because the country adheres to a monogamous system based on national law. However, in Muslim-majority provinces such as Satun, local Islamic law is applied, allowing for the practice of polygamy. Marriages are often performed through a marriage contract by a local religious leader, but are not always officially registered. The problem is that because Thai law does not recognize polygamy nationally, marriages performed in Muslim areas often do not have full legal force outside the province.

Impact of Different Procedures and Legal Recognition: 1. Inconsistency of Legal Status: A marriage may be valid according to religion (Islam) in Thailand, but not legally recognized in Indonesia or Malaysia if not re-registered. 2. Women's Rights: Without legal recognition, second wives often lose their rights, such as maintenance, inheritance rights, or legal protection in divorce. 3. Conflicts Between Laws: Inconsistencies in laws between countries can cause complications in processing children's citizenship or legal recognition of partners in the future.

4. CONCLUSION AND SUGGESTIONS

Conclusion:

Cross-border polygamous marriages in Satun, Thailand, although legally valid, are often not legally recognized in Indonesia and Malaysia if they do not meet administrative procedures. This risks the legal rights of women in such marriages. Therefore, clearer regulations and cooperation between countries are needed to address this issue. The inconsistency of Islamic law, national laws of Indonesia and Malaysia, and the recognition of Thai law in cases of cross-border polygamy requires:

1. Harmonization of laws between countries through bilateral or regional cooperation.
2. Awareness of couples regarding the importance of marriage registration.
3. Better protection of the rights of women involved in cross-border marriages.

Suggestions:

1. The Indonesian government needs to tighten supervision of cross-border marriages.
2. Indonesian women who marry abroad must understand the legal implications of polygamy and its regulations that will arise.
3. The formation of an independent institution that agrees to this issue because it is related to cross-border marriages which are difficult for ordinary women to penetrate.
4. Polygamy is a serious goal. Marrying 1 wife is a heavy burden, let alone 2, 3 and 4. Therefore, not all men can do it and not all women are able to live it. Marrying 1 wife can be forbidden, let alone marrying many wives can also be forbidden

BIBLIOGRAPHY

BBC Indonesia. (2011, June 29). *Polygamy rewards*. Retrieved December 22, 2022, from https://www.bbc.com/indonesia/majalah/2011/06/110629_polygamyrewards

Compilation of Islamic Law (KHI) in Indonesia.

Department of Religion, Al-Qur'an and Translation. (n.d.). *QS. An-Nisa' (4) verse 3*.

Fatah, M. (2024). Understanding the holistic Syariah of polygamy based on the Quran and Hadith. *Journal of Islamic Law Studies*, 4(1), 1-15. <https://doi.org/10.37481/jmh.v4i1.654>

Hadikusuma, H. (2007). *Indonesian marriage law according to statutes, customary law, and religious law*. Mandar Maju.

Hasan, M. A. (2003). *Guidelines for household life in Islam* (1st ed.). Jakarta Siraja.

Ibn Kathir, T. (n.d.). *Tafsir Ibn Kathir* (Interpretation of the Qur'an).

Islamic Family Law Act in Malaysia.

JAKIM Malaysia. (n.d.). *Translation of Tafsir Ar-Rahman*.

Law Number 1 of 1974 concerning Marriage. (Indonesia).

Maktabah al-Syamilah. (n.d.). *Sunan Ibnu Majah* (Vol. 5, Hadith No. 1836).

Nasution, K. (2002). *Status of women in Southeast Asia*. Lieden-Jakarta: INIS.