

**ANALISIS YURIDIS PERIZINAN POLIGAMI : TERKAIT SYARAT
KUMULATIF DAN FAKULTATIF POLIGAMI MENURUT UNDANG-
UNDANG NOMOR 1 TAHUN 1974
(Studi Putusan Nomor : 2668/PDT.G/2025/PA.BKS)**

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ABSTRAK

Setiap individu memiliki hak untuk membentuk rumah tangga dalam ikatan perkawinan yang sah sebagaimana dijamin oleh Pasal 28B ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. Berdasarkan Pasal 3 Ayat (1) Undang-Undang Nomor 1 Tahun 1974 hukum perkawinan di Indonesia, secara prinsip menganut asas monogami, namun Pasal 3 ayat (2) Undang-Undang Perkawinan memberikan peluang pelaksanaan poligami dengan izin pengadilan serta pemenuhan syarat fakultatif dan kumulatif poligami.

Penelitian ini bertujuan untuk menganalisis dasar pertimbangan hukum hakim dan menganalisis akibat hukum yang ditimbulkan atas dikabulkannya permohonan perizinan poligami dalam Putusan Pengadilan Agama Bekasi Nomor 2668/PDT.G/2025/PA.BKS. Metode penelitian yang digunakan ialah yuridis normatif dengan spesifikasi preskriptif, menggunakan data sekunder melalui studi kepustakaan dan analisis normatif kualitatif.

Diperoleh hasil penelitian bahwa hakim menyimpangi ketentuan Pasal 4 Ayat (2) Undang-Undang Perkawinan mengenai syarat fakultatif poligami karena Pemohon tidak memenuhi syarat fakultatif poligami sebagaimana dalam Pasal. Namun, hakim memutuskan untuk mengabulkan permohonan perizinan poligami dengan alasan bahwa para pihak memiliki kesiapan lahir batin untuk mewujudkan perkawinan poligami karena sudah bersungguh-sungguh untuk memenuhi syarat kumulatif poligami. Akibat hukum atas pengabulan perkara ini adalah adanya hak untuk melakukan perkawinan poligami secara sah dan dicatatkan oleh Kantor Urusan Agama. Atas perkawinan poligami tersebut, juga menimbulkan hak dan kewajiban antar suami istri. Berdasarkan pengabulan ini, sesungguhnya menyebabkan ketidakpastian hukum dan celah hukum, sehingga diperlukan rekonstruksi hukum agar adanya sinkronisasi dengan penerapan hukumnya secara konsisten.

Kata Kunci: *Poligami, Syarat Fakultatif Poligami, Pertimbangan Hakim, Rekonstruksi Hukum*

**JURIDICAL ANALYSIS OF POLYGAMY LICENSING: REGARDING THE
CUMULATIVE AND FACULTATIVE REQUIREMENTS OF POLYGAMY
UNDER LAW NUMBER 1 OF 1974**
(A Study of Court Decision Number: 2668/PDT.G/2025/PA.BKS)

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ABSTRACT

The 1945 Constitution of the Republic of Indonesia, in Article 28B paragraph (1), affirms that everyone has the right to enter into a family through a marriage that is acknowledged by law. In accordance with this, Law Number 1 of 1974 concerning Marriage, Article 3 paragraph (1) emphasizes that Indonesia's marriage system is fundamentally monogamous. On the other hand, Article 3 paragraph (2) grants legal provisions for practicing polygamy in certain cases. Therefore, the law maintains monogamy as the general rule but allows polygamous exceptions, subject to court approval and the fulfillment of both facultative and cumulative requirements for polygamy.

This research applies a normative juridical method with a prescriptive nature, drawing on secondary sources obtained from literature studies and analyzed through qualitative normative techniques. It is conducted to explore the judge's legal considerations as well as the legal effects that arise from the granting of a polygamy permit in the Bekasi Religious Court Decision Number 2668/Pdt.G/2025/PA.Bks.

According to the findings, the Applicant was unable to comply with the requirements outlined in Article 4, paragraph (2) of the Marriage Law concerning facultative polygamy. This failure demonstrates a clear deviation from the legal provisions. Nevertheless, the judge granted the polygamy permit by considering the physical and psychological readiness of the parties, which was supported by their evident commitment to carrying out the cumulative obligations required in a polygamous marriage. The legal consequence of granting this application is the establishment of a legally valid and registration of polygamous marriage. Through this arrangement, both spouses acquire certain rights and duties within their marital relationship. Yet, this form of approval has the potential to generate legal uncertainty and varied judicial decisions, which highlights the need for legal reconstruction to maintain coherence and consistency in legal practice.

Keywords: *Polygamy, Facultative Requirements of Polygamy, Judge's Consideration, Legal Reconstruction*