

Falsification of Marriage Registration Data in Unauthorized Polygamy Practices: A Juridical Analysis Based on Article 391 of Law Number 1 of 2023

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Abstract: *Marriage registration in Indonesia is not merely an administrative requirement, but a legal mechanism intended to secure certainty and protect the rights of those within a marital relationship, particularly women and children. In practice, however, this framework is not always observed, as instances of unauthorized polygamy continue to occur, often accompanied by the falsification of marital status in order to bypass legal requirements. This article examines how such conduct is constructed and qualified within Indonesian law, with specific reference to Article 391 of Law No. 1 of 2023 on the Criminal Code. Using a normative juridical approach based on statutory and conceptual analysis, the study draws upon relevant legislation and legal doctrine to assess the issue. It finds that falsification of data in marriage registration cannot be viewed solely as an administrative or civil irregularity, but rather as conduct that may satisfy the elements of a criminal offence. While the Marriage Law places strict limitations on polygamy, these safeguards are frequently circumvented through false declarations or concealment of prior marital status. In this respect, Article 391 provides a more adaptive legal basis than earlier provisions, as it accommodates developments such as electronic documentation and introduces alternative sanctions in the form of fines. The implications*

of such practices are far-reaching, affecting not only the legal position of spouses and children but also the reliability of the population administration system. For this reason, addressing unauthorized polygamy requires more than civil remedies alone; it calls for a combination of administrative reform, improved data verification, greater legal awareness, and consistent application of criminal law to ensure that the underlying conduct is properly addressed.

Keywords: *Marriage Registration, Unauthorized Polygamy, Data Falsification, Legal Certainty*

Introduction

Marriage is a legal, social, and religious institution that holds a significant position in Indonesian society. It is not only a physical and emotional union between a man and a woman but also a legal event that produces various legal consequences in both civil and administrative domains. Within the Indonesian legal system, the validity of a marriage is not solely determined by religious law but also requires formal registration, as stipulated in Article 2 paragraph (2) of Law Number 1 of 1974 as amended by Law Number 16 of 2019 (Hambali and Supriyanto, 2022). Marriage registration is therefore essential to ensure legal certainty and the protection of the rights and obligations of the parties involved.

In practice, however, these legal provisions have not been fully implemented. Various legal irregularities remain prevalent in society, including marriages conducted without official registration before a Marriage Registrar at the Office of Religious Affairs (KUA). This situation may arise from a lack of public awareness, limited understanding of the importance of registration, economic constraints, or deliberate attempts to exploit legal loopholes—particularly in the context of polygamy. Despite the clear mandate under Article 2 paragraph (2) requiring all marriages to be registered in accordance with prevailing laws and regulations, compliance remains inconsistent (Syapar, 2024).

Historically, the prohibition against unregistered marriages has been recognized since Law Number 22 of 1946, which imposed fines for violations. Similarly, Law Number 1 of 2023 introduces administrative sanctions, including fines, for failure to report legal events such as marriage (Article 404 Law No. 1 of 2023). These provisions demonstrate the state's continuous effort to enforce administrative order in civil registration.

Indonesian marriage law adopts the principle of open monogamy, whereby polygamy is permitted under strict conditions (Syarifuddin, 2006). Article 3 paragraph (2) of Law Number 1 of 1974 allows a court to grant permission for polygamy, provided certain requirements are fulfilled. This principle aligns with Islamic legal teachings, particularly as reflected in Surah An-Nisa verse 3:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ ۖ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا ۝ ٣

“If you fear you might fail to give orphan women their “due” rights “if you were to marry them”, then marry other women of your choice, two, three, or four. But if you are afraid you will fail to maintain justice, then “content yourselves with” one or those “bondwomen” in your possession. This way you are less likely to commit injustice.”

This verse specifies the permission to polygamy under the condition of justice. Nevertheless, because Islamic law does not provide detailed procedural mechanisms to ensure fairness, further regulation is established within Indonesian positive law, including statutory provisions, government regulations, and the Compilation of Islamic Law (Komarudin et al., 2024). Such regulations are, for example, Law No. 1 Year 1974 on Marriage, and other specific provisions.

Statistical data from the Central Bureau of Statistics (BPS) for the Jakarta region in 2025–2026 recorded 39,863 marriages and 14,062 divorce cases. The data shows very high divorce rate in Jakarta region with multiple reasons. Another data by Indonesia's religion court states that the most contributing factor of divorce is dominated by disagreements and martial dispute, followed by economic factor and abandonment. While polygamy is not the dominant factor in divorce, it remains a contributing element. Moreover, unauthorized polygamy is likely underreported, indicating the presence of a “dark number” phenomenon in which actual cases exceed recorded data. Under Indonesian law, polygamy is permitted only under strict procedural and substantive requirements, including court approval and the consent of the existing wife (Rofiq, 2021). Additionally, marriage registration requires comprehensive documentation, such as identity records and official forms (N1–N4). In certain circumstances, individuals may fail to meet these requirements or intentionally

conceal prior marital status, leading to the falsification of data (Abd. Raziq, 2025). This situation is very hard to detect and therefore mostly goes undetected.

Such falsification is not merely an administrative violation but may also constitute a criminal offense. This raises an important juridical question: how should the falsification of marriage registration data in unauthorized polygamy be addressed under Law Number 1 of 2023 concerning the Criminal Code? This issue is significant given its implications for legal certainty, the protection of affected parties, and the integrity of the state's administrative system.

Methodology

This study employs a normative juridical research method, characterized by an analytical examination of primary, secondary, and tertiary legal materials relevant to the issues at hand. The research focuses on the legal norms governing marriage registration, polygamous practices, and criminal provisions regarding data falsification as stipulated under Article 391 of Law Number 1 of 2023 concerning the Criminal Code.

To ensure a comprehensive analysis, two primary approaches are utilized. The first one is statute approach and conceptual approach. This approach is done by reviewing of relevant legislative framework, including Law No. 1 of 1974 concerning Marriage (as amended by Law No. 16 of 2019); Government Regulation No. 9 of 1975; Law No. 22 of 1946 concerning Marriage, Divorce, and Reconciliation (Nikah, Talak, dan Rujuk) Minister of Religious Affairs Regulation No. 30 of 2024 concerning Marriage Registration; and Law No. 1 of 2023 concerning the Criminal Code.

The second approach is conceptual approach. This approach is used to deconstruct and understand the legal doctrines surrounding data falsification, the administrative necessity of marriage registration, and the legal consequences of unauthorized polygamy. The sources categorize as follows:

- a. Primary Legal Materials: Authoritative documents consisting of the prevailing laws and regulations pertinent to the object of study.
- b. Secondary Legal Materials: Scholarly literature, including academic books, peer-reviewed journals, and previous research findings that provide critical insights into the subject.
- c. Tertiary Legal Materials: Complementary resources such as legal dictionaries and encyclopedias used to clarify terminology and broader legal concepts.

The legal materials are analyzed qualitatively through the application of legal interpretation. By interpreting and evaluating established legal norms, this study draws logical conclusions to address the formulated research problems.

Result and Discussion

Legal Framework of Marriage Registration in Indonesia

Marriage registration constitutes a fundamental element within the Indonesian legal system, aimed at ensuring legal certainty, administrative order, and the protection of the rights and obligations of the parties involved in a marital relationship. Under Law Number 1 of 1974 as amended by Law Number 16 of 2019, the validity of a marriage is determined

by two cumulative requirements: it must be conducted in accordance with the religious law of the parties and must be formally registered in compliance with statutory regulations.

Further provisions regarding marriage registration are stipulated in Government Regulation Number 9 of 1975, which mandates that every marriage be recorded by a competent authority. In practice, marriages involving Muslims are registered at the Office of Religious Affairs (KUA), while non-Muslim marriages are recorded by the Civil Registry Office (Subekti, 2005). Such registration results in the issuance of a marriage certificate, which constitutes an authentic deed possessing full evidentiary value under the law.

From a juridical perspective, marriage registration serves several essential functions. First, it provides formal recognition by the state of the legal relationship between spouses. Second, it functions as an authentic evidentiary instrument in legal disputes, including divorce proceedings, division of marital property, and determination of a child's legal status. Third, it operates as a mechanism of legal protection, particularly for women and children, in securing rights such as maintenance, inheritance, and social protection (Syarifuddin, 2006). Accordingly, marriage registration must not be regarded merely as an administrative formality, but rather as a legal instrument with far-reaching implications for legal certainty and protection within family law.

Principles and Regulation of Polygamy under Indonesian Marriage Law

Indonesian marriage law is fundamentally grounded in the principle of monogamy, as reflected in Article 3 paragraph (1) of Law Number 1 of 1974, which stipulates that a man may have only one wife and a woman only one husband. Nevertheless, the legal system adopts a qualified or open monogamy principle, allowing polygamy under strictly regulated conditions.

Polygamy is thus treated as an exception rather than a general rule. A husband intending to enter into a polygamous marriage must obtain prior authorization from a court, as stipulated in Article 3 paragraph (2). Such authorization may only be granted upon the fulfillment of specific legal grounds, including:

1. the inability of the wife to perform marital obligations;
2. the presence of a serious and incurable illness or disability; or
3. infertility.

In addition to these grounds, the law imposes cumulative requirements within article 5 paragraph (2), namely:

1. the consent of the existing wife;
2. the financial capability of the husband to support multiple households; and
3. a guarantee of equitable treatment among wives and children.

These requirements demonstrate the legislator's intent to restrict polygamy and to safeguard the rights of women and children. The consent of the existing wife can be ignored if the wife is missing for at least 2 (two) years. Consequently, polygamy in Indonesia is not an absolute right but a conditional legal act subject to strict procedural and substantive controls.

The regulations show that Marriage Law in Indonesia does not give a free reign for men to do polygamny. In reverse, the polygamy is positioned as a restrictive exception, that

can only be done should all the necessary requirements are met. In practice, the purpose of this regulations is to”

1. protect the wives;
2. guarantee the children’s welfare;
3. prevent the misuse of marriage institutions;
4. protect the order of the society.

Despite this regulatory framework, unauthorized polygamy continues to occur in practice, often accompanied by deliberate circumvention of legal procedures. This deviation highlights a gap between the normative framework (*das sollen*) and its implementation in society (*das sein*).

The Role of Marriage Registration in Preventing Unauthorized Polygamy

An integrated marriage registration system have a strategic role in supervising and controlling polygamy in Indonesia. In this context, marriage registration is an administrative control instrument to prevent unlawful polygamy practices and at the same time create a transparent and accountable marriages in Indonesia (Hidayat, 2023). However, in practice, various legal irregularities persist, one of which is the occurrence of unauthorized polygamy conducted without adherence to lawful procedures. In such cases, individuals frequently engage in data manipulation or falsification, for instance by falsely declaring themselves as unmarried or by using fraudulent identities in order to circumvent applicable legal requirements. Accordingly, addressing this issue requires not only a normative legal approach but also an implementation-oriented strategy. This includes strengthening the marriage registration system, enhancing data integration across relevant institutions, and ensuring firm and consistent law enforcement against violations, particularly those involving data falsification.

The practice of unlawful polygamy is often accompanied by the manipulation or falsification of data in the marriage registration process in order to circumvent applicable legal mechanisms. In this regard, the regulatory framework under Law Number 1 of 1974 plays a fundamental role, not only as a basis for determining the validity of a marriage, but also as an instrument for protecting parties who may be adversely affected (Putri, 2024). The regulation of polygamy, therefore, cannot be separated from the legal provisions governing data falsification, both under the former Criminal Code and the new Criminal Code, particularly since polygamy is only permitted in a limited manner subject to strict legal requirements.

Furthermore, the falsification of data in marriage registration does not merely give rise to administrative and civil consequences, but also carries implications within the realm of criminal law. In practical terms, such conduct produces multidimensional harm. For the first wife, the existence of an unlawful second marriage creates legal uncertainty, particularly in relation to marital property and inheritance rights, which may lead to complex disputes in the future (Latupono, 2020). On the other hand, the second wife is frequently positioned as a victim, as her consent is obtained on the basis of false information, thereby rendering the marriage defective due to vitiated consent (Raehany, 2024). These consequences also extend to children born from such unions, who, despite receiving

normative legal protection, often encounter administrative difficulties and uncertainty regarding their legal status in practice.

These consequences show why legal certainty cannot be treated as a purely theoretical principle in family law. The concept of legal certainty is needed as it is essentially a protection for every citizen from unwanted arbitrary action from the government or other citizen (Rahim et al., 2023). Certainty is what allows rights and obligations to be clearly defined and relied upon. When the registration process is compromised by false information, the legal status that follows becomes unstable. Questions over the validity of a marriage, entitlement to joint property, or inheritance rights are no longer straightforward, but open to dispute. In practice, this uncertainty places individuals, particularly the lawful spouse, at a disadvantage, as the protection that should have been guaranteed by law becomes difficult to enforce.

At the same time, the situation raises concerns regarding legal justice. The law is intended not only to regulate conduct, but also to ensure that outcomes are fair and proportionate for all parties involved. This theory, as explained by John Rawls, must be an absolute compass for the making of regulations in the society (Yuanita, 2022). In cases of unlawful polygamy involving falsification, this sense of justice is clearly undermined. The first wife suffers losses that arise from deception, while the second wife enters into a legal relationship based on incomplete or false information. Both are placed in positions that they did not freely or fairly choose. Rather than producing just outcomes, the manipulation of legal procedures distorts the balance that the law seeks to maintain.

In this light, maintaining the integrity of marriage registration becomes essential. It is not simply a matter of administrative order, but of ensuring that the law can function as intended, providing clarity, fairness, and protection. Without reliable and truthful registration, both legal certainty and legal justice are weakened, and the consequences are borne most heavily by those who are already in a vulnerable position. Equally significant is the systemic impact of data falsification on the integrity of population administration. Any inaccurate data incorporated into official state records has the potential to undermine the reliability of the broader civil registration system and erode public trust in marriage registration authorities. In this context, marriage registration officials may also be institutionally affected, as their authority is used to authenticate documents that are materially false.

Accordingly, these adverse consequences underscore that marriage registration must not be viewed merely as an administrative formality, but rather as a fundamental legal instrument for ensuring order, legal certainty, and protection. The critical question that arises, therefore, is how Indonesian law constructs and qualifies acts of data falsification in the context of marriage registration. This issue will be examined further in the following subsection, which addresses the legal framework governing the falsification of data and documents in marriage registration in a more comprehensive manner.

Juridical Analysis of Falsification of Marriage Registration Data

Juridical Construction of Data Falsification in Unauthorized Polygamy

The practice of falsifying data in marriage registration reflects a broader tendency to exploit the legal system for personal gain, often at the expense of vulnerable parties, particularly women and children (Manan, 2006). This phenomenon underscores the importance of the State's role in strengthening both administrative systems and law enforcement mechanisms to close the gaps that enable unlawful polygamy to persist.

From a legal standpoint, the falsification of data in marriage registration within the context of unlawful polygamy cannot be examined in isolation from the interplay between two closely related legal regimes: family law and criminal law. Under Indonesian family law, Law Number 1 of 1974, as amended by Law Number 16 of 2019, requires that a marriage be conducted in accordance with the parties' religious norms and duly registered in compliance with statutory regulations. Such registration serves as a fundamental mechanism to ensure legal certainty and to safeguard the rights of spouses and children.

Although the regulatory framework clearly mandates marriage registration and prohibits falsification, there remains a notable gap between official statistical records and the realities observed in practice. While the national statistical authority reports aggregate data on marriages and divorces, it does not specifically classify instances of falsification in marriage registration. This absence points to what is commonly described as the "dark number" of crime, situations in which legal violations occur but remain unrecorded in official statistics (Hasibuan, 2023). In this context, falsification associated with unlawful polygamy often escapes detection, as it is typically carried out covertly and only comes to light when disputes arise before the courts, such as in cases of annulment or divorce.

In practice, individuals may resort to falsifying data in order to circumvent the legal requirements governing polygamy. This may involve misrepresenting one's marital status as unmarried or concealing the existence of a prior marriage (Rahardjo, 2006). Such conduct constitutes a form of legal evasion, aimed at bypassing the procedural safeguards established by law. It is important to note that the regulation of polygamy under Law Number 1 of 1974 is deliberately restrictive, reflecting an intention to protect the rights and interests of women and children. Nevertheless, the persistence of unlawful polygamy facilitated by data falsification reveals a disconnect between normative expectations (*das sollen*) and empirical realities (*das sein*). This suggests that the effectiveness of law depends not only on the clarity of its rules but also on the consistency of its enforcement and the level of legal awareness within society. Accordingly, stronger oversight mechanisms, improved data integration in marriage registration systems, and firm law enforcement are essential.

Unlawful polygamy, therefore, should not be understood merely as a moral or social deviation, but rather as a pattern of conduct that often entails a series of structured and deliberate criminal acts. It is difficult to conceive of unlawful polygamy being carried out without some form of data manipulation, whether through false declarations of marital status, the use of fraudulent identity documents, or even deception or bribery of registration officials. In this sense, falsification is not incidental but intrinsic to the practice itself, and Article 391 of Law Number 1 of 2023 directly addresses this core element.

It must also be emphasized that both society and, at times, law enforcement authorities have tended to treat unlawful polygamy primarily as a civil matter, to be resolved through annulment proceedings before the Religious Courts or General Courts. This approach is fundamentally incomplete, as it overlooks the criminal dimension inherent in cases involving document falsification. Civil law may nullify the legal effects of a defective marriage, but it does not address or sanction the conduct that gave rise to the defect. It is precisely in this respect that Article 391 fills a longstanding gap in enforcement. The range of harms arising from unlawful polygamy illustrates that such practices constitute clear violations of legal norms and therefore warrant a more comprehensive examination of their legal consequences.

Juridical Qualification of Falsification of Marriage Registration Data in the Practice of Unlawful Polygamy

From a juridical standpoint, the falsification of data in marriage registration within the context of unlawful polygamy constitutes conduct that is inconsistent with Indonesian positive law, both in the domain of family law and criminal law. In terms of family law, such conduct violates the fundamental principle set out in Article 2(2) of Law Number 1 of 1974, as amended by Law Number 16 of 2019, which requires that every marriage be validly conducted in accordance with religious norms and duly registered in a truthful manner that reflects the actual circumstances.

Polygamy is permitted only as a limited exception, subject to strict legal requirements, including prior judicial authorization and the consent of the existing spouse. Accordingly, any attempt to circumvent these requirements through the falsification of data may properly be characterised as a form of legal evasion.

From the perspective of criminal law, the falsification of data and the preparation of documents used as part of the marriage registration process may satisfy the elements of a criminal offence under Articles 391 and 392 of Law Number 1 of 2023 concerning the Criminal Code. These provisions encompass acts involving the submission of false statements or the inclusion of inaccurate information in an authentic deed, in this case a marriage certificate (Pratama, 2023). As an authentic instrument, a marriage certificate carries full evidentiary force, and the information contained therein must therefore be accurate and capable of legal accountability. Conceptually, such acts of falsification are also at odds with core legal principles, including good faith, legal certainty, and legal protection. Violations of these principles undermine legal order and give rise to harm for affected parties, particularly women and children.

It follows that the falsification of data in marriage registration in cases of unlawful polygamy constitutes an unlawful act that extends beyond administrative and civil violations to engage criminal liability (Raehany, 2024). This underscores the need for firm and consistent law enforcement, alongside strengthened administrative oversight, in order to prevent similar practices in the future. It is therefore necessary to further examine the legal consequences arising from such conduct, including its implications across criminal, civil, and administrative law.

Criminal Qualification of Falsification of Marriage Registration Data from the Perspective of the Former and the New Criminal Codes

In the context of falsification, both the former Indonesian Criminal Code and the new Criminal Code contain provisions prohibiting the falsification of data and the submission of false information in official documents. Under the former Criminal Code, such conduct is primarily regulated through Article 263, which addresses forgery of documents, and Article 266, which concerns the insertion of false statements into an authentic deed. Article 266, in particular, provides that any person who intentionally provides false information to be incorporated into an authentic deed, whose truth must be attested by that deed, may be subject to criminal sanction (Chazawi 2001), . In the context of marriage registration, a marriage certificate constitutes an authentic deed, as defined under Article 1868 of the Civil Code, namely a document drawn up in the form prescribed by law by or before a competent public official.

By contrast, under the new Criminal Code (Law Number 1 of 2023), the relevant provisions are found in Articles 391 and 392. Article 391 regulates the act of creating or falsifying a document capable of giving rise to legal rights or serving as evidence, while Article 392 addresses the use of such falsified documents within legal processes, including as part of the requirements for marriage registration. These provisions represent a continuation and strengthening of the earlier framework, reaffirming the prohibition against introducing false information into legally significant documents.

From these provisions, several essential elements of the offence can be identified in cases involving falsification of marriage registration data, as such:

1. First, there must be an act of producing or presenting information that is materially false, for example in identity documents or declarations relating to marital status.
2. Second, the act must be connected to an authentic deed, namely the marriage certificate.
3. Third, the conduct must give rise to legal consequences or at least the potential for harm to other parties.

As discussed previously, such harm may affect not only the first and second spouses, but also children, particularly in matters relating to inheritance, marital property, and legal status. On this basis, it becomes necessary to examine the differences between Article 263 of the former Criminal Code and Article 391 of the new Criminal Code. Both provisions recognise two principal forms of forgery: the creation or alteration of a false document, and the use of such a document as if it were genuine. However, there are notable developments in the new Criminal Code. While the former regime focused primarily on imprisonment and largely contemplated physical documents, the new Code reflects contemporary realities by encompassing electronic documents and introducing fines as an additional form of sanction.

Article 391 of the new Criminal Code therefore has a broader and more adaptive scope, capable of addressing evolving forms of falsification, including the manipulation of data within modern administrative systems. This distinction is particularly significant in the

context of marriage registration, where falsification often occurs not through physical alteration of documents, but through the submission of false information regarding marital status.

Compared to the former Criminal Code, the new framework demonstrates a stronger commitment to safeguarding the integrity of state-issued documents and enhancing the enforcement of administrative criminal law (Rahman, 2021). It also illustrates the close interrelationship between family law and criminal law: violations of the legal requirements governing polygamy do not merely affect the validity of a marriage, but may also give rise to criminal liability where accompanied by acts of falsification.

In light of the foregoing, unlawful polygamy involving falsification of marriage registration data should be understood as a multidimensional legal violation. It not only contravenes the Marriage Law, but also falls within the scope of criminal offences under both the former and the new Criminal Codes. This underscores the need for firm and consistent enforcement in order to uphold legal certainty and protect the rights of affected parties. Accordingly, further analysis is required to examine falsification of marriage registration data as a violation under Article 391 of Law Number 1 of 2023.

The Normative Role of Article 391 of Law No. 1 of 2023 in Preventing the Falsification of Marriage Registration Data

Statutory regulation plays a strategic role in preventing unlawful polygamy through strict limitations, mandatory marriage registration, and judicial authorization mechanisms as provided under Indonesian Marriage Law. In practice, however, deviations persist, particularly in the form of unlawful polygamy facilitated through the falsification of marital status data to circumvent legal procedures. A number of cases before the Religious Courts indicate that identity falsification, such as falsely declaring oneself unmarried, has frequently served as grounds for the annulment of marriage (Daulay, 2024). This condition reveals structural gaps within the legal framework, especially in relation to verification mechanisms and oversight of the accuracy of data submitted in the marriage registration process. Such gaps create opportunities for legal evasion, which not only violates administrative provisions in marriage law but may also satisfy the elements of criminal offences relating to falsification.

This reality demonstrates that an approach which treats unlawful polygamy solely as an administrative or civil matter is insufficient to capture the complexity of the issue. Where elements of data falsification are present in the process of marriage registration, a criminal law approach becomes necessary in order to properly qualify the conduct and impose proportionate legal consequences. Article 391 fundamentally regulates the offence of document falsification, encompassing acts of creating or falsifying a document capable of giving rise to rights, obligations, or discharge of debt, or intended to serve as evidence of a legal fact, with the intent that such document be used as if it were genuine. In the context of marriage registration, this provision is directly relevant, as a marriage certificate constitutes a document with evidentiary value and legal consequences for the parties involved. Accordingly, all data and statements contained therein must accurately reflect the factual circumstances.

This relevance is further reinforced by Article 4(1)(m) of Minister of Religious Affairs Regulation No. 30 of 2024 on Marriage Registration, which requires, *inter alia*, a court-issued polygamy permit for a husband seeking to marry more than one wife. In practice, applications for polygamous marriages may involve falsification where an applicant provides inaccurate information regarding marital status as part of the administrative requirements submitted to the Office of Religious Affairs (KUA). This underscores that declarations of marital status are not merely formal administrative requirements, but rather essential elements in determining the validity of a marriage. Consequently, the submission of false information does not merely give rise to administrative defects; it may also constitute a criminal act of falsification insofar as it forms the basis for the issuance of a marriage certificate.

From the perspective of the constituent elements of Article 391, several aspects can be identified. First, the element of “making a document untruthfully” or “falsifying” is evident in practices where individuals provide information inconsistent with factual reality, such as declaring themselves unmarried despite having a lawful spouse, or concealing a prior marriage. Such conduct constitutes a form of data manipulation embodied in official documents, thereby satisfying the definitional characteristics of falsification.

Second, the object element, namely a document capable of generating rights or serving as evidence, is clearly fulfilled. A marriage certificate is an authentic deed possessing full evidentiary force and constituting the legal basis for the establishment of rights and obligations between spouses and their children. Any falsification relating to the data contained in such registration therefore directly concerns the legal interests protected under Article 391.

Third, the element of intent (*mens rea*) is generally present, as falsification is undertaken with the purpose of ensuring that a subsequent marriage can be registered and obtain legal recognition (Erowati et al., 2025). This reflects a conscious intention to use the document as though it contained truthful information. Accordingly, the subjective element required under Article 391 is satisfied.

Finally, the element of harm, or potential harm, may also be identified. Such harm is not limited to material loss but extends to legal detriment, including the disruption of legal certainty, infringement of the lawful spouse’s rights, and ambiguity regarding the legal status of children (Latupono, 2020). Moreover, the use of falsified documents is likely to give rise to future disputes, both in matters of marital validity and inheritance.

On this basis, it may be concluded that the falsification of data in marriage registration within unlawful polygamy practices fulfils the constituent elements of the offence of document falsification as set out in Article 391 of Law No. 1 of 2023. Accordingly, such conduct should not be viewed merely as an administrative or civil violation, but rather as a criminal offence carrying corresponding penal consequences. The legal approach to unlawful polygamy must therefore extend beyond the civil domain and incorporate criminal liability arising from the manipulation of official state documents.

The explanatory dimension of Article 391 further indicates that its role is not only normatively significant but also practically relevant in strengthening law enforcement and preventing unlawful polygamy. More broadly, the persistence of such practices suggests that challenges in family life in Indonesia are not solely attributable to economic or interpersonal factors, but also to weak compliance with legal norms, particularly in relation to marriage registration and polygamy (Iswandi, 2025). While the regulatory framework may be considered adequate, its effectiveness remains contingent upon stronger implementation, including administrative oversight, law enforcement, and the enhancement of public legal awareness.

Efforts to prevent falsification in marriage registration, especially in the context of unlawful polygamy, require systematic and integrated administrative supervision. Given that marriage registration constitutes the primary gateway to legal validity, strengthening verification systems is essential. One viable approach lies in enhancing inter-agency data integration between institutions such as the Office of Religious Affairs (KUA), the Population and Civil Registration Office (Dukcapil), and other relevant bodies (Fakhyadi, 2024). Such integration would enable real-time verification of marital status, thereby minimizing the opportunity for individuals to provide false information. In parallel, the digitalization and modernization of a centralized, technology-based marriage registration system connected to the national population database would significantly reduce the potential for data manipulation.

Beyond administrative and religious considerations, low levels of legal awareness within society remain a key contributing factor to unlawful polygamy and the falsification of marriage registration data. Law is not yet fully internalized as a normative instrument with coercive force and deterrent effect, resulting in violations that do not generate sufficient apprehension or consequence for perpetrators. This underscores that the effectiveness of law is deeply dependent upon societal awareness and compliance (Islamil et al., 2024). As a result, existing legal provisions governing marriage registration have not been entirely successful in preventing deviations in practice.

At the same time, strengthening administrative oversight must be accompanied by improvements in the quality, professionalism, and integrity of marriage registration boundaries. This may be achieved through periodic training, capacity-building initiatives, and rigorous internal supervision to prevent negligence and abuse of authority. External oversight mechanisms, including public participation as a form of social control, should also be optimized, particularly in reporting suspected violations. These measures must operate in synergy with firm and consistent law enforcement, especially in relation to the offence of falsification under Article 391 of Law No. 1 of 2023.

A comprehensive approach, combining enhanced legal awareness, robust administrative oversight, and effective law enforcement, constitutes the key to preventing and addressing irregularities in marriage registration practices (Nurhalimah, 2022). This highlights the normative role of Article 391 of Law No. 1 of 2023 in Preventing the Falsification of Marriage Registration Data.

Conclusion

This study affirms that marriage registration is not merely an administrative formality, but a fundamental legal instrument that ensures legal certainty and safeguards the rights of all parties within a marriage, particularly women and children. The Indonesian marriage law system is, in principle, grounded in monogamy, with polygamy positioned as a narrowly construed exception, permissible only through strict legal procedures, namely judicial authorization and the consent of the existing spouse. In practice, however, instances of unlawful polygamy persist, often facilitated through the falsification of marital status data to circumvent these requirements. Such practices give rise to a “dark number” phenomenon, whereby violations remain underreported and are not fully reflected in official statistics.

From a juridical standpoint, the falsification of data in marriage registration constitutes a multidimensional legal violation. It not only contravenes Law No. 1 of 1974 on Marriage, but also satisfies the elements of the criminal offence of document falsification as provided under Article 391 of Law No. 1 of 2023 on the new Penal Code. Compared to Article 263 of the former Penal Code, Article 391 adopts a broader and more contemporary scope by accommodating electronic documents and introducing fines as an additional form of sanction, thereby enhancing its relevance in addressing data manipulation in the digital era. The consequences arising from such practices are far-reaching, encompassing legal harm to the first wife in relation to marital property and inheritance rights, defects in consent in the second marriage, uncertainty regarding the legal status of children, and the erosion of integrity within the population administration system as a whole. Accordingly, the legal approach to unlawful polygamy can no longer be confined to the civil domain alone, but must also incorporate criminal accountability.

In order to address these regulatory gaps, a coordinated and systemic response is required. This includes the strengthening of integrated, technology-based data verification systems across relevant institutions, the enhancement of professionalism and integrity among marriage registration officials, the development of external oversight mechanisms through public participation, and the consistent and robust enforcement of Article 391 of Law No. 1 of 2023 as both a preventive and repressive legal instrument against the falsification of marriage registration data.

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