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Penalties for Unregistered Marriage and Polygamy in Indonesia, Pakistan and Tunisia

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Abstract

Indonesia, Pakistan and Tunisia are countries with a majority Muslim population. These three countries have different regulations regarding unregistered marriages and sanctions for violating these regulations. In order to know the regulations and sanctions between the three countries, a comparison was made between Indonesia, Pakistan and Tunisia. So, aims of this research is analyze about comparison and implementation of penalties in Indonesia, Pakistan and Tunisia. This research is a type of normative research or library research and use comparative approach. The results of this research are penalty in Indonesia is a fine if does not inform the will of marriage to the PPN and for polygamy is allowed for certain reasons and certain conditions. In Pakistan fines or imprisonment or both if the marriage is not done in front of a registrar and do polygamy without wife's approval and ask the Arbitration Council for permission. In Tunisia the penalty of imprisonment applied if marriage without 2 witnesses or 2 witnesses and a registrar, and if do polygamy will be subject to penalties in the form of fine and imprisonment.

Keywords: Unregistered Marriage; Polygamy; Penalties.

Introduction

Countries in the world have their respective rules in regulating matters relating to Islamic family law, such as terms of age limits for marriage, guardianship, polygamy, marriage registration, divorce and other family laws. Several countries also impose sanctions on matters related to family law, especially marriage. Pakistan and Tunisia are countries that have sanctions regulations related to polygamy.

Marriage registration is an activity carried out because of the occurrence of a very important event by the couple. Marriage registration is in the form of authentic evidence that shows the validity of marriage which is called the marriage book. The marriage book is used as proof of legal descent and rights as heirs.¹ In the principles of

¹ Siska Lis Sulistiani, *Hukum Perdata Islam :Penerapan Hukum Keluarga dan Hukum Bisnis Islam di Indonesia*, 59.

Islamic law, registration of marriage with a marriage book brings benefits. In line with the following rules:

“Avoiding damage takes precedence over obtaining benefit”

Meanwhile Polygamy (*ta’addud az-zaujiyat*) in English “Polygamy” which means a man who has more than one wife.² Polygamy consists of the words “poly” and “gami.” Etymologically, “poly” means a lot, and “gami” means wife. So that polygamy means many wives. In terminology, polygamy means a man has more than one wife, but is limited to a maximum of four people.³ The basis for the permissibility of polygamy is found in Q.S Al-Nisa [4]: 3;

“If you are worried about your right to treat an orphan girl fairly (if you marry her), then marry the (other) woman you like; then, if you are worried that you will not be able to get justice, then just can (marry) a person or a slave you own. Something close to not persecuted.”

Some people have done research on this theme before, such as research by Dinda Choerul Ummah from the Faculty of Sharia and Law UIN Syarif Hidayatullah entitled “Criminalization of Polygamy in Family Law in the Islamic World (Comparative Study of Law - Indonesian-Tunisian Family Law)”. This research focused on the form of sanctions as well as the differences and similarities in polygamy sanctions between Indonesia and Tunisia. the method used is the library method. In his research findings, Dinda concluded that polygamy in the rule of law in Indonesia is strictly restricted, while in Tunisia, polygamy is absolutely prohibited. The similarity of this research is that both discuss the criminalization of polygamy. And the difference is that this study only discusses the sanctions around polygamy.⁴

Research written by Dedi Iskandar from the Al-Ahwal Al-Syakhsyah Master Program at UIN Maulana Malik Ibrahim Malang entitled “Family Law Criminal Sanctions (The View of Islamic Law Experts in Banda Aceh City)”. This research focuses on the views of Islamic law experts in Banda Aceh City about punishment in marriage law, and punishment contained in the HMPA (Legal Material for Religious Courts) according to outlook of Islamic jurists in the city of Banda Aceh. The approach used in this study is a qualitative approach. While the method used is the field method. Dedi concluded that Islamic law experts in Banda Aceh City strongly agreed if there were punishment in family law because this was in accordance with maqashid sharia. What this research has in common is that both of them discuss the family law criminal sanctions. And what distinguishes this research is based on the views of Islamic jurists

² Cholil Nafis, *Fikih Keluarga: Menuju Keluarga Sakinah, Mawaddah, Wa Rahmah Keluarga Sehat, Sejahtera, dan Berkualitas* (Jakarta: Mitra Abadi Press, 2009), 44.

³ Siska Lis Sulistiani, *Hukum Perdata Islam: Penerapan Hukum Keluarga dan Hukum Bisnis Islam di Indonesia*, 93.

⁴ Dinda Choerul Ummah, *Kriminalisasi Poligami dalam Hukum Keluarga di Dunia Islam (Studi Komparatif Undang-Undang Hukum Keluarga Indonesia-Tunisia)*, Skripsi, (Jakarta: Universitas Islam Negeri Syarif Hidayatullah, 2014)

in the city of Banda Aceh.⁵

The next research is journal entitle “Polygamy and its Sanctions According to The Laws of Modern Countries” by Muhibbuthabry. This journal explains about polygamy in Islamic Law, the sanctions for polygamy in several modern countries such as Tunisia, Pakistan, Egypt, Syria, Malaysia, and Indonesia. As well as the legal status of polygamy in Tunisia, Pakistan, Egypt, Syria, Malaysia and Indonesia, shows the sides which differ from one another.⁶

There are the previous researches with the related research. This research will analyze about comparison and implementation of penalties in Indonesia, Pakistan, and Tunisia.

Research Method

This research is a type of normative research or library research, which examines problems by looking, searching, reviewing the literature in books, journals, law or other sources related to the research title.⁷ And for The approach in this study uses a comparative approach. The comparative approach is to compare laws between two or more countries on similar matters.⁸ Comparability in this case is comparing the application of sanctions and penalties to the unregistered marriage and polygamy between Indonesia, Pakistan and Tunisia. Data source in this research are the sources where the data is found. In this study the authors only use secondary data sources in the form of legal materials. There are three legal materials that the author use, namely primary, secondary and tertiary. For data collection method includes editing, classifying, verifying, analyzing, and concluding.

Findings and Discussion

Comparison of Penalties for Unregistered Marriage and Polygamy in Indonesia, Pakistan and Tunisia

Indonesia

The previous researches are focused on comparison the form of sanctions between two countries and focused on the views of Islamic law experts in Banda Aceh City about punishment in marriage law, and punishment contained in the HMPA. Meanwhile in this research is focused to comparison and implementation of penalties in Indonesia, Pakistan and Tunisia.

In Indonesia, Registration of Marriage regulated in Law No. 1 year 1974. In Article 2 of Law No. 1 year 1974 about Marriage states that:⁹ “(1) *Marriage is legal if it is carried out according to the law of each religion and its trust.* (2) *Every marriage is registered according to the prevailing laws and regulations.*”

⁵ Dedi Iskandar, *Sanksi Pidana dalam Hukum Keluarga (Pandangan Pakar Hukum Islam di Kota Banda Aceh)*, Tesis, (Malang: Universitas Islam Negeri Maulana Malik Ibrahim, 2013)

⁶ Muhibbuthabry, “Poligami dan Sanksinya Menurut Perundang-Undangan Negara-Negara Modern”, *Ahkam*, no. 1(2016): 18

⁷ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT. Remaja Rosda Karya, 2007), 9.

⁸ Peter Mahmud, *Penelitian Hukum Edisi Revisi* (Jakarta: Kencana, 2005), 135.

⁹ Article 2 Paragraph 1-2 Law Number 1 Year 1974 about Marriage

This article explains that a marriage is valid in accordance with the law according to each religion and belief, where every marriage is registered according to the applicable laws. So that in Indonesia, the couple who is doing the marriage need to register their marriage.

In Article 5 in Compilation of Islamic Law, it is stated that:¹⁰ *“(1) Every marriage must be recorded in order to ensure orderliness of marriage for the Muslim community. (2) In Law No. 22/1946 in conjunction with Law No. 32 of 1954. As regulated, the Registrar of Marriages should administer of such marriages as referred in to paragraph (1).”*

In Article 5, it is explained that in order to guarantee the orderliness of a marriage, a marriage must be recorded by a Marriage Registration Officer.

Penalties for unregistered marriage are explained in Government Regulations No. 9 year 1975 Article 45 which states: *(1) Except the requirements stipulated otherwise in the applicable laws. a. Whoever violates the provisions stipulated in Article 3, 10 paragraph (3), 40 Government Regulations acting by law, the amount of Rp. 7.500, - (seven thousand five hundred rupiah); b. Registering Employees who violate the provisions stipulated in Articles 6, 7, 8, 9, 10 paragraph (1), 11, 13, 44 This Government Regulation shall act with a prohibition of imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 7.500, - (seven thousand five hundred rupiah). (2) The criminal act referred to in paragraph (1) above is a mistake.”*

In this article, it is explained that if entering a marriage without notifying the staff of the marriage registrar, a maximum fine of 7.500 rupiah will be imposed.

Article 3 Regulation of the Supreme Court of the Republic of Indonesia No. 2 Year 2012 reads:¹¹ *“Each of the maximum number of fines threatened in the Criminal Code, except for article 303 paragraph 1 and paragraph 2, 303 bis paragraph 1 and 2, is multiplied to 1000 (one thousand) times.”*

Based on Supreme Court Regulations Number 2 Year 2012, the punishment from Rp. 7.500 multiplied to 1000 (one thousand) times. So the fine will be Rp. 7.500.000.

Meanwhile, polygamy in Indonesia is allowed, regulated in Law No. 1 year 1974 about Marriage Article 3 Paragraph (2) states that: *“(2) The court may give permission for a husband to have wife more than one if desired by the parties concerned.”*

The conditions for husband who will polygamy are regulated in Law no. 1 year 1974 concerning Marriage Article 4, which reads: *“(1) In the event that a husband will marry more than one wife, as mentioned in Article 3 paragraph (2) of this Law, then he is obliged to submit an application to the Court in his area of residence. (2) The court referred to in paragraph (1) of this article only gives permission to a husband*

¹⁰ Compilation of Islamic Law

¹¹ Article 3 Supreme Court Regulations Number 2 Year 2012 about Adjustments to The Limits of Minor Crimes and The Amount of Fines in The Criminal Code

who will have more than one wife if: a. the wife cannot fulfill her obligations as a wife; b. the wife has a disability or incurable disease; c. the wife cannot bear offspring.”

Based on this article, a husband who will do polygamy is obliged to apply for an application permit to the court in the area where he lives. The court can grant polygamy permission to a husband whose wife cannot fulfill her obligations, the wife has a physical disability/disease that cannot be cured and the wife cannot have children.

According to Abdurrahman, the conditions allowed for polygamy were:¹² 1. The wife has a disease that is dangerous and difficult to cure; 2. The wife is proven to be infertile and medically unable to give birth; 3. The wife has a memory problem; 4. An elderly wife so that she cannot perform her duties as a wife; 5. The wife has bad qualities; 6. The wife ran away from home; 7. The needs of a husband with more than one wife, and if it is not met, it will cause mudharat

Article 279 of the Criminal Code states that:¹³ *“(1) Threatened by a maximum imprisonment of five years: 1. any person who enters into a marriage knowing that his existing marriages or marriages are a legal barrier to this; 2. any person who engages in a marriage knowing that the marriages or marriages of other parties are an obstacle to this. (2) If the person who commits an act under paragraph 1 point 1 conceals to another party that the existing marriage is a legal barrier to this, he shall be punished by a maximum imprisonment of seven years. (3) Revocation of rights based on article No. 1 - 5 can be stated.”*

Based on this article, if someone remarries, even though it was prevented, the previous marriage can be subject to punishment. The obstacle in question is something that prevents marriage from being carried out. Criminal action is carried out if a person who remarries and is still obstructed by their previous marriage, but he or she hides it from his new spouse can be subject to criminal weighting.¹⁴

According to the criminal expert Chairul Huda in Article 279 of the Criminal Code there are 2 different interpretations. The first interpretation is that a person who engages in a polygamous marriage and a sirri can be subject to punishment under Article 279 of the Criminal Code, that his marriage was hindered by his previous marriage because he did not get permission from his previous wife. Meanwhile, the second interpretation is that polygamy and sirri marriages cannot be subject to punishment if we look back at the contents of Article 279 of the Criminal Code which explains that the obstruction of a marriage is due to a previous marriage. However, the marriage is considered valid according to their respective beliefs and religions, because a legal marriage is not a marriage that must be registered. So that it cannot be subject to punishment as in Article 279 of the Criminal Code.¹⁵

¹² Siska Lis Sulistian, *Hukum Perdata Islam :Penerapan Hukum Keluarga dan Hukum Bisnis Islam di Indonesia*, 97.

¹³ Article 279 of Criminal Code

¹⁴ Rochxy & Bayu Lesmana, “Pemidanaan Terhadap Pelaku Perkawinan Di Bawah Tangan Tanpa Izin Istri Pertama Kajian Putusan Nomor 35/Pid.B/2012/PN.MRS”, *Jurnal Yudisial*, no. 3(2013): 258

¹⁵ Anonim, “Penerapan Pasal 279 KUHP Untuk Kawin Sirri Dinilai Belum Konsisten,” *Hukumonline*, 17 November 2016 diakses 24 Desember 2020,

Pakistan

In Pakistan, regulation of marriage registration in Section 5 Muslim Family Law Ordinance, which reads as follows:¹⁶ “(1) *Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.* (3) *Every marriage not solemnized by the Nikah Registrar shall, for the purpose of registration under this Ordinance be reported to him by the person who has solemnized such marriage.* (4) *Whoever contravenes the provisions of such-section (3) shall be punishable with simple imprisonment for a term which may extent to three months, or with fine which may extend to one thousand rupees, or with both.*”

Article 5 states that every marriage must be registered based on the applicable regulations. Marriages that are not carried out by the marriage registrar must be reported to the registrar of marriage. Anyone who does not follow these rules is sentenced to a maximum imprisonment term of three months or a maximum fine of one thousand rupees, or both.

Meanwhile, Polygamy in Pakistan is regulated in Section 6 Muslim Family Law Ordinance, which reads as follow:¹⁷ “(1) *No man, during the subsistence of an existing marriage, shall except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under this Ordinance.* (2) *An application for permission under Sub-section (1) shall be submitted to the Chairman in the prescribed manner together with the prescribed fee, and shall state reasons for the proposed marriage, and whether the consent of existing wife or wives has been obtained thereto.* (3) *On receipt of the application under Sub-section (2), Chairman shall ask the applicant and his existing wife or wives each to nominate a representative, and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such condition if any, as may be deemed fit, the permission applied for.* (4) *An application for revision, to the Collector concerned and his decision shall be final and shall not be called in question in any Court.* (5) *Any man who contracts another marriage without the permission of the Arbitration Council shall, (a) pay immediately the entire amount of the dower whether prompt or deferred, due to the existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue; and (b) on conviction upon complaint be punishable with the simple imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both.*”

Based on the explanation of the article, a husband who asks to do polygamy must obtain permission first from his wife. After obtaining permission, the husband

<https://www.hukumonline.com/berita/baca/1t582d55b1095d2/penerapan-pasal-279-kuhp-untuk-kawin-siri-dinilai-belum-konsisten/>

¹⁶ Muslim Family Law Ordinance 1961

¹⁷ Muslim Family Law Ordinance 1961

brings the wife's consent form with reasons to the Arbitration Board by paying a fee. The Arbitration Council requires the applicant and his previous wife to be a representative. If the applicant's reasons are appropriate, the applicant will get permission. And then, if a person practice polygamy without permission from the Arbitration Council must pay the entire dowry in cash or be suspended and a complaint is punishable by a simple prison sentence of up to 1 year or a fine of up to 5,000 rupees, or both.

Tunisia

Marriage in Tunisia can only be proven using an official document from the government in accordance with Majallah Al-Ahwal Al-Syakhshiyah Article 4. In Article 4 Majallah Al Ahwal Al Syakhshiyah explains about registration of marriage which reads:¹⁸ *"A legal marriage is proven by official evidence that is regulated in a specific law. As with regard to legal marriages abroad, the marriage is legal based on the Law of the country where the contract takes place."*

In this article it is explained that a legal marriage can only be proven by official evidence as regulated in a specific law.

Penalties for unregistered marriage in Tunisia regulated in Law No. 3 year 1957. In Article 31, explain that if a husband and wife marry not attended 2 fair witnesses and in front of a marriage registrar, it may get punishment under Law No. 3 year 1957 Article 36. Because the marriage was not attended by 2 witnesses and a marriage registrar employee, it cannot be accounted for religion and state.

Regulation about penalties for unregistered marriage in Article 36 of Law No. 3 year 1957, states that: *"The marriage that is contrary to article 31 is canceled and the couple will be sentenced to imprisonment sentence of 3 months. if there is a series of penalties related to the previous laws, then one sentence in criminal and cancellation of marriage. If the married couple continues or lives together, they will be sentenced to imprisonment for 6 months."*

Based on that article, if husband and wife carry out a marriage without two witnesses or two registrars of marriage in the presence of two witnesses, he may be subject to an imprisonment of 3 months.

The prohibition against practicing polygamy is described in article 18, stating that:¹⁹ *"Plurality of wives is forbidden. A person who already got married and before the marriage is law-fully ended, then get married again, shall be punished to confinement for one year or for a fine of 240.000 Franch, or to both, even if the second marriage is in contravention of any regulation of this Code."*

This article explains that polygamy is absolutely prohibited. A husband who wants to remarry even though his previous marriage has not ended can be subject to

¹⁸ Mustofa Sakhri, *Majallah al-Akhwat al-Syakhshiyah* (Tunisia: Pemerintah Republik Tunisia, 2013), 10-195

¹⁹ Mustofa Sakhri, *Majallah al-Akhwat al-Syakhshiyah* (Tunisia: Pemerintah Republik Tunisia, 2013), 10-195

criminal law. Whoever do unregistered polygamy shall be punished to confinement and fine.

Table 1. Differences Unregistered Marriage in Indonesia, Pakistan and Tunisia

No	Comparison	Indonesia	Pakistan	Tunisia
1	Unregistered Marriage	Banned but rarely	Banned	Banned
2	Regulation	Government Regulation Number 9 Year 1975	Muslim Family Law Ordinance 1961	Law No. 3 Year 1957
3	Amount of Penalty	A maximum fine of 7,500 rupiah	Simple imprisonment sentence of up to 3 months or a maximum fine of 1000 rupees, or both	Imprisonment for 3 months

Table 2. Differences Polygamy in Indonesia, Pakistan and Tunisia

No	Comparison	Indonesia	Pakistan	Tunisia
1	Polygamy	Allowed with requirements	Banned	Banned
2	Regulation	Not regulated	Muslim Family Law Ordinance 1961	Majallah Al-Ahwal Al-Syakhshiyyah
3	Amount of Penalty	No punishment	Simple imprisonment sentence extending up to a year or a fine of up to 5,000 rupees or both	A year imprisonment sentence and a fine of 240,000 Franch

Table 3. Similarities in Indonesia, Pakistan and Tunisia

No	Comparison	Indonesia	Pakistan	Tunisia
1	Form of Countries	Republic	Republic	Republic
2	Form of Penalties in Unregistered Marriage	Fine	Fine	Fine

Implementation of Penalties for Unregistered Marriage and Polygamy in Indonesia, Pakistan and Tunisia

Indonesia

Based on the Law No. 1 year 1974, in Indonesia every marriage must be registered according to the prevailing laws and regulations. And marriage is legal if it is carried out according to the laws of each religion and trust.

Marriage registration is administrative in nature, but the marriage certificate in the registration is authentic evidence that the marriage is a legal marriage.²⁰ In this case, authentic evidence in the form of a marriage certificate will be a strong foundation in a marriage and will have an effect on future household life if there is a dispute.

Announcement and registration are important for benefit and legal certainty in society and avoid the legal consequences of an underhand marriage, such as validity of children, guardian of marriage, and inheritance.²¹ Registration of marriage based on General Explanation Law Number 1 year 1974 number 4 letters b is “important events” in someone’s life, not “legal events”. Examples such as birth, death, in letters and certificates.²²

According on Article 45 Government Regulations No. 9 year 1975, penalties for unregistered marriage is shall act with a prohibition of imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 7.500.²³ And if look to Article 279 of the Criminal Code state that will be subject to imprisonment 5 years if do polygamy is carried out in sirri. But, polygamy in Indonesia is allowed provided that it fulfills the requirements and has a suitable reason based on Law Number 1 year 1974. The reasons and conditions that must be fulfill include, the wife cannot fulfill her obligations as a wife, the wife has a disability or an incurable disease and the wife cannot have children. And for condition is the approval of the wife or previous wives,

²⁰ Anshary MK, *Hukum Perkawinan di Indonesia*, (Yogyakarta: Pustaka Pelajar, 2010), 24.

²¹ Idris Ramulyo, *Hukum Perkawinan, Hukum Kewarisan, Hukum Acara Peradilan Agama dan Zakat Menurut Hukum Islam* (Jakarta: Sinar Grafika, 2004), 22.

²² Neng Djubaidah, *Pencatatan Perkawinan & Perkawinan Tidak Dicatat: Menurut Hukum Tertulis di Indonesia dan Hukum Islam* (Jakarta: Sinar Grafika, 2010), 216.

²³ Government Regulations Number 9 Year 1975 about Implementation of Law Number 1 Year 1974 about Marriage

the husband guarantees that he is able to meet the needs of his wives and children, and the husband guarantees to treat his wives and children fairly.

Pakistan

In Pakistan marriages must be registered and reported to a Nikah Registrar. As described in Section 5 Muslim Family Law Ordinance 1961 explained that the married parties will receive a nikahnama form which will be maintained by the Nikah Registrar then will be recorded by the union Council. After that the parties will be given a copy of the marriage certificate.

Meanwhile polygamy in Pakistan have rules that no one is allowed to do polygamy except with the prior permission of the Arbitration Council, and also requires the consent of his wife or wives.

In Section 6 Muslim Family Law Ordinance 1961 explains that after husband obtaining the permit, the Chairman asks the applicant and his wife or old wives to appoint representatives. The Arbitration Council must record the reasons, if it considered appropriate then permission can be granted and the party makes a payment of a predetermined fee. In this case, the implementation in Pakistan is if the permission of the previous wife or the Arbitration Council has been obtained.

As long as the registration is not carried out, the legality of the marriage will not be affected. From a religious point of view, registration cannot be denied from a religious perspective.²⁴

Tunisia

In Tunisia, registration of marriage regulated in Majallah Al-Ahwal Al-Syakhshiyah and Law No. 3 year 1957. Legal marriage can only be proven by official evidence as regulated in a specific law.

Based on Law No. 3 year 1957, if a husband and wife marry not attended 2 fair witnesses and in front of a marriage registrar, it may get punishment under Law No. 3 year 1957 Article 36. Polygamy in Tunisia is absolutely prohibited. According to Yusdani, the prohibition on polygamy in Tunisia aims to uplift the dignity of women.²⁵ Because polygamy can allow unfair behavior to the wives and neglect of their children. Punishments were set for those who practiced polygamy, the penalty in Majallah Al-Ahwal Al-Syakhshiyah

Table 4. Implementation of Penalties Unregistered Marriage in Indonesia, Pakistan and Tunisia

No	Comparison	Indonesia	Pakistan	Tunisia
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²⁴ Tahir Mahmood, *Family Law Reform in The Muslim World* (New Delhi: The Indian Law Institute, 1972), 249

²⁵ Yusdani, *Menuju Fiqh Keluarga Progresif* (Yogyakarta: Kaukaba, 2011), 37.

1	Application	Not effectively applied	Carried out	Carried out
2	Requirements	Notify the intention of marriage to the Marriage Registrar	Registered and reported to a Nikah Registrar	Do in front of 2 witnesses or 2 witnesses and a Marriage Registrar

Table 5. Implementation of Penalties Polygamy in Indonesia, Pakistan and Tunisia

No	Comparison	Indonesia	Pakistan	Tunisia
1	Application	Not regulated and not applied	Carried out	Carried out
2	Requirements	With the reasons and certain conditions	Ask the wife's approval and ask the Arbitration Council for permission	Do polygamy

Conclusions

In Indonesia, anyone who does not notify the intention of marriage to the Marriage Registrar violating the provisions stipulated in Article 3 Government Regulations will be punished and subject to a maximum fine up to Rp. 7,500 or 7.500.000. And for polygamy is not regulated for penalties but in Criminal Code will be subject to imprisonment 5 years if do polygamy is carried out in sirri. In Pakistan, every marriage that is not carried out by a Marriage Registrar can be punished with a simple imprisonment sentence of up to 3 months or a maximum fine of 1000 rupees, or both. For polygamy in Pakistan, who not receive permission from the arbitration board must pay the entire dowry to their wife or wives and face a simple prison sentence extending up to 1 year or a fine of up to 5,000 rupees or both. In Tunisia who carries out a marriage without 2 witnesses or 2 witnesses and a marriage registrar, a husband and wife can be subject to imprisonment for 3 months. For polygamy in Tunisia who married when the previous marriage ended, will be subject to punishment year imprisonment and a fine of 240,000 Franch. Based on that comparison, unregistered marriage and polygamy in Indonesia, Pakistan, and Tunisia have different penalties

with their respective regulation. The most stringent sanctions and prohibitions imposed by the Tunisian state against polygamy without any requirements.

In Indonesia, implementation of penalty for unregistered marriage is carried out if does not notify the intention of marriage to the Marriage Registrar. For polygamy, penalties which are not regulated so not applied and only with the reasons and certain conditions. Whereas in Pakistan, implementation of penalty carried out marriage if is not registered and reported to a Nikah Registrar. For polygamy, penalties carried out if does not ask the wife's approval and ask the Arbitration Council for permission. In Tunisia implementation of penalties carried out if the marriage did not carry out in front of 2 witnesses or 2 witnesses and a Marriage Registrar. For polygamy, implementation of penalties carried out if do polygamy because polygamy absolutely prohibited. Based on that, Indonesia, Pakistan, and Tunisia have different implementation because have different applicable regulation. Implementation of penalties unregistered marriage in Indonesia not effectively applied, and for polygamy not regulated and not applied. Meanwhile penalties unregistered marriage and polygamy in Pakistan and Tunisia are carried out.

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