

Polygamy and Nikah Sirri Culture of Agen Thrifting Families in Teluk Nibung: An Islamic Family Law Perspective

Juli Mardiana¹

North Sumatra State Islamic University, Medan, Indonesian
Juli0201203137@uinsu.ac.id

Ibnu Radwan Siddik Turnip

North Sumatra State Islamic University, Medan, Indonesian
ibnuradwan@uinsu.ac.id

Fikri Haekal

Al-Azhar University, Cairo, Egypt
afiso@azhar.eg

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Abstract

Ideally, Islamic family law regulates polygamy with clear provisions to ensure justice and the welfare of all parties involved. In reality, within the culture of Agen Thrifting families in Teluk Nibung, Tanjung Balai, polygamy and nikah sirri (unregistered marriages) are often adopted as strategies to circumvent stringent legal regulations, creating issues related to legal status and family rights. This study aims to examine the practices of polygamy and nikah sirri in the context of Agen Thrifting families, focusing on how these practices interact with Islamic family law provisions. This article is categorized as qualitative field research. The methodology employed is a juridical-empirical approach, combining legal analysis with direct field observations. The research findings indicate that the culture of polygamy among Agen Thrifting families is often accompanied by nikah sirri as an effort to evade strict legal regulations. This results in negative impacts, including family separation and unclear status of children. Such practices undermine the principles of Islamic family law, particularly the assurance of family rights protection and legal recognition in accordance with justice principles.

Keyword: Polygamy, Nikah Sirri, Agen Thrifting.

¹ Corresponding Author

Abstrak

Idealnya, hukum keluarga Islam mengatur poligami dengan ketentuan yang jelas untuk memastikan keadilan dan kesejahteraan semua pihak yang terlibat. Realitasnya, dalam budaya keluarga Agen Thrifting di Teluk Nibung, Tanjung Balai, poligami dan nikah sirri seringkali diadopsi sebagai strategi untuk menghindari regulasi hukum yang ketat, menciptakan masalah terkait status hukum dan hak-hak keluarga. Penelitian ini bertujuan untuk mengkaji praktik poligami dan nikah sirri dalam konteks keluarga Agen Thrifting, dengan fokus pada bagaimana praktik ini berinteraksi dengan ketentuan hukum keluarga Islam. Artikel ini tergolong dalam penelitian lapangan berbasis kualitatif. Metodologi yang digunakan adalah pendekatan yuridis empiris yang memadukan analisis hukum dengan observasi langsung di lapangan. Temuan penelitian menunjukkan bahwa budaya poligami dalam keluarga Agen Thrifting seringkali disertai dengan nikah sirri sebagai upaya untuk menghindari regulasi hukum yang ketat. Hal ini mengakibatkan dampak negatif, termasuk terpisahnya keluarga dan ketidakjelasan status anak. Praktik tersebut mencederai khazanah hukum keluarga Islam khususnya kepastian perlindungan hak-hak keluarga, dan pengakuan hukum yang sah, sesuai dengan prinsip-prinsip keadilan.

Kata Kunci: Poligami, Nikah Sirri, Agen Thrifting

Introduction

Polygamy and Nikah Sirri are two concepts in Islam that often spark debates among scholars and the general public. Polygamy, explicitly permitted in the Quran with a maximum limit of four wives, is often viewed as a solution to various social issues such as infertility or women's welfare. However, the implementation of polygamy must meet strict conditions set by Islamic law, such as fairness in treating wives and the financial capacity to support them. On the other hand, Nikah Sirri, or marriage conducted without official registration with government authorities, although valid in religious terms, faces various challenges in its application. This is primarily related to the lack of legal status clarity and protection of rights for the parties involved, especially for women and children resulting from such marriages (Fata & Mustofa, 2013).

In the context of modern society, polygamy and Nikah Sirri are still practiced, particularly in areas with strong traditions and socio-economic conditions that support these practices (Mardi, 2019). In some communities, such as among the Agen Thrifting in Teluk Nibung, Tanjung Balai, these practices are quite prominent. Agen Thrifting, referring to individuals involved in the business of buying and selling high-quality second-hand goods, often possess considerable wealth. This wealth enables them to support more than one family, leading them to engage in polygamy or Nikah Sirri. These practices are not only seen as part of personal life but also reflect the social status and wealth of the individuals involved.

The phenomenon of polygamy and Nikah Sirri among Agen Thrifting in Teluk Nibung is intriguing for a deeper examination. The wealth possessed by these agents appears to give them greater freedom in determining their personal lives, including marriage. Polygamy is often practiced to meet the needs and expectations of wives whom they believe can be provided with a decent life. Meanwhile, Nikah Sirri is conducted as a way to avoid perceived complicated bureaucracy and to maintain privacy and reputation, particularly in communities highly concerned with social status. However, these practices raise various issues from the perspective of Islamic family law. Islam requires that polygamy be conducted with fairness, not only concerning material distribution but also attention, affection, and time given to each wife. Failure to meet these requirements makes the practice of polygamy non-compliant with Islamic law.

Additionally, while Nikah Sirri is religiously valid, it often has negative consequences, especially for wives and children who lack adequate legal protection. The informality of this marriage results in a loss of basic rights such as inheritance, financial support, and legal recognition of the child's status. In practice, many cases of polygamy and Nikah Sirri fail to meet the fairness criteria mandated by Islamic law. For example, wives may not receive equitable treatment in terms of attention and support, or children from Nikah Sirri marriages may not be legally recognized and thus lack access to their rights (Darmawijaya, 2015). This inevitably leads to injustice, which contradicts the fundamental principles of Islamic family law. Moreover, such injustices impact not only individuals but also the social and moral structure of society, where norms of justice and protection for the vulnerable should be upheld.

This situation raises important questions: To what extent do polygamy and Nikah Sirri practices among Agen Thrifting align with the principles of Islamic family law? Does the wealth of these agents influence the lax application of the law, or are there local cultural and traditional elements affecting these practices? Answering these questions is crucial for understanding how Islamic family law is applied in local contexts and how the law can ensure justice for all parties involved. Additionally, it is important to assess the social impact of these practices, especially regarding the status and legal protection of wives and children born from Nikah Sirri marriages. Do they receive adequate protection, or do they become victims of the injustices resulting from these practices? This assessment is vital to ensure that the implementation of Islamic family law genuinely protects the rights of every individual, without exception.

The main objective of this research is to thoroughly analyze the culture of polygamy and Nikah Sirri among Agen Thrifting in Teluk Nibung, Tanjung Balai, from the perspective of Islamic family law. This study aims to evaluate whether these practices conform to Islamic legal provisions and to identify the factors influencing the application of law in this local context. Consequently, this research is expected to make a significant contribution to understanding the social and legal dynamics related to polygamy and Nikah Sirri practices in Indonesia. Furthermore, this study aims to provide recommendations that can be used by policymakers and the community to address issues arising from these practices. With a better understanding of how Islamic family law is applied in local contexts, it is hoped

that more just and humane solutions aligned with the principles of justice and protection upheld by Islam can be found.

Literature Review

Throughout the research, several studies relevant to the author's research were found. Khairani Mukdin and Asmanidar, in their work titled; "*Poligami dan Kaitan dengan Nikah Sirri*," have proposed constructive conclusions on how polygamy, although permitted in Islam, must adhere to strict rules such as the limitation on the number of wives and fairness in providing support. Violations of these rules, particularly in the context of Nikah Sirri, can lead to various negative consequences, including serious legal implications. Unregistered Nikah Sirri, such as one without the presence of a guardian, can result in the annulment of the marriage by the Sharia Court and criminal penalties by the State Court. This work emphasizes the importance of adherence to Islamic law to protect all parties involved and avoid harmful legal and social impacts (Mukdin & Asmanidar, 2022). This article is similar to the author's study in the context of polygamy and Nikah Sirri. The difference is that while Khairani and Asmanidar discuss it in a general context, the author focuses on a specific region (case study), particularly within Agen Thrifting families.

Nurus Sa'adah et al., in their publication titled; "*Poligami dalam Lintas Budaya dan Agama: Meta-Interpretation Approach*," have conducted a very systematic study, highlighting that differing views on polygamy enrich scientific discussion. The discussion of polygamy, which never reaches a consensus, becomes a strength in scientific development as experts from various fields continue to explore aspects such as education, health, psychology, economics, and law. This research, based on various interpretations of the Quran and Hadith, not only deepens the understanding of polygamy but also promotes scientific advancement in various disciplines (Sa'adah et al., 2015). This publication is similar to the author's research in the context of polygamy and culture. The difference is that while Nurus Sa'adah approaches polygamy from a meta-interpretation perspective, the author examines it from the perspective of Islamic family law.

Anwar Sadat and Ipandang, in their article titled; "*Dinamika Poligami di Tengah Budaya Oligarkis-Patriarkis (Studi pada Masyarakat Poliwali Mandar dan Konawe Sulawesi)*," have described in great detail how their findings show that the practice of polygamy among the elite KPMSB and KKST communities is deeply rooted in an oligarchic-patriarchal culture that places men as patrons. Although values of justice, egalitarianism, and humanism are recognized, this culture still positions women beneath men. Additionally, theological beliefs in Islam, based on the interpretation of QS. an-Nisa' verse 3, provide legitimacy for the practice of polygamy, provided that men can act justly in terms of material support. This combination of culture and belief makes polygamy accepted and not considered taboo in these societies (Sadat & Ipandang, 2020). This research correlates with the author's study, particularly in integrating polygamy and culture within a case study. The difference is that while the above research focuses on pro-polygamy

communities, the author's study starts from the perspective of communities that oppose polygamy and questions its validity in Agen Thrifting families.

Based on the three publications above and after reviewing dozens of other works, no detailed and comprehensive study has been found on polygamy and Nikah Sirri in Agen Thrifting families in Teluk Nibung. This indicates that empirically, the author's study has authentic and original value. Regarding the position of this research relative to existing works, it is how the review of Islamic family law examines the culture of polygamy and Nikah Sirri in Agen Thrifting families in Teluk Nibung, Tanjung Balai. This practice is no longer a public secret, especially in the eyes of the local community. However, no study has yet intensely discussed it.

Research Method

This article falls under qualitative field research. The methodology used is an empirical legal approach that combines legal analysis with direct field observation. This approach is chosen to deeply understand how polygamy and Nikah Sirri culture develop among Agen Thrifting families in Teluk Nibung, Tanjung Balai, and how these practices are viewed from the perspective of Islamic family law. Secondary data used includes literature related to Islamic law, legislation, and various relevant theoretical studies. Meanwhile, primary data is obtained through interviews, observations, and direct surveys with research subjects who are practitioners and local community members. The combination of these two types of data provides a strong foundation for analyzing the phenomenon under study. This research is descriptive using an interpretive paradigm. This paradigm allows the researcher to describe social realities naturally and as they are, without interventions that could alter the social conditions being studied.

In this context, the researcher aims to understand and describe how polygamy and Nikah Sirri culture among Agen Thrifting families are formed, as well as the factors influencing the sustainability of these practices. Thus, this research not only describes the phenomenon statically but also seeks to understand the social and cultural dynamics affecting polygamy and Nikah Sirri practices in that society. After secondary and primary data are collected, the next step is to systematically analyze the data. This analysis aims to identify specific patterns emerging from the data, both those supporting and those contradicting the framework of Islamic family law. The results of the analysis are then described in narrative form, detailing how polygamy and Nikah Sirri culture are practiced and perceived within the context of Islamic law.

Agen Thrifting Families

Agen Thrifting families in Tanjungbalai City are a social group with unique characteristics within the local community. Originating from the traditional concept of family, referred to as '*kulawarga*' in Sanskrit (meaning 'kin group'), a family is essentially the smallest unit of society comprising a head of the family and several members living together in one house. They live in mutual dependence to

meet daily needs. A family can be viewed from two perspectives: the nuclear family, consisting of husband, wife, and children, and the extended family, which includes relatives such as uncles, aunts, grandparents, and others (Hasibuan et al., 2023). However, in the Agen Thrifting community in Tanjungbalai, this family concept not only reflects blood relationships or cohabitation but also joint involvement in the business that serves as their primary livelihood.

Thrifting in Indonesia, especially in Tanjungbalai City, refers to the practice of buying and selling second-hand imported goods, primarily clothing, shoes, and bags from abroad. Although the Ministry of Finance and the Indonesian government have established that these items are illegal imports due to unpaid taxes and duties, the phenomenon of thrifting remains widespread. Minister of Trade Regulation No. 18 of 2021 explicitly prohibits the import of these goods, yet the thrifting activities continue significantly. This indicates a gap between government regulations and the actual practices on the ground, where there is high market demand for thrifting items (Fitria et al., 2022).

Agen thrifting in Tanjungbalai play a crucial role in the distribution of these illegal imported goods. They act as intermediaries between the sources of goods abroad and the local market, particularly Monza Market, known as the hub for thrifting goods in the city. Government Regulation No. 29 of 2021 explains that an agent is a business actor who acts as an intermediary for and on behalf of the appointing party, based on an agreement in exchange for a commission. In the context of thrifting, agents do not own or control the marketed goods but earn a commission from each successful transaction. This profession is highly promising as, besides clothing, they also sell high-value branded items like shoes and bags.

The family structure of thrifting agents generally does not differ from other families in the community. The head of the family, usually the father, acts as a Monza market entrepreneur or thrifting agent. The mother often fulfills traditional roles as a housewife, but it is not uncommon for them to participate in the business, either directly or indirectly (SA, Interview, 2024). Children in these families grow up familiar with the world of thrifting, and in many cases, they are also involved in the family business from a young age. The involvement of all family members in this business creates a family unit that functions not only as a social unit but also as an economic unit. Agen Thrifting families in Tanjungbalai play a significant role in the local economy.

Despite their business being based on activities that are officially prohibited, thrifting agents have become an integral part of the trade network in the city. Monza Market, a hub for thrifting goods, has become an economic icon in Tanjungbalai, where various imported products are available at more affordable prices than new products. This attracts many consumers, not only from Tanjungbalai but also from surrounding areas. The presence of this market demonstrates the deep-rooted nature of thrifting culture in Tanjungbalai society. The existence of Agen Thrifting families in Tanjungbalai is well-known and recognized by the community. Based on research involving 30 city residents aged 20-25, all respondents (100%) reported being aware of Monza entrepreneurs or thrifting agents in their city.

This indicates that thrifting agents are not just economic actors but also a crucial part of Tanjungbalai's social identity. The terms '*tokeh*' or '*Monza*

entrepreneur' have become very familiar among the community, reflecting how this profession has become part of the local culture. In terms of law and regulation, the presence of thrifting agents is indeed controversial. On the one hand, they contribute significantly to the city's economy, but on the other hand, they also violate government regulations. This contradiction creates a complex dilemma for local and national authorities in enforcing the law. Nevertheless, thrifting practices continue due to high demand and substantial economic benefits for these business actors (Siregar, 2022).

This reflects an imbalance between existing regulations and the reality on the ground. The cultural impact of thrifting on the lives of Agen Thrifting families is also noteworthy. Although involved in activities that are illegal according to the law, these families have developed distinct values and cultures within their community. They are often viewed as successful and independent business people, despite their activities existing in a legal gray area. Values such as independence, hard work, and risk-taking characterize Agen Thrifting families, adding a complex dimension to understanding their role in society (RSP, Interview, 2024). Overall, Agen Thrifting families in Tanjungbalai function not only as important economic units but also as social entities with broad influence in the community. They are known not only for their profession but also for their role in sustaining and developing the thrifting culture in the city. Despite challenges from legal and regulatory perspectives, thrifting agents remain a crucial part of the trading ecosystem in Tanjungbalai.

Polygamy Culture Among Thrifting Agent Families

The culture of polygamy has become a prominent topic in the study of Islamic law and society, particularly in the Teluk Nibung sub-district of Tanjung Balai. The term polygamy itself originates from Greek, where 'poli' means many, and 'gamos' means marriage. In the Islamic context, polygamy refers to the practice of a man marrying more than one woman. Although Islamic law allows for the practice of polygamy, it is often restricted by various rules and stringent requirements, as outlined in the Compilation of Islamic Law (KHI) and the Marriage Law in Indonesia (Amirulkamar et al., 2023). In the social reality of Teluk Nibung, polygamy has become part of a certain culture, especially among families engaged in the thrifting business or tokeh Monza.

Agen thrifting or tokeh Monza refers to business operators who import and distribute second-hand imported goods, such as clothing, shoes, and accessories in Teluk Nibung. This profession is highly promising economically, leading many thrifting agents in the area to live in luxury and attain high social status. The high economic status often influences their lifestyle, including their marital practices. According to research in the area, around 74% of respondents, who are local residents, confirmed that the majority of thrifting agent families are involved in polygamous practices (PKT, Interview, 2024). This data indicates that polygamy is not only accepted but has also become an ingrained culture within this community. The culture of polygamy among thrifting agents can be linked to the material wealth they possess.

The high economic status enables them to meet the requirements for polygamy stipulated in the KHI and the Marriage Law. One essential requirement for polygamy is the husband's ability to treat all wives fairly, including in terms of financial support. Successful thrifting agents typically have sufficient financial resources to support multiple families, thus meeting this requirement. However, even though they are economically capable, polygamous practices are often conducted without the knowledge of the first wife, which can lead to conflicts within the household. An example reflecting this reality is the case of RSP, a child from a thrifting agent family in Teluk Nibung. In an interview, RSP revealed that his father practiced polygamy without his mother's knowledge (RSP, Interview, 2024).

The first wife only learned of the second marriage after the second wife had passed away. This incident illustrates how economic power can provide access to polygamous practices but also create complex family dynamics. RSP's mother eventually accepted this situation and even cared for the child of the second wife, showing social acceptance of polygamy despite its secretive nature. In cultural contexts, relationships within thrifting agent families often reflect property owner marriage patterns, where the husband has complete control over family decisions (RSP, Interview, 2024). This pattern depicts a strong dominance of the husband, where the wife must comply with the husband's wishes. Polygamy, in this case, frequently occurs without the consent of the first wife, in line with the patriarchal culture prevalent in this community. This condition reflects how power and wealth can influence marital dynamics and family structure in the region.

Despite the stringent requirements for polygamy outlined in the KHI and the Marriage Law in Indonesia, the practice continues for various reasons. In some cases, husbands claim they engage in polygamy due to unmet desires by the first wife or social reasons like wanting to protect widows without livelihoods. However, these reasons often do not align with the legal requirements, which mandate the first wife's consent and the husband's ability to be fair (Nurlaelawati, 2020). Additionally, other requirements such as the husband's financial capacity and assurance that he will treat all wives and children fairly also pose challenges in the implementation of polygamy in Teluk Nibung. Although thrifting agents generally have sufficient wealth, the aspect of fairness is often neglected. This neglect can lead to dissatisfaction and conflicts within the household, ultimately disrupting family harmony. Regarding legal regulation, the government, through the Religious Courts, has the authority to grant polygamy permits based on the conditions set forth in Law No. 1 of 1974 and the KHI.

The Religious Courts must ensure that all requirements, including the first wife's consent and the husband's ability to be fair, are met before granting polygamy permits. However, in practice, many cases of polygamy in Teluk Nibung occur without court approval, indicating a discrepancy between the law and social practices. Overall, the culture of polygamy among thrifting agent families in Teluk Nibung, Tanjung Balai, reflects complex socio-economic and cultural dynamics. Despite stringent legal regulations, polygamy remains prevalent with various justifications. Material wealth, social status, and patriarchal culture play significant roles in driving and sustaining this practice. Therefore, further studies are needed

to understand the long-term impact of polygamy culture on family structure and society in the region.

From Polygamy to Nikah Sirri: Strategies to Circumvent Legal Regulations

The phenomenon of Nikah Sirri among the thriving agent families in the Teluk Nibung sub-district of Tanjung Balai highlights the significant impact of strict regulations on polygamy in Indonesia. Law No. 1 of 1974 imposes strict limitations on husbands wishing to practice polygamy, requiring permission from the Religious Court. This provision is intended to prevent polygamy from becoming common and uncontrolled. However, the strictness of these regulations has led some husbands, particularly among families with high social status such as thriving agents, to opt for an alternative route—Nikah Sirri—as a solution to their desire for polygamy without having to comply with the cumbersome procedures (Zainuddin & Ulya, 2021).

Law No. 1 of 1974 stipulates that a husband cannot engage in polygamy without permission from the Religious Court, which is tasked with examining the conditions that must be met. This licensing process includes approval from the first wife, the husband's ability to provide financial support, and assurance of fairness towards all wives and children. These provisions reflect an effort to protect the rights of wives and children within the family structure. However, this process is often viewed as a burden by some men, especially in high-economic-status families like those of thriving agents, leading them to choose Nikah Sirri as a shortcut. Nikah Sirri, conducted without official registration and without involving the court, creates serious legal issues. Article 44 of Law No. 1 of 1974 explicitly prohibits the registration of marriages without permission from the Religious Court (Khoiriyah, 2017).

Therefore, Nikah Sirri is considered illegal and lacks legal force in the eyes of the state. Although such marriages may be considered valid in religious terms, they create legal uncertainties, particularly concerning the rights of wives and children from such marriages. In the case of RSP's family in Perjuangan Village, Teluk Nibung sub-district, the injustices arising from Nikah Sirri are evident. RSP's father practiced polygamy without the first wife's knowledge, demonstrating a violation of the justice principles mandated by law (RSP, interview, 2024). The first wife's ignorance of the second marriage leads to legal and social uncertainties, creating conflicts that can disrupt family stability. This practice indicates that strict regulations often compel husbands to take unlawful shortcuts. The Compilation of Islamic Law (KHI) provides guidelines on marriage validation (*isbat nikah*), allowing for the recognition of unregistered marriages under certain circumstances, such as loss of a marriage certificate or doubts about the marriage's validity.

However, *isbat nikah* is only applicable in limited situations and does not change the fact that Nikah Sirri conducted without initial permission is still considered illegal. From a *fiqh* perspective, the conditions for a valid marriage include the presence of *ijab qabul* (offer and acceptance) in front of qualified witnesses. Sheikh Jaad Al Haq Ali Jaad Al Haq emphasizes the importance of these marriage conditions in determining the validity of a marriage. Nikah Sirri, if it

meets the fiqh requirements, might be considered valid religiously but still faces legal challenges from the state that does not recognize such marriages. This disparity between religious and state law can cause conflicts in family law application (Mukdin & Asmanidar, 2022).

Nikah Sirri among thrifting agent families is often chosen as an alternative to avoid the complex licensing requirements. For those with high economic status and social power, stringent licensing procedures are viewed as impractical obstacles. Nikah Sirri provides a quick solution without involving time-consuming and costly legal processes. However, this decision can have negative impacts, especially for the first wife and children from the legitimate marriage who are unaware of the second wife. The social impact of Nikah Sirri includes uncertainty for the first wife and children from the illegitimate marriage (Firdaus et al., 2021). The first wife, unaware of the second marriage, often experiences feelings of injustice and neglect of her rights. Children from Nikah Sirri also face issues of unrecognized legal rights, leaving them without the same protection and rights as children from legitimate marriages.

While Nikah Sirri may be viewed as a better alternative to *zina* (adultery) from a religious perspective, it is still important to comply with national laws to avoid future legal consequences. Husbands intending to remarry should follow the applicable licensing procedures, obtain the first wife's consent, and officially register the marriage. This approach provides better legal protection for all parties and reduces potential conflicts in the future (Sufrizal et al., 2022). Overall, the culture of Nikah Sirri among thrifting agent families reflects a misalignment between strict polygamy regulations and evolving social practices. Although Nikah Sirri may appear as a temporary solution, this approach neglects legal protections and individual rights guaranteed by law. Wise and transparent handling of polygamous marriages will help address arising issues and ensure that all parties receive their rights fairly.

The Phenomenon of Separated Families among Thrifting Agents

The families of thrifting agents or '*Tokeh Monza*' in Teluk Nibung sub-district, Tanjung Balai, are clear examples of a high socio-economic class with a hedonistic lifestyle. These families are known for their opulent lifestyle, which includes owning multiple houses and other assets. With abundant income, they tend to own more than one property, often leading to separation of living spaces among family members. The decision to own multiple houses not only reflects their social status but also significantly impacts family dynamics and household harmony (Siregar, 2022). The separation of living spaces among thrifting agent families affects their daily lives. Each family member has the freedom to choose their own residence, often separate from other family members.

This separation reduces the quality of relationships among family members and decreases the time spent together. The busy schedules of family heads and the different locations of residences make it difficult to maintain family harmony and thoroughly monitor children's development. Law No. 1 of 1974 emphasizes the responsibilities of husbands and wives in upholding the household as the foundation of society. Article 30 underscores that couples are obligated to create a

safe and harmonious household. Articles 31(3) and 32(1) and (2) affirm that husbands and wives must have a permanent residence and determine their living location together. However, the lifestyle adopted by thrifting agent families often contradicts these provisions (Juita et al., 2017).

In daily practice, thrifting agent families tend to separate their residences informally. For example, the wife of a thrifting agent revealed that her husband has separate houses for his second wife, leading to divided attention between his legitimate wife and children from the legitimate marriage, and his second wife and children from the secret marriage. This creates an imbalance in attention and family responsibilities, impacting the well-being of all involved. Interviews with the second daughter of a thrifting agent family, MSP, reveal that her father owns two separate houses, one for his legitimate family and another for his second wife. This separation of living spaces causes disruptions in family relationships and difficulties in fulfilling parental obligations (MSP, interview, 2024). This leads to an inability to meet the responsibilities outlined in Article 34 of Law No. 1 of 1974, which states that husbands must provide financial support and wives must manage household affairs.

This lifestyle not only affects relationships between husband and wife but also with children. The separated lifestyle in thrifting agent families creates a pattern of parental relationships that may be neglectful or even dismissive. Such neglectful parental relationships can lead to the development of aggressive, introverted, or even sadistic personalities in children. Parents' inability to provide full attention to their children can result in emotional disturbances and suboptimal child development. According to some experts, neglectful or dismissive parenting can be a major cause of behavioral problems in children (Sari & Paramita, 2022). The inability to balance attention and responsibilities in separated families leads to significant negative impacts on children's mental and emotional health. In the context of thrifting agent families, this issue is exacerbated by a hedonistic lifestyle and unfavorable living arrangements.

Law No. 1 of 1974 provides clear guidance on the responsibilities of husbands and wives, but its implementation in thrifting agent families shows a discrepancy with these legal principles. Families living separately and leading hedonistic lifestyles often face major challenges in fulfilling their legal obligations. This indicates a need for stricter law enforcement and increased awareness of family welfare. From an Islamic law perspective, this issue highlights the importance of principles outlined in sharia regarding family rights and responsibilities. According to Islamic teachings, a husband must fulfill his responsibilities towards his wife and children fairly and wisely. The existence of unregistered secret marriages can be considered contrary to the principles of justice and responsibility in family life as taught by Islam (Ma'u et al., 2023). In fiqh, a husband is expected to maintain household harmony by meeting financial and attention obligations proportionately to all wives and children. Therefore, the application of Islamic law in this context points to the need for comprehensive fulfillment of rights and obligations to achieve family welfare and harmony.

Agents and the Problematics of Children's Status

The issue of unregistered marriages (*nikah sirri*) within the families of thrifting agents faces serious challenges, particularly concerning the legal status of children born from such unions. One of the main problems is the lack of legal clarity regarding the status of these children, which affects their rights and kinship relations within the applicable legal system. This issue becomes more complex in families with multiple homes and children from unregistered marriages. Children's rights are regulated by various laws in Indonesia, including Law No. 39 of 1999 on Human Rights and Law No. 23 of 2003 on Child Protection. Both laws emphasize the importance of recognition of lineage or descent as a fundamental aspect of children's rights (Husen et al., 2023). Lineage or kinship is crucial because it determines children's rights in terms of inheritance, legal protection, and family relations.

In the context of thrifting agent families, there are cases where a man has children from a mistress resulting from an unregistered marriage, i.e., a marriage not officially recorded. Interviews with one of the wives of a thrifting agent, Mrs. SA, revealed that her husband has a child from his mistress who is eight years old and attending the second grade of elementary school, and another child from a different mistress who is now 13 years old. These children are born from marriages that are not legally recognized and not officially registered. According to Law No. 1 of 1974 on Marriage, Article 42 states that; "*A legitimate child is a child born within or as a result of a legitimate marriage.*" This indicates that to be recognized as a legitimate child legally, the child must be born from a registered and officially recognized marriage. Article 43 of the same law states that children born outside of marriage only have civil relationships with their mother and her family (Fadhilah, 2021). Children from illegitimate marriages or *nikah sirri* do not have legal relationships with their fathers, meaning their rights regarding inheritance and kinship status are unclear.

The consequence of the legal invalidity of *nikah sirri* is that children born from such marriages are not officially recognized as legitimate children. This has significant implications for their rights, including inheritance rights and family recognition. Children from unregistered marriages cannot automatically become heirs and do not have the same rights as children from legitimate marriages. The mother and children from a *nikah sirri* must apply for marriage validation (*isbat nikah*) through the Religious Court to obtain legal recognition. Legal regulations concerning *nikah sirri* and the status of children from such marriages are clear in the legislation (Nurhadi, 2019). If a marriage is not recorded by the marriage registration authority, it is not legally recognized, and the rights of children from such a marriage are also not acknowledged. This creates legal uncertainty and potential conflicts regarding inheritance rights and kinship relations.

In practice, thrifting agent families involved in *nikah sirri* face significant difficulties in arranging the legal status of their children. They must tackle the challenges of establishing their children's rights and kinship status, which often involves complex and time-consuming legal processes. This also highlights the need for reforms in the legal system to better accommodate situations of unregistered marriages and provide better protection for children born from such marriages. From an Islamic law perspective, establishing a child's lineage is crucial

as it determines the mahram (kinship) relationships and related rights within the family. In Islam, children from legitimate marriages are fully recognized and have clear rights, including inheritance and family relations (Siregar, 2022).

However, nikah sirri that is not recorded in the official legal system may conflict with the principles of justice and responsibility as outlined in Islamic law. Thus, it is important to ensure that every marriage, including nikah sirri, is recognized and legally registered to protect children's rights and ensure family justice. In conclusion, the status of children from nikah sirri within thrifting agent families is a complex issue involving various legal and social challenges. It is crucial to address this issue carefully and ensure that children's rights are fulfilled fairly and in accordance with both national and Islamic legal regulations.

Conclusion

The culture of polygamy within the thrifting agent families, who are a high socioeconomic group in Tanjung Balai, reflects a tendency to engage in multiple marriages, both official and unofficial. Polygamy in this environment often becomes part of a hedonistic lifestyle that mirrors their economic capability to maintain multiple homes and families. From an Islamic legal perspective, polygamy is permissible under certain conditions, but it should be conducted in accordance with Islamic law and legally recognized. Nikah sirri, as one of the strategies employed by thrifting agent families to circumvent strict legal regulations regarding polygamy, presents significant challenges. By not officially registering the marriage, they attempt to avoid the licensing requirements and oversight stipulated by Law No. 1 of 1974. From an Islamic legal perspective, nikah sirri can be acceptable under certain conditions but must meet the requirements for a valid marriage contract and receive recognition from relevant authorities.

Evading national legal regulations can lead to legal and social issues, especially concerning the recognition and rights of children born from such marriages. The negative impacts of polygamy and nikah sirri within thrifting agent families include significant issues such as family separation and unclear status of children. From an Islamic legal viewpoint, a valid marriage must be officially recorded and recognized to ensure the rights of all parties, especially the children. The separation of living arrangements and lack of parental attention can disrupt family harmony and child development. The status of children from nikah sirri is often unclear in legal contexts, leading to uncertainty regarding inheritance rights and kinship relationships. Therefore, it is essential to ensure that practices of polygamy and nikah sirri comply with Islamic legal provisions and receive proper legal recognition to protect the rights of all family members.

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