



Cohabitation By Parties Who Are Still Bound By Marriage And Its Qualification As An Unlawful Act

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Abstract

Background. The practical implications of cohabitation remain a primary topic within the realms of moral and criminal law; however, studies addressing cohabitation in terms of civil liability for parties still bound by marriage are limited.

Aims. This research aims to discuss cohabitation among married individuals based on the perspective of Law Number 1 of 1974 concerning Marriage and to determine its qualification as an unlawful act (PMH) referring to Article 1365 of the Civil Code.

Methods. The study employs a normative legal method, using legislation and conceptual analysis.

Result. The findings demonstrate that cohabitation contradicts the duty of fidelity in marriage and lacks legal legitimacy since it occurs without a valid bond, spousal consent, or court approval.

Conclusion. Furthermore, cohabitation meets the criteria of an unlawful act, including an act, unlawfulness, fault, material and immaterial losses, and a causal relationship, thereby enabling the involved parties to be held civilly liable for damages.

Keywords: Cohabitation, Marriage, Tort Law



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INTRODUCTION

The marriage relationship is based on Law Number 1 of 1974, namely the external and inner bond of a man and a woman, which aims to create a harmonious and eternal family. ¹

¹ Janicka, I. L., & Szymczak, W. *Can Close Romantic Relationships Last? The Commitment of Partners in Married and Cohabitant Couples*. Personality Psychology, Volume 7 Number 3, 2019, pages 203-211.

The consequence of this marriage is the rights and obligations of the couple, especially in making a commitment to love, respect, and be loyal to each other with their legal partners. The law stipulates this obligation to maintain the harmony of the couple in their household.²

The relationship has many aspects that must be fulfilled by the couple. One of them is the loyalty between husband and wife. Fidelity is not only a moral issue but also creates a legal obligation for married couples to maintain the integrity of their relationship. Violations of fidelity can cause harm to the spouse, as well as have consequences. Therefore, the law in addition to regulating the validity of marriage, also includes integrity and sustainability in it.³

Socially, many violations of loyalty occur and invite a negative impact on the integrity of their household. According to information published from the Central Statistics Agency of West Java Province during 2025, there have been 3,270 cases of divorce caused by one of the married couples leaving the couple. In Kuningan City, there were 1,357 cases of divorce caused by conflicts and disputes that continued to occur in their households, and there were even cases of polygamy and adultery. In Cirebon City, there were also 1,885 divorces caused by similar causal patterns, including the existence of a relationship of factors with third parties.⁴

The phenomenon of a relationship with a third party in marriage shows that violations of fidelity in the marital relationship are not always momentary. These relationships can develop until they become more intense and sustainable. In some cases, the parties who are still in the marital relationship want a more serious relationship with a third party. This relationship can lead to the implementation of polygamy in order to obtain a definite legal status.⁵ However, not everyone in a marital relationship dares to take this path so the relationship between the two parties is carried out secretly and without a legal marital bond.

Indeed, hidden relationships can develop into a life together. The parties are truly exercising emotional and sexual union, living in the same house, sharing with each other, and

² Ibnu Agung Handoyo, 'Thesis: The Rights and Obligations of Husband and Wife in the Household from the Perspective of the Quran' (Jakarta: Ptiq University Jakarta, 2023), p. 5.

³ Ali, N. B. B., Ramli, A. B., & Ahmad, H. B. *Maqasid Shariah in Family Institutions: Analysis of the Prenuptial Course Module in Malaysia*. Mazahib Journal of Islamic Legal Thought, Volume 19 Number 2, 2020, pages 247-280.

⁴ Central Statistics Agency of Indonesia, *Data on the number of divorces by district/city and factors causing divorce (cases) in West Java Province 2025* [Dataset], accessed February 15, 2025, at 11:36.WIB, Number of Divorces by Regency/City¹ and Factors Causing Divorce (cases) in West Java Province, 2025 - Statistics Table - Central Statistics Agency of West Java Province.

⁵ van Weeren, R., & de Moor, T. Counting couples: *The Marriage Banns Registers of The City of Amsterdam*, Social and economic history. Research Data Journal for the Humanities and Social Sciences, Volume 8 Number 3, 2021, pages 1-45.

supporting each other in their basic needs. This kind of life is lived like a legal couple without a legal bond. The social science term for this type of relationship is cohabitation.⁶

The actions in question do not only represent a violation of moral norms, but also have the potential to violate legal obligations in⁷ marriage. Fidelity and modesty in a marital relationship are those demanded by moral norms. Article 33 of Law Number 1 of 1974, namely married couples are obliged to form a family based on love, mutual respect, and mutual loyalty. Violating one of the obligations can threaten the integrity of the household. As a result, a legal spouse can suffer losses, both material and immaterial.

So far, the study of cohabitation has been identified primarily with moral law and criminal law⁸. Using a civil law approach to cohabitation as a basis for accountability has not been widely used. The real impact experienced by legal partners is economic, psychological, and capable of affecting honor with even greater legal consequences. The state of this phenomenon shows that there is a deficiency in the development of civil law arguments on the issue.

There is relevance to be developed in relation to the analysis of cohabitation as a basis for civil liability. The consequences of unlawful acts are the basis for assessing losses incurred by other parties in the state judicial procedural law based on Article 1365 of the Civil Code. Infidelity expressed through cohabitation has characteristics that allow facts to be fulfilled. The existence of coexistence that is manifested consciously and continuously can be defined as a violation of obligations and standards of morality. In addition, legally provable losses can also occur due to the risks of the relationship. So, cohabitation can be categorized as an act that violates the law.

The study of cohabitation as the basis for civil liability is also relevant to be developed. The provisions of the PMH, namely Article 1365 of the Civil Code, provide a basis for assessing actions that are detrimental to other parties. Disloyalty that is formed because living with other parties has elements that can meet the requirements. Living together consciously and constantly can be seen as an act of violating legal obligations as well as moral expectations.

⁶ Harry T. Reis and Susan Sprecher, *Encyclopedia of Human Relationships* (Thousand Oaks, CA: SAGE Publications, 2009), p. 85 say cohabitation is cohabitation between two adults who are intimately involved, have no family relationships, and live in the same place.

⁷ Budi Sulistiyono, et al., *The Urgency of the Criminalization of Cohabitation in Indonesian Criminal Law*, Journal of Law and Economic Development, Volume 6 Number 2, 2018, pages 166-182.

⁸ Dita Melati Putri, et al., Juridical Analysis of Cohabitation as a Criminal Offense in Article 412 of the New Criminal Code, Indonesian Legal Media, Volume 3 Number 4, 2025, pages 452-461.

The impact of the act of cohabitation while still bound by marriage has the potential to demand legally proven damages. So that the action can be placed as PMH.

Referring to this presentation, this study is directed to examine cohabitation by parties who are still bound in marriage when viewed from the perspective of marriage law and civil law. Not every infidelity can be designated as PMH. Momentary infidelity is difficult to prove and does not necessarily cause concrete damage. However, infidelity that takes the form of cohabitation has a different nature of deeds because it is carried out continuously consciously.

LITERATURE REVIEW

Marriage is interpreted as an external and inner bond between a man and a woman by creating a family unit for eternity. The provisions of the ordinance of a marriage are also the legal consequences of these actions for the parties who have entered into the marriage and have been written in the marriage law.⁹

Marriage is not only about regulating personal behavior relationships that are regulated by law, but also about creating legal relationships that have limits and consequences. The basis for assessing each other's behavior related to the existence of marital obligations is mandated in Article 33 of Law Number 1 of 1974 concerning Marriage, namely, "Husband and wife are obliged to love, be faithful and respect each other. Thus, any action that is contrary to the obligation can be considered a violation of the law of marriage."¹⁰

Definition of Cheating and Cohabitation

The etymological meaning of infidelity based on the Indonesian online dictionary (KBBI), is unprincipled, indirect, cheating, unfaithful, tending to deviate, and hiding something for personal interests.¹¹ In marriage, infidelity is a type of deviant behavior that is secretly committed by family members without their partner's knowledge. Includes sexual and emotional attachment, when making decisions, dishonesty in finances, and deviant social relationships with third parties.¹²

⁹ Elfirda Ade Putri, *Marriage and Family Law* (Purwokerto: CV Publisher. Pena Persada, 2021), p. 3.

¹⁰ Madeline Metta Tanudjaja, et al., *Lawsuit for Unlawful Acts After Divorce for Compensation for Losses Due to Infidelity (Study of Judgments in Indonesia)*, Lex Patrimonium Journal, Volume 4 Number 3, pages 1-15.

¹¹ Dictionary Compilation Team for Language Development and Development of the Ministry of Education and Culture, *Great Dictionary of Indonesian Language*, (Jakarta: Bali Pustaka, 1989), page 802, <https://kbbi.web.id/selingkuh>, retrieved April 09, 2026, at 19.20 WIB.

¹² Kurnia Muhajarah, *Husband's Infidelity to Wife and Efforts to Handle It*, SAWWA Journal, Volume 12 Number 1, 2016, pages 23-40.

The term infidelity includes a person's sexual or emotional relationship when he or she has a commitment to the other party. This act is evidence of a violation of loyalty, trust, and emotional and sexual exclusivity that must be maintained within the sacred boundaries of the established marital relationship. This kind of behavior is usually characterized by a major change in the way the perpetrator presents themselves, as they will be closed and defensive about their actions and cover up what they have done with lies.¹³

Sociological cohabitation in Indonesia is also called "kumpul kebo"¹⁴ is one of the real manifestations of infidelity. Cohabitation is a relationship between two people who live together, but are not bound by marriage based on law or religion.¹⁵ Because cohabitation shows emotional and even sexual attachment with a third party, it is a manifestation of the type of infidelity of couples living together.¹⁶ Cohabitation is not only seen as a social deviation, but also a violation of the values of loyalty and commitment in the institution of marriage.¹⁷

Unlawful Acts under Civil Law

Acts that deviate from the law are determined through Article 1365 of the Civil Code basically all behaviors that are contrary to the law and detrimental to others, then the perpetrator is responsible for the consequences of his actions. This concept recognizes a type of responsibility that instead of occurring due to an agreement, arises through the act of harm to the other party. In addition, behavior against the rule of law in Article 1365 of the Civil Code has certain conditions, namely: the existence of an act, its unlawful nature, the existence of errors, losses, and causality as a basis for judges to assess claims of criminal responsibility.¹⁸

¹³ Blow, A.J. and Hartnett, K. (2005), *Infidelity In Committed Relationships II: A Substantive Review*, Journal of Marital and Family Therapy, Volume 31 Number 2, pages 217-233.

¹⁴ Putri, D. S., et al., *Regulation of the Crime of Adultery in the RKUHP*. Journal of Studia Legalia: Journal of Legal Science, Volume 3 Number 1, 2022, pages 27-32. <https://doi.org/10.61084/jsl.v3i01.22> explained that kumpul kebo comes from the Dutch term koempoel means kumpul and gebouw means building. Because of the pronunciation of the Indonesian people, it has changed to kumpul kebo which analogizes a buffalo that likes to gather when it is bathing in mud.

¹⁵ Ana Sholikah, Rahmatul Hidayati, and Budi Parmono, Legal Regulation on the Criminalization of People Who Commit Cohabitation (Kumpul Kebo), *Justice* 10.1 (2024), p. 3. Cohabitation is defined as living in a house without marital ties (see <https://kbbi.web.id/kohabitasi> The Great Dictionary of the Indonesian Language, accessed on April 8, 2026, at 07.11 WIB February 2023).

¹⁶ Cohabitation is a word absorbed from the English word *Cohabitation* which is interpreted as the behavior of living and having sexual relations with someone, especially with someone who is not married. (see Cambridge Advanced Learner's Dictionary & Thesaurus via, accessed on April 8, 2026, at 6:52 a.m. February 2023. <https://dictionary.cambridge.org/dictionary/english/cohabitation>).

¹⁷ Emirza Nur Wicaksono, *Cohabitation in the Perspective of Criminal Law and Human Rights: Between Reality and Social Norms*, Journal of Law Perspectives Review, Volume 1 Number 2, 2025, pages 93-106.

¹⁸ Madeline Metta Tanudjaja, 'Lawsuit for Unlawful Acts After Divorce for Compensation for Losses Due to Infidelity (Study of Judgments in Indonesia)', *Lex Patrimonium*, 4.3 (2025), hlm 5-6.

The first aspect is the actions that are done, in the form of active and passive behavior. Active action implies that the perpetrator performs an act that is prohibited by law while passive action is not doing something that is legally required. In civil law studies, this behavior is displayed in the following forms: *nonfeasance* (passive abstention), *misfeasance* (perform an action, but is wrong/inappropriate), and *Malfeasance* (doing what is prohibited) as a legal responsibility arising from the form of act.¹⁹ Therefore, both real acts and omissions are considered as acts based on the context of unlawful acts.

The second element is that the act qualifies as a violation of the law, so it is not in accordance with national law. Indeed, the act also includes violating laws and regulations. It also includes actions that go beyond the boundaries of individual property rights, morality, and the standard manners of society. Jurisprudence also disguises its meaning, that actions that pass through social morality and propriety are classified as against *hukun*.²⁰

The third element relates to the offence (*Debt element*) owned by the perpetrator, so that the act done becomes his responsibility (*strict liability*). In law and sociology, these errors can be considered intentional or omission. Fault is a person's failure to act according to the standards of behavior that should be followed, i.e. normal and prevalent attitudes (*reasonable man*) in social life.²¹

The fourth element must have a loss, but it can be material or immaterial to the other party. These losses became the basis for a civil lawsuit against the perpetrator to demand restitution. These losses include economic losses (such as loss of property and expenses), as well as non-economic suffering arising from such acts.²²

The fifth element is causal relations regarding actions and losses. This means that the losses caused must be a direct result of the crime that has been committed by the defendant. If there is no causal relationship, there is also no proof of the occurrence of impact losses due to the act claimed as PMH.²³

¹⁹ Gisni Halipah et al., *Juridical Review of the Concept of Unlawful Acts in the Context of Civil Law*, Serambi Hukum Journal, Volume 16 Number 1, 2023, pages 138-143.

²⁰ Mendi Cevitra and Gunawan Djajaputra, *Unlawful Acts (Onrechtmatige Daad) According to Article 1365 of the Civil Code and its Development*, Unes Law Review Journal, Volume 6 Number 1, 2023, pages 2722-2731.

²¹ Indah Sari, *Unlawful Acts (PMH) in Criminal Law and Civil Law*, Aerospace Law Scientific Journal, Volume 11 Number 1, 2020, pages 53-70.

²² Rini Dameria, et al., *Unlawful Acts in Medical Actions and Their Settlement in the Supreme Court*, Diponegoro Law Journal, Volume 6 Number 1, 2017, pages 1-20.

²³ Glenn Kevin Cailla, et al., *Juridical Review of Unlawful Acts Regarding Land Disputes Through the Principles of Justice and Legal Certainty*, School: Journal of Science Cooperative Learning and Law, Volume 2 Number 1, 2025, pages 736-744.

Justice according to Aristotle

The concept of justice according to Aristotle is interpreted as a moral norm, which regulates human relations in society with a proportionate measure of rights and obligations. He classifies justice, namely: general and special. A type of general justice, positioned as obedience to the law, directed at the common good, as the embodiment of the common good.²⁴ In this type of justice, the law represents a single moral criterion that commands all people living in a country. Special justice concerns the relationship between certain people, the strict special obligations that are held in the division of real rights and obligations.²⁵ This kind of division must be moderated so as not to allow dominance or inequality to take root in social interactions.

The special types of justice are differentiated into distributive and corrective justice, each of which has a different function in the legal system. Distributive justice establishes the distribution of resources, honor, and profits according to proportionality in line with one's contributions and abilities.²⁶ PThis definition states that equality is not always synonymous with equal treatment; However, it is a treatment according to the circumstances of each legal subject. Corrective justice seeks to restore the balance due to violations through sanctions or compensation mechanisms.²⁷ This corrective function, in particular, describes the legal section as an instrument for recovery arising from private and public legal relations.

Justice emphasizes balance, proportionality and morality in social relations is a concept described by Aristotle. Justice is a key component in the way the law is created and applied. This distinction between distributive justice and corrective justice serves as a useful practical framework for legal practice. Law and justice serve as a means to achieve a harmonious social order. A just individual is not only based on interests, but also acts for the welfare of society as a whole.

Definition of Living *Law Theory*

²⁴ Probo Pribadi S.M., *Discovering the Meaning of Justice in the Legal Context According to Philosopher Aristotle and Its Relevance in the Modern Era*, 2025, pages 1-12, [10.13140/RG.2.2.11080.64006](https://doi.org/10.13140/RG.2.2.11080.64006).

²⁵ Febrian Duta Pratama, et al., *The Concept of Justice in Aristotle's Thought*, Praxis: Journal of Applied Philosophy, Volume 1 Number 2, 2024, pages 1-15.

²⁶ Bahder Johan Nasution, *A Philosophical Study of the Concept of Justice from Classical Thought to Modern Thought*, Journal of Justice, Volume 3 Number 2, 2014, pages 118-130.

²⁷ Bonnarty Steven Silalahi, et al., *Aristotle's Perspective of Justice and Its Implications in Business Ethics*, Innovative: Journal of Social Science Research, Volume 3 Number 4, 2023, 1937-1946.

Living legal theory (*Living Law*) Eugen Ehrlich focuses on society in the way law is formed and validated. By emphasizing that, in fact, it is not merely a positive law in laws and regulations, but something that lives and grows through real social practices.²⁸ This living law arises from customs, traditions, and social interactions that in practice govern human behavior, even when they have not yet been codified in the state legal system. Ehrlich raises the distinction between formal/written norms, e.g. laws, rules, and social/behavioral norms.²⁹

The main difference between social norms and formal legal norms is that the embodiment of formal legal norms is more oriented towards the resolution of disputes in court, while social norms govern relations between individuals in the community environment. Therefore, social norms become living laws because they are basically dynamic and follow the development of society in relation to the social structure around them. Ehrlich emphasized that real law in society is not only formal (written) law, but also includes customary (unwritten) laws that continue to grow and live in society, which come from religion, culture of each custom, and other social principles.³⁰

Previous Research

This includes an analysis of cohabitation regulations in Indonesia with several research studies that place them primarily in criminal law, which are studied in conjunction with amendments to the Criminal Code. Irawan and Iranti (2023) discuss how the criminalization of cohabitation can raise issues related to human rights and privacy.³¹ In contrast, Safitri and Wahyudi (2023) analyzed the relationship between official legal rules and daily social practices in the context of cohabitation.³² Meanwhile, Setyawan (2024) discusses the criminalization of cohabitation in Indonesian criminal law to protect the interests of the community and affirm social norms.³³

²⁸ W.M. Herry Susilowati, *Critique of the Sociological Jurisprudence of Eugen Ehrlich*, Journal of Perspective, Volume 5 Number 1, 2000, pages 26-37.

²⁹ Eugen Ehrlich, *Fundamental Principles of the Sociology of Law*, translated by W. L. Moll (London: Stevens & Sons, 1936), pp. 45–60.

³⁰ Jufianty Trisna Putri, 'The Existence of Living Law as a Manifestation of Indigenous Peoples in the Reform of the National Criminal Law System', *Title: Journal of Law and State Administration*, 2.2 (2024), p. 2.

³¹ Vicella Kesya Galuh Iranti and Andrie Irawan, 'Cohabitation in the 2023 Criminal Code: A Juridical Analysis of Criminal Law Interventions on Personal Life'. *Journal Of Islamic And Law Studies*, 9.1 (2025), pp. 5-7.

³² Nurinda Ika Safitri and Eko Wahyudi, 'Criminalization of Cohabitation Acts in the Perspective of Criminalization of Cohabitation Acts in the Perspective of Criminal Code Reform in Indonesia'. *Scientific Journal of Education*, 9.20 (2023), pp. 3-6.

³³ Dody Setyawan, 'Criminalization of Cohabitation: An Examination from the Aspects of Morality, Customs, Religion, Morals, Criminology, and Psychology', *Journal of Criminal Law and Crime Prevention*, 13.3 (2024), 4–10.

METHOD P

Types of Research

Doctrinal studies are identified as a form of study that emphasizes law as a rule (*law as rules*).³⁴ Normative legal research is a system of norms in the form of legal rules, so as to analyze legal provisions as the main object.³⁵

With a doctrinal approach, this study seeks to find legal certainty regarding the status of cohabitation for parties who are still bound by marriage based on Law Number 1 of 1974, namely regarding Marriage based on the principle of non-monogamy which is not absolute, as well as analyzing its qualifications for acts that deviate from the law contained in Article 1365 of the Civil Code.

Research Approach

Peter Mahmud Marzuki explained, doctrinal studies are generally carried out through five approaches.³⁶ This research is classified as a legislative approach (*Statute Approach*) and conceptual (*conceptual approach*).

The study was carried out by applying the statute *approach* used as the main means referring to Law Number 1 of 1974 concerning Marriage as well as Article 1365 of the Civil Code (Civil Code). Along with studying all applicable national legal provisions to obtain a legal basis that can be applied to the case of cohabitation for parties who are still bound by marriage.

Through a *conceptual approach*, it is used to explore studies related to cohabitation, the principle of fidelity as regulated in Indonesian marriage law and PMH theory refers to regulations, especially Article 1365 concerning the Civil Code. The principle of fidelity in the realm of marriage is known as a principle, when husband and wife are obliged to hold on to a

³⁴ Ronny H.S., *Legal Research Methodology and Jurimetry*, (Semarang: Ghalia, 1990), p. 15. The doctrinal approach referred to in this context is synonymous with normative legal research or literature research. This research is called doctrinal because its main focus is to examine written regulations and other legal sources. It is also called literature research or document research because the data source used is only secondary data in the form of legal materials. (See Bambang Waluyo, *Legal Research in Practice*, Jakarta: Sinar Grafika, 1996, p. 13).

³⁵ Ranuhandoko, *Legal Terminology*, (Jakarta: Grafika, 2003). p. 419. Law is no longer understood only as an ideal or utopia, but as a system that has been institutionalized and manifested in various applicable norms, principles, and legal institutions. (see Saefullah Wiradipradja, *Practical Guide to Research Methods and Writing of Legal Scientific Papers*, Bandung: Keni Media, 2015, p. 5).

³⁶ Peter Mahmud Marzuki, *Legal Research*, 5th edition, (Jakarta: Prenada Media Group, 2009), p. 93. According to Johnny Ibrahim, approaches in normative legal research can be divided into seven types, namely legislative, conceptual, analytical, comparative, historical, philosophical, and case approaches. (see Johnny Ibrahim, *Theory and Methods of Normative Law Research*, Malang: Bayumedia, 2005, p. 300).

sacred bond. This methodology considers whether cohabitation is contrary to the principle and whether the practice can be categorized as an act of PMH.

Source of Legal Materials

In terms of doctrinal research, Suteki stated that it is not correct to call it "data", but it is more accurate to call it legal material.³⁷ This is because doctrinal research only applies secondary data based on literature studies and utilizes primary, secondary, and tertiary legal materials.³⁸

Primary legal material is very important in examining norms and provisions regarding marriage regulations when there are deviations from existing provisions so that the relevant law can analyze whether the practice of cohabitation results in the parties to the marriage violating the law and the legal consequences that arise. The primary material is based on Law Number 1 of 1974 concerning Marriage, regulates the principle of non-absolute monogamy and explains the rights and obligations of legal spouses, as well as the Civil Code (Article 1365) as the basis for regulating violations of legal actions as a result of causing injury to others.

Secondary legal material is applied to strengthen claims/arguments, as well as create a theoretical framework for the purpose of interpreting and formulating the application of Law Number 1 of 1974 concerning Marriage and Article 1365 of the Civil Code on the practice of cohabitation by married persons. It also includes books on marriage law and unlawful acts, scientific papers that discuss cohabitation and unlawful acts of cohabitation.

In this analysis, tertiary legal sources are used to assist in documentation and in-depth examination of primary and secondary legal sources. This material will help explain the definitions, concepts, and legal doctrines regarding cohabitation, the principle of non-compulsory monogamy, and unlawful acts in the Indonesian legal system.

Interviews with key informants were conducted only to confirm and expand understanding of the practice of applying lawsuits against the law, rather than to obtain primary data.

Legal Material Analysis

³⁷ Suteki and Galang Taufani, *Legal Research Methodology (Philosophy, Theory, and Practice)*, (Depok: Rajawali Pers, 2020), p. 266.

³⁸ Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Review*, 17th edition, (Jakarta: RajaGrafindo Persada, 2015), p. 13.

Based on the study of doctrinal law, primary, secondary, and tertiary material material is studied in depth. By focusing on normative texts, not numbers or statistics, the analysis technique is qualitative.³⁹

M. Syamsudin stated that the analytical framework for doctrinal law research consists of the following:⁴⁰

1. As a starting point, identify a legal phenomenon, which can be a specific action, event, or situation.
2. Research or legal determination that applies to these legal phenomena, namely searching and examining laws and regulations to find legal concepts, benchmarks for behavior or behavior that should not be done, allowed to be done, or must be done.
3. Legal implementation, namely the application of legal norms to legal phenomena that have been identified.

The initial stage of analysis begins by identifying legal phenomena relevant to the research, namely acts of cohabitation in the form of living together and living like husband and wife for parties who are still bound by a legal marriage. This legal phenomenon is considered an act that has the potential to cause legal consequences because it involves a violation of obligations in marriage and can harm legal partners.

The initial part of the analysis process is to identify the legal issues relevant to the question asked, which in this case includes cohabitation, living together, as husband and wife, even though one of the parties is legally married. This legal phenomenon is considered to have the potential to cause legal consequences, because it is related to violations of marital obligations and causes losses to the rights of legal spouses.

The next step is to identify and study the applicable regulations based on these legal phenomena. It began by examining Law Number 1 of 1974 concerning Marriage to find the concept of regulations related to the principle of non-absolute monogamy, as well as the rights and obligations of legal couples. Article 1365 of the Civil Code is also analyzed in order to obtain the theoretical framework of PMH, especially the features of actions because they are

³⁹ Soerjono Soekanto, *Normative Law Research A Brief Review*, Raja Grafindo, Jakarta, 2001, p. 12. Afrizal in his book *Qualitative Research Methods* (Jakarta: RajaGrafindo Persada, 2014, p. 16) states that the data collected in qualitative research is in the form of words, images/writings, or deeds, without being converted into numbers. Such qualitative nature does not mean that doctrinal research includes qualitative research. Doctrinal research remains normative legal research, because the object of its study is legal norms, not empirical phenomena or social behavior. Therefore, the so-called "qualitative" analytical technique in doctrinal research refers to textual and conceptual approaches that are interpretive, not to the qualitative methodological approach in empirical research. (see Zuchri Abdussamad, *Qualitative Research Methods*, Makassar: Syakir Media Press, 2021, p. 32).

⁴⁰ Muhaimin, *Legal Research Methods* (Mataram: Mataram University Press, 2020).

considered unlawful because they exceed the limits of legal, moral, and moral considerations. At this stage, legal doctrine and the opinions of legal practitioners are also used to clarify ambiguity in the meaning of the provisions of legal norms.

The final step is to apply legal standards to the legal case in question. This stage uses the provisions of the Law on Marriage and Article 1365 of the Civil Code to find out whether the cohabitation of the parties who are still married legally violates the principle of monogamy which is not absolute and the obligation to be faithful to the spouse. Determine whether the action in question is classified as unlawful, in the form of a violation of the law, a violation of morality or morality, the fault of the perpetrator, a loss, and the causal relationship of the action and loss

DISCUSSION

Cohabitation by Parties Who Are Still Bound by Marriage in the Perspective of Law No. 1 of 1974 concerning Marriage

Relationships with third parties in the bonds of marriage cannot be treated as a uniform category. There is a difference in quality between a relationship that is temporary and a relationship that develops into a common lifestyle.⁴¹ This distinction is important because the law does not judge all behaviors by the same measure. This classification will help determine whether the act can be categorized as an ongoing adultery or a disturbance of the family institution.

On the sociological horizon, infidelity is seen as a type of adultery because it involves relationships outside of a legitimate marriage. Infidelity is an act of denying the commitment and trust of a legal partner by undermining the relationship agreement that is expressed in extreme through intimate relationships with third parties.⁴² Infidelity is something dangerous, as it can develop from sexual fulfillment to emotional dependence.⁴³ The act itself is basically

⁴¹ The type of infidelity can be in the form of *serial affairs* and *flings* that tend to be temporary and carried out without emotional attachment or commitment. In contrast, *romantic love affairs* and *long term affairs* involve deep emotional closeness that creates long-term relationships that are difficult to separate (see Briliani Putri Pijar Pertiwi, *Healing Betrayal Trauma in Intimacy with the Healing Process by Wives*, Journal of Affection Psychology, Volume 3 Number 2, 2024, pages 17-29.

⁴² Rika Wulandari, et al., *Infidelity: A Scientific Exploration of Infidelity Reviewed from a Psychological Perspective*, Tambusai Educational Journal, Volume 9 Number 3, 2025, 32990-32996.

⁴³ The results of confirmation with the informant through interviews explained that from a legal point of view, sexual addiction functions as objective evidence of adultery (*overt act*), while emotional dependence emphasizes the intention (*mens rea*) to damage the marital order, both of which are crucial in strengthening divorce lawsuits and criminal charges of adultery.

opposed based on religious rules and customary rules, as well as the values recognized in social life.

A momentary affair tends to be not easily identified in the framework of legal proof. On the other hand, when the relationship develops into a cohabitation (cohabitation), the act has a different dimension, which has real consequences on marital life, both social and economic aspects. This condition shows that the form of a sustainable relationship has a higher weight to be judged legally. Cohabitation is understood as a pattern of deviant relationships, characterized by the existence of continuous coexistence.⁴⁴

This pattern shows a division of roles, regular routines, and similar attachments within each household. This coexistence means more than just living together physically; It extends to emotional, sexual, and social contributions. In other words, cohabitation must be distinguished from *nikah siri* because it is still based on religious law, but without official administrative registration.⁴⁵ Meanwhile, cohabitation is not accompanied by family relations (according to state law and religious law). So, the difference lies in the basis of the legitimacy of the relationship they run.

Cohabitation between parties bound by marriage is also contrary to the moral values that live around society. This violates the moral values for men and women when they are together when one of the parties is already in a legal bond. Therefore, cohabitation involving two people living together while one of them is still in the marriage bond is considered socially negative because it is contrary to the values of loyalty and propriety. In addition, this also risks disturbing public order because it causes social tension in the immediate environment, family, and community. Social reactions that may occur, such as rejection, social sanctions, or conflicts between the parties already involved, can lead to the legal realm.⁴⁶

National marriage according to law is a relationship that is recognized by the state because it is established in the mechanism of the legal system according to the provisions. This means that relationships outside the mechanism of such systems are not legally recognized.⁴⁷

⁴⁴ Ananda Vania Putri Hendarto, 'Juridical Analysis of the Distribution of Joint Property After Divorce Reviewed from the Compilation of Islamic Law and Marriage Law', *Scientific Journal of Pancasila Education and Citizenship*, 7. 2 (2022), 2.

⁴⁵ Gusti Yosi Andri, et al., *Legal Assistance To Ensure Legal Certainty For Couples In Unregistered Marriages In Cirebon*, Journal of Community Services: Abdisci, Volume 3 Number 4, 2026, pages 385-401.

⁴⁶ Steven S. Gugu, *Legal Aspects of Living Together as Husband and Wife Without Marriage Bonds*, Journal Scientific of Mandalika, Volume 6 Number 8, 2025, pages 2280-2288.

⁴⁷ Djuariah, et al., *Textbook of Marriage and Inheritance Law*, (Yogyakarta: Deepublish, 2022), page 12. With the enactment of the Marriage Law, it is emphasized in Article 66 of the Marriage Law that after the enactment of the Marriage Law of 1974, the validity of marriage must meet the provisions regulated by this law and its derivatives.

The system does not at all recognize cohabitation as a type of relationship because it does not go through the mechanism of these provisions. This condition places cohabitation as an activity outside the legitimized legal structure and has no legal basis for protection as a family relationship.

This study shows that there is a limited space for a legal marriage system through a mechanism that has been normatively determined. All of these mechanisms operate on the basis of pre-established procedures and processes that are clearly defined and prescribed by law.⁴⁸ Further analysis shows that cohabitation violations are not the same thing as standard violations. Cohabitation not only fails to fulfill Article 2 together with Article 3 of the Marriage Law, but also shows that there are acts committed deliberately and repeatedly. The continuation of a relationship serves to strengthen the existence of an element of intentionality in the act.

Such a condition indicates that living together forms a dual relationship in the practice of daily life. On the one hand, the perpetrator is still bound by a legal marital life, but on the other hand, the perpetrator lives together with the other party. Because this creates an imbalance when something should be sacred, but instead becomes polluted and reprehensible.⁴⁹ This situation is not in harmony with the purpose of marriage, which is stipulated through Article 1 paragraph (1) of Law Number 1 of 1974 that every marriage is carried out for the creation of a happy and eternal family based on a bond of birth and mind.

In the legal view of marriage, cohabitation is directly contrary to the rights and obligations of married couples. The obligation to organize the family as the smallest unit of social life is regulated through Article 30 of Law Number 1 of 1974 which emphasizes that each couple bears the obligation to maintain their marital relationship intact. Living together with a party outside of marriage is contrary to his or her obligations.

In addition, it is based on Article 33 of Law Number 1 of 1974 which requires husband and wife to love, respect, and be loyal to each other so that it is an obligation of loyalty without the involvement of third parties. These obligations are in fact not only because of the actions that have been taken, but also because of the results they produce. Cohabitation undermines

⁴⁸ The results of confirmation with the informant through an interview explained that some of the mechanisms that have been regulated by the law include mixed marriage, polygamy under certain conditions, and marriage dispensation. In the case of polygamy, for example, it requires the consent of the relevant parties as well as permission from the court. Similarly, the marriage dispensation can only be granted through a court decision with reasons that can be accounted for.

⁴⁹ Hasna Hamidah and Tajul Arifin, *Cohabitation in the Perspective of H.R. Al-Tirmidhi and Article 412 Paragraph (1) of the Criminal Code*, Journal of Law, Politics, and Social Sciences, Volume 3 Number 3, 2024, pages 144-154, DOI:

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the sanctity of the legitimate family by creating disturbances as well as psychological effects, distrust, disputes, suspicions, and changes in the structure of family relationships.

It further has an impact on the legal marriage bond that is directly harmed. Article 34 of Law Number 1 of 1974 concerning the Obligations of Married Couples states that the man is required to provide protection for his wife and meet domestic needs based on his capacity, while the wife is required to maintain household affairs. This provision shows that there is an indication that the grouping of tasks needs to be carried out harmoniously within the boundaries of marriage. Through the practice of cohabitation, these tasks are not fully carried out as attention, time, and resources are diverted to other couples.

Article 7 of the Law on the Elimination of Domestic Violence shows that psychological distress can appear as fear, loss of confidence, and helplessness. These psychological effects can occur in a household when the relationship is damaged by a third party. The inconsistency here shows that cohabitation has a clear impact on the relational aspect, but it also causes direct harm to the legal couple.

The implications of the findings show the influence that cohabitation has on the broader social order.⁵⁰ In addition, cohabitation can affect how individuals view marital norms. This impact shows that cohabitation affects not only individuals, but also the community environment. This situation proves that cohabitation for parties who are still bound by marriage is not recognized under the Marriage Law.

The identification of forms of cohabitation by the parties bound by marriage ultimately clashes with the principle of Law No. 1 of 1974, namely that the principle of monogamy is not absolute. This principle limits that cohabitation that is infidelity is not exclusive such as a husband-wife relationship, so that the pattern of living together with the party when it is a deviation of the principle. This practice also violates public order and moral norms, thereby weakening the spirit of unification of marriage law in Indonesia.

Qualification of Cohabitation by Parties Who Are Still Bound by Marriage as an Unlawful Act Based on Article 1365 of the Civil Code

⁵⁰ The results of confirmation with the informant through interviews explained that living together without legal legitimacy can cause uncertainty in the status of the relationship. This uncertainty has the potential to lead to more complex conflicts in the future, such as the legal status of the child born.

Unlawful acts (*onrechtmatige daad*) are included in the civil contract law contained in Article 1365 of the Civil Code. The provision emphasizes that every act that violates the law and harms others requires responsibility to the perpetrator.

In the doctrine of civil law, every act will be qualified as PMH if it contains several conditions, namely an act, unlawful nature, mistake, loss, causal relationship for the loss and the action.⁵¹

This provision must be further examined whether cohabitation by the parties who are still married is in line with the elements of PMH in Article 1365 of the Civil Code.

Elements of Deeds

Unlawful Acts (PMH) occur due to actions either actively through acts or not performing obligations that should be fulfilled.⁵² In legal relations in the civil realm, liability for losses is not only due to an agreement but can also have a direct impact on losses due to their actions. So, the first condition needs to be proven is the existence of an act.⁵³

Infidelity can be considered an act because it is done consciously by the perpetrator and has the potential to violate the legitimate subjective rights of the spouse and is contrary to moral principles. Infidelity, as an act that violates social propriety and moral ethics, is an act that has the capacity to meet the requirements of "an act" in PMH as long as it causes harm (material or immaterial). This is in line with the definition of PMH which includes acts of moral deviation, morality, and rules in society.⁵⁴

Infidelity in the form of cohabitation, i.e. cohabitation but the absence of a legal marital bond with a third party, also serves to reinforce the existence of active behavior that is ongoing and continuing. Cohabitation indicates the continuation of a series of actions that, in reality, violate morality and tend to be inappropriate.⁵⁵ In this study, cohabitation by parties who are still bound in marriage is an active and passive action.

On the other hand, living together in addition to being an active act is a sign of neglect of marital obligations. The perpetrator does not fully fulfill the obligations of the husband and

⁵¹ Rustan Darwis, et al. *Civil Law* (Padang: Global Technology Executive, 2022), p. 113.

⁵² Active acts are synonymous with positive actions that directly cause harm to other parties, while passive acts are synonymous with a person's neglect or inaction on a legal obligation that should be fulfilled (see Indah Sari, *op.cit*). The results of confirmation with the informant through interviews confirm that in its development, negligence to act or not to do if it results in loss can be categorized as an act in the element of PMH.

⁵³ Jordy Herry Christian, 'Juridical Study of Unlawful Acts as a Factor in Auction Cancellation of Guarantee Objects', *Lex Scientia Law Review*, 3.2 (2019), p. 5.

⁵⁴ Gisni Halipah, *op. cit*.

⁵⁵ Munir Fuadi explained that acts that are done intentionally, due to negligence, not even because of both, if they violate and harm the rights of others based on written or unwritten laws such as moral norms (see *Unlawful Acts*, Bandung: Citra Aditya Bakti, 2002, page 3).

wife, especially in terms of maintaining family unity and monogamous relationships with the partner. This requirement shows that cohabitation is not only an action taken, but also a passive action that contains elements of failure to carry out the marital obligations that should be carried out, therefore it can give rise to civil liability.⁵⁶

Unlawful Elements

Against the law is interpreted not limited to going against written provisions, however, it also includes violations of the norms that live in the group 216indakant. The assessment of unlawful nature is not only formal, but also substantive, namely through the conformity of behavior with the standards of behavior that should be carried out. A 216Actions are considered contrary to the law if they violate legal norms, moral rules, and proper ethical rules, and cause harm to others.⁵⁷

This concept is in line with Eugen Ehrlich's view of law as something that lives in society. Because the norms and habits that grow in daily life are something that is binding, recognized, and applied by society. Thus, an action that is contrary to the norms in society can be classified as unlawful even though it has not been explicitly regulated in the law.⁵⁸

In the discussion of this study, cohabitation for those who are still bound by marriage, shows the existence of acts that cross the boundaries of applicable moral and social norms.⁵⁹ Cohabitation does not meet the qualifications as a legal relationship listed in Article 2 of Law Number 1 of 1974. Furthermore, living together is contrary to the obligation to love and be loyal to the spouse contained in Article 33 of Law Number 1 of 1974. The facts related to cohabitation that violate positive laws also reflect the incompatibility between individual values and communal values.

Infidelity as the basis for cohabitation is a violation of the recognized standards of behavior in society. When infidelity becomes cohabiting, the violation becomes even more

⁵⁶ Y. Sari Murti Widiyastuti, *Basic Principles of Civil Liability* (Yogyakarta: Cahaya Atma Pustaka, 2020), hlm 20.

⁵⁷ Moegni Djojodirdio, *Unlawful Acts* (Jakarta: Pradnya Paramita, 1982) p. 43. The development of the concept of unlawful acts has expanded its meaning since the verdict *Lindenbaum vs Cohen* 1919. Since then, unlawful acts are no longer narrowly defined as violations of the law (*Unlawful act*), but includes all forms of violations of legal norms in a broad sense, both written and unwritten.

⁵⁸ Munir Fuadi (*op.cit*, page 6) reiterates that an act can be categorized as an unlawful act if it meets one of the following criteria. First, acts that violate the rights of others. Second, acts that are contrary to the legal obligations of the perpetrator. Third, acts that are contrary to morality. Fourth, acts that are contrary to the principles of prudence and propriety in social interaction.

⁵⁹ "Sally, *Reflections on Legal Sociology* (Bandung: Refika Aditama, 2007), pp. 47-48. Ehrlich concluded that law is closely related to social reality and is constantly evolving according to the dynamics and needs of society.

obvious, because it creates a relationship that resembles outside the legal framework. The condition that cohabitation by parties who are still bound by marriage has been fulfilled is an unlawful element due to their behavior not being in harmony with the legal, moral, and sociological norms that apply in people's lives.⁶⁰

Elements of Error

Cohabitation as a relationship outside the marital bond can be tested based on the criteria of guilt, which consists of *dolus*, *culpa*, or the absence of justification/forgiveness.⁶¹ Wrongdoing, as an element, requires an inner attitude that is reprehensible so that the perpetrator can be held accountable for the losses incurred. In the doctrine of PMH, the perpetrator is held liable when his actions harm other parties due to his mistakes. Therefore, cohabitation needs to be seen from the existence of intentionality, negligence, and possible reasons that erase mistakes.

a. There is intentionality (*dolus*).

The parties who live together generally do so as a conscious and deliberate act. The act of living together does not happen by chance, but through a conscious decision. Living together shows acts that deliberately cause harm, especially those that are immaterial if the parties who are still bound by marriage are still legal according to the law. The PMH doctrine recognizes that intentional acts are included in the category of the most explicit wrongdoing because of the active will of the perpetrator.⁶²

b. Negligence (*culpa*).

Living with a third party and still being bound by a cohabitation marriage, can be considered a failure to comply with the duty of care and if not due regard for the rights of the other party. The perpetrator can be considered negligent if the loss that will be suffered by the other party (legal spouse) should be reasonably estimated by the perpetrator. In the doctrine of PMH, negligence remains an error because there is an obligation to act correctly that it does not fulfill. Therefore, it can fulfill the element of

⁶⁰ Ahmad Auri Aji Zarianto, et al., *The Existence of Legal Sociology in Indonesian Society*, Journal of Jurisdisische Legal Research, Volume 2 Number 3, 2025, pages 203-219. In the view of *living law*, the norms that develop in social life have a real binding force even though they are not entirely written in laws and regulations. Living law regulates social relations concretely and maintains order in society through mutually recognized norms (see Abdul Shomad and Prawitra Thalib, *Introduction to the Philosophy of Law*, Surabaya: Airlangga University Press, 2020, page 17).

⁶¹ Nadiva and Ubaidillah Kamal, 'Causality in Unlawful Acts on Insured Credit Agreements', *Udayana Law Master's Journal*, 14.1 (2025), p. 7.

⁶² Indah Sari, *op.cit.*

culpa by not paying attention to what should be the standard of behavior, even if there is no bad intention or malicious intent.⁶³

c. There is no justification or excuse.

Referring to the PMH theory, there is no basis to remove the fault of living together with a third party while still tied to marriage. By definition, if the act causes harm to another person (legal partner), there is no scenario that can justify or exclude it. So, the perpetrator remains responsible because of the fault inherent in him and cannot be eliminated from it. Therefore, in disputes related to PMH, liability arises when the mistake cannot be legally justified and results in losses for other parties.⁶⁴

In general, living together by parties who are still bound by marriage fulfills the element of guilt in the form of intentionality. The perpetrator realizes that they are still in a legal marriage, but deliberately live with someone else outside of the relationship. Thus, it is another reason that is not justified by the excuse or the justification, because it is not in a coercive or emergency condition. Therefore, based on the standard of normal and reasonable human behavior, actions in these circumstances can be avoided, which indicates the existence of an element of error in the act of living together.

Elements of Loss

Losses due to unlawful acts (PMH) arise from real impacts where a person's subjective rights and legal interests are violated, both material and immaterial.⁶⁵ The loss of this becomes the basis for demanding a replacement to allow the restoration of the disturbed balance. By referring to economic losses, it not only calculates how much money has been lost, but also how noneconomic losses, such as psychological pain or emotional and honor components, are viewed.

Material losses in unlawful acts are real losses that can be assessed with money and must be proven through evidence, such as proof of transfers, account mutations, household expenses, or the transfer of assets that cause losses to the plaintiff. Meanwhile, immaterial losses in the form of mental suffering, psychological distress, embarrassment, loss of honor,

⁶³ Munir Fuadi, *op.cit*, page 38.

⁶⁴ Gisni Halipah, *op. cit*.

⁶⁵ The results confirmed with the informant that in PMH the scope of losses is wider than default. Material losses are losses that can be measured concretely in financial form, such as the loss of assets or the incurring of certain expenses. On the other hand, immaterial losses are related to non-physical aspects, such as emotional suffering, shame, psychological distress, and defamation. Although it cannot be calculated with certainty, this type of loss can still be assessed and compensated based on the judge's consideration.

and disturbance of domestic harmony can be proven through witness statements, psychologist or psychiatrist certificates, documentation of the relationship between the parties, and facts revealed at trial. Since it cannot be calculated with certainty, the determination of the amount of immaterial damages is left to the judge's consideration based on the principles of propriety, fairness, and justice (*Tie and Bond*).⁶⁶

Thus, in the case of cohabitation by parties who are still bound by marriage, it is not enough for the plaintiff to prove the existence of a cohabitation relationship, but also to prove the losses arising from the act. These losses can be in the form of material losses, such as non-fulfillment of maintenance obligations, or immaterial losses in the form of psychological suffering, embarrassment, and disturbances of domestic honor and harmony. Therefore, cohabitation can fulfill the element of loss in unlawful acts.

Elements of Causal Relationship Between Acts and Losses

In PMH, it is expected that there is a correlation regarding the actions in question and the losses due to their actions. The consequences that arise must be directly due to the actions taken so that they become the basis for a form of error by the perpetrator. Not every loss is attributed to the law, only losses where the action taken has a cause-and-effect relationship. Thus, cohabitation for married people shows that there is a real causal cause related to the losses experienced by the legal couple. It can be seen from the theory of causality in Civil Law, namely:⁶⁷

a. *Conditio sine qua non* theory (Von Buri)

This view states that every action is a condition when the consequences occur can be considered a cause because of their actions. In other words, every factor that causes a loss can be linked to a cause and be held accountable. Cohabitation with another party without a legal bond is a situation that causes losses experienced by the legal partner. Disturbance of the relationship between husband and wife, conflict, loss of trust, psychological distress will not occur without cohabitation.

b. Adequate *causation* theory (Von Kries)

⁶⁶ Markus Suryoutomo, et al., 'Coherence of Judges' Decisions in Proving Immaterial Damages for Unlawful Acts', *Indonesian Journal of Legal Development*, 4.1 (2022), p. 1.

⁶⁷ Rosa Agustina, *Unlawful Acts* (Jakarta: Postgraduate Faculty of Law of the University of Indonesia, 2003) p. 11.

This theory provides a limit because not every action is treated as a cause, but only those actions that can reasonably and appropriately be expected to produce a certain outcome. That is, only actions that are logically exclusive and in accordance with common reasoning can make actions that result in losses qualify as causes.

Cohabitation naturally produces consequences in the form of distrust between partners, recurring conflicts, and psychological pressure on the couple and has the potential to cause constant disputes and quarrels that lead to divorce. It is entirely predictable as a result of living together with another party outside of marriage. Thus, there is a causal relationship between the practice of cohabitation and the losses experienced by legal partners and the breakdown of the marital relationship.

Through these two stages of testing, cohabitation for the parties who are bound by obligations in marriage becomes a finding that is a condition for the occurrence of losses and causes results that can be predicted reasonably. The resulting losses involving both immaterial and material aspects are all integrated into a cause-and-effect relationship, and are therefore legally actionable.

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CONCLUSION

1. Cohabitation by parties who are still bound by marriage is categorized as an act of deviation, not in line with the provisions of Law Number 1 of 1974 concerning Marriage. In marriage law, fidelity is a fundamental obligation of the husband and wife that must be maintained exclusively and neglect of the obligation of fidelity results in a violation of the law. In addition, living with another party does not meet the requirements for the validity of marriage, both legal and religious. Cohabitation is thus a relationship that is not recognized at all by the law of marriage.
2. Cohabitation because the parties who are still bound by marriage can be classified as an unlawful act regulated in Article 1365 of the Civil Code. These acts can be categorized as fulfilling the active elements and neglect of obligations in a marital bond. Cohabitation contains elements of unlawfulness, decency, and propriety that apply in society. The element of guilt has been fulfilled, because it was done intentionally, and without a justifiable reason or excuse. In addition, these acts can result in losses for material and immaterial consequences, and there are causes and consequences for losses experienced by legal partners and have the potential to encourage divorce due to the damage to domestic harmony.

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