

POLYGAMY IN ISLAM: BETWEEN IDEALITY AND REALITY

Rico Setyo Nugroho¹, M. Dhiya Ulami², Martinus Aditya Pardiyanto³
rico@usm.ac.id¹, dhyaul@gmail.com², adityapardiyanto2021@gmail.com³

Universitas Semarang, Jl. Soekarno Hatta, Semarang, Indonesia^{1,2,3}

Abstract. Polygamy is a sharia revealed by Allah swt for Muslims who have wisdom and benefits like other shari'a. However, polygamy between the ideal plain and empirical reality is often not in harmony. This is because many cases of polygamy arise among wives and children. This research study aims to describe polygamy in Islam between ideals and reality. This type of research is a library research using an empirical approach. The method used is descriptive-analytical with no informants or surveys. The primary data taken is from journals or books related to polygamous practitioners, while the secondary data is references from journals, books, and other writings related to the theme of this study. The result of this study is that polygamy in Islam does have many wisdom and benefits but is tainted by the behavior of the polygamist itself.

Keywords: Fiqh Manners, Polygamy Practice, Ideal Reality

INTRODUCTION

Polygamy is a culture and has been practiced long before Islam because polygamy has become a cultural and religious tradition of any world in this world. Islam provides a maximum limit of four wives during the practice of polygamy where the wives are unlimited. During the time of the Prophet Muhammad, polygamy had also become part of Islamic education (Nugroho, 2022a). Polygamy is a life phenomenon that occurs in everyday life. The term wife is often heard more than once, but there are no poly people who can get this situation. The word wife is more than one itself and according to the Greek "wife is more than one", i.e. poly means poly & game means man, as a result, the meaning of more than one wife is a man who has female polygamy in one marriage bond. According to history, polygamy spread before Islam itself came. The nations that also practice polygamy are Hebrew, Jahiliyah Arabs, Russians, Lithuanians, Poles, Czechoslovakia, Germans, Switzerland, Belgium, the Netherlands, Denmark, Sweden, and the United Kingdom (Abdullah, 2004; Mulia, 1999).

Polygamy is defined as marriage between one husband and many wives. In the practice of polygamy around the world, jealousy and competition will always color the relationship between wives. In fact, in the results of his research (West Africa and Bolivia), it often ends in murder due to the unfair distribution of food and land. The problems that arise in polygamy are generally due to the husband's failure to distribute the needs of the household evenly (Sa'dan, 2015).

In modern times, the practice of polygamy has received a lot of scorn from the community, especially women, some of whom are very passionate about opposing the practice of polygamy. However, it is undeniable that the issue of polygamy is very sensitive because the news conveyed is not balanced, namely the news of various conflicts and problems in polygamous households is used as a reference, on the contrary, the news of polygamous household happiness does not get the same portion in the news (Nugroho, 2023b).

The theme of more than one wife is increasingly hotly discussed because of the many cases of more than one wife that arise, resulting in hatred and separation in the family. One of the impacts that can be seen is one of the testimonies of a doctor who claimed to have read several studies from abroad related to the impact of polygamy. In the article, it is explained that one of the impacts of polygamy is mental disorders. Polygamy is a serious problem and therefore it is only natural that many women make a fuss about it. Because we know that more than half of Indonesia's population (51% of BPS 2000 data) are women. Therefore, the interests of this majority of women are an interest that deserves to be listened to (Hikmah, 2012a)

The researcher is very interested in studying the above problems, considering that the problem of polygamy is very complex, because on the one hand, it is related to the law or sharia of Allah which of course has wisdom and benefits, but on the other hand, especially in practice and reality, it leaves many problems and tyrannies among the perpetrators or practitioners of polygamy.

RESEARCH METHOD

This study is a research study in the type of analytical descriptive library research about polygamy in Islam between ideals and reality. The data used are data sourced from various references, be it journals or books related to various existing polygamy problems. The method of data collection is utilizing literature study and documentation. Data analysis uses qualitative analysis with inductive thinking methods.

RESULT AND ANALYSIS

Marriage in Islam, whether monogamous or polygamous, is referred to as a sacred event because there are acts in the name of worship carried out by married couples as well as an effort to prevent adultery. In the Islamic view, the act of adultery that has become the nation's culture will cause the collapse of a nation's civilization, even through adultery, and various infectious disease viruses. Thus, the punishment given by the perpetrators of adultery is severe (Sabiq, 1996).

The Qur'an talks about the case of more than one wife, for example, which is stated in Surah an-nisa verses three and 129. In verse three it talks about the ability of more than one wife, in verse 129 it talks about the difficulty and inability of a husband to do justice to his wife. That is, the ability of more than one wife is bound to use strict conditions which means that if these conditions are not met, then more than one wife can be practiced. From the perspective of ushul fiqh that will be studied are the verses of more than one wife which include shigat amr & the consequences of her law and ta'arud al-adillah in the verses of more than one wife related to the conditions that are fair for the perpetrator of more than one wife towards his wife. The three redactions used in the Qur'an are commands to marry a woman who is trusted to be good, as a result of which the scholars do not synchronize their opinions when putting the meaning of the verse. Some say aphorism is 4, there are 8, and there are those who limit 16. In addition, scholars also do not agree on whether the rukhsah is one, or more based on one. In this case, the author is more inclined to those who reveal that more than one wife is rukhsah, while the permanent azimah is one. Polygamy is allowed if the situation requires more than one wife, but if there is no case of using monogamy, then monogamy is better (Fahimah, 2018).

Like many views from scholars about polygamy, the sharia of polygamy also has wisdom and benefits. Ibn 'Assyria explained several benefits of polygamy carried out with justice, namely: a) Polygamy helps increase the number of Muslims; b) Because the number of women is more than men, polygamy can help women who have the potential to have husbands without their husbands. This scarcity of men occurred because of the large number of men who were victims of war. Moreover, the age of women is destined by Allah to be longer than the age of men; c) Because Allah has forbidden adultery in this way, this ability to polygamy will also break the growth rate of adultery in society; d) As a bridge to minimize the occurrence of divorce (Mahfud & Billah, 2022).

Until now, research on polygamy has focused on three things in particular. First, the study of polygamy tends to be viewed from a controversial legal point of view regarding the permissibility or not of polygamy. If one party supports polygamy based on religion or sharia law, then polygamy has advantages and disadvantages. At the same time, some consider polygamy as an arbitrary act and an expression of male superiority. Second, the study of polygamy can be found in the Qur'an. The issue of polygamy is not clearly defined in the Qur'an because there are advantages and disadvantages in defining the requirements of polygamy. Third, we will examine polygamy from the perspective of its impact on the family, which causes family disharmony. Because of this trend, there has never been a study on polygamy from the micro and macro aspects of women's motivation for polygamy (Bennion, 2011).

Polygamy is one of the classic issues that has always been an interesting topic of discussion from time to time, both by Adams and Eves. For some Eves, polygamy is something that becomes a nightmare in their lives, even a matter that is often rejected and opposed. This is because of the tendency of Eve women not to want their husbands to be shared with other women. In contrast to the Adams who in reality wanted more than one wife, let alone get legitimacy from religious teachings (Ropiah, n.d.).

Sippah Chotban in her research stated that the value of justice is the condition of more than one wife, and revealed that the Sharia of more than one wife, for example, other Islamic rules, contains the value of justice to bring benefits to the Muslim community itself. Allah has resulted in justice becoming the basis for the construction of rules, both in direct and public affairs. Polygamy is Sharia which is specifically related to the use of a subsystem of family rules, intended to meet the essential needs of human beings, maintaining religion (hifzh ad-diin), soul (hifzh annafs), & genealogy (hifzh an-nasl). In this context, the presence of more than one wife in Sharia is a manifestation of justice in Islamic law to put and achieve benefits for the Muslim community (Chotban, 2017).

Anwar Hafidzi compares the book Islamic Jurisprudence by Wahbah Zuhaili and the Compilation of Islamic Law regarding the prerequisites for polygamy. Wahbah Zuhaili stated that there are only two prerequisites for polygamy, namely justice for wives and children, and providing sustenance for them. On the other hand, the Compilation of Islamic Law (KHI) includes several articles as a prerequisite for a husband who wants to practice polygamy, namely to maintain his welfare, wealth (sustenance), and the environment. The study concluded that the prerequisites for polygamy in Islamic jurisprudence and KHI have in common to avoid as much harm as possible (Hafidzi, 2018). Polygamy on the one hand is a sharia revealed by Allah swt for Muslims, of course, it has wisdom and benefits and blessings for those who carry it out, but on the other hand, the opposite happens. Many failed but also many succeeded and succeeded. The result of this study is that the success of the purpose of marriage, namely sakinah, mawaddah, and wa rahmah experienced by polygamy practitioners, depends on how the polygamy process is carried out, whether it is following the science and manners of polygamy or vice versa. The practice of polygamy following the purpose of marriage is polygamy that is carried out following and has a scientific capacity of polygamy (Nugroho, 2024).

Law No. 1 of 1974 explicitly states that monogamy is the basic principle of marriage in Indonesia. However, marriage of more than one wife is allowed on exclusive terms and strict terms. The Compilation of Islamic Law (KHI) regulates and expresses the principles of monogamy & the permissibility of more than one wife on exclusive circumstances, subject to exclusive terms. Furthermore, Government Regulation No.10 of 1983 & Government Regulation No.45 of 1990 revealed strict requirements for the marriage of more than one wife for members (Sunaryo, 2010).

Indonesia is considered one of the Muslim countries that incorporates gender equality into its laws. Islamic family law is often referred to as valid because of Law Number 1 of 1974 concerning Marriage, Presidential Instruction Number 1 of 1991 concerning the Codification of Islamic Law, and Law Number 7 of 1989 concerning Religious Courts. It is designed to equalize men and women, especially when it comes to law. The Marriage Law and other related laws give men and women equal rights to file for divorce in court and equality of social status. In addition, the wife's consent is required for husbands who wish to remarry according to the Marriage Law. However, there are also terms and conditions that a husband must be able to do as a consideration for the religious court in granting permission or refusing to practice polygamy (Kushidayati, 2018).

The basic principle of marriage in Indonesia is monogamy. This statement is based on regulation (UU) Number 1 of 1974. However, there is an opportunity to marry up to four women by obtaining the consent of the local court and his first wife. A civil servant must meet other requirements based on Regulation (PP) Number 10 of 1983 Article 10 paragraph 1. They are (1) a wife is unable to perform her roles and duties; (2) a wife has a physical problem and needs special care; (3) a wife cannot give birth (Law Number 1 of 1974 Article 4 part 2; Government Regulation Number 9, 1975

Part 41 a; Government Regulation Number 10 of 1983 Article 10 part 2, and the Compilation of Islamic Law, Article 57).

Polygamy in Islam is limited by certain conditions and limitations, both the maximum number and the requirements. According to the Marriage Law in Indonesia Number 1 of 1974, articles 4 and 5 and the Compilation of Islamic Law (KHI) articles 55-59 explain that polygamy is allowed under certain conditions. Regarding the procedures and procedures for polygamy in Law No. 1 of 1974, it is explained in Article 4 paragraph (1) which contains, "If a husband will have more than one wife, as mentioned in Article 3 paragraph 2 of this Law, then he is obliged to submit an application to the Court in the area where he lives". The court will also grant if the husband is permitted by the wife as explained in Article 4 paragraph (2), namely, "The court referred to in paragraph (1) of this article only gives permission to the husband who will have more than one wife if: The wife is unable to carry out her obligations as a wife, the wife has a physical disability or disease that cannot be cured, the wife cannot give birth to children." The requirements for polygamy according to Law No. 1 of 1974 in article 5 paragraph (1) which reads, "To be able to submit an application to the Court as referred to in article 4 paragraph (1) of this Law, the following conditions must be met: a. There is consent from the wife/wives b. There is a guarantee that the husband can claim the necessities of life for his wife and children (Herawati, 2011).

The Indonesian government has made gradual efforts to minimize polygamy. This is evidenced by the issuance of Regulation / Constitution (UU) No. Later, the Special Provisions (PP) for Civil Servants became Number 10 in 1983 and then changed to Number 1. Regarding granting marriage and divorce, Article 45 was promulgated in 1990. Both the law and the government provide certain sanctions for polygamy. The results of this study are as follows: First, officials who violate the polygamy law can be fined Rp7,000. If her new marriage is not recognized by the current rules, she could be punished with four options. (1) relegating it to a lower class; (2) dismissed from his current position; (3) dismissed from his current civil servant position; (4) dishonorably dismissed from the position of a civil servant; Female civil servants who occupy the position of second, third, and fourth wives are mostly dismissed from civil servants. Second, Islamic law, or fiqh requires polygamy to meet certain requirements(Nurchaya et al., 2018).

If polygamy is carried out without a sense of justice for the partner, it will not only cause disappointment for the wife but also injustice to women in general. Polygamous families that do not follow the principle of justice are not heaven, but encourage the occurrence of sin and mutual suspicion between the first and second wives. This means that the main goal of building a house is still far from being achieved, and even risks arise(Satriana, 2019). In the practice of polygamous households, it is undeniable that the problem of justice for husbands towards their wives is a problem that is often found. Even though the issue of justice must be obtained by them, namely justice in terms of clothing, food, board, and accommodation schedule (Nugroho et al., 2023). Most of what happens is the inability to be fair, especially in terms of the schedule of spending the night among his wives. This is due to a lack of understanding of fiqh and polygamous manners (Nugroho, 2023a). Pragmatism is already a generic motive in the marriage of more than one wife, despite ignoring the principles of Islamic rule. Problems range from unfair treatment and untrustworthy behavior towards wives to rejection of pregnant wives whose wives have more than one wife has colored the pragmatic behavior of more than one wife's life. Pragmatic reasons or motives are the reasons why a woman is willing to be a concubine to more than one wife. The findings suggest that pragmatic motives are present in more than one wife, such as the husband's economic stability accompanied by the use of lustful gratification, the need for women's socioeconomic improvement, and the need for calm and security. Women's lack of power over men using high socioeconomic status results in them being willing to be second wives (concubines) even though their marital status is not officially recorded and sometimes even unknown to their own family (Sam'ani et al., 2023).

The practice of wives with more than one dark skin refers to the pattern or example of wives having more than one skin that is done using non-Islamic and unhealthy methods. This interpretation exists according to the negative influence that there is a common impact of the wife's marriage on society. The practice of wives with more than one dark skin has indicators, including 1) lack of educational

knowledge about wives more than one between couples; 2) more than one wife is done silently or without the knowledge of the first wife; 3) a marriage resulting from the infidelity &/or preceded by a woman's pregnancy; 4) more than one wife becomes a fugitive according to the case of a previous marriage.

The problem of the husband's leadership is also something that cannot be underestimated because when the husband's leadership is weak in a polygamous household, what arises is the fragility of the household and finally the victims are their wives and children. Meanwhile, when the husband's leadership is strong, comfort and tranquility appear among their family members (Nugroho, 2022b). Clear-skin polygamy is simply a word used to describe practitioners who are involved in the residence of more than one wife using correct, healthy, and following Sharia rules. This model of more than one wife often functions as an indicator of the success of the interaction of more than one wife. Some indicators include the husband acting as a fair leader to his wife, mutual understanding of the wife's knowledge of more than one between the spouses, the residence of the wife who enjoys using mutual support between the spouses, the marriage of the wife of more than one recognized by the authority of the trust and the state, and the residence of the wife of more than one who imitates the happiness of the original marriage (Nugroho et al., 2024).

According to Marfa Dela Tarita's research on middle-class Muslim polygamous households in Yogyakarta, the correct practice of polygamy usually occurs within the family, and the process of polygamous households is monogamy from the wife's point of view, such as the reason for living in a polygamous family. The results of the study showed that respondents stated that their rights and responsibilities in polygamous families were well fulfilled, both in terms of material and emotional support. They experience religious satisfaction and financial security (Thalita, 2020). Yahya in his study stated that the practice of more than one wife, without resulting in emotions, feelings, and desires based on men and women, will result in difficulties. On the contrary, it emphasizes the importance of enlightenment that more than one wife is a noble thing when it is done from the obligations and responsibilities of each participant, to build a family that is blessed by God, not only driven by lust and greed (Yahya & Mahmud, 2020).

The practice of polygamy also gives rise to injustice that is not fulfilled by men, making women as wives as victims, and their children also grieve to have imperfect families. They did not fully get affection, not to mention the neglect of the economy and education that was stalled. It should be understood that the neglect of all these needs is part of violence against women in the household (Hikmah, 2012b). The government has a responsibility to protect children from polygamous families, and this is reflected in national laws that define the rights and responsibilities of the government. The goal is to protect the welfare of people who are pious, intelligent, and morally upright (Chusniatun, 2016).

CONCLUSION

Polygamy is a law that Allah swt revealed to humans which of course has a lot of wisdom and benefits for those who do it. Polygamous marriage in Islam is allowed with certain conditions, one of which is the ability to be fair to the wives. Polygamous marriages in Indonesia also have regulations that recognize their legality in addition to monogamous marriages. Marriage Law No. 1 of 1974 provides space and conditions that must be met by those who wish to live in a polygamous household through the procedures of the local religious court. However, it is undeniable that ideally, the reality related to polygamous households cannot go hand in hand. Because, there are still many problems or problems that exist in the household, starting from the absence of justice between wives and each other, neglect of children's rights that are not fulfilled to the maximum, and so on.

References

- Abdullah. (2004). *Poligami dan eksistensinya*. Pustaka al-Riyadl.
- Bennion, J. (2011). *Polygamy in Primetime*. Brandeis University Press. <https://doi.org/10.2307/j.ctv1k03t1g>
- Chotban, S. (2017). Nilai Keadilan dalam Syariat Poligami. *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam*, 4(1), 173. <https://doi.org/10.24252/al-qadau.v4i1.5754>
- Chusniatun. (2016). Perlindungan Anak dalam Prepektif UU Muslim.pdf. In *Suhuf* (Vol. 28, Issue 1, pp. 48–62).
- Fahimah, I. (2018). POLIGAMI DALAM PERSPEKTIF USHUL AL-FIQH. *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 4(2), 99. <https://doi.org/10.29300/mzn.v4i2.1014>
- Hafidzi, A. (2018). Prasyarat Poligami Dalam Kitab Fiqih Islam Dan Kompilasi Hukum Islam Perspektif Masalah Mursalah. *Al-Daulah: Jurnal Hukum Dan Perundangan Islam*, 7(2), 366–392. <https://doi.org/10.15642/ad.2017.7.2.366-392>
- Herawati, A. (2011). Kompilasi Hukum Islam (KHI) Sebagai Hasil Ijtihad Ulama Indonesia. *Hunafa*, 8(2), 321–340. <https://doi.org/https://doi.org/10.24239/jsi.Vol8.Iss2.367>
- Hikmah, S. (2012a). Fakta Poligami Sebagai Bentuk Kekerasan Terhadap Perempuan. *Sawwa: Jurnal Studi Gender*, 7(2), 16.
- Hikmah, S. (2012b). Fakta Poligami Sebagai Bentuk Kekerasan Terhadap Perempuan. *Sawwa: Jurnal Studi Gender*, 7(2), 1. <https://doi.org/10.21580/sa.v7i2.646>
- Kushidayati, L. (2018). Perempuan Dan Isu Poligami Di Indonesia. *YUDISIA : Jurnal Pemikiran Hukum Dan Hukum Islam*, 9(2), 273–289. <https://doi.org/10.21043/yudisia.v9i2.4768>
- Mahfud, M., & Billah, M. Q. I. (2022). Tafsir Ayat Ahkam Surah An-Nisa Ayat 3: Etika Poligami dan Hikmahnya Dalam Syari'at Islam. *Al-Fahmu: Jurnal Ilmu Al-Qur'an Dan Tafsir*, 1(1), 18–26. <https://doi.org/10.58363/alfahmu.v1i1.1>
- Mulia, M. (1999). *Pandangan Islam Tentang Poligami*. Lembaga Kajian Agama dan Gender.
- Nugroho, R. S. (2022a). Konsep Poligami dalam Perspektif Pendidikan Islam. *Menara Ilmu*, 16(1). <https://doi.org/10.31869/mi.v16i1.3181>
- Nugroho, R. S. (2022b). Peran Kepemimpinan Suami Di Rumah Tangga Poligami. *Jurnal Ilmiah Ahwal Syakhshiyah (JAS)*, 4(2), 209–228. <https://doi.org/10.33474/jas.v4i2.17778>
- Nugroho, R. S. (2023a). Adab Education in Polygamous Households. *ICHES: International Conference on Humanity Education and Social*, 2(1), 1. <https://proceedingsiches.com/index.php/ojs/article/view/1>
- Nugroho, R. S. (2023b). Konsep Tabayyun untuk Menyikapi Media Sosial Dalam Kajian Pendidikan Islam. *Al Ulya: Jurnal Pendidikan Islam*, 7(September). <https://doi.org/10.36840/ulya>
- Nugroho, R. S. (2024). Praktik Poligami dan Tujuan Pernikahan dalam Rumah Tangga. *ICHES: International Conference on Humanity Education and Society*, 3(1). <https://doi.org/https://proceedingsiches.com/index.php/ojs/article/view/291>
- Nugroho, R. S., Asy'arie, M., & Chusniatun, C. (2023). Konsep Adil Keluarga Poligami dalam Tinjauan Pendidikan Islam. *SUHUF*, 34(2), 180–196. <https://doi.org/10.23917/suhuf.v34i2.20954>
- Nugroho, R. S., Asy'arie, M., Chusniatun, & Salim, H. (2024). *The Practice of Polygamy Between Black and White Movements in the Perspective of Islam* (pp. 17–26). Atlantis Press SARL. https://doi.org/10.2991/978-2-38476-102-9_3
- Nurchaya, M., Akbarizan, M., & Sri Murhayati, M. (2018). *Punishment for Polygamy Doer in The Perspective of Islamic Law in Indonesia*. 6(1), 47–58. <https://doi.org/10.2991/icclas-17.2018.12>
- Ropiah, S. (n.d.). Studi Kritis Poligami Dalam Islam (Analisa Terhadap Alasan Pro dan Kontra Poligami). *Al-Afkar: Journal for Islamic Studies*, 1(1), 89.
- Sa'dan, M. (2015). Poligami Atas Nama Agama: Studi Kasus Kiai Madura. *ESENSIA: Jurnal Ilmu-Ilmu Ushuluddin*, 16(1), 89–100. <https://doi.org/10.14421/esensia.v16i1.989>
- Sabiq, S. (1996). *Fiqhussunnah* (VIII). Al-Ma'arif.
- Sam'ani, S., Rokhmadi, R., Amin, N., Zaini, A., & Sarib, S. (2023). Pragmatism of Polygamous Family In Muslim Society: Beyond Islamic Law. *Samarah*, 7(1), 321–340. <https://doi.org/10.22373/sjhk.v7i1.15874>
- Satriana, S. (2019). Studi Komparatif Pelaksanaan Poligami Rasulullah Dan Pelaksanaan Poligami

- Pada Zaman Kekinian Menurut Inpres Nomor 1 Tahun 1991 Tentang Kompilasi Hukum Islam (Studi Kec. Mare). *Jurnal Al-Dustur: Journal of Politic and Islamic Law*, 1(1). <https://doi.org/10.30863/jad.v1i1.351>
- Sunaryo, A. (2010). Poligami di Indonesia (Sebuah Analisis Normatif-Sosiologis). *Yinyang: Jurnal Studi Gender & Anak*, 05(01), 143–167.
- Thalita, M. Della. (2020). Muslimah Kelas Menengah Berbagi Suami (Studi Kasus Keluarga Poligami di Daerah Istimewa Yogyakarta). *Al-Ahwal: Jurnal Hukum Keluarga Islam*, 12(2). <https://doi.org/10.14421/ahwal.2019.12206>
- Yahya, N. F., & Mahmud, M. W. (2020). Antara Kewajiban dan Keinginan Nafsu Berpoligami Dalam Membentuk Keluarga Bahagia. *Journal of Islam in Asia (E-ISSN 2289-8077)*, 17(3), 240–267.