

**Reasons for Polygamy and Its Impact on Muslim Family Life:
Experiences of Polygamous Perpetrators in Babat,
Lamongan, Indonesia**

**Alasan Poligami dan Dampaknya dalam Kehidupan Keluarga
Muslim: Pengalaman Pelaku-Pelaku Poligami di Babat,
Lamongan, Indonesia**

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Abstract: The discourse on polygamy has sparked controversy after Salafi clerics have intensively campaigned and practised polygamy. Meanwhile, the issue of polygamy is opposed by feminist activists because it is considered haram. For this reason, this article describes the contested responses of scholars regarding polygamy and its impact on Muslim family life in Babat, Lamongan, East Java, Indonesia. Using empirical research and a case study approach, the authors find that the concept of polygamy most compatible with Islamic family law in Indonesia is the concept of polygamy proposed by most fiqh scholars. They argue that polygamy is allowed under strict conditions, especially justice. The opinions of these scholars became the basis for the perpetrators to practice polygamy because his first wife was barren, requests from his first wife and interest in other women. The author finds that most polygamists impact disharmony in fostering family life, evidenced by the first wife and second wife always fighting. In addition, the author also finds a harmonious polygamous family. The husband's role as the head of the family who is firm and supported by wives who accept each other is the key to harmony in the family life of polygamists.

Keywords: Polygamy, Reasons for Polygamy, Polygamists, Lamongan.

Abstrak: Diskursus poligami menuai kontroversi setelah para ustad Salafi gencar mengkampanyekan dan mempraktikkan poligami. Sementara itu, isu poligami ditentang oleh aktivis feminisme karena dianggap haram. Dengan alasan itu, artikel ini mendeskripsikan kontestasi respon para ulama terkait poligami dan dampaknya dalam kehidupan keluarga muslim di Babat, Lamongan, Jawa Timur, Indonesia. Dengan menggunakan penelitian empiris dan pendekatan studi kasus, penulis menemukan bahwa konsep poligami yang paling sesuai dengan hukum keluarga Islam di Indonesia adalah konsep poligami yang dikemukakan oleh mayoritas ulama fikih. Mereka berpendapat bahwa poligami diperbolehkan dengan syarat yang ketat, terutama dalam hal

keadilan. Pendapat para ulama tersebut menjadi landasan para pelaku untuk melakukan poligami dengan alasan istri pertamanya mandul, permintaan dari istri pertama dan ketertarikan dengan wanita lain. Penulis menemukan bahwa mayoritas pelaku poligami berdampak terhadap ketidakharmonisan dalam membina kehidupan keluarganya. Hal tersebut dibuktikan istri pertama dan istri kedua selalu bertengkar antara satu sama lain. Selain itu, penulis juga menemukan keluarga pelaku poligami yang harmonis. Peran suami sebagai kepala keluarga yang tegas dan didukung dengan istri-istri yang saling menerima merupakan kunci keharmonisan dalam kehidupan keluarga pelaku poligami.

Kata Kunci: Poligami, Alasan Poligami, Pelaku Poligami, Lamongan.

A. Introduction

The laws and regulations in Indonesia adhere to monogamy but still allow polygamy with several administrative provisions.¹ Salafi clerics then brought back up this old discourse, aggressively campaigning for it. They are serious about reviving polygamy through lectures and writings, which they consider a gift from God.² Not only campaigns, but they also set a direct example by practising polygamy.³ Meanwhile, feminist activists massively voiced their rejection of polygamy, which they considered an act of discrimination against women.⁴ Based on the pros and cons of polygamy discourse, this article is essential to study the reasons and motives of the perpetrators of polygamy.

Several previous studies have discussed polygamy. In general, the author maps it into two. First, articles that only focus on the normative concept of polygamy. Marzuki explained the concept of polygamy and the scholars' debates regarding the permissibility, terms and conditions of polygamy.⁵ Shinta and Dewa explained that basically, the Marriage Law adheres to the principle of monogamy. Some exceptions allow the husband to practice polygamy if he submits a legal

¹ Law of the Republic of Indonesia Number 1 of 1974 concerning Marriage, Articles 3 and 4.

² "Poligami Anugerah Yang Terdzolimi - Ustadz Dr. Firanda Andirja, M.A. - YouTube," accessed January 6, 2022, https://www.youtube.com/watch?v=Lau6ZRuJ_So.

³ Ilyas, "Heboh Ustadz Firanda Nikah Siri di Aceh Selatan," ANTEROACEH.com, accessed December 31, 2021, <https://anteroaceh.com/news/heboh-ustadz-firanda-nikah-siri-di-aceh-selatan/index.html>.

⁴ Saifuddin Saifuddin, "Pergeseran Wacana Relasi Gender dalam Kajian Tafsir di Indonesia: (Perbandingan Penafsiran 'Abd Al-Rauf Singkel dan M. Quraish Shihab)," *Muadalah* 2, no. 2 (2015): 147.

⁵ Marzuki, "Poligami dalam Hukum Islam," *Jurnal Civics Kajian Kewarganegaraan* 2, no. 2 (2005): 1-10.

application for polygamy before the law by issuing a decision to carry out polygamy, which is the authority of the Religious Courts.⁶ Surjanti emphasized that the Indonesian Islamic Law Compilation requires husbands who want polygamy to obtain permission from the Religious Courts to obtain legal force.⁷

Second, articles that discuss polygamy from several points of view. Muhammad Iqbal emphasizes rebutting the issues spread by liberals who reject polygamy.⁸ Dewani Romli explained that the concept of gender sees polygamy as a picture of a man who is a more muscular superpower. He is prone to exploitation, coercion and violence against his wife and children.⁹ This paper is different from previous research. This paper focuses on the reasons and problems of polygamy experienced directly by the perpetrators. Therefore, this paper has three objectives. First, to explain the history and provisions of polygamy. Second, to describe the debates of the scholars regarding polygamy. Third, to analyze the reasons and problems of polygamy experienced by polygamists.

The research in this paper uses a qualitative research method with a case study approach. The locus in this research is Babat District, Lamongan, East Java, Indonesia. This research was conducted from 2017 to 2022 and used field observations and interviews as the primary sources. Field observations were carried out by paying close attention to the families of polygamists and their environment, while interviews were conducted in person and via cell phones. There are six informants that the writer interviewed. Among them were one polygamist, two village government officials, namely: Zakaria Al-Anshori and Muhammad Idris, three neighbours who practised polygamy, namely: Maskunatun, Amiyat and Inayah. All the informants that the writer interviewed were chosen because they had direct contact with and witnessed the polygamy cases.

⁶ Shinta Putri Maulidia Utomo and Dewa Gede Pradnya Yustiawan, "Syarat Poligami dalam Perspektif Undang Undang Nomor 1 tahun 1974 tentang Perkawinan," *Jurnal Kertha Wicara* 10, no. 6 (2021): 397–408.

⁷ Surjanti, "Tinjauan Kompilasi Hukum Islam terhadap Poligami di Indonesia," *Jurnal Universitas Tulungagung Bonorowo* 1, no. 2 (2014): 13–23.

⁸ Muhammad Iqbal Sabirin, "Legalitas Poligami dalam Hukum Islam (Menjawab Isu Penentangan Islam Liberal)," *At-Tabayyun: Jurnal Komunikasi Islam* 2, no. 2 (2020): 100–115.

⁹ Dewani Romli, "Poligami dalam Perspektif Gender," *Al-Adyan* V, no. 1 (2010): 105–13.

B. Polygamy: History and Provisions

The issue of polygamy is an issue that has long been discussed and debated in many forums, both formal and informal. Polygamy was practised long before Islam came. The people of the Arabian Peninsula are used to polygamy, even with a massive number of wives, and there is no stipulation on the limit of wives who may be married.¹⁰ Various nations in the world have also known and practised polygamy since ancient times before the advent of Islam. Russia, Denmark, Czechoslovakia, Yugoslavia, Belgium, Sweden, the Netherlands, Germany and England are European countries that have always practised polygamy.¹¹ Many religious traditions have voiced polygamy issues for a long time, like Hinduism, which tells about their God who married hundreds of wives.¹² Therefore, the allegation that Islam was the religion that first gave rise to polygamy and gave birth to its rules is not valid. Due to polygamy that has occurred until now, the rules already exist and develop in countries that do not adhere to Islam, such as Japan, India, China and Africa.¹³ The practise of polygamy is widespread in many developing countries. Although it has declined since the 1970s, polygamy persists, especially in sub-Saharan Africa. In 2000, the overall prevalence of polygamy was 28% in the 34 countries studied by Fenske based on demographic and health data.¹⁴

The concepts of monogamy began to be inserted into Christian philosophy since Christianity was revised according to Paul's teachings. Christianity also began to be adapted to Greco-Roman culture. Monogamy was developed by the Greeks and Romans in ancient times in a standardized manner in various societies where the majority of the population was slaves who could be used freely. Monogamy in Christian philosophy is born of polygamy without limits. Christianity

¹⁰ Musdah Mulia, *Pandangan Islam tentang Poligami* (Jakarta: Lembaga Kajian Agama dan Gender, 1999), 3.

¹¹ Emma Nayly Syifa, "Perkawinan Poligami Menurut Hukum Islam dan Perundang-Undangan di Indonesia" *Skripsi*, (Salatiga: IAIN Salatiga, 2011), 19.

¹² Moh. Sodik, *Menyoal Keadilan dalam Poligami* (Yogyakarta: Sukses Offset, 2009), 1.

¹³ Syifa, *Pekawinan Poligami Menurut Hukum Islam dan Perundang-Undangan di Indonesia*, 19.

¹⁴ Marie Boltz and Isabelle Chort, "The Risk of Polygamy and Wives' Saving Behavior," *World Bank Economic Review* 33, no. 1 (2019): 209.

until now forbids polygamy for its adherents.¹⁵ The prohibition of polygamy is not contained in Christianity because there has never been a prohibition on polygamy in the Bible explicitly, even though it is one verse. The phenomenon of European Christians not polygamous and choosing monogamy not because of the prohibition of their religion, but because they inherited the customs of their ancestors, who were the Greeks and Romans who forbade polygamy. The customs of their ancestors are still maintained even though they embrace Christianity.¹⁶

Before the arrival of Islam, polygamy was practised in Arabia without borders. At that time, women lived under oppression and injustice because they were men's property. Islam addresses the situation and restricts this practice to only four wives. This practice was aimed at the freedom of slaves and to increase the dignity of widows due to the death of their husbands in battle.¹⁷ During the Uhud war, Muslims were encouraged to marry widows. In line with the development of polygamy gradually limited in number. Surah al-Nisā' verse 3 is the basis for radically changing the provisions of polygamy. These changes are restrictions on the number of women who can be polygamous, which is limited to four people and impose strict conditions for people who want to be polygamous.¹⁸ Apart from being one of the sunnah of the Prophet, marriage is a worship that is worth rewarding in Islam. Muslims are encouraged to marry on the principle of monogamy if there is no need for polygamy.

Muslim men are allowed to marry more than one woman, limiting four women. This permissibility applies if the man can treat his wives relatively in maintenance, housing, and time distribution. If he feels unable to be fair, he cannot marry more than one woman.¹⁹ The wife's limit in the practice of polygamy is four. This matter is explained in the hadith narrated by Al-Tirmīzī. This opinion is confirmed by the consensus of scholars that the meaning of the verse is that it is

¹⁵ Marzuki, "Poligami dalam Hukum Islam," 4.

¹⁶ Syifa, *Pekawinan Poligami Menurut Hukum Islam dan Perundang-Undangan di Indonesia*, 20.

¹⁷ Arif Rohman, "Reinterpret Polygamy in Islam: A Case Study in Indonesia," *SSRN Electronic Journal*, 2013, 72

¹⁸ Mulia, *Pandangan Islam tentang Poligami*, 4.

¹⁹ Syifa, *Pekawinan Poligami Menurut Hukum Islam dan Perundang-Undangan di Indonesia*, 21.

permissible for a man to marry only four women. So it is not true that the opinion that allows nine wives is based on the textual meaning of the verse (*ẓahir*). Because what is meant by the verse is choosing between the numbers, not collecting them.²⁰

Ibnu 'Asyūr in his commentary, explains that the word "*Mašnā wa Šulās wa Rubā*" is used to indicate the meaning of repetition of the word numbers for division. This matter follows the word of Allah in Surah Fātir verse 1.²¹ Ibnu 'Asyūr added that the division here is based on the variety of interlocutors in wealth. Some of them were able to marry two women. So, it is they who have two wives (two wives each), and so on. It's like when the Arabs said to a group of people, "*Iqtasimū Hāža al-Māl Dirhamain Dirhamain, wa Šalāsah Šalāsah, wa Arba'ah Arba'ah 'alā Ḥasabi Akbarikum Sinnan*", Which means that the money is divided among all of them two dirhams and two dirhams, three and three, four and four according to age.²² According to the author, that is the correct understanding of the verse above, not what some people understand that; the verse above shows that there is no limit to the wife's practise of polygamy because the meaning of the word "*Mašnā wa Šulās wa Rubā*" is two and two, three and three, four and four. Just as the meaning of the sentence "*Jā'a al-Ṭullāb Mašnā*" is that the student comes in twos and twos. Some understand from the verse that the limit of wives is nine as the wife of the Prophet Muhammad.²³

Mustafā al-Adawī explains that the law of polygamy is sunnah. In his book *Aḥkām al-Nikāḥ wa al-Zafāf*, he explains four conditions that must be met if a person wants to be polygamous. First, polygamists must be fair to their wives. It is not permissible for him to incline one of his wives because this will cause injustice to his other wives. Second, awake from negligence in worshipping Allah SWT. Third, being able to carry out his obligations as a husband by taking care of his

²⁰ Abu al-'Abbās Ibnu 'Ajībah, *Al-Baḥru al-Madīd fī Tafsīr al-Qur'ān al-Majīd* (Kairo, n.d.), 462.

²¹ Muhammad Ṭāhir ibn 'Āsyūr, *al-Taḥwīr wa al-Tanwīr* (Tunis: Dar at-Tunīsiyah li al-Nasyr, 1984), 224.

²² Ibn 'Āsyūr, *al-Taḥwīr wa al-Tanwīr*, 225.

²³ Abū Bakr al-Jazairī, *Aisar al-Tafāsīr li Kalām al-'Āli al-Kabīr* (Madinah: Maktabah Al-'Ulūm wa al-Hukmi, 2013), 437.

wives in terms of religion, honour and not falling into evil. Fifth, being able to provide a living for the wives.²⁴ On the other hand, according to Al-Marāgī, there are four requirements for polygamy. First, the barren wife. Second, when the husband's sexual ability is very high above the wife's ability, he cannot serve it. Third, the husband is rich and able to meet all his family's needs. Fourth, when the number of women exceeds the number of men or the number of orphans and widows who need to be protected.²⁵

Muhammad Amīn al-Syinqīṭī provides an interesting explanation of the interpretation of Surah al-Nisā' verse 3. Al-Syinqīṭī explains that there is no doubt that the most correct and fairest way is the permissibility of polygamy. This matter is seen from facts known to all reasonable people. First, a woman experiences menstruation, illness and other obstacles that prevent them from breaking up to fulfil her obligations as a wife. At the same time, a husband has a role in multiplying the people. If a wife is absent, as mentioned, then the role of a husband to increase the number of people will be lost and wasted. Second, Allah created men with fewer numbers than the number of women. If a man is content with one wife, many women will be prevented from marrying. This matter will cause them to commit heinous acts such as adultery. Therefore, turning away from the guidance of the Qur'an is the leading cause of moral corruption. Third, all women are ready to marry, while many men are not ready to marry is due to economic factors. If a man is content with one wife, many of the women who are ready to marry cannot afford to marry because of the small number of men who are ready to marry.²⁶

Islam gives the husband the right to polygamy on fair terms. The wife's consent is not a condition for the husband to allow polygamy, and it's just that it's complicated for someone to be fair. In addition, some wives and children demand that their husbands earn enough to support them. It is also essential for polygamists to know that it is forbidden for a man to gather his wives in one house

²⁴ Mustafā Al-'Adawī, *Aḥkām al-Nikāḥ wa al-Zafāf* (Mesir: Dār Ibn Rajab, 2000), 160–61.

²⁵ Nurul Huda, "Poligami dalam Pemikiran Kalangan Islam Liberal," *Ishraqi* 4, no. 2 (2008): 133.

²⁶ Muhammad Amīn al-Shinqīṭy, *Aḍwā' al-Bayān fī Iḍāhi al-Qur'ān bi al-Qur'ān* (Beirut: Dār al-Fikr, 1995), 22.

except with the pleasure of all wives. This matter is based on a narration that explains that the wives of the Prophet have their own homes.²⁷

In Indonesia, the provisions of polygamy have been regulated in Law No. 1 of 1974 concerning Marriage²⁸ and the Compilation of Islamic Law (KHI). The provisions of the Act and KHI are not much different from the provisions of Islam, and the difference is only in a few points. Among them is the obligation to obtain permission from the court before polygamy. Permission from the court is only given if the wife does not carry out her obligations if the wife is disabled or sick that cannot be cured and if the wife is barren. In contrast, the conditions for applying for a permit to the court are getting the wife's approval, certainty that the husband can meet the needs of his wives and children, and there is a guarantee that the husband can do justice.²⁹

C. The Polygamy Debate Among Madhhab Scholars and Contemporary Muslim Scholars

There are three opinions regarding the law of polygamy in Islamic family law. First, the opinion that punishes polygamy as a sunnah. Second, the opinion that rejects polygamy by absolutely forbidding it. Third, the opinion that allows polygamy with strict terms and conditions. In general, the three typologies of the scholars' debates lie in the concept of fairness in polygamy.

The first is the scholars who allow polygamy. Muṣṭafā al-'Adawī argues that polygamy is a sunnah based on several arguments. First, Surah al-Nisa' verse 3. Second, the words of Ibn' Abbas to Sa'īd Ibn Zubair: "*Marry! Because the best of this Ummah is those, who have more wives.*" Third, the narration of Anas Ibn Mālik states that the Prophet Muhammad had travelled to all his wives (who numbered nine) in one night. Fourth, the word of the Prophet explains that this world is

²⁷ Al-'Adawī, *Aḥkām al-Nikāḥ wa al-Zafāf*, 171.

²⁸ The Marriage Law, which was passed by the DPR on December 22, 1973 and signed by President Suharto on January 2, 1974, reaped pros and cons. Not all parties are satisfied with the law, especially secular women's organizations that oppose polygamy. The marriage law requires court approval before obtaining a divorce and practicing polygamy aims to reduce the incidence of divorce and polygamy. Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah* 54, no. 2 (2016): 431.

²⁹ Fatimah Zuhrah, "Problematika Hukum Poligami di Indonesia (Analisis terhadap UU No. 1 tahun 1974 dan KHI)," *Al-Usrah : Jurnal Al Ahwal As Syakhsyah* 5, no. 1 (2017): 32, 35.

jewellery, and the best jewellery in the world is a good woman. Fifth, the hadith of the Prophet explains that in every woman's wife's vagina, there is a value of alms, and there are many other arguments.³⁰

According to Sayyid Qutub, the law of polygamy is *rukḥṣah*. Therefore, one should not practice polygamy except in an emergency, which is urgent.³¹ Muhammad Abduh supports this opinion. He stated that polygamy could only be practised just as a relief (*rukḥṣah*) and can only be done by people in a state of emergency, not under normal circumstances.³² Abduh asserted that polygamy, although permitted in the Qur'an, was a concession to necessary social conditions and was granted with the greatest reluctance. Anyone who understands the meaning of the two verses of the Qur'an (al-Nisā' verses 3 and 129) will know that the permission for polygamy in Islam is minimal, equivalent to extraordinary actions that will only be broken at the extreme limits. According to him, men who already have one wife should be prohibited from marrying other women unless they get permission and approval from the court.³³

Al-Marāgī also stated the law of the permissibility of polygamy. Nurul Huda quoted Al-Marāgī's words in his famous commentary, *Tafsir al-Marāgī*. Al-Marāgī explained that Surah al-Nisā' verse 3 could be understood that the law is permissible for polygamy. It's just that these abilities are abilities that are tightened and complicated. According to him, people can practice polygamy only in an emergency, when people need it. Then al-Maraghi narrated the rules of fiqh which read, "Dar'u al-Mafāsīd Muqaddam' alā Jalb al-Maṣāliḥ (preventing harm takes precedence over bringing benefit)." This matter shows how vital caution is in deciding the law on polygamy.³⁴

Mustafā al-Khin, Mustafā Dīb al-Bughā, and Ali al-Syirbijī state that the original law of polygamy is permissible. However, the law could be sunnah, makruh and even haram, depending on the perpetrator who wants to practice polygamy. Sunnah law applies to husbands who have a sick or barren wife while

³⁰ Al-'Adawī, *Aḥkām al-Nikāḥ wa al-Zafāf*, 160.

³¹ Huda, "Poligami dalam Pemikiran Kalangan Islam Liberal," 133.

³² Nur Khosiah, Reza Hilmy Luayyin, and David Prabowo, "Poligami Perspektif Muhammad Abduh dan Muhammad Syahrur," *Jurnal Imtiyaz* 5, no. 02 (2021): 82.

³³ M Siraj, "The Control of Polygamy," *Malaya Law Review* 6, no. 2 (1964): 387.

³⁴ Huda, "Poligami dalam Pemikiran Kalangan Islam Liberal," 133.

the husband wants children and feels able to do justice. The law of *makhruh* applies to husbands who want to have polygamy without an urgent need and only want to vent their lusts. The polygamy law can become haram if the husband cannot act reasonably.³⁵

Hamka argues that the Qur'an's permission for just polygamy is a means to protect the welfare of orphans and their property. He understands Surah al-Nisā' verse 3 that marrying four wives with fair conditions between them is an alternative to exploiting the property of orphans. Contextually, the verse was revealed to correct people's evil intentions to marry an orphaned woman to take advantage of her wealth. Hamka emphasized that one can avoid using an orphan's property by not marrying him but remains vulnerable to molesting his wife in a polygamous marriage.³⁶

The second is the scholars who forbid polygamy. Musda Mulia expressed this opinion. The difficulty of doing justice in polygamy causes polygamy to be unlawful. According to him, polygamy law is *harām li gairih* based on the adverse effects it causes. Moreover, the Qur'an burdens the husband with the conditions of justice that cannot be realized against the wives, as explained in Surah al-Nisa' verse 129.³⁷ Western scholars assume that polygamy will create division and conflict between husband and wife and affect their children. Family conditions like this trigger the growth of bad behaviour in children. In addition, polygamy will also rob women of glory because a wife hopes her husband only loves himself alone. If her husband shares his love and affection with other women, it means that the wife's honour has been taken away. That's part of Western propaganda related to polygamy that is used to blame the existence of a polygamous system which is considered discriminatory in Islam because it only gives men the authority to have more than one partner, while women cannot.³⁸

³⁵ Mustafā al-Khin, Mustafā Dīb al-Bughā, and 'Ali al-Syirbijī, *al-Fiqh al-Manhajī 'ala Mazhab al-Imām al-Shafī'i* (Damaskus: Dār al-Qalam, 1992), 35.

³⁶ Norbani B Ismail, "The Quranic Exegesis, Reformism, and Women in Twentieth Century Indonesia," *Studia Islamika* 24, no. 3 (2017): 486.

³⁷ Saifuddin, "Pergeseran Wacana Relasi Gender dalam Kajian Tafsir di Indonesia: (Perbandingan Penafsiran 'Abd al-Rauf Singkel dan M. Quraish Shihab)," 147.

³⁸ Marzuki, "Poligami dalam Hukum Islam," 3.

The thing that is often used as a subject of debate in polygamy is the concept of fairness. Some say that polygamy is not allowed because justice is tough to realize for polygamists. Some explain that justice is only required in some cases, not in everything. The fiqh scholars explain that justice in the case of polygamy is fair in the shift to spend the night and earn a living. Abū Shujā' in *Matn al-Gāyah wa al-Taqrīb* argues that the husband must give a night shift and maintenance is required if the wife is obedient to her husband. If the wife disobeys, the obligation to provide a living and shift to spend the night is no longer valid.³⁹ A person is not required to be fair in terms of feelings because the level of love is beyond human control. If the husband exaggerates his love for one of his wives, it is not a sin.⁴⁰ Just don't show those feelings too much in front of other wives. As the hadith narrated by al-Tirmīzī: *"O Allah, this is what I have, but do not blame for something that You have, but I do not have"*.⁴¹ Zainuddīn al-Manawī explained that the hadith above is to show that the notion of fairness in a polygamous family is fair in what humans can do, such as being fair in spending the night, being fair in living, and being fair in dividing time. As for things that humans cannot control, such as love, there is no requirement to be fair.⁴²

Ibnu' Alān emphasized that the content of the hadith of al-Tirmīzī above is that Allah informs humans that they have no power over the inclination of feelings towards some wives from other wives. Therefore, fairness has nothing to do with the size of the love for a particular wife, and it's just that as much as possible, that feeling is kept in the heart and not to show.⁴³ This statement is confirmed in Surah al-Nisā ayat 129: *"And you will not be able to do justice between (your) wives, even though you want to do so, so don't be so inclined (to the one you love), so that you leave the others hanging. And if you make corrections and protect yourself (from cheating), then indeed, Allah is Forgiving, Most Merciful"*.

³⁹ Abū Shujā, *Matn al-Gāyah wa al-Taqrīb* (Alam al-Kutub, n.d.), 32.

⁴⁰ Syifa, *Pekawinan Poligami Menurut Hukum Islam dan Perundang-Undangan di Indonesia*, 22.

⁴¹ Muhammad bin 'Isa al-Tirmīzī, *al-Jāmi' al-Ṣaḥiḥ* (Mesir: Syarikah Maktabah wa Maṭba'ah Mustafā al-Bābī al-Halabī, n.d.), 438.

⁴² Zain al-Dīn al-Manawī, *Faiḍ al-Qadīr Syarḥ al-Jāmi' al-Ṣaghīr* (Mesir: Al-Maktabah al-Tijāriah al-Kubro, 1356), 237.

⁴³ Ibn 'Alān, *Dalīl al-Fālihīn li Tarīqi Riyād al-Ṣālihīn* (Beirut: Dar al-Ma'rifah, 2014), 95.

Mustafā al-'Adawī explains that justice, as referred to in Surah al-Nisā' verse 129, is something that cannot be done by humans, even though they have tried to be fair in love, lust and intimate relationships. Al-'Adawī then quoted Ibn Qudamah's words in "*al-Mugnī*" that he was not aware of any differences of opinion among the scholars regarding the obligation to be equal (fair) in terms of *jima'* between his wives. Al-'Adawī continued that love is in the heart, and therefore, it is permissible for a husband to love one of his wives more than the other. This matter is corroborated by the answer of the Prophet when he was asked who the person you love the most is? The Prophet replied, "*Aisyah*".⁴⁴

It is mentioned in the hadith narrated by al-Nasā'i, which finally explains that fairness in feelings is also a must. Whoever violates it will be rewarded on the Day of Resurrection. The Prophet said: "*Whoever has two wives and is more inclined to one of them, he will come with part of his body tilted*".⁴⁵ Al-Sindī in his *Ḥāsyiyah* has explained the meaning of a similar hadith narrated by Ibn al-Mājah. He emphasized that what is meant by *mail* (inclined) in the hadith is *al-mail fi'lan* (inclined in action), not *al-mail qalban* (inclined in feeling). It is unfair in this action prohibited by Allah in Surah al-Nisā' ayat 129.⁴⁶

There is another opinion which states that the justice required in polygamy includes all things, including in terms of affection as stated by Al-Ḍaḥḥāk and other scholars who assert that the meaning of justice in polygamy is fair in all things, both in terms of material related to physical and immaterial matters related to feelings. A husband must be fair in terms of living, house, turn to stay, love, affection, and so on.⁴⁷ Mahmūd Muhammad Tāha also expressed the same opinion in *al-Risālah al-Ṣāniyah min al-Islām*. According to him, justice includes material needs and inclinations of the heart. Therefore, justice in polygamy is tough to achieve.⁴⁸ Justice, according to Sayyid Qutub includes justice in living, mu'amalat,

⁴⁴ Al-'Adawī, *Aḥkām al-Nikāḥ wa al-Zafāf*, 180–84.

⁴⁵ Abū Abd al-Raḥmān al-Nasā'i, *Al-Mujtabā min al-Sunan* (Aleppo: Maktabah al-Maṭbūat al-Islamiyyah, 1986), 63.

⁴⁶ Muḥammad ibn Abd al-Hādī al-Sindī, *Kifāyah al-Ḥājah fī Syarḥ Sunan Ibn Al-Mājah* (Beirut: Dār al-Fikr, n.d.), 607.

⁴⁷ Ahmad ibn Muhammad al-Qaṣṭalānī, *Irsyād al-Syārī Syarḥ Saḥīḥ al-Bukhārī* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1996), 502.

⁴⁸ Khairon Nahdiyyin, *Arus Balik Syari'ah Terjemah ar-Risālah ats-Ṣāniyah min al-Islām* (Yogyakarta: LKiS, 2003), 169.

association and division of the night. If someone can do justice in this matter, then polygamy is permissible for him. If he feels unable to do justice, then one wife is enough for him.⁴⁹

The third is the opinion that allows polygamy with strict terms and conditions. Quraish Shihab argues that polygamy is not mandatory or the sunnah. However, the law of polygamy is only allowed. It is permissible for polygamy to be likened to a minor emergency door that can only be passed when needed and on conditions that are not light. He emphasized that Surah al-Nisā' verse 3 does not regulate polygamy because polygamy was known and implemented by religious shari'ah and customs before this.⁵⁰ In the study of Tafsir al-Mishbah, Shihab explained that Surah al-Nisa' verse 3 does not contain the commandment of polygamy and does not prohibit polygamy. People can be polygamous as long as they can fulfil the fairness conditions. The fairness required is fair in material matters, not in terms of feelings and love.⁵¹ From this opinion, it can be seen that Quraish Shihab is not included in the group that opposes polygamy but allows it with special notes, including the principle of justice.

From the explanation above, it can be understood that the law of polygamy is permissible according to the opinion of the majority of scholars and is still relevant today because there is nothing that demands a change in the legal status of polygamy from what is permissible to forbidden if all the terms and conditions are realized. Changes in the legal status of polygamy to be forbidden only occur if the conditions for polygamy are not met, such as when the husband feels that he will not be able to do justice because this will oppress women. Good communication is also essential in polygamous life. Good communication can minimize misunderstandings. Communication also serves to create a harmonious and peaceful atmosphere in the family.

⁴⁹ Huda, "Poligami dalam Pemikiran Kalangan Islam Liberal," 133.

⁵⁰ Quraish Shihab, *Wawasan Al-Qur'an* (Bandung: Mizan, 2007), 265.

⁵¹ Quraish Shihab, "Surah An Nisaa Ayat 1-3 - Tafsir Al Mishbah MetroTV 2008 - YouTube," accessed January 9, 2022, <https://www.youtube.com/watch?v=dFXeuQPp1Cs>.

D. Reasons and Its Impact on Muslim Family Life: Experiences from Polygamists

The perpetrators of polygamy have their reasons and problems in living life in their families. There are two reasons for polygamy experienced by Muslim communities in the Babat area, Lamongan, East Java. The first is that the wife cannot have children and is permanently sick. Two cases of polygamists experienced the first reason. The first polygamist practised polygamy because his first wife could not give birth.⁵² For this reason, this first polygamist married a woman in a *sirri* manner and was blessed with a child.⁵³

Unlike the first polygamist, the second polygamist performs polygamy at the request of his first wife. The second polygamist experiences this reason. The practice of this second polygamist is quite strange because the initiative to do polygamy came from his first wife. In addition, all the requirements needed by her husband for polygamy are taken care of by the first wife, whose physical condition cannot walk properly and is assisted by a wheelchair. The marriage of the second polygamist with the second wife is carried out officially and has the first wife's approval. One of the main reasons the first wife of the second polygamist agreed to her husband's polygamy was because of her condition, which was seriously ill and paralyzed.⁵⁴

The third is the attraction to other women. The third polygamist experiences the third reason. The third polygamist is a successful convection businessman and is among the wealthiest people in his village.⁵⁵ Before marrying the first wife, the third polygamist had loved his second wife. Because the family of the third polygamist had set him up with the first wife, the third polygamist did not marry the second wife. The third polygamist is married to the first wife and the second wife of the third polygamist is married to someone else. After knowing the second wife had been divorced by her husband, the third polygamist then desired

⁵² Muhammad Idris, "Personal Interview with Moropelang Village Official", January 9, 2022.

⁵³ Zakaria Al-Anshori, "Personal Interview with Moropelang Village Official", January 5, 2022.

⁵⁴ Muhammad Idris, "Personal Interview with Moropelang Village Official", January 9, 2022.

⁵⁵ "Case Observation on Polygamist in Babat, Lamongan, East Java", January 6, 2022.

to marry his second wife, his neighbour, and the third polygamist often kept in touch via a landline.⁵⁶ The two of them finally got married, but it didn't last long.⁵⁷

Many reasons encourage a husband to do polygamy. Based on field research conducted by Idha Aprilyana Sembiring, among the reasons for polygamy are no offspring, sexual needs, following the Sunnah of the Prophet, wife not taking care of herself, wife's illness that cannot be cured, attraction to other women, lack of wife service, the influence of customs and traditions culture.⁵⁸ The inability of a wife to carry out her obligations, especially in terms of biological relationships, can be a strong reason for a husband to practice polygamy. This matter is why a stone labourer in Babat Subdistrict, Lamongan, is applying for a polygamy permit to the Lamongan Religious Court. Based on the first wife's consent and other considerations, the religious courts permitted the applicant to practice polygamy.⁵⁹

In addition to the reasons for doing polygamy, the perpetrators are also inseparable from the problems they experience when doing polygamy. The main problems experienced by polygamous family's impact disharmony in fostering a household, namely quarrels. The third polygamist constantly experiences quarrels.⁶⁰ Before polygamy, the family of the third polygamist seemed calm and harmonious. After polygamy, there are often quarrels and insults between the first wife and the second wife, and even physical fights occur.⁶¹ The quarrel took place openly and was witnessed by the neighbours. The third polygamist left his second wife because the first wife got a car lottery that raised his rank.⁶² The fourth polygamist also experiences quarrels. This quarrel occurred between the second wife and her children because her mother married a man who was still another woman's husband. The marriage impacted the children's anger, which resulted in them leaving the house and not wanting to be reunited with their biological mother.⁶³

⁵⁶ Muhammad Idris, "Personal Interview with Moropelang Village Official", January 9, 2022.

⁵⁷ Maskunatun, "Personal Interview with Polygamous Neighbor", May 11, 2017.

⁵⁸ Idha Aprilyana Sembiring, "Berbagai Faktor Penyebab Poligami di Kalangan Pelaku Poligami di Kota Medan," *Jurnal Equality* 12, no. 2 (2007): 117.

⁵⁹ Religious Court Decision No. 0621/Pdt.G/2009/PA. Lmg.

⁶⁰ Muhammad Idris, "Personal Interview with Moropelang Village Official", January 5, 2022.

⁶¹ Zakaria Al-Anshori, "Personal Interview with Polygamous Neighbor", May 11, 2017.

⁶² Inayah, "Personal Interview with Polygamous Neighbor", January 9, 2022.

⁶³ Muhammad Idris, "Personal Interview with Moropelang Village Official", January 9, 2022.

Meanwhile, there is also harmony in polygamists' families. The family of the first polygamist experienced this matter. This matter is evidenced by the two wives of the first polygamists being together and helping each other in their respective affairs. Together, the two wives run a sausage and drink business sold in front of his house. The first polygamist engaged in a sewing business and assisted his two wives to sew.⁶⁴ One of the keys to harmony in a polygamous family is that the first husband has substantial control and influence as the head of the family.⁶⁵

The fifth polygamist also experiences the harmony of the polygamous family. Before deciding on polygamy, the fifth polygamist was less harmonious. This matter is due to the temperament of the first wife and the difficulty of negotiating with her. After polygamy, the fifth polygamist gets a new family that is very different from the first family. After polygamy, the fifth polygamist feels happy and gets many positive things. Unfortunately, the happiness of the fifth polygamist with his second wife is inversely proportional to his first wife. Interestingly, one reason for the fifth polygamist to practice polygamy was the doctor's suggestion that men are still productive even though they are 90 years old (medically), so the desire to have sex is still strong. Meanwhile, when women have entered menopause, they will lose their sexual desire due to reduced mucus production, which will cause an ill effect when having sex. If the wife has lost her sexual desire, polygamy is the right way to fulfil her inner needs.⁶⁶

Based on the author's explanation above, more families of polygamous actors are not harmonious than harmonious polygamous families. Polygamy can work well without any significant problems if the polygamist can fulfil the terms and conditions of polygamy, especially in terms of justice. Another thing that can make polygamy significant any big problems is the high awareness of the wives of the permissibility of polygamy in religion. On the other hand, polygamous life will be filled with problems if the wife only prioritizes feelings and emotions. At the same time, the husband chooses polygamy because of long-held feelings of love.

⁶⁴ Idris.

⁶⁵ Zakaria Al-Anshori, "Personal Interview with Moropelang Village Official", January 5, 2022.

⁶⁶ HS, "Personal Interview with Polygamist" Via Mobile, May 10, 2017.

E. Conclusion

The concept of polygamy that is most in line with Islamic family law in Indonesia is the concept of polygamy put forward by fiqh scholars who argue that polygamy is allowed under strict conditions, especially in terms of justice. The polygamists are motivated by the support of the first wife, the sterile condition of the first wife and attraction to other women. Most polygamists in Babat Subdistrict, Lamongan, are not harmonious in nurturing their families. This matter was because the first and second wives could not get along and always fought. However, some polygamous families are harmonious, peaceful and do not appear to have any problems due to the husband's influence as the head of the family, accompanied by wives who accept each other's presence.

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