



**Polygamy in the Perspective of *Tafsīr Al-Aḥkām* and Islamic Law:
An Examination of the Gayo Luwes Community in Aceh, Indonesia**

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Abstract: The law on marriage, adheres to the principle of monogamy, but in other parts, it is stated that under certain circumstances polygamy is justified. The main problem studied was the practice of polygamy without the permission of wives in Gayo Lues Regency, Aceh. This study employs empirical legal methodologies and applies theoretical frameworks grounded on Islamic law, specifically utilizing the approach of *tafsīr al-aḥkām*. The collection of data was conducted through the utilization of in-depth interviews and a comprehensive review of relevant literature. The findings of the study revealed significant variations in the occurrence of non-consensual polygamy in Pantan Weather subdistrict, Gayo Regency. Polygamy entails both bad and positive consequences, with the former outweighing the latter in terms of quantity. The adverse consequences encompass spousal inequity, the disregard for the rights of women and children, the proliferation of animosity among spouses, and the erosion of familial bonds. In contrast, the potential benefits of engaging in polygamy primarily revolve around the avoidance of immoral behavior, specifically adultery, and the facilitation of subsequent marriages. By entering into multiple marriages without the explicit consent of one's spouse, an individual may perceive certain advantages, such as the acquisition of desirable outcomes. Conversely, the fear of experiencing negative consequences, such as infidelity, may serve as a motivating factor for individuals to pursue polygamous relationships. Moreover, as posited by scholars of interpretation, both ancient and contemporary, the fundamental principle of marriage in Islamic jurisprudence is monogamy. However, if an individual engages in polygamy, it is imperative to uphold principles of justice, responsibility, and the preservation of familial harmony and tranquility. This study contributes to the understanding that polygamy may be considered as a viable option in exceptional circumstances, but only under the condition that it is practiced with fairness and equity by specific individuals.

Keywords: Polygamy, monogamy, *tafsīr al-Aḥkām*, Islamic Law

Abstrak: Undang-Undang tentang perkawinan, menganut asas monogami, namun dalam bagian yang lain dinyatakan bahwa dalam keadaan tertentu poligami dibenarkan. Permasalahan utama yang dikaji adalah praktik poligami tanpa izin istri di Kabupaten Gayo Lues, Aceh. Penelitian ini menggunakan metode hukum empiris, dianalisis dengan teori dengan pendekatan hukum Islam dan tafsīr al-aḥkām. Data dikumpulkan dengan menggunakan wawancara mendalam dan studi literatur. Hasil penelitian yang ditemukan bahwa praktik poligami tanpa izin istri yang terjadi di kecamatan pantan cuaca kabupaten gayo lues bermacam-macam. Ada dua dampak poligami, negatif dan positif, dampak negative lebih banyak, dari pada dampak positif. Dampak negatif adalah ketidakadilan suami, hak-hak istri dan anak yang terabaikan, munculnya kebencian antara sesama istri dan rusaknya ikatan keluarga. Sedangkan dampak positif hanya sedikit yaitu seseorang akan terhindar dari maksiat dan dosa perzinahan dan memperlancar urusan pernikahan kedua kalinya, membolehkan seseorang laki-laki berpoligami tanpa izin istri dikarenakan mendapatkan kebaikan dan jika tidak menikah ditakutkan mendapat kemungkaran seperti menjauhkan dari perselingkuhan. Selanjutnya menurut pada ulama tafsir baik klasik maupun kontemporer bahwa hakikat pernikahan dalam hukum Islam adalah monogami, sedangkan jika ada yang melakukan poligami keadilan, tanggungjawab dan menjaga keluarga agar tetapi bahagia dan damai. Kajian ini berkontribusi semua pihak bahwa poligami hanya merupakan darurat yang dapat dilakukan oleh orang tertentu dengan syarat harus dapat berlaku adil.

Kata Kunci: Poligami, monogami, tafsīr al-aḥkām, hukum Islam

Introduction

The Islamic family law encompasses several aspects such as marriage, divorce, maintenance, children's rights, and joint property, including the practice of polygamy. These matters are governed by the Islamic law, which derives its principles from the teachings of the Qur'an, the Sunnah, and the interpretations of religious scholars (*ulama*). The topic of polygamy is extensively debated in the context of marital discourses, leading to its regulation by the state through the enactment of Marriage Law No. 1 of 1974 and the 1991 Compilation of Islamic Law.¹ This measure is implemented in order to attain the legal goals of equitable advantage, thereby ensuring that no single party is subjected to unjust treatment.

¹ Theresia Dyah Wirastrī & Stijn Cornelis van Huis, "The Second Wife: Ambivalences Towards State Regulation of Polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 52, No. 2 (2021). Alfitri Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika* 27, No. 2 (2020).

Polygamy is a matrimonial arrangement in which a male individual enters into marriage with multiple female partners, with one of the female partners also engaging in simultaneous marriages with several male individuals. The Law on Marriage primarily upholds the principle of monogamy, as articulated in Article 3, which stipulates that a man is restricted to having one wife, and a woman is limited to having one husband. However, it is worth noting that the law also allows for polygamy under specific situations, as mentioned in another part.²

The principle of monogamy is expressly articulated as the foundation of marriage in the Islamic law. Nevertheless, the practice of polygamy remains a viable option, but limited to a maximum of four individuals. In order to engage in the practice of polygamy, individuals must obtain legal authorization from the court. Conversely, in the absence of court authorization, the marriage lacks legal validity.³ In accordance with the Islamic jurisprudence, males are permitted to engage in polygamy as a potential recourse or resolution to address the fulfillment of their sexual desires or other factors that may disrupt their emotional well-being, hence mitigating the likelihood of engaging in extramarital relationships.⁴

The Compilation of Islamic Law in Indonesia stipulates the regulation of polygamy, wherein a husband is permitted to have a maximum of four wives. However, it is required that the husband demonstrates the ability to treat all his wives and children equitably. In the event that a husband desires to engage in a polygamous marriage, it is imperative that he secures authorization from the religious court. The act of submitting the permit application is conducted in accordance with the processes stipulated in Chapter VII of Public Policy No. 1975. Marriages contracted with the second, the third, or the fourth wives without obtaining authorization from the Religious Court lack legal validity. The Religious Court grants authorization for a husband to enter into a polygamous marriage in the following circumstances: (a) The wife is unable to fulfill her marital duties, (b) The wife suffers from a physical impairment or an incurable illness, (c) The wife is unable to conceive and bear children

In order to acquire authorization from the Religious Court, it is necessary to fulfill the standards outlined in Article 5 of Law Number 1 of 1974. These prerequisites include obtaining the wife's agreement and ensuring that the

² Tihami and Sohari Sahrani, *Fiqh Munakahat*, (Jakarta: PT Raja Grafindo Persada, 2010), p. 351. Nina Nurmila, "Polygamous Marriages in Indonesia and Their Impacts on Women's Access to Income and Property," *Al-Jami'ah: Journal of Islamic Studies* 54, No. 2 (2016), p. 427.

³ Ahmad Rofiq, *Hukum Islam di Indonesia*, (Jakarta: RajaGrafindo Persada, 2000).

⁴ Amir Syarifuddin, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Kencana, 2009).

husband possesses the means to provide for the essential needs of his wives and their children. Similarly, the approval of the wife or wives may be provided either in written or verbal form, although the presence of written consent does not necessarily guarantee compliance. The confirmation of this agreement is evidenced by the wife's oral consent during the proceedings before the Religious Court.⁵

Imam al-Shafi'i asserts that within the framework of the Islamic jurisprudence, it is permissible for a Muslim adherent to enter into matrimonial relationships with up to four spouses simultaneously. The notion of equitable treatment among several wives is rooted in the concept of justice within the individual's conscience. Al-Syafi'i posits that the true extent of this justice can only be comprehended by Allah alone. Hence, it is seen unattainable for an individual to exhibit impartiality towards his spouse, a prerequisite stipulated by Islamic jurisprudence concerning matters of emotional attachment and sentiments, thereby enabling a husband to exercise equity.⁶

The prevailing consensus among Islamic legal scholars acknowledges the inherent impossibility of attaining qualitative justice. According to Abdurrahman al-Jaziri, the notion of ensuring equal rights to sexual desires and affection among multiple wives in polygamous relationships is not seen obligatory. This perspective is based on the understanding that humans inherently struggle to achieve fairness in distributing affection, since it is a deeply ingrained urge. It is inherent for a husband to experience a greater attraction towards one of his wives in comparison to the others, and this phenomenon is beyond the realm of human volition.⁷

In accordance with this perspective, M. Quraish Shihab provides an interpretation of the concept of fairness as stipulated in QS. al-Nisa: 3, specifically in relation to husbands seeking to engage in polygamy. Shihab posits that the notion of justice in this context pertains primarily to material aspects. The aforementioned verse pertains to justice within the intangible realm of affection. The attainment of justice through human capacity is deemed unattainable. Consequently, it is incumbent upon spouses who engage in polygamy to exercise restraint and avoid excessive favoritism towards their respective partners. Hence, employing this scripture as a justification to preclude the practice of polygamy is deemed unsuitable.⁸

⁵ Mardani, *Hukum Keluarga Islam di Indonesia*, (Jakarta: Prenada Media Group, 2016), p. 98.

⁶ Khoiruddin Nasution, (Yogyakarta: ACA de MIA+ TAZZAFa, 2009), p. 264.

⁷ Al-Zahiri, *Kitab Al-Fiqih*, p. 68.

⁸ M. Quraish, *Wawasan al-Qur'an*, (Bandung: Mizan, 2000), p. 201.

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Numerous scholarly investigations have been conducted on the subject of polygamy within the framework of Islamic law in the context of Indonesia. Syarif conducted a scholarly examination of the polygamy passages found in the Qur'an, ultimately positing that these verses primarily serve as guidelines for equitable treatment of orphans rather than endorsing the legalization of polygamy.¹⁰ According to Mahfud and Billah, polygamy is a legal practice within Islam that has been ordained by Allah, as stated in QS. al-Nisa [4]: 3. Scholars hold varying perspectives regarding the compulsory nature of the command. According to Zahiriyah scholars, the act in question is deemed compulsory, however the prevailing viewpoint among the majority of scholars is that its permissibility is contingent upon the specific conditions of the individual's familial environment.¹¹

Tenrilawa and Ali conducted a comprehensive investigation on the phenomenon of polygamy across multiple educational institutions in Yogyakarta. This study presents a categorization of perspectives on polygamy into three distinct groups: pro-polygamy, conditional pro-polygamy, and contra-polygamy. Notably, the prevailing narrative within the pro-polygamy group centers around the perception of an imbalanced gender ratio as a kind of inequality. The case in the West Jakarta Religious Court, specifically pertaining to the granting of requests for authorization to practice polygamy with conditions of cumulative and alternative strengthening, was thoroughly examined by Utami and Tanawijaya. In the event that any of these circumstances can be substantiated, the court may grant the husband authorization to engage in polygamy. The aforementioned condition pertains to

⁹ Alhamdani, *Hukum Perkawinan Islam*, p. 79

¹⁰ Fajar Syarif, "The Contextual Interpretation of Polygamy Verses in The Qur'an," *Journal of Islamic Studies and Humanities* 5, No. 1 (2020).

¹¹ Mahfud Mahfud and Muhammad Qudwah I'tishom Billah, "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, No. 1 (2022), p. 18-26.

the wife's affliction with an incurable ailment or her inability to exhibit affection towards her offspring.¹²

Azwar conducted a study on the practice of polygamy within the Religious Courts of West Sumatra, with a specific focus on spouses who engage in this practice for business-related purposes. The judge grants permission after careful deliberation, taking into account the written consent provided by the wife. This authorization enables the husband to behave impartially, resulting in wealth and benefits for both the husband, wife, and their children. Fiqh academics facilitate the permissibility of polygamy by considering various social contexts and demands, with justice being the primary criterion.¹³

According to Usmam's research on the practice of polygamy in Aceh, it is asserted that husbands have an obligation to treat their wives equitably, offering both physical and spiritual assistance. Polygamy may engender adverse consequences among polygamous households prevalent among the Acehnese population, manifesting as inequity and the failure to furnish adequate financial sustenance to wives and offspring. Consequently, children may experience a deficiency of affection, leading to potential psychological, educational, and moral challenges.¹⁴

In contrast, Aishah asserts that in Malaysia, polygamy does not necessitate the consent of the initial spouse, but rather relies on the judge's discretion. In Malaysia, plural marriages are deemed legally lawful and officially acknowledged by the state, provided that the marriage has obtained authorization from the court. Based on the findings of the Religious Court study, it has been seen that a number of instances of polygamy were conducted in violation of legal provisions, resulting in adverse consequences for the wives involved.¹⁵

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¹² Ferrary Utami and Hanafi Tanawijaya, "Terjadinya Perizinan Perkawinan Poligami yang Tidak Berdasarkan Undang-Undang Perkawinan," *Syntax Literate Jurnal Ilmiah Indonesia* 8(6). (2023), p. 4215-4225.

¹³ Zainal Azwar, "Polygamy Permits for Business Reasons (Analysis of Sawahlunto Religious Court Ruling Number: 045/Pdt.G/2018/PA.SWL)," *Juris (Jurnal Ilmiah Syariah)* 20, No. 2 (2021).

¹⁴ Bustamam Usmam, "Poligami Menurut Perspektif Fiqh (Studi kasus di Kecamatan Pidie, Kabupaten Pidie, Aceh)," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 1, No. 1 (2017), p. 275.

¹⁵ Siti Nor Aishah, et.al., "Prosedur dan Syarat Poligami di Indonesia dan Malaysia," *Muqaranah* 6, No. 1 (2022), p. 61-68. Nurul Husna Binti Malik Nasar dan Amal Hayati, "Marital Status of The Infertile Spouse in a Polygamous Marriage in Malaysia (Analysis Based on The Islamic Family Law Negeri Selangor In 2003 Section 23)," *Journal of Education Humaniora and Social Sciences (JEHSS)* 6, No. 1 (2023), p. 27-33.

discretion. In Malaysia, plural marriages are deemed legally lawful and officially acknowledged by the state, provided that the marriage has obtained authorization from the court. Based on the findings of the Religious Court study, it has been seen that a number of instances of polygamy were conducted in violation of legal provisions, resulting in adverse consequences for the wives involved.

This research use empirical legal methodologies in conjunction with an Islamic legal framework and the interpretation of legal rulings and *tafsīr al-aḥkām*.¹⁶ The utilization of Islamic jurisprudence is employed for the examination of the legal framework surrounding the notion of polygamy, as well as the societal implementation of polygamous unions. In the field of Islamic studies, the scholarly practice of *tafsīr al-aḥkām* is employed to critically examine the many interpretations put forth by esteemed scholars, as documented within the corpus of tafsir literature. Conducting this study holds significance due to the prominence of polygamy as a subject of interest in the Islamic jurisprudence, particularly on its application and observance within societal contexts.

Polygamy from the Perspective of the Islamic Law

The term "polygamy" has its etymological roots in the Greek language, specifically derived from the combination of "polus," meaning "many," and "gomos," meaning "marriage." When these criteria are consolidated, polygamy can be defined as a marital arrangement that encompasses multiple individuals, exceeding the conventional notion of a union between two people.¹⁷ Polygamy is a marital arrangement wherein a man simultaneously maintains multiple wives, contrasting with the initial practice of monogamy. The emergence of polygamy occurred in tandem with the evolving human consciousness over time, predating the advent of Islam and being recognized by various societies in distant antiquity.

The usage of the term polygamy has become infrequent in contemporary society, to the extent that it can be argued that this terminology has mostly fallen out of common usage, with the exception of its continued use within the field of anthropology.¹⁸ The term polygamy refers to the practice of marriage between one man and multiple women, serving as a direct replacement for the traditional

¹⁶ Juhaya S. Praja, *Teori Hukum dan Aplikasinya*, (Bandung: Pustaka Setia, 2000). Ma'mun Mu'min, *Metodologi Penelitian Tafsir*, (Yogyakarta: Idea Press, 2016). Khairunnas Jamal, et.al., *Tafsir Ahkam: Ayat-Ayat Ibadah, Munakahat dan Mu'amalah*, (Yogyakarta: Kalimedia, 2018).

¹⁷ Abdul Rahman Ghozali *Fikih Munakahat*, (Jakarta: kencana, 2003, p. 123

¹⁸ Hamid Sarong, *Hukum Perkawinan Islam di Indonesia*, (Banda Aceh: Yayasan Pena 2005), p. 80.

concept of monogamy. It is important to note that polygamy is distinct from polyandry, which involves marriage between one woman and multiple men, thereby representing its opposite counterpart.¹⁹

Scholars hold divergent viewpoints regarding the practice of polygamy without the consent of the wife. Additionally, the permissibility of engaging in such polygamous unions without the wife's explicit agreement is contingent upon the husband's capacity to exercise fairness and equity. The imams of the madzab, namely the Shafi'i, Hanafi, and Hanbali imams, have also articulated the prerequisites for justice within the context of polygamy. According to their perspective, it is permissible for a husband to engage into polygamous marriages without seeking the consent of his first wife. However, this practice is subject to some limitations, namely that a husband may have a maximum of four wives. Additionally, there are rules in place to ensure equitable treatment and fair distribution of resources among the women, both in terms of financial support and the husband's time and attention.²⁰

According to Masjfuk Zuhdi, the Islamic perspective posits that polygamy entails a greater potential for hazards or adverse consequences compared to its benefits. Due to inherent human tendencies, individuals often exhibit traits such as jealousy, envy, and a proclivity for complaint. These characteristics can manifest more readily in individuals who are raised in a polygamous family structure. Polygamy has the potential to generate familial discord, manifesting in conflicts between husbands and their wives, as well as conflicts between wives and their respective children.²¹

According to the scholarly views of Wahbah al-Zuhaili, polygamy is a behavior that is deemed permissible within the framework of Islamic teachings, subject to specific conditions. According to the author's perspective, polygamy can be attributed to overarching factors, such as addressing gender imbalances resulting from various circumstances, including both ordinary scenarios and the repercussions of warfare. In addition to the aforementioned factors, there are additional contributing factors, including but not limited to infertility or illness experienced by the female partner, intermittent feelings of animosity, and heightened sexual desires in certain males. According to Wahbah al-Zuhaili, the permissibility of polygamy is contingent upon circumstances of urgency,

¹⁹ Bibit Suprpto, *Liku-Liku Poligami*, (Yogyakarta: Al-Kautsar) 1990, p. 71.

²⁰ Mahmud Yunus, *Hukum Perkawinan Dalam Islam Menurut Mazhab Syafi'i, Hanafi Hmbali, Maliki* (Jakarta: PT Hidakarya Agung, 1996), p. 89.

²¹ Masjfuk Zuhdi, *Masail Fiqhiyah* (Jakarta: CV Haji Masagung, 1989), p. 12.

necessity, or advantageous outcomes that align with the principles of Islamic jurisprudence.²²

Meanwhile, as stipulated by the Marriage Law, the prerequisites for a husband seeking to enter into a polygamous marriage are as follows: Initially, in order to proceed with the submission of an application to the court. In accordance with the provisions stated in Article 4, paragraph (1) of this legislation, certain conditions must be fulfilled. These conditions include obtaining consent from the spouse, ensuring the husband's capability to provide for the financial needs of both the wife and children, and guaranteeing fair treatment of the wife and children by the husband. Furthermore, the necessity of obtaining consent as mentioned in paragraph (1) letter an of this article does not apply to husbands in cases where it is impracticable for their wives to seek their consent and participate in the agreement, or when there has been a lack of communication from their wives for a minimum duration of two years, or in other circumstances that warrant evaluation by a judicial authority.²³

According to Abdul Karim Zaidan, the *Fiqh* review stipulates two essential elements for the permissibility of polygamy, which are as follows: firstly, the capacity to exercise fairness, and secondly, the ability to provide *Nafaqah*. If there exists a strong suspicion that a husband desiring to partake in polygamy lacks the ability to uphold fairness, it is considered *haram* for him to engage in such a practice. The capacity to sustain oneself financially is a fundamental prerequisite for entering into a marital union in general. Abdurrahman posits that there exist seven conditions under which polygamy may be justified. These conditions are as follows: firstly, if the wife suffers from a severe and incurable disease; secondly, if the wife is medically proven to be infertile and incapable of conceiving; thirdly, if the wife experiences memory impairments; fourthly, if the wife has reached an advanced age that prevents her from fulfilling her marital obligations; fifthly, if the wife possesses undesirable qualities; sixthly, if the wife passes away while at home; and finally, if the needs of both the husband and wife cannot be adequately met by a single spouse, thereby posing a threat to their well-being and familial harmony.²⁴

Regarding strategies used to discuss polygamy, the rules can be observed in PP no. 9 of 1975. According to Article 40, in the event that a husband desires

²² Wahbah al-Zuhaili, *Al-Fiqh al-Islamiy wa Adillatuhu*, Jilid 7, (Damaskus: Dar al-Fikr, 1985), p. 169-171

²³ Zainuddin Ali, *Hukum Perdata Islam Di Indonesia*, (Jakarta: Sinar Grafika 2006), p. 47

²⁴ Siska Lis Sulistiani, *Hukum Perdata Islam Penerapan Hukum Keluarga dan Hukum Bisnis Islam di Indonesia*, (Jakarta Timur: Sinar Grafika 2018), p. 97. Atun Wardatun and Bianca J. Smith, "Woman-Initiated Divorce and Feminist Fiqh in Indonesia: Narrating Male Acts of Nushūz in Marriage," *Ulumuna: Journal of Islamic Studies* 24, No. 2 (2020).

to engage with marriage with multiple wives, it is incumbent upon him to formally present a written application to the court.”

In the interim, the responsibilities of the court are governed by Article 41 of the Presidential Decree No. 9 of 1975, which stipulates that the court shall assess the following matters:

- a. The presence or absence of justifiable grounds for a husband to engage with a subsequent marriage.
- b. The presence or absence of spousal permission, whether it is given verbally or in writing, necessitates that a verbal agreement be articulated during a judicial proceeding.
- c. The presence of formal statement pertaining to the extent to which a husband possesses the capacity to ensure the sustenance requirements of his wife and children. This can be accomplished by the presentation of several forms of documentation, including a certificate affirming the husband's income, which has been duly endorsed by the treasurer at his place of employment. Additionally, an income tax certificate and another form of certification that holds validity within the court's purview may also be deemed acceptable means of substantiating the husband's ability to fulfill his familial obligations.
- d. The presence of a formal statement or pledge made by the husband, in accordance with the approved format, is a determining factor in assessing the likelihood of fair treatment towards his wives and children.

Article 42 of the aforementioned legislation elucidates the imperative nature of summoning spouses to furnish elucidations or testimonies before the court. The Religious Court possesses the jurisdiction to grant individuals the authorization to engage in the practice of polygamy. The provision for granting permission to have several wives is outlined in Article 43. According to this article, if the court determines that there are valid justifications for the applicant to do polygamous marriage, it will render a decision granting permission for the individual to have more than one wife.²⁵

The Examination of Polygamy Through the Perspective of *Tafsīr Al-Aḥkām*

Polygamy in the Qur'an can be found in two verses, notably in QS. Al-Nisa [4]: 3 and QS. Al-Nisa [4]: 129. The two verses cited, notably QS. Al-Nisa [4]: 3, provide as the legal foundation for the permissibility of polygamy according to the divine decree of Allah SWT.

²⁵ Amiur Nuruddin and Azhari Akmal Tarigan, *Hukum Perdata Islam Di Indonesia*, Jakarta: Prenada Media, 2002, p. 164.

وَإِنْ خِفْتُمْ أَلَّا تُفْسِدُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مِمَّنِّي وَثَلَاثَ
وَرُبَاعٍ ۖ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ۚ ذَلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

In the event that one harbors concerns regarding the ability to fulfill the obligations towards orphaned women upon marriage, it is permissible to consider alternative options by marrying other women of personal preference, up to a maximum of four. If one harbors concerns regarding their ability to fulfill their obligations adequately, it is advisable to limit oneself to a monogamous marital arrangement or solely engage in the matrimonial union with the individuals under their ownership, commonly referred to as slaves. The verse "That is closer to not committing wrongdoing" (QS. An-Nisa [4]:3) emphasizes the importance of avoiding unethical behavior.²⁶

Fakhrudin Al-Razi, explaining the verse above, noted that the Islamic law makes it easy to award rights, both to free women and slaves. If a husband expresses concerns regarding his ability to provide equitable treatment towards several wives and fair provision of assistance, it may be more advisable for the husband to consider marrying a single lady or even build up a relationship with a slave. This phenomenon can be attributed to the diminishing level of responsibility and the reduced financial burden associated with the dowry. In the sense that the husband provides an amount greater or lesser than expected, no transgression shall occur. The issue of whether the husband is equitable in allocating visiting time or treating slaves in this particular scenario does not pose a concern. Hence, the concept of monogamy aligns more closely with the objective of mitigating injustice, a perspective that is emphasized by numerous scholars and analysts.²⁷

According to Al-Qurthubi's exegesis of Surah An-Nisa verse 3, the pivotal condition is expressed by the phrase "*wa inkhiftum*," while the response to this circumstance is conveyed by the term "*fankihu*." This proposition can be perceived as a potential resolution for individuals who harbor concerns about their ability to impartially fulfill their obligations pertaining to dowry and financial support for widowed wives. In such cases, it is suggested that they consider entering into matrimony with individuals who are not widows. In the subsequent analysis, Al-Qurthubi delves into the linguistic implications associated with the term "*maa*" and references the Hanafi perspective, which

²⁶ Amir Syarifudin, *Hukum Perkawinan Islam di Indonesia*, (Jakarta: Prenada Media, 2006), p. 35.

²⁷ Fakhrudin al-Razy, *at-Tafsir al-Kabir aw Mafatih al-Ghaib*, (Beirut: Dar al-Fikr, 1981), Juz 9, p. 177.

permits the marriage of orphaned females prior to attaining puberty. Al-Qurthubi conducted an examination of the viewpoints espoused by Imam Malik, Imam Syafi'i, and the prevailing consensus among scholars concerning the ban of contracting marriages with orphaned individuals prior to attaining puberty, as well as the requisite requirement for obtaining permission.²⁸

In accordance with the aforementioned, Wahbah Zuhailiy expounded upon his exegesis of verses 3-4 from Surah An-Nisa, elucidating that these particular verses delimit the scope of permissible marriages to women who are neither orphaned and under one's guardianship, nor to the exclusion of equitable treatment towards existing wives. In situations where the husband is unable to exercise impartiality, it is advisable to opt for monogamy rather than polygamy. Zuhailiy further elucidated the significance of the term "*al-Khauf*" as mentioned in the verse, underscoring that it denotes a comprehension and apprehension of the potential transgression that may occur if one were to marry an orphan without providing her with a dowry or exploiting her assets.²⁹

Hence, the aforementioned passage presents men with the choice of either marrying orphans while harboring concerns about fairness due to their religious convictions, or marrying women of their preference while adhering to the practice of polygamy with a maximum of four wives. Nevertheless, individuals who are plagued by apprehensions over impartiality may find it more advantageous to enter into matrimony with a lady or servant, as this course of action might serve as a deterrent to engaging in conflicts stemming from discrimination.³⁰

The text in Surah An-Nisa verse 129 of the Al-Qur'an, can potentially serve as a foundation for the practice of polygamy, as it contains a statement from Allah SWT:

وَأِنْ نُصَلِحُوا وَتَتَّقُوا فَإِنَّ اللَّهَ كَانَ غَفُورًا رَحِيمًا وَلَنْ تَسْتَطِيعُوا أَنْ تَعْدِلُوا بَيْنَ
النِّسَاءِ وَلَوْ حَرَصْتُمْ فَلَا تَمِيلُوا كُلَّ الْمَيْلِ فَتَذَرُوهَا كَالْمُعَلَّقَةِ

“And it is impossible to achieve impartiality in one's treatment of several spouses, despite one's genuine desire to do so. Therefore, it is advisable to refrain from favoring certain individuals to such an extent that it neglects or disadvantages others. If one takes measures to enhance

²⁸ Syamsuddin al-Qurthuby, *Al-Jami' li Ahkam Al-Qur'an*, Juz 6, (Beirut: Muassasah al-Risalah, 2006), p. 23-43.

²⁹ Wahbah al-Zuhailiy, *Al-Tafsir al-Munir fi al-'Aqidah wa al-Syari'ah wa al-Manhaj*, Jilid 4, (Beirut: Dar al-Fikr, 1991), p. 234-235.

³⁰ Beni Ahmad Saebani, *Fiqh Munakahat 2*, (Bandung: Pustaka Setia, 2001), p. 155.

oneself and safeguard against dishonesty, then it is true that Allah is Forgiving, Most Merciful (QS. An-Nisa' [4]: 129).

The interpretation of Surah An-Nisa verse 129, which addresses the topic of polygamy, is elucidated by Imam Al-Thabari and Mustafa Al-Maraghi. Both scholars present a comparable perspective, underscoring the significance of equitable treatment towards several wives. Al-Thabari underscored the inherent challenges in upholding justice among multiple women, emphasizing the arduous task of achieving equitable treatment and ensuring balanced devotion and rotation among them. In the meantime, Al-Maraghi underscored the necessity of aligning justice with one's capacities and emphasized the significance of exerting utmost effort in the preservation of justice. Both individuals hold the belief that in cases where absolute justice cannot be attained, it is imperative for husbands to ensure that their wives are content with the manner in which they are treated.³¹

Hence, the passage underscores the notion that justice cannot be effectively attained when it is contingent upon sentiments, affections, or emotions such as love. The justice that ought to be pursued is solely concerned with material equity, necessitating that a polygamous husband ensures the well-being of his wives and impartially allocates their time. According to Sayyid Sabiq, Surah An-Nisa verse 129 appears to undermine the principle of treating one's wife equitably, which is explicitly commanded in the preceding verse, An-Nisa verse 3. Consequently, an apparent contradiction arises between these two passages. There is no inherent contradiction between the two verses, as the second verse emphasizes the importance of fairness in several aspects of life, such as organizing familial living arrangements and meeting basic requirements related to clothes, food, and shelter. Consequently, spouses who engage in polygamy are not obligated to strive for equitable treatment in areas pertaining to emotions, love, and affection, as these aspects surpass the limitations of human capacity.³²

The practice of polygamy as carried out by the Prophet Muhammad exhibits notable distinctions when compared to contemporary instances of polygamy. In order to gain a comprehensive understanding of the intentions and objectives underlying the Prophet's engagement in polygamy, it is essential to examine the underlying issues or motivations that prompted him to adopt this

³¹ Ibn Jarir al-Thabari, *Jami al-Bayan fi Ta'wil al-Qur'an*, Jilid 3, (Beirut: Dar al-Kutub al-Ilmiyah. 1999), p. 546. Ahmad Musthafa al-Maraghi, *Tafsir al-Maraghi*, Jilid 5, (Mesir: Mushthafa al-Babi al-Halaby, 1946), p. 172

³² Mustofa Hasan, *Pengantar Hukum Keluarga*, (Bandung: Pustaka Setia, 2011), p. 239.

practice. Certain passages within the Islamic holy scripture, the Quran, encompass the following:

1. The Prophet was dispatched with the purpose of serving as an exemplar for the entirety of humanity. The explanation of this concept can be found in the Quranic Surah al-Ahzab (33:21):³³

وَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِّمَن كَانَ يَرْجُوا اللَّهَ وَالْيَوْمَ الْآخِرَ
وَذَكَرَ اللَّهَ كَثِيرًا

Meaning: Undoubtedly, the Messenger of Allah embodies a commendable exemplar for individuals who aspire to attain the mercy of Allah and anticipate the Day of Judgment. Additionally, he consistently invokes the name of Allah. The verse in question is found in Surah al-Ahzab, specifically in verse 21.

2. The Prophet was dispatched with the purpose of safeguarding and enhancing the status of women, orphans, slaves, and individuals who were subjected to oppression. The verse being referred to is Al-Nisā (4): 127 in the Qur'an.³⁴

وَيَسْتَفْتُونَكَ فِي النِّسَاءِ ۗ قُلِ اللَّهُ يُفْتِيكُمْ فِيهِنَّ وَمَا يُتْلَىٰ عَلَيْكُمْ فِي الْكِتَابِ فِي يَتِمَّى
النِّسَاءِ الَّتِي لَا تُوْتُوهُنَّ مَا كُتِبَ لَهُنَّ وَتَرْغَبُونَ أَن تَنْكِحُوهُنَّ وَالْمُسْتَضْعَفِينَ مِنَ
الْوَالِدِينَ وَأَن تَقُومُوا لِلْيَتَامَىٰ بِالْقِسْطِ ۗ وَمَا تَفْعَلُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ كَانَ بِهِ عَلِيمًا

Meaning: They inquire about seeking a fatwa pertaining to women. It has been stated by Allah in the form of a fatwa that pertains to the matter at hand. Additionally, the Qur'an contains verses that address the treatment of orphaned women, specifically in situations where they have not been provided with their rightful entitlements. This is particularly relevant in cases when there is an intention to enter into marriage with these women. Furthermore, the Qur'an also addresses the issue of vulnerable youngsters who are perceived as being in a state of weakness. According to divine instruction (as commanded by Allah), it is incumbent upon individuals to ensure equitable treatment of orphaned children. According to verse 127 of Surah al-Nisā (4) in the Qur'an, it is said that Allah possesses complete knowledge of all the virtuous actions performed by individuals).

³³ Kementerian Agama, Al-Qur'an dan Terjemahannya.

³⁴ Kementerian Agama, Al-Qur'an dan Terjemahannya.

The practice of polygamy by the Prophet was evidently neither rooted in biological necessity or only aimed at procreation. In the context of the Prophet's marital relationships, he engaged in the practice of polygamy by marrying an older woman, with the exception of Aisyah. It is important to note that polygamy was not a common occurrence in ordinary circumstances, but rather took place at times of jihad, struggle, and service, with the primary objective being the propagation and preservation of the Islamic message.³⁵

Nevertheless, a crucial aspect that classical jurists prioritize when considering the matter of polygamy is the meticulous handling of polygamous wives, including the allocation of shifts and the division of living arrangements. In this particular instance, Mustafa Diibul Bigha provided a comprehensive account of the allocation of spouses, outlining the specifics as follows:

- a. The consensus among scholars is that the distribution of overnight shifts among several wives is considered mandatory within the context of Muslim marriage. This practice applies to both Muslim women and wives, with the understanding that all wives, if they are free, are entitled to an equal portion. However, in cases where one of the wives is a slave, the free woman is granted two nights while the slave wife is allocated one night. Imam Malik expressed a divergent viewpoint, asserting that both free wives and slaves were entitled to an equal share.
- b. In order to embark on a journey, it is necessary to conduct a random selection process among the wives, and thereafter accompany the wife who is selected.
- c. The prevailing consensus among scholars is that upon entering into a marital union with a new wife, it is customary to spend a duration of seven nights with her if she is a virgin, and three nights if she is a widow. Imam Hanafī held a divergent viewpoint, asserting that the allowance for acquiring additional wives had reached its limit..
- d. If the individual expresses concern with their spouse's lack of obedience, it is imperative for them to provide guidance and counsel to their spouse. In the event that one continues to exhibit disobedience, it is advisable to disengage from the bed. Furthermore, should one persist in disobedience, it is permissible to employ physical force against that particular individual. The equitable allocation of resources, including food, beverages, clothing, and housing, need not be uniform across all individuals, but rather should be contingent upon their respective socioeconomic circumstances, whether affluent or impoverished. When a husband has been granted this privilege, it becomes legal for him to bestow more favors upon the wife of his

³⁵ Muhammad Saleh Ridwan, *Perkawinan Dalam Prespektif Hukum Islam dan Hukum Nasional* (Makassar: Alauddin University Press, 2014), p. 59.

preference. However, it is advisable to take into account the potential ramifications that may arise from such actions, particularly if they result in a disruption of the home dynamics and foster an atmosphere of animosity. In light of these considerations, it is recommended that this course of action be avoided.³⁶

Polygamy encompasses a range of wisdom that includes the following aspects: It might be understood as a manifestation of divine love and appreciation from Allah SWT. Polygamy is sanctioned for the inhabitants of the region, with the caveat that limitations are imposed on the practice, allowing for the marriage of up to four women. This implies that polygamy is permissible for a man, allowing him to enter into multiple marriages concurrently, under the condition that he is capable of treating each spouse equitably in regards to financial support and living arrangements. Nevertheless, if an individual has apprehension regarding engaging in inequitable actions and being unable to discharge his responsibilities towards multiple spouses, it is considered impermissible (*haram*) for him to get into polygamous marriages. In the event when an individual experiences apprehension regarding perpetrating acts of injustice due to their perceived incapacity to fulfill the obligations associated with having a single spouse, it is imperative that they refrain from entering into a marital union until such time that they have attained a state of genuine preparedness and capability to assume the responsibilities inherent in marriage.³⁷

Polygamy is sanctioned due to the inclusion of Islamic law as a profound testament to the principles of compassion and empathy, with each adherent of the Muslim faith bearing the duty of promoting and disseminating its teachings to the entirety of humankind. The ability of Muslims to effectively disseminate their Islamic message is contingent upon the presence of a robust state that possesses the necessary pillars for nation-building, including a well-equipped military, advancements in scientific research, a thriving agricultural industry, flourishing trade networks, and other essential elements of statehood. Furthermore, the sustained prosperity and fulfillment of obligations by the state are crucial for maintaining its strength and ensuring the success of Muslims in promoting their message.³⁸

The state, while endorsing Islamic law, frequently encounters the peril of armed conflict (*jihad*), resulting in a significant section of its populace falling subject to casualties. Hence, it is imperative to always prioritize the safeguarding of widows who have lost their spouses in the line of duty as

³⁶ Mustafa Diibul Bihga, *Fiqh Syafi'i* (Semarang: Pustaka Pelajar, 1984), p. 383.

³⁷ Muhammad Sayyid Sabiq, *Fiqh Sunnah*, (Jakarta: Daril Fath 2013), p. 358.

³⁸ Muhammad Sayyid Sabiq, *Fiqh Sunnah*, (Jakarta: Daril Fath 2013), p. 358.

victims of war. The sole means of safeguarding these widows is through the institution of marriage. One potential approach to addressing individuals' experience of loss is through the pursuit of procreation, wherein engaging in polygamous relationships can serve as a means to augment the number of offspring. Despite the casuistic nature of this reality, it appears to be of little relevance for Indonesia, as there exists a reasonably equal status between men and women.

Polygamy in Gayo Lues without the Explicit Consent of the Wife: Perspective of *Tafsīr Al-Aḥkām* and Islamic Law

The verse in the Quran, specifically Al-Nisa: 3, contains a directive pertaining to marriage. However, it is important to note that this directive is considered a recommended practice (*sunnah*) rather than an obligatory one, as individuals possess the freedom to choose between marriage and slave ownership. Nevertheless, the Sunnah law in question may undergo a transformation, rendering it obligatory, haram, or makruh. In the event that an individual is unable to uphold their personal purity and moral conduct without entering into matrimony, marriage assumes an obligatory status for this individual. The adherence to purity and morals is deemed necessary for any individual who identifies as a Muslim. In its essence, an individual is permitted to enter into matrimony within the Islamic faith if all the prescribed circumstances have been met. However, it is important to note that if the intention behind the marriage is to inflict harm upon one of the parties involved, it would render the union impermissible (haram). Islamic law recognizes women as equal human beings with males, holding the same status and rights. These individuals encompass the roles of mothers, sisters, daughters, and wives, and it is imperative that their existence is acknowledged and valued.

This analysis aims to elucidate the adverse and beneficial consequences of engaging in non-consensual polygamy within the Gayo Luwes community. This practice has been observed to generate several consequences, which are outlined as follows:

Negative Consequences of Polygamy Practiced in the Gayo Luwes Community

1. The Perpetuation of Injustice Towards Husbands

The prevalence of polygamy cases among the Gayo Lues community can be attributed to their perception of financial capability and the endorsement of polygamy by certain community leaders. It is asserted that men desiring to engage in polygamy must meet specific criteria, namely possessing adequate financial resources to support the diverse needs of their wives and children. In

accordance with a hadith of the Prophet Muhammad PBUH, it is incumbent upon a man who practices polygamy to ensure equitable treatment of his wives. This entails fulfilling their respective rights and obligations without any bias or favoritism. However, it is important to note that it is considered forbidden for a husband to harbor romantic feelings exclusively for one of his wives.³⁹

In accordance with this perspective, a prominent religious official within the Gayo Luwes community asserted that polygamy is sanctioned by Islamic jurisprudence. However, there are specific expectations placed on husbands, particularly in regards to the application of principles of justice. This emphasis on justice encompasses two key aspects: external justice and internal justice. By adhering to these principles, husbands can ensure that they treat their wives and children fairly, thus avoiding any potential acts of injustice. The provision of sustenance for both wives and offspring is a requirement for a polygamous spouse, as elucidated in the teachings of the Koran.⁴⁰

Based on the findings elucidated in the aforementioned interview, it can be comprehended that within Islamic jurisprudence, the act of engaging in polygamy without the explicit consent of the wife is deemed permissible. However, it is advised against pursuing such a course of action due to the potential for several irregularities and transgressions that may arise in the future.

2. The Issue of Neglecting The Rights of Wives and Children Is a Matter of Concern

The majority of women exhibit a reluctance towards engaging in polygamous relationships due to concerns regarding the potential disregard of their rights as wives. These apprehensions stem from the perceived inability of husbands to ensure equitable distribution of resources, as well as the perceived lack of affection towards both wives and children. As per a prominent community representative in Gayo Luwes, the prevailing societal stance against polygamy without the wife's consent can be attributed to the neglect of women's rights, the erosion of women's dignity, and the absence of voluntary female participants in such marital arrangements.⁴¹

Similarly, community leaders in Gayo Luwes elucidate that polygamy is practiced without the consent of the wife. They assert that although polygamy in the realm of marriage law is ostensibly rooted on monogamy, it is perceived to potentially facilitate transgressions against the principle of monogamy. When the conditions purportedly promoting fairness in polygamous relationships are examined, it becomes evident that a significant number of individuals neglect

³⁹ Interview with SMN, a Religious Leader in Gayo Luwes, Aceh, March 23, 2020

⁴⁰ Interview with MJR, a Religious Leader in Gayo Luwes, Aceh, March 16, 2020

⁴¹ Interview with TRA, a Religious Leader in Gayo Luwes, Aceh, March 20, 2020

their responsibilities, subsequently forsaking their initial family unit and leaving their younger spouse behind.⁴²

In the context of matrimony, the foundation of a marital relationship is established through the virtue of loyalty, since it serves as a tangible manifestation of a husband's affection and devotion towards his spouse. As per the account of a primary spouse from the Gayo Luwes community who engaged in polygamous relationships without the consent of the initial spouse, the revelation of her husband's additional marriage instigated a protracted period of psychological distress characterized by feelings of prolonged tension, melancholy, emotional anguish, disillusionment, and a complex amalgamation of animosity. In addition, the individual had a state of perplexity regarding the appropriate recipient of his grievances, as his spouse perceived the matter as a source of shame for their family, yet divulging such dishonor was deemed religiously forbidden.⁴³ Consequently, he is compelled to suppress his emotions, leading to a condition of internal despondency and diminished self-assurance.

Based on the aforementioned, it can be comprehended that many considerations arise when contemplating the experiences of women. In the event that a spouse, who is unfaithful, elects to pursue a relationship with another woman, it is inevitable that all women will experience feelings of sadness, emotional pain, disillusionment, and animosity. Consequently, this leads to a condition of internal despondency and erosion of self-confidence.

3. Inciting Animosity Among Spouses

Based on the account provided by Sami's mother, it was reported that Sapna's father, residing in Kuning Kurnia village, engaged in the practice of polygamy in September 2018. As a result, he engaged into a second marriage with a widow who had two children. The marriage was done without the knowledge of Sami's mother and in violation of the established regulations. According to Sami's mother, the practice of polygamy in the Qur'an and marriage law is particularly distressing as it appears to be driven solely by lust. This is evident in her husband's involvement with another woman, specifically Sapna's father's second wife, which has caused Sami's mother to question the validity and significance of her own marriage to his father. Given Sapna's existing dissatisfaction with her husband's demeanor and conduct, it was deemed more prudent for her to separate from her spouse rather than for animosity to accumulate over an extended period.⁴⁴

⁴² Interview with ASY, a Woman Activist in Gayo Luwes, Aceh, March 23, 2020.

⁴³ Interview with KDH, the First Wife in Gayo Luwes, Aceh, March 21, 2020.

⁴⁴ Interview with SMI, the First Wife in Gayo Luwes, Aceh, March 21, 2020.

Due to the need for complete emotional devotion from their chosen partner, women tend to exhibit a preference for monogamy, as they harbor concerns regarding the potential absence of genuine sincerity in polygamous relationships, which may lead to emotional distress. Ibuk Sulastri, a prominent community leader in the village of Kuning Kurnia, expresses her disapproval of polygamy. According to Ibu Sulastri, it is her belief that the practice of polygamy has the potential to cause unhappiness among women. The practice of polygamy predates the introduction of Islam by the Prophet Muhammad. Furthermore, polygamy is not subject to any restrictions, which is why there are specific verses addressing this topic. According to the Qur'an, the term used is "to regulate" rather than "to order"⁴⁵

Individuals who engage in polygamy just for the purpose of personal gratification may lack an understanding of the emotional and relational dynamics experienced by a woman who is genuinely in love and engages in polygamy. Polygamous marriages, in fact, are not religiously prohibited and are only permissible for individuals capable of demonstrating equitable conduct. Polygamy is not obligatory; rather, it is seen necessary in exceptional circumstances as a means to prevent defamation.

Non-consensual polygamy can lead to animosity and discord among the spouses involved, fostering feelings of jealousy and promoting the spread of slanderous remarks inside the marital unit. The lack of genuine sincerity in this type of marriage can lead to the development of heart disease, as a woman may encounter difficulties that cause emotional distress.

4. Impairment of familial relationships

Polygamy is sanctioned within the Islamic faith; nonetheless, it is imperative to critically examine the ramifications of engaging in polygamy without obtaining the wife's consent, both in terms of familial dynamics and broader societal implications. According to community elders, the practice of polygamy conducted without the consent of the wife has detrimental consequences for the familial bonds between the involved individuals. The adverse consequences of this phenomenon have the potential to incite animosity among family members.⁴⁶

Mr. Samudin, a community leader in Gayo Luwes, articulated a comparable sentiment, asserting that the repercussions of engaging in polygamy without the wife's consent lead individuals to develop a negative self-perception.

⁴⁵Interview with SLI, the Community Leader in Gayo Luwes, Aceh, March 22, 2020.

⁴⁶Interview with AMA, a Religious Leader in Gayo Luwes, Aceh, March 22, 2020.

Moreover, the community perceives such behavior as a departure from the principles espoused by Islamic teachings.⁴⁷

The majority of these individuals engage in actions that infringe upon the rights of their spouses, subject their children and wives to agony, or even suppress their entitlements as inheritors. Consequently, this engenders a prevailing atmosphere of animosity and jealousy among the siblings who share one parent. The aforementioned animosity then extended to the familial unit. In light of this, it can be argued that the resolution to surmount this issue does not lie in proscribing that which Allah SWT has deemed permissible.

The Positive Influence of Polygamous Practices in the Gayo Luwes Community

In addition to the adverse consequences associated with polygamy, there exist certain favorable outcomes, like the prevention of immoral behavior and infidelity, as well as facilitating subsequent marriages. Nevertheless, there exists a faction of individuals who advocate for polygamy, positing that it may yield beneficial outcomes. Community leaders argue that refraining from engaging in many marriages could potentially lead to adverse consequences, such as fostering apprehension towards the commission of adultery.⁴⁸ The absence of a justifiable rationale for engaging in polygamy, along with the decision to forgo marriage, may result in unfavorable consequences, notably including instances of adultery.

Based on the aforementioned perspectives on the repercussions, it becomes evident that the bad consequences outweigh the good ones in terms of quantity.⁴⁹ The adverse consequences encompass spousal inequity, the disregard for the rights of women and children, the proliferation of animosity among spouses, and the erosion of familial bonds. In contrast, the observed effects of this phenomenon are limited in scope, mostly manifesting as a deterrent against engaging in immoral behavior such as adultery. Hence, under the framework of Islamic jurisprudence, the need of prioritizing avoidance of more deleterious matters has great significance, particularly due to the evident and tangible consequences involved.

Aligned with this perspective, Al-Qurthubi underscores in his *tafsir* literature the paramount significance of the husband's obligation and equitable treatment towards his wife in the Qur'anic verses pertaining to polygamy. Similarly, in the verse pertaining to polygamy, Wahbah al-Zuhaili employs the term "*fankihu*" to denote the permissibility of entering into a marital union with

⁴⁷Interview with ABR, a Religious Leader in Gayo Luwes, Aceh, March 21, 2020.

⁴⁸ Interview with RBN, a Cultural Leader in Gayo Luwes, Aceh, March 20, 2020.

⁴⁹ Interview with ABS, a Cultural Leader in Gayo Luwes, Aceh, March 21, 2020.

two, three, or four individuals, without imposing an obligatory nature upon such a practice. In addition to this, the realization of justice is a challenging endeavor, albeit one that remains attainable. Furthermore, this passage from the Qur'an underscores the notion that the cultivation of fairness is contingent upon the disposition of the spouse. Recommendations for avoiding personal turmoil and societal disruption can be found in the practice of monogamy, when individuals refrain from entering into many marriages. Additionally, this discourse will explore perspectives on justice, encompassing both material and existential dimensions.⁵⁰

The elucidation provided by the two interpretive experts aligns with the explication of the hadith of the Prophet Muhammad PBUH, as related by Ahmad bin Hanbal:

عَنْ أَبِي هُرَيْرَةَ، أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: مَنْ
كَانَتْ لَهُ امْرَأَتَانِ يَمِيلُ لِأَحَدَاهُمَا عَلَى الْأُخْرَى، جَاءَ يَوْمَ الْقِيَامَةِ وَأَحَدُ شِقَائِهِ
سَاقِطٌ

Meaning: “According to a narration attributed to Abu Hurairah, the Prophet Muhammad (peace be upon him) stated that if a man has two wives and shows favoritism towards one of them, he will be resurrected on the Day of Judgment with a physically distorted posture. The author of this statement is HR Ahmad.” (Narrated by Ahmad).⁵¹

Polygamy, as per Islamic law, is a prevalent practice observed within some societies. The significance of obtaining the wife's consent for polygamy is not the primary criterion, as the presence of polygamy in the Islamic law, as ordained by Allah SWT, is universally acknowledged by scholars. Polygamy is a practice that is allowed, with the condition that a man may only marry up to four women. This implies that polygamy is permissible for a man, provided that he can ensure equitable treatment towards several wives, encompassing financial support and residential arrangements.

Conclusion

The phenomenon of polygamy in the Pantan Weather sub-district of Gayo Regency exhibits significant variations. The practice of polygamy has both beneficial and negative consequences. However, a closer examination of

⁵⁰ Wahbah al-Zuhaili, *Al-Tafsir al-Munir fi al-'Aqidah wa al-Syari'ah wa al-Manhaj*, Jilid 4, (Beirut: Dar al-Fikr, 1991), p. 234-235.

⁵¹ Ahmad Ibn Hanbal, *Musnad al-Imam Ahmad Ibn Hanbal*, Jilid 14, (Beirut: Muassasah al-Risalah, 1997), p. 237.

polygamy in the Pantan Weather District of the Gayo Lues Regency reveals that it primarily results in negative outcomes rather than advantages. Based on the aforementioned perspectives on impact, it is evident that the bad consequences outweigh the favorable ones in terms of quantity. The adverse consequences encompass spousal inequity, the disregard for the rights of women and children, the proliferation of animosity among spouses, and the erosion of familial bonds. In contrast, the potential benefits of engaging in polygamy include the avoidance of immoral behavior such as adultery, as well as facilitating the process of entering into subsequent marriages. This practice may enable a man to pursue polygamous relationships without requiring his wife's consent, thereby providing him with favorable outcomes. Additionally, individuals may choose polygamy out of a fear of negative consequences, such as the avoidance of infidelity. In the realm of Islamic jurisprudence, prioritizing the avoidance of actions with greater harm holds significant importance, particularly due to the evident and tangible consequences involved. Moreover, as expounded by renowned tafsir scholars such as Al-Qurthubi, al-Zuhaili, and Quraish Shihab, the fundamental principle governing marriage in Islamic jurisprudence is monogamy. However, in the event that an individual chooses to engage in polygamy, it is imperative that they uphold principles of justice, responsibility, and the preservation of familial harmony and contentment.

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Interviews

- Interview with ABR, a Religious Leader in Gayo Luwes, Aceh, March 21, 2020.
- Interview with ABS, a Cultural Leader in Gayo Luwes, Aceh, March 21, 2020.
- Interview with AMA, a Religious Leader in Gayo Luwes, Aceh, March 22, 2020.
- Interview with ASY, a Woman Activist in Gayo Luwes, Aceh, March 23, 2020.
- Interview with KDH, the First Wife in Gayo Luwes, Aceh, March 21, 2020.
- Interview with MJR, a Religious Leader in Gayo Luwes, Aceh, March 16, 2020.
- Interview with RBN, a Cultural Leader in Gayo Luwes, Aceh, March 20, 2020.
- Interview with SLI, the Community Leader in Gayo Luwes, Aceh, March 22, 2020.
- Interview with SMI, the First Wife in Gayo Luwes, Aceh, March 21, 2020.
- Interview with SMN, a Religious Leader in Gayo Luwes, Aceh, March 23, 2020.
- Interview with TRA, a Religious Leader in Gayo Luwes, Aceh, March 20, 2020.