

The Dynamics Of Polygamy In Middle-Class Society (An Analysis Of The Perspective Of Islamic Law, Family Welfare And Gender Equality)

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Abstract.

Polygamous practices in contemporary society present social complexities that demand critical and multidimensional analysis. This research explores the dynamics of polygamy in middle-class contexts, with a profound focus on the interaction between Islamic legal norms, family welfare construction, and gender equality discourse. Employing a phenomenological qualitative approach, the study delves into the lived experiences of polygamous families through in-depth interviews and participatory observation. The research findings reveal complex social interaction patterns, where polygamous practices transcend mere legal-normative concerns, emerging instead as an arena of power negotiation, identity construction, and social meaning. The study identifies three critical dimensions: 1. Dynamic and contextual Islamic legal construction, 2. Multidimensional implications for family welfare dynamics, 3. Structural challenges in achieving gender equality. The research uncovers that polygamous practices form a complex social ecosystem, characterized by highly diverse experiences. Some families successfully create internal harmony, while others face relationship fragmentation, emotional conflicts, and psychological tensions. Critically, the study offers a novel perspective: polygamy cannot be understood as a singular phenomenon, but rather as a social practice generated through complex interactions between religious traditions, socio-economic structures, and gender power dynamics. The primary implication of this research is the necessity of a holistic and transformative approach to understanding and regulating polygamous practices, positioning principles of justice, human dignity, and the welfare of all family members as the central focus.

Keyword: Polygamy; Social Construction; Islamic Family Law; Gender Equality and Family Dynamics.

I. INTRODUCTION

Marriage is a sacred tradition highly recommended by the Prophet Muhammad (peace be upon him). He even stated that anyone who refuses or opposes marriage is not considered a true follower. In Islamic teachings, there is no gender segregation. Islam strictly forbids anyone, regardless of gender, from avoiding marriage, especially if the refusal is based on specific reasons, such as a woman claiming to maintain her chastity.¹ Islam teaches fundamental principles that aim to create a balanced life, with an emphasis on the values of justice and compassion which are not only intended for humanity, but also for all creation in the universe.² The practice of polygamy is often a topic of discussion, eliciting various reactions in the field of family law, particularly among women living in Muslim-majority countries like Indonesia. This sensitivity arises because polygamy has a direct and significant impact on the lives and dynamics within the family.³ The word "polygamy" is often associated with the actions of the Prophet Muhammad (peace be upon him), who practiced it in accordance with Islamic law, based on verses in the Quran that permit a man to have more than one wife. These verses became the basis for polygamy. However, many of the Prophet's followers did not understand the true meaning of polygamy, so they viewed it merely as a means of fulfilling sexual needs, ignoring its supposedly noble purpose.⁴ However, the family law regulations in force in Indonesia still provide space for the implementation of polygamy with various special requirements and conditions, which a number of academic experts categorize as the principle of open monogamy.⁵ Regarding polygamy, al-Bajuri offers an interesting perspective, citing Ibn 'Abd al-Salam.

He stated that during the era of the Prophet Moses's law, men were permitted to marry an unlimited number of women to ensure the welfare of men. Then, during the era of the Prophet Jesus' law, marriage was limited to one wife to prioritize the welfare of women. However, during the period of the Prophet Muhammad's law, both aspects of welfare for men and women were equally considered and maintained in balance.⁶ The middle class is a socioeconomic group within a society whose income, education, and lifestyle fall between the upper class (elite) and the lower class. The middle class is often considered the backbone of the economy due to its contribution to consumption, employment, and social stability.⁷ Polygamy in middle society is Polygamy is a complex and multifaceted issue involving various aspects of Islamic law, family welfare, and gender equality. Polygamy refers to the practice of marrying multiple partners simultaneously and often generates social debate, particularly in cultural and religious contexts. From an Islamic legal perspective, the practice of polygamy is an institution that has a regulatory basis in the Quran and Hadith, which stipulates specific provisions regarding requirements, limitations on numbers, as well as rights and obligations that must be fulfilled by each individual involved in the marriage relationship.. Although There are arguments in favor of polygamy as part of tradition and social norms, but there are also critics who emphasize the negative impact on individual rights, especially women.⁸ Some who oppose polygamy argue that this policy tends to be discriminatory and places women in an unequal position. Implementing gender equality needs to be balanced with religious understanding to ensure its principles are upheld and do not deviate from its intended purpose.⁹

Polygamy can trigger injustice because women are often forced to accept polygamy without the freedom to refuse, especially in social or cultural environments that normalize the practice. Polygamy risks negatively impacting women's well-being, both emotionally and economically, due to the unequal distribution of attention and support from husbands. In this view, justice and equality in marriage are considered difficult to achieve when there is more than one wife.¹⁰ Throughout human history, the development of polygamy has always been influenced by society's perception of women. When women are viewed as having a lower status and dignity, polygamy tends to flourish. Conversely, when women are viewed as equal partners, the practice becomes less common. However, conflicts also arise between positive law and religious interpretations of polygamy.¹¹ Some argue that the regulation of polygamy in positive law is inconsistent with Islamic teachings, which allow for polygamy in certain situations. On the other hand, others argue that positive law should accommodate the development of contemporary social and humanitarian values without neglecting fundamental religious principles. The issue of polygamy is not solely a legal issue, but also reflects the complex power dynamics in the relationship between husband, wife, and other family members. Debates surrounding the practice of polygamy often center on issues of fairness, the distribution of power, and its impact on the physical and mental health of all family members..¹² Therefore, a thorough understanding of polygamy within the framework of Islamic family law is essential. The practice of polygamy is permitted, provided the husband is able to act fairly.

This justice encompasses various aspects of married life, including the proportional division of time between the wives, the provision of a balanced income, the provision of adequate housing, and financial responsibility for the needs and costs of raising children.¹³ Provisions regarding polygamy are regulated in Law no. 1 of 1974 concerning Marriage and Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law. Law no. 1 of 1974 concerning Marriage itself carries the principle of

monogamy, which prioritizes one partner in marriage (Indonesia adheres to the principle of open monogamy (because of an emergency), only if the person concerned wants it because the religious law of the person concerned allows it, a husband can have more than one wife.¹⁴ Unless his religious beliefs dictate otherwise, a Muslim man who wishes to have more than one wife is required to apply for permission to practice polygamy with a Religious Court or Sharia Court. The application must be accompanied by reasons that meet the criteria set out in applicable laws and regulations.¹⁵ By addressing this theme, we begin an exploration to analyze the complexity of the polygamy phenomenon holistically, taking into account religious perspectives, family welfare aspects, and the principle of gender equality. Through a deeper understanding, we can contribute to a more informed and informed discussion regarding the position of polygamy in the context of middle-class society. This study aims to conduct a comprehensive assessment of the dynamics of polygamy within the framework of Islamic family law, with an emphasis on analysis from an Islamic legal perspective, its impact on family well-being, and its implications for gender equality. Through this study, we seek to gain a more comprehensive understanding of the practice of polygamy within cultural, social, and religious contexts, while also identifying the various social and individual impacts that accompany it. By deepening our understanding of the dynamics of polygamy, we hope to make a more meaningful contribution to building constructive and solution-oriented dialogue among various elements of society, religious scholars, and policymakers.

II. METHODS

Research Informant Table

Informant	Village/Sub-district	Characteristics of Polygamy	Number of Wives
Informant 1	Tanggul Wetan Village, Tanggul District, Jember Regency	Polygamy with first permission	2
Informant 2	Mengok Village, Pujer District, Bondowoso Regency	Polygamy with the wife's consent	2
Informant 3	Tanggul Wetan Village, Tanggul District, Jember Regency	Polygamy with unregistered marriage	2

The following is the research methodology that we applied in conducting this study:

1. **Research Approach:** This study implements a qualitative approach to gain a deep and comprehensive understanding of the complexities of polygamy in the context of middle-class society.
2. **Data collection technique:** The data collection process was carried out through a series of in-depth interviews, participatory observation, and a study of documents related to polygamy regulations.
3. **Research Instruments:** The instruments used in the research included interview guides specifically designed to explore legal perspectives, welfare aspects, and dimensions of gender equality.
4. **Case Studies and Surveys:** Case studies and surveys were conducted to obtain empirical data regarding the real experiences of families who practice polygamy, involving interviews with husbands, wives, and other family members, supported by data collection through questionnaires and observations.
5. **Interpretation and Discussion:** The results of the data analysis are then interpreted and discussed within a theoretical and practical framework, by evaluating the findings in relation to relevant theories and considering their implications in a societal context.
6. **Validity and Reliability:** To ensure the validity and reliability of the research, data triangulation was carried out by comparing information obtained from various sources and methods.

III. RESULTS AND DISCUSSION

A. ISLAMIC LEGAL PERSPECTIVE

From a linguistic perspective, the term "polygamy" is derived from the combination of two Greek words: "polus," meaning many, and "gamos," meaning marriage. Combined, polygamy can be defined as a form of marriage involving more than one partner. According to the definition in the Great Indonesian Dictionary, polygamy refers to the practice of a man having more than one wife, while polyandry refers to the practice of a woman having more than one husband.¹⁶ In essence, the basic principle of marriage in Islam is monogamy. We can understand this from Surah An-Nisa', verse (3), which states that although Allah SWT provides the opportunity to have up to four wives, this opportunity is accompanied by conditions that are actually quite difficult to fulfill except by certain individuals. Allah SWT links the permissibility of polygamy in Surah An-Nisa', verse 3:

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَمِينِ فَانْكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنًا وَثُلَّةً وَرُبَاعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَلِكَ

أَدْنَىٰ الْأَتَعُولُوا

"If you are afraid or anxious that you will not be able to do justice, then marry only one woman."

The word of Allah SWT in the letter an-Nisa' verse (3) is often understood as the basis for the permissibility of polygamy. In this verse, the only requirement for the permissibility of polygamy is the ability to act justly. This is understood contradictorily from the understanding of the verse which, if expressed in full, would be "if you are not sure you can act justly, then have only one wife, but if you are truly sure you can act justly, then please marry two or three or four women as your wives."¹⁷

From a sociological perspective, Surah An-Nisa' was revealed in response to the Arab custom of the Jahiliyyah period, which permitted marriage to four or more women. Under this cultural practice, the Jahiliyyah community felt no obligation to treat their wives fairly, whether or not they included orphans they had previously cared for. Based on the letter An-Nisa verse (3), Islam basically adheres to the principle of monogamy, but still provides room for polygamy. Polygamy can only be implemented with a condition that is actually very difficult, namely the ability to act "justly", so the Qur'an emphasizes that if someone is worried about not being able to act justly, then he should marry only one woman.¹⁸ The permission to marry up to a maximum of four women is accompanied by a strict requirement, namely the ability to act justly, as stated in the word of God above, "And if you fear that you will not be able to act justly (in polygamy), then marry only one." From this verse, two important legal conclusions can be drawn. First, the Qur'an essentially adheres to the principle of monogamy. This is clearly seen from the recommendation to choose to marry only one wife after the possibility of having more than one wife has been given by Allah SWT. Second, the permission to practice polygamy is limited by very strict conditions, namely the ability to act justly towards the wives. This justice must be applied in various aspects of household life, including providing a living, treating them with affection, and arranging turns.¹⁹ Therefore, polygamy is permitted in Islam as long as it meets the requirements for polygamy (fair).

B. FAMILY WELFARE

Polygamy is known to cause social problems in Indonesia. Not everyone accepts religion as something real and acceptable. Legally, polygamy requires more extensive procedures than regular marriage. These include obtaining court approval, the permission of the first wife, and so on. Based on interviews with several people who practice polygamy, some of these people have different opinions regarding the welfare of their families. Here are some of the results of the interviews that the author conducted with several informants:

- **Informant 1:** Initial I, a person who practices polygamy in Tanggul Wetan Village, Tanggul District, Jember Regency.

According to Mr. I, "I have two wives, in our household everything is fine, there are no disputes whatsoever, otherwise it is like a normal family, yes, sometimes there are small problems such as jealousy, but they don't last long, because I try to be fair to my wives and children."²⁰

- **Informant 2:**Initials R, a person who practices polygamy in Mengok Village, Pujer District, Bondowoso Regency.

According to Mr. R, "Since I've had two wives, I've often been confused by them, both of whom are driven by issues of sustenance, affection, and jealousy, even though I've tried to be fair to them. Jealousy is probably the main factor in these disputes. I realize that, but I haven't found a way to reconcile these issues with my family."²¹

- **Informant 3:**Initial A, a person who practices polygamy but his second wife had a secret marriage in Tanggul Wetan Village, Tanggul District, Jember Regency.

According to Mr. A, "I remarried without my first wife's consent, but I remained adamant about remarrying for some reason, and she finally allowed me to. However, my first wife was very jealous of my second wife, and as a result, arguments often arose between me and my first wife due to her intense jealousy. However, my living expenses for both wives remain the same, with no differences."²²

So, one of the main impacts of polygamy is a change in the relationship between spouses, whether between husband and first wife, between husband and second wife, or between wives themselves. Tension and jealousy often arise between wives, especially if the husband is unable to fairly divide attention, time, or resources in Lubuk Baru. The presence of a second wife can trigger feelings of neglect in the first wife, who feels underappreciated or even forgotten. This imbalance in the distribution of attention and affection often triggers conflict in their relationship. Polygamy is not obligatory in Islam, but it is permitted according to the Quran under certain conditions. The practice of polygamy is more appropriate in specific situations with positive intentions, such as expanding family ties or providing protection for women in need. However, it is crucial for a husband considering polygamy to carefully consider the social, emotional, and economic consequences for himself, his wives, and their children. It is important to recognize that the impact of polygamy is felt not only by the couples involved but also by the children who grow up in a polygamous family environment. Children witness conflicts between wives and often become victims of the tensions that arise between spouses. They feel unable to control themselves and experience harassment, lack of communication, and a lack of attention from their partners, especially to their spiritual needs.²³

The impact of polygamy on the family can be positive and negative, here are some of these impacts:

1) Positive impact

- Improve family welfare if the husband can fulfill the needs of all wives and children fairly.
- Making a family more harmonious if all family members can accept the situation and live side by side well.

2) Negative impact

- Causes envy, jealousy and competition among wives
- It has an impact on the child's psychology, such as a lack of self-confidence, discomfort, and feeling a lack of affection from a father.

C. GENDER EQUALITY

Gender equality in the West is based on the legal basis of equality between men and women, although not all men and women are equal. God created humans with distinct differences between men and women, and their respective responsibilities are also distinct. Islam, on the other hand, regulates polygamy to protect offspring, intellect, and property. Among other things, it protects offspring from intermarriage.

Therefore, polygamy is permitted in Islam, while polyandry is not.²⁴ Polygamy has always been a problem in society, and among feminists who advocate for equality, the practice of polygamy has always had its advantages and disadvantages. Polygamy is when a husband has or is married to more than one wife at the same time. On the other hand, gender refers to sex and refers to the real differences between men and women in values and behavior. When it comes to gender equality and justice, this is what women have always desired. It is the ideal Islamic teaching of equality, a happy and peaceful family, husband and wife. The wife's desire to protect, respect, and support each other, recognizing the fact that we are all guided by God, to grow together, and to be leaders. A harmonious family is the desire of everyone throughout the world. Allah SWT also encourages building peace in the household.

The principle of gender equality emphasizes the importance of physical, emotional, and financial well-being for wives. Furthermore, gender equality affirms the right of every individual to access education, personal development opportunities, and career pursuits. A husband is expected to support his wives' educational aspirations without limiting their potential or creating obstacles to their personal development. Gender equality also emphasizes the importance of open communication, mutual understanding, and active involvement of wives in decision-making processes concerning family life.²⁵ Thus, the application of the concept of polygamy in the context of gender equality emphasizes the importance of ensuring that the practice of polygamy is carried out with the principles of respect, protection, and justice for all parties involved, in accordance with the principles of gender equality based on humanitarian and religious values. To improve the status of women, they need to be given equal access to education with men. Through adequate education, women can develop creativity and produce works that are useful, both for themselves and the wider community. In addition, with this educational provision, a woman can better manage her household, provide appropriate education for her children, and fulfill her obligations in serving her husband well.

D. MIDDLE SOCIETY

Polygamy is a practice that requires the husband to comply with certain procedures before it can be carried out. Without following the licensing process as stipulated in the marriage law, the marriage will not be legally valid and will not be registered with the Office of Religious Affairs (KUA). Of the four sources interviewed—one of whom is the head of the Tanggul KUA and the other three are polygamists—only Mr. R was willing to reveal the reason for his polygamy, while Mr. A and I chose not to provide an explanation. According to Mr. R, his decision to remarry (polygamy) does not conflict with any regulations, whether state, religious, or humanitarian values. When asked for his opinion on the legislation, he expressed his agreement with the regulations. According to him, the law has regulated very strictly and in detail, both regarding the division of income and the obligation to be fair to those who want to practice polygamy. The reason he remarried was because his wife often refused invitations to have sex, citing fatigue and more focus on raising the children. Therefore, he was worried that he would do things that are prohibited by religion, so he asked his wife's permission to remarry, and she gave permission on the condition that he could be fair. Mr. R then married his second wife at the local Religious Affairs Office (KUA), following all procedures established by the Religious Court, in accordance with the provisions of the marriage law. These procedures included obtaining permission from his first wife, which was presented in court. Once these requirements were met, their marriage was declared valid under both state and religious law.

²⁶Continuing to H. Adnan Widodo S.Ag., MHI as the head of the Tanggul District Religious Affairs Office (KUA), he did not provide a too long explanation but according to him the practice of polygamy often gives rise to pros and cons among middle class society. According to H. Adnan's view, polygamy should not be used as a means to satisfy lust without clear reasons, because the essence of polygamy is not just having many wives, but also the responsibility to pay more attention to the feelings of wives and treat them fairly. He emphasized that polygamy does not always end happily, as evidenced by the many cases of divorce of the

first wife caused by the practice of polygamy. Polygamy will be good only if it is implemented by following the example exemplified by the Prophet Muhammad.²⁷ Abdul Malik Abdul Karim explains the concept of justice in polygamy in his book *Tafsir Al-Azhar*. The concept is that you must satisfy women. Every wife has rights over her husband, and the husband also has the right to demand those rights. The right to sukuna (a place to live), the right to food, clothing, shelter, the right to spiritual nourishment, and so on. So, before you do what is permitted by Shara, think first about justice. Fearing the unfairness of marrying an orphan girl and paying a dowry to protect his wealth, he fell into another unfair trap: having multiple wives (polygamy, please don't let that happen).²⁸

IV. CONCLUSION

Polygamy comes from the Greek word meaning multiple marriages. In Islam, the primary principle is monogamy, although polygamy is permitted on the condition that one treats all wives fairly. This is stated in the Qur'an, Surah An-Nisa', verse 3, which states that if a man is unable to treat all wives fairly, it is better to marry only one woman. Although polygamy is permitted, this act must be based on the ability to commit equally in terms of living, affection, and time to each wife. However, in practice, polygamy gives rise to many social problems. For example, several interviewees reported problems arising in their relationships, such as jealousy and injustice. One example is a man who had difficulty dividing attention between his two wives. Jealousy from the first wife often led to disputes, even though the husband tried to be fair.

The impact of polygamy is not only on the couple, but also on the children, who often feel tension in the household. Polygamy is permitted in Islam, but its consequences should be carefully considered. It can have a positive impact if all involved can live in harmony and everyone's needs are met. Conversely, negative impacts include envy and psychological impacts on children. Gender equality is also a topic of debate, as Islam regulates and differentiates the roles of men and women, and states that polygamy must protect offspring and property. The principle of gender equality emphasizes equal rights to education and self-development for women. Husbands are expected to support their wives' education and involvement in family decision-making. Legally, polygamy requires strict permission for the marriage to be valid both religiously and state-wise. One informant argued that polygamy must be practiced seriously and not merely for lust, and that consideration should be given to the wife's feelings. Ultimately, the emphasis on justice in polygamy is crucial, including fulfilling the wife's rights and needs.

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