

The Dialectic of Polygamy in the Thought of Classical and Contemporary Ulama: An Analysis of the Evolution of Islamic Legal Views on the Practice of Polygamy

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Abstract: This article analyzes the dialectics of polygamy sharia among classical ulama and the contemporary era. Polygamy in the contemporary era is questioned, even rejected. Because there are currently no widows of war victims. These opinions seem to be against the polygamy verse. In fact, the text of the Qur'an in verse 3 of Surah an-Nisak shows the possibility and possibility of polygamy for capable husbands. This paper aims to conduct a sharia analysis of polygamy in the contemporary era, analysis of the evolution of islamic legal views towards the practice of polygamy. This type of study takes literature research using qualitative descriptive methods. Data was collected from various journals, books and related tafsir books. Next, it is analyzed deductively. The result of the study conclude that in terms of text and context, polygamy is not prohibited, nor is it recommended. Although the sosial context of polygamy used to be related to widows of war victims. This does not limit polygamy jus because of sosial conditions. In context, polygamy is a solution to help women, whether they are widows or not. The practice of polygamy in the contemporary era depicts pain and sadness. This shows that polygamy is carried out not based on sharia norms. If polygamy provisions are ignored, it will definitely result in hurt and sadness.

Keywords: Dialectics, Polygamy, Contemporary Era

Introduction

In Indonesia, complaints about polygamy, wife's grief, disputes between children, children losing their father's figure, and even the destruction of the family because their father remarried. This condition impacts the disharmony of the household with the previous wife and children. Not only that, polygamy is also described as a form of violence against women and exploiting them. So that then many rejected polygamy.

It is Musdah Mulia, who is very viral and told as a figure who rejects polygamy. Various articles appeared discussing Musdah Mulia's views on polygamy. For example, Sofyan,¹ Ita Masyitah et al.² Not only Musdah Mulia but some writings describe polygamy as if it violates human rights (HAM), such as Umi Salamah's writing.³ In other writings, polygamy is described as

¹ Aa Sofyan, "An Analysis of Musdah Mulia Thinking on the Prohibition of Polygamy," *Bill Delilah* 1, no.1 (2016): 1-28.

² Muhammad Romli Ita Masithoh alhumaedah, "Governor Poligami; Studi Analisa Pemikiran City Musdah Mulia," *SCIENTIFICA ISLAMICA: Journal of Islamic Studies* 9, no. 2 (2022): 149-72.

³ Umi Salamah, "Polygamy Polemic in Islamic Law and Human Rights Review," *Dimar* 1, no. 1 (2019): 131-47, <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf>.

dehumanization.⁴ The point is that there are a lot of writings that describe polygamy as dilemmas and problems. Thus, polygamy was then banned. It is even said that polygamy is not Islamic law.

Studies on polygamy have been written a lot. The variety of writings can be grouped into several aspects of the review. Among them is a review of the requirements of polygamy, as written by Erma Sauva Asvia.⁵ Polygamy reviews of hadith as written by Saifuddin Zuhri Qudsy, Mamat S. Burhanuddin⁶ and Rahmi Syahriza⁷: a study of polygamy in the perspective of a figure, written by Lina Erlina⁸ and Abdul Jalil.⁹ There is also research on polygamy criticized from the aspect of the *ushuli* method, such as *maslahah* written by Anwar Hafidzi,¹⁰ a review of the aspect of *sharia maqasid* written by Abdul Halim,¹¹ and Muhammad Lukman Chakim.¹² There is also a study of polygamy from the aspect of rules in the Indonesian context, as written by Shafra.¹³ The variety of polygamy research shows that the theme of polygamy is always interesting to be discussed from various sides, so it attracts a lot of attention from intellectual academics.

From the previous studies that have been explained above, the research conducted by the author has a distinction in terms of the emergence of the rejection of polygamy sharia as a result of the negative reality of polygamy. Even though the wrong practice is not the sharia of polygamy, this is where the importance of this study is carried out, namely, how to analyze the sharia about polygamy in the contemporary era both in text and context. To be more direct and precise about what will be sought in this study, the author formulates a research question: How can we analyze the sharia about polygamy in the contemporary era of texts and contexts? The question will lead the author to get the necessary data sources. This research is vital to conduct for several reasons. **First**, polygamy issues that emerge in society are negative. Polygamy harms women, children and their extended families. **Second**, there is an imbalance of information about the practice of polygamy. There are many stories and facts about polygamy that are happy because they are carried out according to Sharia norms. However, the media do not well expose this phenomenon of happy polygamy, so there is an information imbalance between polygamy stories that are full of conflicts and polygamy that is harmonious following religious norms.

The researcher uses a qualitative descriptive literature study approach to answer this research question. By utilizing the text of the Qur'an and Hadith and their context, this research

⁴ Hariyanto, "Dehumanization of Polygamous Praxist Women: A Dialectic Between Normativity and Historicity," *Palastren* 8, no. 1 (2015): 79–102.

⁵ Erma Sauva Asvia, "Konsep Justice Poligami Dalam Q.S an-Nisa : 129," *An-Nabdhah* 13, no. 2 (2020): 270–288.

⁶ Saifuddin Zuhri and Mamat S. Burhanuddin, "The Use of Polygamy Hadiths in the Tafsir of Ibn Katsir," *MUSAWA* 15, no.2 (2016): 1-18.

⁷ Rahmi Syahriza, "Analysis of Hadith Texts on Polygamy and Its Implications," *AL QUDS : Journal of Qur'an and Hadith Studies* 2, no. 2 (2018): 125, <https://doi.org/10.29240/alquds.v2i2.471>.

⁸ Lira Erlina, "Poligami Dalam Al-Qur'an from Konsep Maqashid Syari'ah Ibnu 'Asyur," n.d.

⁹ Abdul Jalil, "Women in Polygamy (Study of Muhammad Syahrur's Thought)," *Scholar : Journal of Islamic Studies* 2, no.1 (2016): 1-19

¹⁰ Anwar Hafidzi, "Prerequisites for Polygamy in Islamic Fiqh Books and Compilation of Islamic Law Mashlahah Mursalah's Perspective," *Al-Daulah : Journal of Islamic Law and Jurisprudence* 7, no. 2 (2017): 1–27.

¹¹ Abdul Halim, "Polygamy Permits in the Frame of Sharia Maqashid and Progressive Law," *Al-Mazaahib: Journal of Comparative Law* 7, no. 2 (2019): 93–111, <https://doi.org/10.14421/al-mazaahib.v8i2.2216>.

¹² Mohammad Lukman Chakim, Muhammad Habib, and Adi Putra, "The Dialectic of Polygamy and Feminism: An Analysis of Maqasid Sharia on Polygamy According to Classical Scholars and Feminism," *Al-Syakhsyah Journal of Law and Family Studies* 4, no. 1 (2022): 113–30.

¹³ Shafra et al., "Polygamy Without Permission in SEMA No . 4 of 2016 Persfpective of Islamic Law," *GIC PROCEEDING* 6, no. 2 (2024): 65–75, <https://doi.org/10.30983/gic.v1i1.462>.

aims to explore various perspectives on polygamy. Relevant data will be obtained from various primary sources, such as tafsir books from various periods and secondary sources, such as journals and related books. Through the descriptive method, the collected data will be carefully analyzed to obtain a comprehensive understanding of the phenomenon of polygamy from the viewpoint of sharia and its practice in contemporary society.

Discussion

Polygamy in the Cycle of History

The word polygamy in fiqh is termed *ta'addud al-jauzaat*. *Ta'addud* means multiple, and *jauzaat* means wives. The merger of the two words "*by addud al-jauzaat*" means multiple wives. Meanwhile, the term polygamy comes from the Greek language¹⁴, namely "*Poly*" or "*polus*", which means a lot. The word "game in" or "gamos" means marriage. Thus, polygamy means many marriages.

Then, the definition of polygamy is given. The definition of polygamy, according to the term, was revealed by many *fukahas*, and figures. In general, everything leads to one meaning, namely, a husband with many wives simultaneously.¹⁵ The word polygamy is muradive to the word polygini. The opponent is polyandry, which is a woman who has several husbands at the same time. In this context, polyandry is unacceptable. The opposite of polygamous marriage is monogamy, where the husband has only one wife.¹⁶ This is the ideal marriage.

Historically, long before Islam came into existence, polygamy has been a tradition and a culture in various nations of the world, for example, in China, India, Egypt, Persia, Jews, Sicily, Russia, Eastern Europe, Germany, Switzerland, Austria, the Netherlands, Denmark, Sweden, England, Norway and other nations.¹⁷ Polygamy is common and is carried out without a limit to the number of women. Not just commonplace, even polygamy was considered sacred to ancient Eastern peoples such as Syria, Babylonia and Madyan. Because the people they consider holy, like kings, are polygamous.

Meanwhile, in China, polygamy occurs in royal circles because the first wife cannot give birth. But in this case, the first wife became the queen of the other wives. Polygamy among royalty and conglomerates also occurs in India; the¹⁸ motive for polygamy is usually because the first wife has no children or emotions.

In the Arab world, the birthplace of Islam, before Islam came, polygamy was also practised and did not know the limit of the number of women. An expert in Tafsir, Imam al-Thabari, explained that a member of the Quraysh tribe has an average of ten wives.¹⁹ In the Sunan al-Tarmidhi, it is stated that Ghailan ibn Salamah al-Tsaqafi had ten wives before converting to Islam.²⁰ Naufal ibn Muawiyah had five wives, and Qais ibn al-Harith had eight wives before

¹⁴ Ondra Aiko, "Children's Rights After Divorce: A Case Study in Nagari Pakan Rabaa Timur Kec. *Al-Ahkam* XXII, no. 1 (2021), 53-70.

¹⁵ WJS Poerwadarminta, *Great Indonesian Dictionary* (Jakarta: Balai Pustaka, n.d. 1984), 693.

¹⁶ Bibit Suprpto, *Liku-lik poligami*, 1st (Yogyakarta: Pustaka al-Kautsar, 1999), 71

¹⁷ Omar Riedha said, *Al-Zawaj*, Juz I (Beirut: T.P, n.d.), 98-100.

¹⁸ Muhammad Jafar Shiddiq, "The History of Polygamous Cultural Traditions in the Pre-Islamic Arab World (Perspective of the Coomans Mikhail Tradition)," *Titian : Journal of Humanities* 07, No. 01 (2023): 1-10.

¹⁹ Al-Thabari, *Jami' Al-Bayan*, ed. Juz IV (Kairo: T.P., 1969), 534-535.

²⁰ Ibn Al-Hajar, *Fath Al-Barri* (Beirut: Dar al-Fikr, 1991).

converting to Islam. Polygamy is a tradition without any conditions.²¹ Every man at that time was free to practice polygamy without any conditions or limits. With the descent of verse 3 of Surah an-nisa', the Prophet then told all his male companions to have a maximum of only four wives and the other wives to be divorced²² so that each husband has a maximum of only four wives, no more.

The phenomenon of polygamy above illustrates that Muslim society initially practised polygamy because of the social and cultural influences that prevailed at that time. So polygamy is considered commonplace; even polygamy is proud. At that time, monogamy became out of the ordinary, and very few did not practice polygamy.

Polygamy in the Spotlight of Scholars (From Classical to Contemporary)

Disagreements about the polygamy law seem to have been going on for a long time. Classical scholars such as Ibn Katsir, al-Razi, and the majority of scholars²³ tend to open up opportunities for polygamy.²⁴ Meanwhile, modern *mufasirs*, such as M. Abduh and Rasyid Ridha,²⁵ close the opportunity for polygamy. Some even firmly reject polygamy. This difference in views seems to be due to differences in understanding the verses, which are the basis of its legality both in text and context. In addition to verses, differences arise from various interpretations of justice in verses and hadiths related to polygamy. For example, in the hadith narrated by Abu Daud received by Abu Hurairah, the Prophet PBUH explained the responsibility and fair treatment of wives. The Prophet PBUH warned polygamous husbands with his words: "Whoever has two wives and acts unjustly against one of them, he will come on the Day of Resurrection with his body tilted. Another hadith narrated by Tirmizi also emphasizes the importance of treating wives well.²⁶ From Abu Hurairah, the Prophet PBUH said: "You are the best in treating your wives." These hadiths guide the importance of justice, responsibility, and good treatment in polygamy.

According to classical scholars, polygamy is permissible on the condition that the husband can act pretty. Justice is only material, such as providing sufficient and equitable maintenance for all wives. Meanwhile, non-material justice, such as equal feelings of love and attention, is not demanded absolutely. This understanding suggests that while justice in material matters can be measured and fulfilled, justice in terms of emotions and feelings is often a source of differing views and interpretations among scholars.

Regarding this view of polygamy, Shafi'iyah does not recommend it because polygamy is considered prone to causing tyranny. Hanabalah, in this case is of the same opinion as Shafi'iyah. Men are not encouraged to engage in polygamy without a clear need (especially if they are married; of course, they are awakened from adultery).²⁷ Polygamy is not recommended because polygamy

²¹ Moh. Mukri, "Polygamy: Between Text and Social Context," *Al-'Is* 14, no. 1 (2018): 201–224, <https://doi.org/10.24042/adalah.v14i1.2204>.

²² Chakim, Habib, and Putra, "The Dialectic of Polygamy with Feminism: An Analysis of Maqasid Syariah on Polygamy According to Classical Scholars and Feminism"; Erwin Hafid, "Polygamy in the Wife's Immediate Family (Study of the Tahlili Hadith Method on the Hadith of Polygamy of the Wife's Closest Family)," *AL QUDS : Journal of Qur'an and Hadith Studies* 6, no. 3 (2022): 1451–66, <https://doi.org/10.29240/alquds.v6i3.7118>.

²³ Khairuddin Nyasion, *The Status of Women in Southeast Asia: A Study of Contemporary Muslim Marriage Laws in Indonesia and Malaysia*, ed. 1st Cet. (Jakarta: INIS, 2002) 103-110.

²⁴ Muhammad ibn Ahmad ibn Muhammad ibn Rasyid Al-Qurthubi, *Bidayah Al-Mujtabid* Sayyid Sabiq, *Fiqh al-Sunnah*, Juz II, (Beirut dar al-Kitab al-Arabi, n.d.), 97

²⁵ Muhammad Rasyid Ridha, *Tafsir Al-Manar*, Juz IV, (Kairo: Dar al-Manar, 1973 M/1367 H), 350

²⁶ Mardani, *Event Akam* (Jakarta: Radjawali Pers, 2012), 270.

²⁷ *Mausu'ah Al-Fiqhyyah*, Vol. 41, K-1 (Kuwait: Wazara al-Auqaf wa al-Siv' in al-Islami, 2002 m/1423 AH), 220 Muhammad Khatib al-Siyarbeni, *Mughni al-Muhtaj*, Juz III, (Beirut Dar al-Fikr, n.d), 125

has the potential to bring the husband to the haram, namely, not doing justice. This is because the husband will not be able to do justice to all his wives, even if he wants to. This has been stated in the Qur'an surah an-Nisa verse 129. Thus, it can be said that the Shafi'iyah, in this case, clearly does not advocate polygamy; in fact, they insist that polygamy is not mandatory.

Another scholar who also does not advocate polygamy is Wahbah al-Zuhaili—in his book *al-Fiqh al-Islami wa Adillatuhu* explained that polygamy is not an ideal marriage for Muslim households. According to him, the ideal marriage for Muslim households is monogamy. Monogamy is the most mainstream marriage system. This monogamous system is prevalent and originated/is a staple in sharak. Meanwhile, polygamy is an unusual and exceptional system. Polygamy is not a solution. Syarak does not require polygamy, nor does it encourage it. Polygamy can only be carried out under certain conditions.²⁸ For example, war. As a result of the war, many widows were left behind. Or because his wife suffers from an illness that prevents him from performing his wife's duties. In this regard, Hanafiyah²⁹ argues that polygamy is permissible on the condition that the husband can ensure justice for his wives. Hanafiyah seems to be more lenient in requiring polygamy. The opportunity to practice polygamy is seen in the husband's ability to be fair to his wives and not associated with shortcomings in previous wives.

In line with Hanafiyah, Mahmud Syalthut also argued that³⁰ the polygamy law is mubah. Polygamy is allowed on the condition that it must be fair. According to him, the justice meant by sharia can be realized by everyone, whether rich or poor, according to their circumstances. It is not justice that is beyond the limits of human ability; the most important thing is not to neglect the other wife.³¹ Polygamy is allowed as long as there is no fear of persecution of wives. If you are worried about the possibility of persecution, then to escape from the possibility of sin, a man can marry only one woman. It seems that according to Syalthut, the opportunity to be polygamous is only seen from the aspect of the husband's ability to be fair to his wife. It is not seen from the aspect of his wife's imperfection in carrying out his wife's duties.

Zamakhsyari has another opinion. In his book *Tafsir al-Kasyyaaf*, it is explained that polygamy in Islam is a *rukhsab* (relaxation) in times of emergency. It is the same with *rukhsab* for travelers who can cancel the Ramadan fast in their safar. The emergency in question is related to a man's character in terms of his tendency to associate with more than one woman. If Islam does not give leeway to polygamy against such male tendencies, it will undoubtedly cause adultery. That's why polygamy is allowed.³² Zamakhsyari's opinion hints that the ability of polygamy is based on men's sexual needs, not because they want to protect women.

In contrast to classical scholars, who provide space for husbands to engage in polygamy, modern *mufassir* tends to tighten the opportunity for polygamy. Muhammad Abduh and his supporters forbade polygamy. According to him, justice in polygamy is very difficult to do, even impossible. Abduh argued that justice in polygamy includes all aspects,³³ both justice in the outward (material) and inner aspects (treatment of affection and love). He realizes that the ability to act

²⁸ Wahbah Al-Zuhaili, *al-Fiqh al-Islami wa Adillatuhu*, Juz VII, (Beirut: Dar al-Fikr, 1985 M/1405 H), 169.

²⁹ *Mausu'ab Al-Fiqhiyyah*, 220.

³⁰ Mahmud Syalthut, *Islam, Aqidah and Sharia*, ed. 2, (Egypt: Dar al-Qalam, 1966), 269.

³¹ Sialtoot, 190.

³² M Al-Bahy, *Al-Islam Wa Al-Tijab Al-Mar'ah Al-Mu'ashirah*, (Egypt: Maktaba Wahbah, 1978), 42.

³³ Sayyid Qutub, *Tafsir Fi Zilal Al-Qur'an*, Volume II, 1st Edition, (Jakarta: GIP, 2000), 275

reasonably in non-material matters (inward) is complicated and even impossible for anyone to do, including the Prophet Muhammad himself, as affirmed in QS an-Nisa verse 129. Because the verse emphasizes that no one will be able to act justly, this shows that the principle of marriage is monogamy. However, Abduh still acknowledged that polygamy was carried out by the Prophet (saw) and his companions because it had a social dimension; taking care of women, especially widows and orphaned girls, did not aim for pleasure and meeting biological needs.

On the other hand, according to Abduh, polygamy has a negative impact because of the lack of responsibility of the husband to his wives and children, causing hostility between families and between brothers. According to Abduh, justice is an absolute requirement in polygamy. Without justice, the husband only wives one woman because the Qur'an requires the provisions of polygamy to be so strict and heavy. Abduh even dared to strongly denounce and prohibit the practice of polygamy when he held the position of mufti of Egypt. He considered polygamy as the culprit of the destruction of society that occurred in Egypt at that time. The reality of polygamy invites disputes between wives, children and other families.³⁴ This can also cause family destruction and can even have an impact on psychological disorders in their children. Therefore, in Abduh's view, polygamy is forbidden. This is based on the method of *دَرْءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ*³⁵ (preventing harm is prioritized over attracting a benefit).

Although Abduh prohibits polygamy, he also allows it. Polygamy is allowed in emergency conditions. This means polygamy is allowed based on the times' situation, conditions, and demands, like a barren wife; this means that the historical background of QS an-Nisa verse 3, which talks about polygamy, should not be ignored. The Qur'an does not encourage polygamy, nor does it allow it under all conditions. In line with Abduh, Yusuf al-Qardawi also allowed polygamy in emergency conditions. Polygamy is not without reason. Polygamy is allowed because it contains wisdom and benefits.³⁶ For example, the previous wife was barren, while the husband wanted offspring. The population of women is high, and for husbands who have high sexual arousal.³⁷

In addition to Abduh and Qardhawi, contemporary Islamic figures such as Asghar Ali engineer, Aminah Wadud Muhsin, Siti Mudah Mulia, Liberal Islamic network groups and others also expressed their opinions. This contemporary figure tends to close the opportunity for polygamy. Justice mentioned in an-Nisak verse 3 has been affirmed in its 129. No man can do justice to his wife. This shows that the principle of marriage, according to them, is monogamy, not polygamy.

Furthermore, Asghar Ali Engineer explained that the verses of the Qur'an are normative statements, referring to the value system and basic principles in the Qur'an. In addition to normative statements, verses of the Qur'an, An is also a contextual statement, namely verses that came down to respond to some social issues at that time.³⁸ In interpreting a sentence, normative statements take precedence over their contextual statements. It is necessary to understand this issue

³⁴ Ridha, *Tafsir Al-Manar*, 364-370

³⁵ Ridha., 350

³⁶ Abdul Rahman, "Yusuf Al-Qardhawi's Views on the Prohibition of Polygamy for Indonesian Solidarity Party Cadres," *SAKINA: Journal of Family Studies* 4, no. 3 (2020): 1–18, <http://urj.uin-malang.ac.id/index.php/jps>

³⁷ Yusuf Qardhawi, *Al-Malamih Al-Mujtama' Al-Muslim Allazī Nashuduhu* (Kairo: Dar al-Wafa', 1993), 354

³⁸ M And Nuryanto, *Islam, Liberation Theology and Gender Equality: A Study of the Thought of Asghar Ali Engineer* (Jogjakarta: UII Press, 2001), 63-64.

by examining its historical context and the previous two verses. So, according to him, in this verse, polygamy is a contextual aspect, while monogamy is a normative aspect.³⁹

The Phenomenon of Polygamy in Indonesia's Contemporary Era

As a country where the majority of the population is Muslim, Indonesia believes in the existence of polygamy. Despite the pros and cons of polygamy, in reality, polygamy has always existed. In Indonesia, it went viral some time ago, and some community leaders (such as *da'i*, officials, and business people) practised polygamy. Here are the news and facts about polygamy exposed by the media. It is Achmad Muzakki Syah, who is familiarly called Lora Fadhil, one of the members of the House of Representatives of the Republic of Indonesia for the 2019-2024 period, from the Nasdem Party Faction some time ago went viral because he brought his three beautiful wives⁴⁰, namely Siti Aminah, Yeni Kurnia, and Novita Kusumaningrum to the inauguration of members of the House of Representatives in Jakarta. Lora Fadhil's polygamous marriage with his three wives looks harmonious and harmonious. Lora Fadhil married his first wife Siti Aminah in 1998. Then, in 2007, he asked Siti Aminah, his first wife, permission to marry for the second time. Then, at the end of 2010, Lora Fadhil remarried for the third time to Novita Kusumaningrum.

The success of polygamy is also seen in the polygamy of Ustaz Arifin Ilham. The founder of the Az-Zikra *zikir majlis* has three wives: Yuni Djamaluddin Waly, Rania Bawazier, and Umi Akhyar, or Femma. According to Sunanda Ibnu Nur, an advisory board of Az-Zikra⁴¹, Ustaz Arifin Ilham practised polygamy to fight the discourse on the prohibition of polygamy, which had blown strongly in Indonesia. Polygamy carried out by Ustaz Arifin Ilham occurred with the blessing of the first wife, approved by parents and in-laws, even approved by scholars, having the ability to be born inward, and not reducing the maintenance of the previous wife. Of these three marriages, Ustaz Arifin Ilham was blessed with eight children.

In addition to Ustaz Arifin Ilham, Ustaz Aswan Faisal, the brother of Ustaz Jefry al-Buchori, is also said to be polygamous. Unfortunately, Uje's sibling had polygamy in a series with Rima Idris in 2011. However, the marriage only lasted three years because, in 2014, Rima and Ustaz Aswan Faisal divorced.

The famous Ustaz Abdullah Gimnastiar, Aa Gym, founded the Daarut Tauhid Islamic Boarding School. In 2006, it went viral because of polygamy. Da'i, a million people married a widow of a former model named Alfarini Eridani.⁴² Aa Gym's marriage with Alfarini reportedly caused the breakdown of Aa Gym's household with his first wife, Teh Ninih, in 2010. But in 2012, they remarried. and finally completely divorced in 2021. Ustaz Habsy also experienced the fate of Aa

³⁹ Noorant, 72-77

⁴⁰ Administrator, "The Story of Lora Fadhil, a Member of the House of Representatives of the Republic of Indonesia Polygamy With Three Wives," January 17, 2022, <https://life.indozone.id/news/> accessed Tuesday, September 19, 2023

⁴¹ Nunuy Nurhayati, "Having Three Wives, Arifin Ilham Had Wanted to Remarry," tempo.co BICARA FAKTA, 2019 <https://seleb.tempo.co/read/1210734> accessed Tuesday, September 19, 2023.

⁴² Saktika girl, "These are 5 Ustaz who are polygamous, from Uje to Ustaz Arifin Ilham," 99.Co, June 13, 2021, <https://berita.99.co/ustaz-yang-poligami> accessed Tuesday September 19, 2023.

Gym's failed polygamous marriage. Ustaz Habsy was polygamous without permission from his first wife. As a result, in 2017, he was sued for divorce from his first wife.⁴³

Long before Aa Gym's polygamy went viral, the Indonesian people were once shocked by Puspo Wardoyo's polygamy. He is a grilled chicken entrepreneur who is famous for his Wong Solo restaurant⁴⁴, which has expanded to Malaysia and Saudi Arabia. Wardoyo is known as a man who is successful in polygamy. So later he was dubbed as the Father of Indonesian Polygamy.⁴⁵ His wives are named Rini Purwanti, the first wife living in Medan, Ita Yuli Agustina, and his second wife in Semarang. Anita Visera his third wife in Bandung, and Nur Annisa, his fourth wife in Jakarta. Of his four wives, Wardoyo was blessed with seventeen children and nine grandchildren. According to Wardoyo, polygamy is not only about lust but also about leadership. A good husband is a husband who can lead his wives to obey God, have good morals, protect, act justly, and provide for themselves. According to him, polygamy is not only a need for men. But the need is shared with women. Uniquely, the polygamy that Wardoyo carried out without asking permission from his previous wife has remained lasting until now. Only an apology was conveyed when he was found out to be remarried.

From the description of the practice of polygamy carried out by some of the figures above, it can be concluded that polygamy, carried out according to norms, can last and last. The norm, for example, polygamy, is carried out by deliberation with the wife. It even involves the approval of the extended family. On the other hand, polygamy, which is carried out secretly, generally ends in divorce.

An Analysis of the Evolution of Islamic Legal Views on the Practice of Polygamy

The evolution of Islamic legal views on the practice of polygamy shows that over time, there have been changes and adjustments in the interpretation of Islamic law among groups of scholars, schools of law and certain historical contexts. The text of the Quran allows polygamy under certain conditions on the condition that the wives be treated fairly. However, the interpretation of scholars and scholars about the verse of polygamy differs with different emphases. In addition to the text of the verse, the view of polygamy also involves the hadith and actions of the Prophet Muhammad. Then the historical and social context also influences the views of scholars on polygamy. Thus, it can be said that the views on polygamy are very varied among scholars. This reflects that changes in views are dynamic over time.

In the contemporary era, some have tried to revisit the view of polygamy by considering social conditions. The reality of polygamy in a colourful society is closely related to a complete and comprehensive understanding of nash *syar'i*, both texts and contexts. Not only that, the problem of polygamy in the contemporary era is also correlated with gender issues, the ability of husbands, women's willingness to become second, third and fourth wives, as well as deliberation with the first wife and her family.

⁴³ Wahyu Tri Wibowo, "THE PHENOMENON OF POLYGAMY OF PUBLIC FIGURES (Semiotics of Roland Barthes in the Construction of the Meaning of Polygamy Images of Public Figures)," *Academic Journal of Da'wa and Communication* 2, no. 2 (2021): 187–220.

⁴⁴ Bayu Nurulah, "President of Indonesian Polygamy Puspo Wardoyo," *SeputarTangsel.Com*, 2020, <https://jatengpos.co.id/puspo-wardoyo-poligami> accessed Tuesday, September 19, 2023.

⁴⁵ JatengPosTV, "Puspo Wardoyo Owner Wongso Group Tokoh Polygamy" (Indonesia, 2022), <https://jatengpos.co.id/puspo-wardoyo-poligami-tidak-perlu-izin-tetapi-minta-maaf/arif/> accessed Tuesday, September 19, 2023.

From the facts of polygamy of a number of figures above, it can be seen that the success of polygamy is greatly influenced by the material and attitude of the husband, who invites his wife to deliberate to ask for his willingness to be polygamous. A wife's acceptance of her husband's polygamy can avoid divorce. Not only the wife, but the consent of the family is also prioritized. These wise ways launch the husband's intention to remarry. This can be seen in the reality of the polygamy of DPR member Lora Fadhil. Not only rich, Lora Fadhil dared to frankly ask for the blessing of his first wife for his desire to remarry. This is what the late Ustaz Arifin Ilham did in his polygamous marriage so that the polygamy he carried out received support, not rejection.

The rejection of polygamy is mostly due to the husband's lack of courage, to be frank, so that the husband ended up polygamy secretly. Gradually, the secret of polygamy became known to his wife. Because he felt lied to, his wife then asked for a divorce. This is the common cause of polygamy hurting women, resulting in divorce.

In this polygamy, the lies committed by the husband seem to be in the background because the husband thinks polygamy is a man's right. At the same time, he forgot that his wife was his partner in the marriage. This reality is what stands out in men. So, he chose polygamy in the series. The permission of the previous wife does not need to be considered. In fact, in *syar'i*, getting married is part of *muamalah*, regarding individual relationships. Because he had previously tied the knot with his previous wife, it is very appropriate for the husband to ask for his wife's blessing so that his family relationship from his first marriage remains harmonious. The husband is more likely to maintain the harmony of his first household when he is polygamous. Thus, it can be said that the harm of polygamy arises due to the husband's behaviour that deviates from the rules. The harm is not due to the error of polygamy rules in the *sharia*. The above events also illustrate that the social context behind polygamy is the unfulfilled need for male sex in one wife.

The assumption that polygamy is only allowed with widows of war victims is allowed. This is also a misunderstanding. The ability to practice polygamy at the beginning of Islam was to respond to the social conditions at that time, namely the number of widows and orphans due to the martyrdom of fathers/husbands on the battlefield. Currently, the social conditions of the community have changed; there are no more widows of war victims. The absence of war in the current conditions does not mean that the door to polygamy has been closed. The opportunity for polygamy remains. However, the social conditions of the community have changed. What happened in the past is one example of a condition in which women need to be saved. Therefore, any social phenomenon that occurs in society, even if it is not because of the war, causes many wives to become widows and children to become orphans. Polygamy can still be carried out in order to save women. However, still pay attention to the terms and conditions of polygamy.

The social context of society is always changing from time to time. The social conditions of the community are not uniform, always full of different colors. Thus, polygamy can be done with any woman, even if she is not a widow or a war victim. This is what Yusuf Qardhawi said: polygamy is permissible because it contains wisdom and benefits.⁴⁶ Polygamy contains wisdom and benefits because it can respond to the social conditions that existed at that time. Polygamy is not limited to war conditions only. In addition, regarding the terms and conditions of polygamy in

⁴⁶ Rahman, "Yusuf Al-Qardhawi's Views on the Prohibition of Polygamy for Indonesian Solidarity Party Cadres."

Surah an-Nisa verses 3 and 129, eighty-three hadiths about polygamy are also found.⁴⁷ Overall, the hadiths about polygamy emphasize the principle of justice in alimony and the ethics of polygamy. The order is not in the form of orders or encouragement, but only the ability to do it with various strict requirements, such as consideration of fairness and benefit.

Furthermore, through the study of the life of the Prophet (peace be upon him), the hadiths of polygamy illustrate that the Prophet did not practice polygamy because of the encouragement of orgasm, as the West claimed. Because according to medical scientific studies, male sex libido decreases at the age of 50. The Prophet, in this case, was polygamous at a young age, after Sayyidah Khadijah died, and the Prophet's polygamy was at the command of Allah SWT, as well as considerations for humanity and the benefit of the people. Then, in the hadiths of polygamy, there is no explanation that polygamy is encouraged. What exists is a hadith that warns of polygamy perpetrators who do not act fairly. A man who has two wives then tends to one of them, and later, he comes on the Day of Resurrection with his shoulders tilted to one side.⁴⁸ Thus, it can be said that polygamy is not an easy matter, which is why polygamy is not recommended. However, specifically, certain men are given the opportunity to have polygamy with requirements that must be met. If not, then in the hereafter, he will get sanctions.

Then, Musdah Mulia's opinion that closed the opportunity for polygamy was read in his book *Islam Mengmenat Polygamy*,⁴⁹ which he relates to a reasonable verse. According to him, the verse of polygamy does not stand alone. Several verses are interconnected, namely verses 128, 129, and 130. Verse 128 explains the behaviour of the husband's *nusyuz*. Verse 129 says that no human being can be just, and verse 130 talks about divorce. By Musdah Mulia, with the reasonable theory of his verses, he understood that polygamy is part of the husband's behaviour which is *nusyuz*. The behaviour of a husband who remarries (polygamy) is a problem in marriage. If the husband is *nusyuz* due to the presence of another woman, then there is no common ground between the husband and the previous wife, then their household can lead to divorce. According to him, polygamy is hinted at as a problem in marriage. Causing conflict can even lead to divorce. Therefore, in this context, the opportunity for polygamy is closed.

The opinion of Musdah Mulia is in line with the opinion of Faqihuddin Abdul Qadir in *his theory of mubadalah*. In the *mublà review*,⁵⁰ according to Faqihuddin, polygamy is not a solution in the relationship of couples but a problem that often brings harm. He based this view on verse 129, which hints that "polygamy is difficult to be fair". Furthermore, according to Faqihuddin, verse 129 is flanked by verse *nusyuz* (an-nisak verse 128) and divorce in verse 130. This means that, like *nusyuz* and divorce, polygamy is a crucial problem in a relationship between husband and wife. Because polygamy is a problem in the household, the Qur'an reminds us to do justice (*fain kbiftum*

⁴⁷ Firdaus, "A Critical Study of Polygamy Hadiths" (Desertasi, Syarif Hidayatullah State Islamic University, Jakarta, 2008).

⁴⁸ Abu Daud, *Sunan Abi Daud*, Jilid III, (Beirut: Dar al-Fikr, 1982), 249.

⁴⁹ Musdah Mulia, *Islam Sues Polygamy*, 1st, (Jakarta: Gramedia Pustaka Utama, 2004), 105-117.

⁵⁰ Faqihuddin Abdul Qadir, *Qira'ah Mublà Progressive Interpretation for Gender Justice in Islam*, 1st (Yogyakarta: IRCiSod, 2019), 60 *Mublà* derived from the word *Baadala, yubaadilu, mubadalatan* which means to replace, change, and exchange. This root word is used 44 times in the Quran in its various derivations. *Mublà* is a form of reciprocity (*Mufa'Allah*) and cooperation between the two parties (*Musharakah*) which means to replace each other, exchange each other, and change each other. In the context of the relationship between husband and wife, *mublà* It means an understanding in a certain relationship between two parties that contains the values and spirit of partnership, cooperation, mutuality, reciprocity, and reciprocal principles. The relationship between men and women is based on the principle of partnership and cooperation.

alla ta'dilu) and ask for only one wife if we are worried about injustice (*fawahidatan*). It even affirms monogamy as a safer way (*adna*) than the possibility of committing wrongdoing (*alla ta'dilu*). The choice of monogamy is much more Islamic than polygamy.

In the author's opinion, Musdah Mulia and Faqihuddin above are not completely true. If polygamy is carried out based on norms and in accordance with the *sharia* rules that have been set, of course, polygamy does not have the potential to cause *nusyuz* from husband to wife. However, if, on the contrary, the husband commits polygamy by ignoring rules and norms, of course, polygamy like this makes him *nusyuz* towards his wife. Polygamy caused wounds and became a problem in previous households. This is what the verse hints so that polygamy does not become a problem; the terms and conditions of polygamy should not be ignored.

The deviant practice of polygamy appears in society, often because the husband is unable to apply a fair attitude, thus giving birth to a number of crucial problems and conflicts in the household. For example, difficulties in making ends meet, jealousy and conflicts between wives, children and even family. The psychological disturbance of the wife and children. Usually, this is due to the absence of joint deliberation the egocentric of men who consider polygamy to be their right. Therefore, to anticipate the chaos, men are allowed to practice polygamy, as long as it is in accordance with *Sharia*. Comply with the terms and conditions apply. Polygamy is based on respecting women. That is why *Syariah* opens up opportunities for polygamy for certain men who can meet the requirements of polygamy. Polygamy is a special condition for some men. Not every man.

Conclusion

The debate of polygamy in the thought of classical and contemporary scholars shows the evolution of Islamic legal views on the practice of polygamy, which reflects the dynamics of *sharia* interpretation according to the context of the times. Classical scholars generally allow polygamy on the condition that the husband is able to act fairly, especially in material matters. Justice in terms of emotions and feelings is not demanded absolutely, although it is recognized that injustice in this aspect can be a source of conflict and tyranny. However, this view has developed in contemporary thought that is more critical of the social and psychological implications of polygamy. The Shafi'iyah and Hanbali schools, for example, do not advocate polygamy because they are considered prone to causing injustice. Contemporary scholars tend to emphasize the importance of holistic justice that includes both material and non-material aspects, as well as consider the negative impact of polygamy on women and families. The evolution of this view reflects the response of Islamic law to social change and the need to uphold more comprehensive justice in the practice of polygamy. Thus, this debate enriches the understanding of how Islamic law can continue to evolve and be relevant to the challenges of the times.

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