

Comparative Study of Polygamy in the Marriage Law Based on Islamic Law and Feminism Perspective

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Abstract

This study examines the extent to which Islamic legal norms regard polygamy as a permissible marital practice, and how feminist legal perspectives assess such practice within the framework of gender equality and the protection of women's rights. The research is directed by two principal legal questions: (1) What is the comparative analysis of polygamy under the Marriage Law when viewed from the standpoint of Islamic Law and Feminist Legal Theory? and (2) How is the concept of justice for women subjected to polygamous marriages assessed under Islamic Law and Feminist perspectives? This study employs a normative legal research design using a qualitative descriptive analysis. Data were obtained through a literature-based method involving statutory materials, authoritative legal texts, scholarly works, and relevant academic articles. An analytical approach was adopted to interpret the meaning and scope of terms contained in legislative provisions, while data collection was conducted through comprehensive doctrinal and literature review to assemble all relevant legal information. The findings of this research demonstrate both differences and points of convergence between Islamic Law and Feminist perspectives regarding the legal and ethical status of polygamy. Under Islamic Law, polygamy is deemed permissible subject to strict substantive and procedural conditions, including the husband's ability to uphold justice among his wives, both materially and emotionally. In practice, however, the failure to fulfil the principle of justice often results in discrimination and harm toward women. Conversely, from a Feminist perspective, polygamy is viewed as an inherently inequitable institution that reinforces patriarchal structures and places women in subordinate positions, socially, economically, and emotionally. Therefore, in order to achieve justice from both legal and gender-equality standpoints, a reinterpretation and reassessment of existing marital regulations is necessary to ensure greater responsiveness to gender justice and stronger protection of women's rights.

Keywords: Polygamy, Islamic Law, Feminism.

INTRODUCTION

Marriage is one thing that is qodrati. The need for intimate friends, the distribution of biological desires to the desire to have offspring, are the driving factors for the birth of marriage. Furthermore, the Qur'an outlines marriage as a means to obtain happiness in life in the form of

peace of mind and love (Fuad, 2020). Marriage is an issue that is always interesting to discuss, because its implementation is strict enough to be regulated separately in a written regulation by the state. Polygamy is an inseparable part when talking about the issue of marriage. In some sources polygamy is mentioned as sunnah and in other sources polygamy is mentioned as merely permissible but with strict conditions.

The discussion of polygamy often raises debates. The reason is that in the main sources of Islamic teachings, polygamy is present in the frame of legal texts that are not uniform. The interpretation and understanding of these text sources in turn also varies. Moreover, the current condition of society, which has shifted in many ways, has triggered the desire to 're-read' the provisions regarding polygamy. Issues of equality and justice have also sparked debates about polygamy, both in the realm of fiqh and state law. For example, polygamy, which in classical discourse was interpreted as the 'right' of men to increase the number of wives, without any definite and binding conditions, is now raised with more definite, measurable, and legally binding rules. The goal is of course to respect the position and role of women in the context of marriage.

Etymologically, *polygamy* comes from the Greek language, from the word *poly* meaning many from *gamein* meaning marriage, when combined polygamy is many marriages. Some opinions say that the practice of polygamy is not differentiated Polygamy and its Prohibition from a Hadith Perspective based on gender (Mustofa, 2018).

Polygamy is a practice regulated in the Marriage Law in Indonesia, especially in Article 4 which provides room for a husband to marry more than one wife under certain conditions. Polygamy or marrying more than one wife is not a new problem. Polygamy has existed for a long time, in the lives of humans in various societies throughout the world. (Abdurrahman I Doi, 1996) The marriage law in Indonesia itself adheres to the principle of monogamy where a husband or wife can only have one partner, but if the person concerned does not get permission from the wife, the practice of polygamy is prohibited in Indonesia based on the above law (Nugraha, 2021).

Although polygamy is recognized in law, the practice has often caused controversy, especially in the context of gender equality and women's rights. From a feminist perspective, polygamy is often considered a form of injustice that reinforces patriarchal structures and harms women socially, economically and psychologically. Feminism seeks to highlight and criticize the injustices experienced by women in various aspects of life, including in the institution of marriage. Therefore, it is important to analyze the law of polygamy in the Marriage Law from the perspective of Islamic Law and feminism, in order to understand its impact on women's rights and find a fairer solution.

According to Amina Wadud, Islamic feminism is grounded in the principle of *tawhid* (the oneness of God), which affirms the equality of all human beings before God. Consequently, any form of male domination over women, including polygamy, is deemed inconsistent with Islamic justice. (Anam, 2020) In *Qur'an and Woman*, Wadud asserts that the Qur'an does not command polygamy but merely restricts an already existing practice by emphasizing justice as an indispensable requirement. She interprets Surah An-Nisa' (4:3) as a protective measure for women and orphans rather than a justification for men to expand marital relations. Given that true justice is difficult to achieve within polygamous arrangements, Wadud argues that monogamy aligns more closely with Islamic principles of fairness. Her views challenge

classical patriarchal interpretations that position women as objects rather than legal subjects with equal rights.

METHOD RESEARCH

The type of research used by the author is normative research, which is research that contains a description of the problem under study based on written law or using other documents. (Eko Noer Kritiyanto, 2019) The type of *approach* used in this research is *comparative approach* (*comparative law*) and *analytical approach* (legal analysis) (Rusdin Tahir et al., 2023). The research method in this research is to use a qualitative descriptive approach (Lexy J. Meleong, 2007). Qualitative research focuses on social phenomena, giving voice to the feelings and perceptions of the participants under study (Emzir, 2011). The data source in this study uses secondary data sources, namely data sources taken and obtained from materials related to existing problems (Suharsimi Arikunto, 2006). The data collection technique used by the author in qualitative research is through literature studies conducted by collecting books, magazines related to the problem to be studied (Danial dan Wasriah, 2009).

DISCUSSION

1. Comparison of Polygamy in the Marriage Law seen from Islamic Law and Feminism Perspective

Provisions regarding polygamy are regulated in Law No. 1 of 1974 concerning Marriage which has now been amended in Law Number 16 of 2019 and Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law. In Law Number 16 of 2019 concerning Marriage adheres to the principle of monogamy (Mohammad Daud Ali, 2007), unless the religious law adopted determines otherwise. In Article 3, the Marriage Law states that Indonesia actually adheres to the principle of monogamy:

1. Marriage is valid, if it is conducted according to the laws of each religion and belief and registered according to the applicable laws and regulations.
2. A man may only have one wife, and a woman may only have one husband, except for those who are permitted to be polygamous in accordance with applicable regulations.

Then a Muslim husband who wants more than one wife must apply for a polygamy permit to the Religious Court for reasons as stipulated in Article 4 of the Marriage Law, namely:

1. In the event that a husband will have more than one wife, as mentioned in Article 3 paragraph (2) of this Law, he must submit an application to the Court in the area where he lives.
2. The court referred to in paragraph (1) of this article shall only grant permission to a husband who will have more than one wife if:
 - a. The wife cannot fulfill her duties as a wife;
 - b. The wife is physically disabled or has an incurable disease;
 - c. The wife is unable to bear offspring.

The Marriage Law confirms that Indonesia generally adheres to the principle of monogamy, which reflects the social and cultural values underlying the country's legal system. This suggests that while polygamy is allowed, it is not a desirable norm in society. Exceptions to this principle only apply to those permitted under religious law, which creates room for the practice of polygamy in certain contexts, especially in Muslim societies.

The process of applying for a polygamy license that the husband must undertake demonstrates the need to protect the rights of the first wife, and ensure that the decision to polygamize is not taken haphazardly. The Religious Court acts as the body that assesses these applications, with clear and specific criteria that must be met. This reflects efforts to maintain fairness and well-being in the marital relationship. The reasons stipulated in Article 4, such as the wife's inability to perform obligations, disability, or inability to give birth, indicate that polygamy in this context is more remedial and not a desirable option. This emphasizes that polygamy should not be used as a tool for personal gratification alone, but as a solution to the problems faced in marriage.

In Islam, polygamy means more than one marriage, with a limit generally allowed to four women. Although there are also those who understand the verse on polygamy with a limit of four or even more than nine wives (Khoiruddin Nasution, 1996). The term polygamy actually has a general meaning, namely having two or more wives at the same time. The opposite of this marriage is monogamy, where a husband has only one wife (Bibit Suprpto, 1999).

Polygamy as exemplified in Islam needs to be understood not solely to fulfill biological needs. History records, even the practice of polygamy was carried out more to protect women at that time. Many women were left dead by their husbands in war so they needed protection. The Prophet even practiced polygamy in addition to protecting women also because of the command of Allah (Faizatur Rohmah, 2021).

From a historical aspect, polygamy is not a marriage event that began with the Prophet Muhammad PBUH, but far from that time polygamy has been implemented. Polygamy has been recorded since Prophet Ibrahim (peace be upon him) married Siti Hajar and Siti Sarah. Thus it is not true that the teaching of polygamy originated solely as a sunnah of the Prophet Muhammad because there were also earlier prophets who were polygamous (Setyanto, 2017). According to As'ad Samharani, polygamy has existed since the time of Ancient Greece. At that time women were only as satisfiers of male lust and only as servants (*slaves*). Since 415 BC. there have been many wars and polygamy as a necessity was legalized by the state because many women lived without a partner (Muttaqin, 2023).

After the arrival of Islam, the polygamy committed by the Prophet Muhammad SAW was not from the beginning of his marriage with Saidina Khadijah, but the polygamy was carried out after the death of Khadijah in 619 AD and the practice of polygamy carried out by the Prophet during his life was only a small part of his life, while having one wife was a long marriage period carried out by the Prophet, namely 28 years. Polygamy was carried out by the Prophet Muhammad SAW as an effort of social transformation which can be seen in the book of Ibn al-Athir. This is a way to improve the position of women in the Arab tradition at that time.

The revelation of the verse regulating polygamy was also motivated by the rampant marriages carried out by men with many women without definite limits.

According to **Rasyid Ridha**, as quoted by **Masyfuk Zuhdi**, that Islam views polygamy as bringing more risks / harms than benefits, because humans by nature have a jealous, envious, and complaining character. These dispositions will easily arise with high levels, if living in a polygamous family life. Thus, polygamy can be a source of conflict in family life, both conflicts

between the husband and his wives and children of his wives, as well as conflicts between wives and their respective children (Masyfuk Zuhdi, 1988).

Then this is clarified in the verse of the Qur'an Surah An-Nisa, polygamy contains many enormous benefits for men, women and the Muslim ummah as a whole. This is because polygamy can be achieved by all parties, submission of the *gaze* (*ghaddul bashar*), preservation of honor, many offspring, men can do a lot for the benefit and good of the wives and protect them from various factors that cause ugliness and deviation. But if a man cannot afford polygamy and fears that he will not be able to be just, then he should marry only one wife, for Allah says: "Then if you fear that you will not be able to be just, then marry only one". (An-Nisa: 3) (Mardi, 2019).

Therefore, the polygamy described in the Quran is not so easy to obtain. Furthermore, another verse of the Quran reminds us that it is very difficult to be fair in polygamy. Allah explains this in His words, namely:

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

Meaning: You will never be able to be just between your wives, no matter how much you wish to do so. Therefore, do not be so inclined (to the one you love) that you leave the other hanging. If you make *islah* (reparation) and preserve yourselves (from cheating), surely Allah is Forgiving, Merciful. (Q.S. An-Nisa' 4: 129) (Wandasari & Ananda, 2024).

The Prophet Muhammad (PBUH) decreed that the number of wives is only four. Before this rule many who practiced polygamy did not limit the number of wives. But after Islam came, they divorced their wives and left only four. This was the case with Qais bin al- Harith, as mentioned in the Prophet's Hadith:

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ، أَنَّ غَيْلَانَ بْنَ سَلَمَةَ التَّقْفِيَّ أَسْلَمَ، وَكَانَ لَهُ عَشْرُ نِسْوَةٍ فِي الْجَاهِلِيَّةِ، فَأَسْلَمَ مَعَهُ، فَأَمَرَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنْ يَخْتَارَ مِنْهُنَّ أَرْبَعًا.

Ibn Umar reported that Ghailan bin Salamah ats-Tsaqafi was a new convert to Islam and he had ten wives during the Jahiliyyah. His wives also converted to Islam with him, then the Prophet SAW ordered him to choose four of his wives (HR. Tirmizi) (Wandasari & Ananda, 2024).

When viewed from the phenomenon of polygamy that had occurred before the coming of Islam, the provision of polygamy in the letter implicitly indicates that Islam was very concerned about the position of women at that time. This is because prior to this regulation, there was no limit on the maximum number and no requirements for men who wanted to practice polygamy. In other words, the Prophet made radical changes guided by the content of the verse above, namely: *First*, limiting polygamy to four wives. *Second*, setting strict conditions for a husband who wants to do polygamy, namely that he must be able to do justice.

According to contemporary Islamic figure, **Quraish Shihab**, there are several things that need to be underlined in Surah an-Nisa verse 3, namely:(Papatungan dan Sopyan Kau, 2020).

1. The verse is addressed to the caretakers of children who want to marry them without being fair. Redactionally, according to him, one can say that permission to polygamy is only given to the caretakers of orphans, not to everyone. Although the context is so, according to him because the wording of the verse is general, and because the fact since the time of the Prophet Muhammad SAW. and his companions shows that even those who do not care for orphans are polygamous, and it happens with the knowledge

of the Apostle so it is not right to make the verse limited only to the caretakers of orphans.

2. The word *khiftum* which usually means fear, which also means knowing, according to Quraysh indicates that those who are sure or strongly suspect or even suspect that they will not be fair to their wives are not allowed by the verse above to practice polygamy. What is allowed is only those who are sure or strongly suspect that they can be fair. Therefore, according to him, those who doubt whether they can be fair or not are not allowed to practice polygamy.
3. The verse (*an-Nisā*" verse 3) uses the words *tuqsiṭū* and *ta'dilū* which are both translated as being fair. Some scholars equate the meanings and some differentiate them, saying that *tuqsiṭū* is being fair between two or more people, justice that makes both of them happy. As for *ta'dilū*, it means to be fair to others and to oneself, but that fairness may not please one of the parties. If this second meaning is understood, it means that permission to engage in polygamy is only given to those who think that their actions will please all the wives they marry. This is understood from the word *tuqsiṭū*, but if that cannot be achieved, he must at least be fair, even though it may not please one of them.
4. His words *fankihū mā ṭābalakum*, which means "so marry whom you please" rather than "whom you please", are not meant to imply that women lack intelligence, by reason of the question starting with what. Because the use of what is for something that is not intelligent, while who is for those who are intelligent. However, according to Quraish, it seems that the choice of words aims to emphasize the nature of women, not to emphasize certain people, names, or descendants. Because according to Quraish, when it is said "whom to marry?" does not indicate a particular woman, her name and whose children, while when asked by using the word what indicates the nature of what is asked, for example widow or girl, beautiful or ugly, and so on.
5. The letter *waw* in the verse does not mean and, but or. Thus, according to Quraysh, these numbers are not permission to add up so that it is permissible to be polygamous with nine or even eighteen women. In addition to the redaction of the verse does not mean this, the Prophet explicitly ordered Gilan Ibn Umayyah ats-Tsaqafī, who at that time had ten wives, to settle for four and divorce the rest.

Quraysh states that the verse on polygamy does not create a new rule, because polygamy was already known and practiced by adherents of various religious laws and customs before the revelation of the verse. The third verse of *surah An-Nisā*", according to him, also does not recommend or oblige polygamy, but only talks about the permissibility of polygamy, and it is a small door that can only be passed by those who really need it and with conditions that are not light.

American realism theory, also known as feminism theory, is a movement against social inequality experienced by women. Initially, during the proclamation of North American independence, women remained marginalized from politics, which was considered the domain of men. Public places such as taverns, military meetings, and judicial sessions were not open to women, and although there were opportunities to participate, the number of educated women capable of understanding politics was very low (Syachrotunnisa et al., 2021).

However, during the mass Stamp Act movement of 1760 and the consumer boycotts of the 1770s, American women were involved in revolutionary activities, both as patriots and loyalists, and from a variety of backgrounds, including slaves and Indians. Some women supported the royal system, while others championed freedom. The structure of society at the time was dominated by a patriarchal culture, where women's interests were considered subordinate to those of men. This was reflected in the division of labor, empowerment in social organizations, and the norms of femininity that were internalized in daily life. (Syachrotunnisa et al., 2021)

Feminism in Kamla Bahsin's view is the oppression and exploitation of women both in their workplace and family, as well as the changing role of women to change the status quo against men. Feminism has a mission to fight for equality and freedom in roles, both family and public. (Chakim et al., 2022)

In terms of political ideology, feminism is an ever-changing collection of ideas. This idea is a reaction to the injustice of women who offend when prioritizing certain rights of a man. At the heart of the feminist movement is the realization to change the situation towards a more just system. You don't have to be a woman to be a feminist. Feminism can be practiced by men as long as they fight for justice and women's inferiority. Therefore, the focus of the feminist movement is its goal in voicing justice and the deep structures that exist in society. (Chakim et al., 2022)

The movement's long history of liberating social constructions that restrain women is now spread across the world to continue questioning women's rights in society. The feminist movement in Indonesia contributes to the formation of policies, such as the TPKS Law, the movement against various gender-based crimes. Feminism has also highlighted the inequality of rights experienced by women in polygamous marriages.

Feminism views that the concept of religion has been created fairly, but various interpretations are understood to be more inclined towards men, especially on the issue of polygamy. Ahmad Baidhowi's research on Muslim feminist interpretation of the Qur'anic verse on polygyny, discusses the problems and new insights of feminist interpretation which is controversial. Some classical mufassirs when interpreting gendered Qur'anic texts are always understood and tend to support male parties. Some contemporary interpreters try and fight for women through their contextualized interpretations and show women's equality with men, they tend to reject this institution because it is considered a form of subordination of women by men. (Muslim) feminists assume that Islamic teachings on marriage actually teach monogamous marriage. (Dozan, 2021)

There are actually many irregularities that have dragged the practice of polygamy to gender injustice according to Musdah Mulia's perspective, these injustices are often also related to constructions and paradigms, such as assuming that women are not important or just complementary to men's interests. Well, the subordination of women in the household and in social life in general has signaled that it creates the seeds of injustice in the long history of women. Say, in household life, for example, women must obey their husbands so that women are never able to stand on their own (independent) or are considered unimportant in political decisions, the formation of *stereotypes* or through negative labeling, *violence* and socialization

of ideology and gender role values. Concretely, it can be described that women are emotional beings, while men are rational. (Muttaqin, 2023).

2. Analysis of the Justice of the Rights of Women who experience Polygamy seen from Islamic Law and Feminism Perspective

The ulama's approach to the rules of polygamy is also often accompanied by an emphasis on the values of equality, justice and welfare for all family members. They emphasize that the practice of polygamy must be carried out with full responsibility and awareness of the rights of the wives as well as with caution and careful consideration of family circumstances. In the context of contemporary society, some scholars also suggest focusing more on building healthy and strong monogamous relationships, while reconsidering the relevance and practice of polygamy in the context of modern times. This is an overview of some of the scholars' interpretations of the rules of polygamy. (Nurdin et al., 2024)

In Islamic law, polygamy is a strictly regulated practice and has limits and conditions that must be met by husbands who wish to practice polygamy. The Quran sets a maximum limit of four wives for a husband that he can bear fairly (Surah An-Nisa verse 3). Polygamy should only be practiced if the husband is able to fulfill the requirements of being fair to his wives and providing equal treatment to all wives. Fair and equal treatment of wives includes material, emotional, and time. The husband's ability to provide adequate maintenance, protection and care to each wife. It is important to note that polygamy in Islam is not an obligation, but a license granted by the Quran under certain conditions. Polygamy should only be practiced under certain conditions and with good intentions, such as to expand the family network or to help women who need protection. In addition, it is important for husbands who wish to practice polygamy to consider the social, emotional and economic impact it may have on themselves, their wives and their children. (Nurdin et al., 2024)

Based on the opinions of several scholars who assess polygamy according to Islamic law, the author agrees that polygamy will bring more conflict and create inequality for women in family relations. Islam does not teach the obligation of polygamy to its people, but Islam prioritizes justice for women so that it prioritizes the principle of monogamy to avoid injustice received by women.

Pro-polygamy groups always argue that polygamy has a clear theological foundation, namely Surah an-Nisa verse 3. Therefore, opposing polygamy means denying the verse of Allah SWT. According to Musda Mulia, this argument is a false logic. It is very naïve to base the permissibility of polygamy on just one verse, or even just a piece of verse, but forget thousands of other verses that emphasize the importance of doing good to fellow humans, especially to spouses. There are at least 104 verses that talk about marriage in the Qur'an. So it makes no sense to understand polygamy only by relying on one or even half a verse and ignoring other verses that are very relevant as a source of law (Siti Musdah Mulia, 2011).

The very strict restrictions on polygamy in Islamic teachings should be a noble and ideal ideal to gradually abolish polygamy in the life of society, like the prohibition of slavery. Both prohibitions are delivered in stages so as to build the mental and psychological readiness of the community to implement them. Because the traditions of polygamy and slavery are so rooted in people's lives that it is impossible to abolish them completely at once (Siti Musdah Mulia, 2011).

Based on Musda's noble view, the author sees that in the view of polygamy, we should not only focus on one verse and patriarchal interpretation. However, we need to look at the substance of marriage as a whole and fully consider the social conditions of society, especially for those affected, namely women. The author sees that even if polygamy is carried out according to the conditions listed, there is no guarantee of justice for women in the future. Permission for polygamy can be obtained by force or under the influence of pressure from the husband; the holder of the highest hierarchy of power in the household. The concept of the requirement to be fair is also highlighted by the author as something that is not measurable, so the possibility of someone being able to be fair materially and mentally is very small. How can a man who has been predetermined to have a greedy character be able to manage conflicts in a household with wives and children from different wives at the same time?

The author also agrees that polygamy is not a relationship that should be prioritized because the purpose of marriage can be sufficiently implemented with the principle of monogamy. In this patriarchal society, women are more vulnerable in violent relationships when they are in polygamous relationships.

Aspect of Comparison	Islamic Law	Indonesian Marriage Legislation	Feminist Perspective
Legal Basis	Based on the Qur'an (Q.S. An-Nisa: 3 and 129), Hadith, and classical as well as contemporary juristic interpretation.	Law No. 1 of 1974 as amended by Law No. 16 of 2019, and the Compilation of Islamic Law (Presidential Instruction No. 1/1991).	Grounded in feminist legal theory, Muslim feminist thought, and socio-cultural analysis.
Principle of Polygamy	Polygamy is permissible with a maximum of four wives; it is a rukhsah (legal concession), not a command.	Adheres to the monogamy principle, with exceptions for husbands who meet statutory requirements and obtain permission from the Religious Court.	Polygamy is considered a form of structural injustice that reinforces patriarchy and the subordination of women.
Requirements	The husband must maintain justice in material support, time allocation, and emotional treatment. Justice constitutes an absolute condition.	Grounds for polygamy: (1) the wife cannot fulfil marital obligations; (2) the wife suffers from an incurable disability or illness;	Critiques that both Islamic and statutory requirements remain male-centered and fail to protect women's agency.

		(3) the wife is unable to bear children.	
Purpose of Polygamy	Historically intended to protect vulnerable women, such as widows of war; not meant solely for biological gratification.	Remedial in nature, not an ideal option; intended as a solution when a marriage cannot fulfil certain objectives.	Viewed as harmful to women emotionally, socially, and economically; lacks any justifiable purpose that outweighs inequality.
Social Consequences	Jurists emphasize significant risks of conflict, jealousy, and injustice, especially when the justice requirement is unmet.	The legislature acknowledges potential conflict, thus the procedure for obtaining approval is intentionally stringent.	Seen as a mechanism that perpetuates male dominance within the family and inhibits women's autonomy.
Requirement of Justice	The Qur'an states, "you will never be able to be completely just, even if you desire it" (Q.S. An-Nisa: 129), thereby heavily limiting polygamy.	Assessment of justice is delegated to the Religious Court, but in practice it is difficult to ensure that the justice requirement is truly fulfilled.	Rejects the possibility of justice on grounds that gender relations are structurally unequal, rendering justice unattainable.
View of Women	Normatively, Islam teaches respect and protection for women; polygamy must guarantee the welfare of all wives.	Positive law provides safeguards for wives through judicial mechanisms and stringent grounds.	Feminism views polygamy as a strong symbol of patriarchy that treats women as 'secondary,' 'optional,' or 'replaceable.'
Ideal Marital Framework	Monogamy is considered more consistent with principles of justice and familial tranquility.	Monogamy is positioned as the general principle within the national legal system.	Monogamy is regarded as a more equal and just form of marital relationship for women.
Critique	The risk of injustice is extremely high; polygamy is only a narrow exception permitted under	The legal loophole for polygamy may still be exploited by husbands through pressure or coercion on the wife.	Polygamy reinforces the subordination of women and should be rejected from a gender-equality standpoint.

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Conclusion

The findings of this study indicate that both the Indonesian Marriage Law and the provisions of Islamic Law fundamentally adhere to the principle of monogamous marriage, although each still provides a legal avenue for the practice of polygamy. Under Islamic Law, polygamy is permissible only when the husband is able to fulfil the primary requirement of ensuring justice in both material and emotional aspects. However, the literature consistently emphasizes that such justice is exceedingly difficult to achieve in practice, thereby creating a high potential for unequal power relations and domestic conflict.

From a feminist perspective, polygamy is viewed as a practice that reproduces structural inequality by reinforcing male dominance and placing women in vulnerable positions, socially, economically, and psychologically. The analysis of justice in relation to women's rights within polygamous relationships demonstrates that, although Islam places justice as an essential condition, the practical implementation of polygamy within social contexts often results in harm to women due to imbalanced power dynamics and gender-biased religious interpretations. Accordingly, in order to promote justice from both perspectives, efforts are required to reinterpret religious doctrines as well as to reassess existing marital laws so that they become more responsive to gender equality principles and more protective of women's rights.

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