



## Crime in Marriage: The Practice of Polygamy in the Puncak Sorik Merapi Community, Mandailing Natal

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### Abstract

Polygamy is an option for husbands who can be fair to their wives; a husband cannot take refuge behind religion to legalize polygamy while he cannot do justice. This study aims to look at the crimes of polygamy in Puncak Sorik Marapi Mandailing Natal Regency, North Sumatra Province. This research is qualitative; data were collected by interviewing informants, and secondary data were sourced from journals, books, and documents considered related to this paper. The data obtained were analyzed using descriptive and qualitative data analysis techniques. As for the results of this study, they show that the husband practiced polygamy at Sorik Peak Marapi, committing crimes, namely: first, not providing for his wife's birth, second, abandoning children so that some drop out of school, and third, damaging good relations with wife, children, and wife's family. Husbands do not carry out the provisions set by Islam if they want to have polygamy; that is fair, because Allah has explained in Surah An-Nisa verse 3 that husbands must act fairly if they want to have polygamy. The impact of the husband's injustice was felt by their first wife, who felt the bitterness of life. The wife had to work hard to support herself and their children, and the impact was also felt by the children because they could not continue their schooling with the constraint of having no money. The tendency of husbands to neglect their wives and children tends to bring harm to them.

**Keywords:** Fair Implementation; Polygamy; Islamic law, Crime

### Abstrak

Poligami menjadi pilihan bagi suami yang bisa berlaku adil terhadap isteri-isteri mereka, seorang suami tidak boleh berlandung dibalik agama untuk melegalkan poligami, sedangkan ia tidak bisa berbuat adil. Penelitian ini bertujuan untuk melihat kejahatan-kejahatan dalam



poligami di Puncak Sorik Merapi Kabupaten Mandailing Natal Provinsi Sumatera Utara. Penelitian ini merupakan penelitian Kualitatif, data dikumpulkan dengan cara wawancara kepada narasumber dan data sekunder bersumber dari jurnal, buku dan dokumen yang dianggap berkaitan dengan tulisan ini. Data yang didapat dianalisis dengan menggunakan teknik analisis data deskriptif kualitatif. Adapun hasil dari penelitian ini menunjukkan bahwa suami yang melakukan poligami di Puncak Sorik Merapi melakukan kejahatan dalam poligami, yaitu pertama: tidak menafkahi istri lahir dan bathin, kedua: mentelantarkan anak-anak sehingga ada yang putus sekolah, ketiga: merusak hubungan baik dengan istri anak dan keluarga istri. Dengan demikian suami tidak menjalankan ketentuan yang telah ditetapkan oleh agama Islam apabila ingin berpoligami, yaitu adil, karena Allah telah menjelaskan dalam Surat An-Nisa ayat 3 mengenai suami yang wajib berlaku adil apabila ingin berpoligami. Dampak dari ketidakadilan suami tersebut, maka isteri pertama mereka merasakan kepahitan hidup, sehingga isteri harus bekerja keras untuk menafkahi diri dan anaknya, dampak juga dirasakan oleh anak, karena tidak bisa melanjutkan sekolah dengan kendala tidak ada biaya, padahal ayahnya mampu, tetapi tidak memberikan nafkah selayaknya ketika setelah berpoligami.

**Kata kunci:** Implementasi Adil; Poligami; Hukum Islam

## Introduction

Islam is a religion that provides guidance to the straight path for its adherents; when adherent to it or faithfully to it, safety will be guaranteed in this world and in the hereafter. Human honor and civility are maintained in Islam so that offspring do not mix with each other, and their lineage is known. Descendants will be the generation that will spread the religion of Islam in every corner of the earth until the end of the day. Therefore, to maintain the honor of these offspring, Allah will bless this lineage by getting married.<sup>1</sup>

Marriage is a sacred contract; practicing it is worship.<sup>2</sup> With the contract carried out by the guardian with the prospective groom, it will have a legal impact as a result of the contract. Before the contract, there is no responsibility from the man, so after the contract, the woman who is married will be the full responsibility of the man. By carrying out a marriage, the couple has carried out the longest worship in their life, so the marriage must be quite harmonious, and the conditions are.

The principle in marriage is that a husband or wife may only have one partner,<sup>3</sup> often referred to as Monogamy. However, Allah SWT gives permission for polygamous husbands with fair conditions.<sup>4</sup> When you feel you can't do justice, then don't do polygamy, in accordance with verse 3 in Surah An-Nisa'. Of course, this verse is not an order to be polygamous, but it is a basis for husbands who want to be polygamy.

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<sup>1</sup> Khoiruddin Nasution, *Hukum perkawinan: Dilengkapi Perbandingan Negara Muslim Kontemporer* (Yogyakarta:Academia dan Tazaffa, 2005), 72.

<sup>2</sup> UU RI No. 1 Th. 1974 *Tentang Perkawinan dan Kompilasi Hukum Islam* (Bandung: Citra Umbara, 2011), 228.

<sup>3</sup> UU RI No. 1 Th. 1974 *Tentang Perkawinan dan Kompilasi Hukum Islam*.

<sup>4</sup> Abdul Rahman Ghazali, *Fiqih Munakahat* (Jakarta: Kencana, 2010), 129.

Polygamy appeared before Islam, and this became a tradition in the Arab nation at that time. When Islam came, the issue of polygamy was regulated. Two changes were made, namely limiting the number of wives that could be married to 4 people at the same time and limiting the reasons for polygamy by upholding justice, not for biological desires.<sup>5</sup> Then polygamy is also therapy and medicine for certain conditions, for example, in an emergency where the community suffers.<sup>6</sup>

The practice of polygamy is a problem and controversial among Muslims today. The ulemas allow it, while the moderns are human rights fighters only under certain conditions.<sup>7</sup> Polygamy is a sensitive topic when it is discussed in public because there are pros and cons. Justice is a fundamental foundation for men who want to marry more than one. However, justice is also a very interesting debate to discuss, although the majority say it is over to talk about.

Disputes in the opinions of scholars in assessing polygamy in society have an impact that is difficult to compromise. Because each group has a different methodology for interpreting the legal sources on which polygamy is based, thus it will produce different legal products from one to another.<sup>8</sup>

The agreement of the scholars makes this fair a mandatory requirement in polygamy so that fairness becomes a consensus in polygamy. There have been many essays by classical scholars discussing justice, including modern scholars. However, there are also criticisms of these writings. Not only that, literature on justice in having more than one wife has been continuously used as a reference or a tool of legitimacy, the majority of which do not have accurate sources and cannot be trusted.<sup>9</sup>

Islam provides an opportunity for husbands to marry more than one woman, even a maximum limit of four people, on condition that they are treated fairly in matters of clothing, food, housing, and so on.<sup>10</sup> The concept of justice is a form of Islamic law that must be carried out by its adherents so that legal actions like this will have an impact on this world and the hereafter.<sup>11</sup> The priests of the madhhab agree that being fair is a condition for the permissibility of polygamy. Even though there are differences of opinion between Imam Hanifah and Imam

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<sup>5</sup> Ghazali, 77.

<sup>6</sup> M. Ali Ash-Shobuni, *Pernikahan Islami* (Solo: Mumtaza, 2008), 194.

<sup>7</sup> Ibnu Hamdun dan Muh. Saleh Ridwan, "Tinjauan Hukum Islam Tentang Dampak Poligami Terhadap Istri Di Kabupaten Gowa," *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam* 1, no. 1 (13 Maret 2020): hlm. 35., <https://doi.org/10.24252/qadauna.v1i1.11426>.

<sup>8</sup> M Ichsan, "Poligami Dalam Perspektif Hukum Islam (Kajian Tafsir Muqaranah)," *JURIS (Jurnal Ilmiah Syariah)* 17, no. 2 (31 Desember 2018): hlm. 152., <https://doi.org/10.31958/juris.v17i2.1196>.

<sup>9</sup> M. Ali Hasan, *Pedoman Hidup Berumah Tangga Dalam Islam* (Jakarta: Cendana, 2006), 269.

<sup>10</sup> Edi Darmawijaya, "Poligami Dalam Hukum Islam Dan Hukum Positif (Tinjauan Hukum Keluarga Turki, Tunisia dan Indonesia)," *Gender Equality: Internasional Journal of Child and Gender Studies* 1, no. 1 (2015), 28.

<sup>11</sup> M Samson Fajar, "Keadilan Dalam Hukum Islam (Tinjauan Multidisipliner Dalam Kasus Poligami)," *AL-ADALAH* XII, no. 1 (2014), 34.

Syafi'i regarding the division of the day, basically, they agree that they must be fair to their wives.<sup>12</sup>

The practice of polygamy in the Puncak Sorik Merapi sub-district was carried out decades ago. Because it was only in the 2000s that people heard of polygamous people in their district, this sub-district is located in Mandailing Natal Regency, North Sumatra Province. The district is located directly under the foot of Mount Sorik Merapi. What is interesting in this sub-district is that there is a gold mine that attracts outsiders to come, so many people from outside marry local girls or are polygamous.<sup>13</sup>

Of course, a lot of research related to polygamy has been carried out, for example, a research entitled "The second wife: Ambivalences towards state regulation of polygamy in Indonesia" written by Theresia Dyah Wilastri and Stijn Cornelis Van Huis, the results of which explain that polygamy places restrictions on second wives. And the second wife in society will not be equal to the first wife because of the lack of support from her husband and also their lack of marital status.<sup>14</sup>

Furthermore, the research entitled Pragmatism of Polygamous Family in Muslim Society: Beyond Islamic Law" was written by Sam'ani and their friends. This research reveals that the motives of women who are willing to be polygamous are pragmatic motives, such as an established husband, satisfaction of lust, and elevated social status because many people do not know that she is a polygamous wife.<sup>15</sup>

The research above is very much different from the research that the authors examined because they only examined the unrecorded effects of polygamy and the reasons women were willing to practice polygamy. At the same time, a novelty in this study is the practice of polygamy crimes committed by polygamous husbands in the Puncak Sorik Merapi area, Mandailing Natal.

From the explanation above, it is very interesting to make the polygamous people of Puncak Sorik Merapi a research subject because the majority in this sub-district who are polygamous are men who initially come to work in the mines, then practice polygamy. With the information above, the author also sees that there is something wrong with polygamy in Puncak Sorik Merapi, so the writer is interested in writing a scientific work on the problem of crime in polygamy in Puncak Sorik Merapi District.

This research is field research, namely research that obtains data directly down to the research location,<sup>16</sup> namely in Puncak Sorik Merapi District, Madina Regency (Mandailing

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<sup>12</sup> Ibnu Rusyd, *Bidayatul Mujtahid wa Nihayatul Muqtasid*, JJuz 2, Alih bahasa Imam Ghazali Said dan Ahmad Zaidun (Jakarta: Pustaka Amani, 2007), 52.

<sup>13</sup> Abdul Aziz (Tokoh Masyarakat) di Kecamatan Puncak Sorik Merapi tanggal 18 Februari 2023

<sup>14</sup> Theresia Dyah wilastri dan Stijn Cornelis Van Huis, "The second wife: Ambivalences towards state regulation of polygamy in Indonesia," *The Journal of Legal Pluralism and Unofficial Law* 53, no. 2 (2021): hlm. 246., <https://www.tandfonline.com/doi/abs/10.1080/07329113.2021.1912579>.

<sup>15</sup> Sam'ani Sam'ani dkk., "Pragmatism of Polygamous Family In Muslim Society: Beyond Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023): hlm. 322., <https://doi.org/10.22373/sjhk.v7i1.15874>.

<sup>16</sup> Ibal Jasan, *Pokok-Pokok Metodologi Penelitian* (Jakarta: Ghalia Indonesia, 2002), 186.

Natal), North Sumatra. The approach to this research is qualitative because there is no data related to numbers. The data source in this study is primary data, namely the main data and secondary data as supporting data.<sup>17</sup> The primary data in this study were couples who practiced polygamy in the Puncak Sorik Merapi sub-district, totaling 15 pairs, and secondary data were taken from books, journals, and documents considered related to this research. The data collection technique is observation, namely observation of the location; interviews, namely questions, and answers with sources and documentation, namely collecting the necessary data.<sup>18</sup> The reason for using this data collection technique was because it required site observations and interviews with informants to obtain information about polygamy and documents from books and other materials related to this research. Then the data analysis technique is descriptive qualitative; that is, all the data that has been collected, then the data is described in detail and systematically so as to provide a comprehensive picture and can be clearly understood to arrive at a conclusion.<sup>19</sup> This technique is used in order to be able to provide the variables studied in accordance with the actual conditions and will provide correct and accountable conclusions.

### Polygamy in Islamic Law

In Arabic, polygamy means "تعدد الزوجات," which means that a man has more than one wife. Meanwhile, Islamic law scholars define polygamy as the marriage of one man with more than one woman.<sup>20</sup> Polygamy comes from the Greek (Greek), namely from the word "pole," which means many, and "game," which means marriage. So, linguistically polygamy is multiple marriages.<sup>21</sup> In terminology, a polygamy is a man who has more than one wife or has more than one wife and is limited to a maximum of 4 people.<sup>22</sup> WJS. Poerwadar Minta said that a polygamy is a man who marries more than one woman. Meanwhile, according to Siti Musdah, polygamy is a marriage bond. In this case, a husband marries or has more than one wife at the same time.<sup>23</sup> While polygamy in Law No. 1 of 1974 is a man who has more than one wife at the same time, and there are official records in the civil registry, both at the court and at the KUA level.<sup>24</sup> From the description above, polygamy is when a husband has 2,3 or even four wives at the same time.

Polygamy is generally understood in the field of jurisprudence as a husband who gathers two to four wives together. At the same time, the emergence of polygamy is not known with certainty. Since thousands of years ago, polygamy has become a tradition in every era that is

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<sup>17</sup> Suharismi Arikanto, *Manajemen Penelitian* (Jakarta: Rineja Cipta, 2003), 125.

<sup>18</sup> M.Burhan Bungin, *Penelitian Kualitatif* (Jakarta: Kencana, 2017), 111.

<sup>19</sup> Bungin, 24.

<sup>20</sup> Azmi Azmi, *Poligami dalam Hukum Keluarga Islam di Indonesia dan Malaysia* (Pekanbaru: Suska Press, 2015), 40.

<sup>21</sup> Bibit Suprpto, *Liku-Liku Poligami* (Yogyakarta: Al-Kaustar, 1990), 11.

<sup>22</sup> Ghazali, *Fiqh Munakahat*, 129.

<sup>23</sup> Titik Triwula Zuhdi, *Poligami Perspektif Perikatan Hikam, Telaah Kontektual Menurut HUKUM Islam dan Undang-Undang Perkawinan No 1 Tahun 1974* (Jakarta: Prestasi Pustaka, 2007), 10.

<sup>24</sup> Cahyo Setiono dan Achmad Bahrone, "Tinjauan Yuridis Tentang Poligami Tanpa Izin Isteri Menurut Kompilasi Hukum Islam (KHI)," *Fakultas Hukum Universitas Kadiri* 1, no. 1 (2018), 4.

considered normal.<sup>25</sup> But according to historians, the emergence of polygamy was when state leaders (kings) and their rich people made women wives, and there was also more than one sexual desire.<sup>26</sup> Polygamy can occur in several groups or categories; *first*, a husband practices polygamy because the first wife has conditions that make it impossible to serve her husband or is sick; this situation causes the husband to marry another woman who is made his second wife;<sup>27</sup> *second*, This Polygamy occurs because it is driven by a man's imagination that if he remarries, it will create true happiness and enjoyment rather than marrying a woman, so that this man will not be satisfied with what he is doing and will always marry another woman with a number of two, no, and so on. This will have an impact on his morals, which are very dangerous because he follows lust.

Regarding the law on Polygamy, there are pros and cons; for example, the opinion of a Human Rights Practitioner (HAM) states that Polygamy is against human rights. This can be seen from the UDRH (Universal Declaration Of Human Rights) and CEDAW (Convention On The Elimination Of All Forms Of Discrimination Against Women). Articles 16 of the UDRH and 16 of the CEDAW, this article states that "member countries must eliminate all forms of discrimination against women in every issue related to marriage, within the family and must be based on equality between men and women, must justify equal rights of men and women in marriage, the right to choose a partner in marriage based on their overall consent, and the same right to end a marriage."<sup>28</sup>

Whereas in Islam, it is not forbidden for a man to practice polygamy as long as he carries out the provisions recommended in Islam. The legal basis for the permissibility of polygamy is found in the Quran:

وَإِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلَاثَ وَرُبَاعَ، فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

*"Meaning: and if you are afraid that you will not be able to do justice to (the rights of) orphaned women (if you marry them), then marry (other) women whom you like: two, three, or four. Then if you are afraid that you will not be able to act fairly, then (marry) only one or the slaves you have. That is closer to not doing wrong".(Q.S. An-Nisa':3).*

That a husband may marry two, three, or even four women, but one wife is enough if he cannot do justice. In another verse, Allah adds a warning to polygamous husbands, namely in the letter An-nisa' verse 129, that Allah explains that men cannot do justice in their feelings or

<sup>25</sup> Andi Intan Cahyani, "Poligami dalam Perspektif Hukum Islam," *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 5, no. 2 (21 Desember 2018): hlm. 273., <https://doi.org/10.24252/al-qadau.v5i2.7108>.

<sup>26</sup> Muhamad Arif Mustofa, "Poligami Dalam Hukum Agama Dan Negara," *AL-IMARAH: Jurnal Pemerintahan dan Politik Islam* 2, no. 1 (2017), 49.

<sup>27</sup> Husain Mazhahiri, *Membangun Surga dalam Rumah Tangga, Cet Ke-4* (Bogor: Cahaya, 2004), 219.

<sup>28</sup> Mustafid, "Konseptualisasi HAM Dalam Poligami," *El-Izdiwaj: Indonesian Journal of Civil and Islamic Family Law* 2, no. 2 (2021). 6.

love and affection, but they cannot tend to make one mistake so that it makes the other miserable.

The verse above provides an explanation that polygamy is permissible. Polygamy is allowed with conditions that must be met, while the conditions are as follows:

- a) Polygamy is permitted with a maximum of 4 wives at the same time.
- b) Be fair to all his wives. This is an absolute requirement for men who are polygamous, so it is not permissible for polygamy if it cannot be fair. If a man is polygamous, but he cannot do justice, then the marriage he enters into is still valid, but in that marriage, he is subject to sin.
- c) Justice mentioned in verse above includes food, drink, shelter, and physical and mental treatment.
- d) Always love children and especially his wife. In the second verse, it is explained that a husband must be fair in his love and affection, even though his feelings (heart) are impossible to do. Wives should not be shunned by their husbands, causing the wife to struggle and drift in meeting their daily needs.<sup>29</sup>

The Messenger of Allah also gave a sign to polygamous husbands to always do justice, as the hadith narrated by Ibn Majah:

من كانت له امرأتان يميل مع إحداهما على الأخرى خاء يوم القيامة وأحد شقيه ساقط.

"Whoever has two wives and then leans towards one of the two, on the Day of Judgment, he will come with a slanted shoulder." (H.R. Ibnu Majah:1959)<sup>30</sup>

The hadith above is also the basis for the permissibility of polygamy with the condition that a maximum number of four wives simultaneously, then the wives and children they have must be treated fairly so that no party feels excluded or even disadvantaged in the polygamy. Therefore, according to the majority of Ulama, it is permissible to practice polygamy. But required in an emergency. For example, the wife cannot become pregnant/infertile, or the wife has a history of a disease that can kill her, so her responsibilities cannot be carried out properly.<sup>31</sup>

Polygamy that a husband wants to practice, of course, must meet the conditions set out in the Islamic religion; the condition is that he must be able to act fairly between his wives in terms of food, drink, clothing, housing, alimony, and each wife's turn.<sup>32</sup> In this case, there are three conditions, namely:

*First*, the number factor. Polygamy in Islam has been in effect since the Jahiliyah era, with no limit to the number. After Islam came, the conditions for polygamy were regulated. Including the permissible number of conditions, namely four wives in accordance with the

<sup>29</sup> Musfir Aj-Jahrani, *Poligami dari Berbagai Perspektif* (Jakarta: 1996, t.t.), 41.

<sup>30</sup> Manshur Zuhri, *Membaca Kembali Sunnah Poligami* (Pekanbaru: Modul Perkuliahan Hadist Ahkam PMH-V, 2019), 15.

<sup>31</sup> Eka N.A.M Sihombing dan Cynthia Hadita, "Konstitusionalitas Poligami Dalam Perspektif Hermeneutika Hukum Islam Di Indonesia," *Mahakim Journal of Islamic Family Law* 5, no. 1 (2021) 16.

<sup>32</sup> Hilman Hadikusuma, *Hukum Perkawinan Indonesia* (Bandung: Mandar Maju, 2007), 37.

word of Allah, the letter An-nisa's verse 3 explains that it is permissible to marry a woman who is loved by a maximum of four people. Then in this verse, it is also explained that limiting the number of wives of a man to two, three, or even four people this restriction is the goal, so that a man does not do as he pleases to get married. With this restriction, it is hoped that no woman will have a husband and no man will have a wife. Maybe if a man is only allowed to have two wives, then there will be many women who will not marry, and similarly, if they are allowed to have more than four wives, then there will be many men who will not get a wife.

*Second*, the livelihood factor. This is caused by several things. *First*, this is about food subsistence, A man who wants to get married must make mature preparations, such as expenses that will be used to support his wife. In Islam, a man who has not been able to support his wife is not allowed to marry, said the prophet Muhammad, and the prophet gave orders to men and youths to get married on condition that they can bear the burden. *Second*, clothing income, Providing clothing is the husband's responsibility. Modern human beings do not live without clothes because humans need interaction with other humans. Clothing is also a religious order to cover nakedness. The word of Allah, Al-Baqarah verse 233, explains that the obligation of a father is to provide for his wife in a good way. *Third*, Residence, Home is a necessity for humans to be protected from the threats of weather and wild animals. A man who has two, three, or even four wives must provide a place to live fairly. So that there is no jealousy between his wives. In accordance with the word of Allah in the letter At-thalak, verse 6, Allah commands a married man that he must provide a place to live for his wife and not make it difficult for them. The residence in question does not mean that you have to make a magnificent house, but a place to live that is in accordance with the husband's capabilities. If you can only afford to rent, then don't be forced to build a house that will cause trouble for both parties.

*Third*, Fair factor among wives. Fairness is the main factor in allowing a man to practice polygamy; a husband must be able to be fair in the needs of clothing, food, and shelter not only that Justice must also be realized at the turn of the day when staying overnight and also other needs needed that are appropriate for them.<sup>33</sup> The Word of God in An-Nisa's verse 129 emphatically states that a man will not be able to do Justice regarding feelings of affection, but a husband must not tend to blame one of his wives, thus leaving the other wives neglected and even neglected.

A husband who wants to practice polygamy should follow the procedures that have been regulated, for example in Indonesia, it has been regulated in the KHI (Indonesian Law Compilation), which is regulated in article 55, it is stated in paragraph 1 that it is permissible to have more than one wife and the limit is four wives. Whereas in paragraph 2, it is explained the conditions for polygamy, a husband must be able to do justice to each of his wives and children. And paragraph 3 states that if paragraph 2 is not fulfilled, then the husband may not be polygamous.

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<sup>33</sup> Aj-Jahrani, *Poligami dari Berbagai Perspektif*, 58.



In addition to the conditions above, another requirement that must be fulfilled by a husband who wants to be polygamous is to obtain permission from the Religious Court. It is found in Article 56, paragraph 1 states that a husband who wants to practice polygamy must obtain permission from the Religious Court; paragraph 2 explains that in paragraph 1, it must be carried out in accordance with CHAPTER VIII Government Regulation No. 9 of 1975. And paragraph 3 provides a threat to polygamous husbands that if polygamy does not get permission from the Court, then it will have no legal force.

The Religious Courts do not immediately issue permits to husbands who want to practice polygamy, but they must meet the requirements in accordance with article 57; paragraph 1 states that a wife cannot carry out her obligations as a wife, paragraph 2 states that there is a defect that cannot be cured in the wife and paragraph 3 mentions that the wife cannot give birth.

Then to get permission from the Religious Court, a husband must fulfill article 5 of law No. 1 of 1974, namely: with the wife's consent, there must be a certainty that the husband will guarantee all the needs of his wife and children.

Polygamy has the wisdom that will be obtained by those who do it as long as it is in accordance with the conditions permissible for polygamy, namely:

- a) The wife is infertile, and the husband wants to have children; then polygamy is the way out.
- b) The wife has a disability or is unable to carry out her duties as a wife while at the same time caring for offspring by not divorcing the previous wife, then polygamy is the solution.
- c) Saving husbands from adultery and bad behavior when husbands have excessive sexual conditions.
- d) Rescuing women from bad behavior because the number of women is not directly proportional to the number of men.<sup>34</sup>

Running a household or in a family, there are at least eight functions that must be carried out in a household/family. Because when this function does not work properly, it will have a bad impact, especially on children as family members. The functions are as follows:

- a) The function of education/education, namely a function in the family related to children's education in particular and generally for coaching for each family member.
- b) Socialization Function, the family has a function to develop interaction and social for its members properly and correctly.
- c) The function of protection and protection, namely providing protection to family members, especially children who have not been able to interact with their environment.
- d) The Function of Effects and Feelings, the family is the first means of creating affection in society and as a state.

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<sup>34</sup> Ghazali, *Fiqh Munakahat*, 132.

- e) Religious/Religious functions. Family is the first place to instill religious values in children so that they become human beings who believe.
- f) Economic function, namely, the family must be able to make a living and plan and spend for something that becomes a necessity.
- g) The function of recreation is that the family creates intimacy, the warmest place for its members, and has an impact on mutual trust between them.
- h) Biological function, the family also has a function in regulating the number of quality children.<sup>35</sup>

When the function in the family goes well, it will create a happy and harmonious family. According to the KBBI (Big Indonesian Dictionary), harmony is "one word,," harmonious, harmonious, and balanced. Forming a harmonious family is not something that is easy or even passed down from previous generations. A harmonious family is an effort made by each family member who always maintains communication between members of the family.

Achieving harmony in the family certainly has problems to be faced, both from internal and external families. A harmonious family will find solutions to these problems in a good and humane way. To achieve a harmonious family, there are at least three pillars that must exist in the family, namely:

*First, Affection.* A marriage will not achieve *sakinah, mawaddah, and rahmah* if there is no affection that is united between husband and wife. Sacred affection or also called *Mitsaqon Gholizon*, is mentioned in the Qur'an with various words and various meanings. In Islam, compassion is better known as *mawaddah and rahmah*.

*Second, Harmony.* affection that is owned by each family member, is not enough for a family. In addition, there must be harmony in it. This means that husband and wife are born from different places, different cultures, different education, and different lifestyles, but they can unite because of harmony in the household.

*Third, Fulfillment of clothing, food, and shelter;* in the family, there are needs that must be met, be it clothing, food, and shelter needs. Furthermore, it is stated that the modern family requires health, recreation, education, and communication. As for the traditional family, it is sufficient to fulfill only psychological, secondary, and spiritual needs.<sup>36</sup>

Then the modern family also requires recognition of the achievements they have, for example, awards for achievements and self-actualization. What makes families happy and harmonious, one of which is economic stability. Because a stable economy will minimize fights between husband and wife, the economy is a major factor in the occurrence of disputes in the household, even to the point of divorce, because the wife considers her husband unable to provide for her.

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<sup>35</sup> Ainun Maknunah, "Pelaksanaan Fungsi Keluarga (Studi Kasus Pelaksanaan Fungsi Keluarga Pada Suami Pelaku Poligami Di Kecamatan Kerumutan Kabupaten Pelalawan)," *Journal Online Mahasiswa: Fakultas Ilmu Sosial dan Politik* 4, no. 2 (2017) 4.

<sup>36</sup> Nopy Yuliana, *Dampak Poligami Terhadap Keharmonisan Keluarga, Skripsi* ((Metro: IAIN Metro, 2018), 41.

### **The practice of polygamy at the peak of Sorik Merapi is reviewed according to Islamic law.**

The people of Puncak Sorik Merapi District always talk about polygamy because there are many problems nowadays. Polygamy has no orders and prohibitions in Islam; it's just that the law is permissible for men who meet the requirements for polygamy. Thus polygamy becomes challenging to do and go through; only certain people will be able to go through polygamy, and even then, only when experiencing problems or possible conditions.

Based on the author's research, husbands who practice polygamy do not carry out their obligations as husbands who are already polygamous, so many duties and responsibilities are not carried out by the rules in force in the Qur'an, Hadith, and applicable law.

In the author's interview with FA, she revealed that since her husband remarried, her husband rarely comes home and rarely even provides a living for her and her children; if there is a living that is given, it is not enough, so she has to work harder to meet their daily needs, even to lighten the burden, his first child did not continue his studies. Hence, he migrated to Jakarta to help his mother and send his younger brother to school.<sup>37</sup>

M. experienced the same thing. She revealed that the husband rarely came home after her polygamous husband did not provide spiritual support anymore. However, the husband still provided birth support, even though he was often late<sup>38</sup> in the same way as N, who said that when her husband was polygamous with his second wife, after having children with his second wife, her husband rarely came home and did not provide any expenses for life and his heart anymore.<sup>39</sup>

As for the factors that cause polygamy in Puncak Sorik Merapi District, it occurs for various reasons: *First*, a statement from IH said that the parents arranged the first marriage. Matchmaking still exists in Puncak Sorik Merapi District, even though the modern world has entered it. Obedience to their parents was IH's consideration in accepting the arranged marriage, so he married his first wife. *Second*, he was never happy to see his wife. This is one of the reasons for practicing polygamy, even though at the start of their marriage, they were as happy as any other household. But that change began to occur when he had been married for more than six years and saw that his wife was not like the first time she married again. *Third*, frequent fights.<sup>40</sup> Fighting is the most significant factor that causes polygamy. The husband feels that what is being said is not heard anymore and feels unappreciated, so verbal fights often occur in his household, and he decides to polygamy. *Fourth*, want to multiply offspring.<sup>41</sup> Having many offspring is an achievement that is considered good in Puncak Sorik Merapi District, so someone will try to multiply their children. When the first wife could not have many children for various reasons, polygamy became her choice. *Fifth*, long distance with the first

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<sup>37</sup> FA, Isteri petama, Wawancara di Kecamatan Puncak Sorik Merapi, tanggal 17 Februari 2023

<sup>38</sup> M Isteri Pertama, Wawancara di Kecamatan Puncak Sorik Merapi, tanggal 19 Februari 2023

<sup>39</sup> N Isteri Pertama, Wawancara di Kecamatan Puncak Sorik Merapi, tanggal 18 Februari 2023

<sup>40</sup> IH, wawancara, suami dari AS, tanggal 18 Februari 2023.

<sup>41</sup> Y wawancara suami dari SM tanggal 19 Februari 2023.

wife.<sup>42</sup> Having a long-distance relationship for work reasons and rarely returning to the first wife's hometown is a consideration for polygamy. *Sixth*, want to carry out the sunnah of the Prophet and feel capable of being fair.<sup>43</sup> Someone who wants to emulate the Prophet who has more than one wife, and considers himself capable of having more than one wife.

In addition to the factors above, S as a community leader, said that the cause of polygamy in Puncak Sorik Merapi District was a lack of knowledge of the Qur'an and the law regarding the rules and conditions of polygamy.<sup>44</sup> The Qur'an does not prohibit polygamy but provides conditions so that a polygamous man does not abandon his wife and children. Then polygamy can be done if in an emergency or a sick wife and a husband who can do justice.

Based on the reasons above expressed by polygamous husbands, such as being unhappy with the first wife, the sunnah of the Prophet, being able to provide for more than one wife and their children, and wanting to have more offspring. There are various reasons why the husband practices polygamy secretly without the first wife's consent. Polygamy is carried out through betel marriage, or what is known in the community as underhand marriage, so there is no evidence of registration at the KUA (Office of Religious Affairs) even though polygamy in Indonesia is strictly regulated in Law Number 1 of 1974 and KHI (Compilation of Islamic Law).

The reasons above also give a picture of a husband who is unhappy with his wife and then commits polygamy. The husband's unhappiness will impact him not carrying out his responsibilities to the first wife because of frequent fights and so on. And this is why polygamy at Sorik Merapi Peak is not by Islamic law.

Polygamy in Puncak Sorik Merapi Subdistrict is polygamy that does not get the first wife's approval, so the wife's rights are not fulfilled. Polygamy is carried out secretly for reasons that are made up because it is outside the applicable provisions, so this kind of polygamy has a psychological impact on the wife and the children they already have.

The impact of polygamy on wives in Puncak Sorik Merapi District is as follows:

- a) The wife is hurt and always feels disturbed.<sup>45</sup> Every day when her husband is not at home, she feels that her husband is at his other wife's house. Even though financially, the wife can meet the needs of her household. Then AS often feels sad and hurt, which stresses him out. Even AS wanted to run away from his village because of the shame he experienced when his husband was polygamous. But because of thinking about children, the US prefers to survive. Since then, the US hated her husband and ignored her husband, which caused her husband not to provide a living for her, but she was still in a legal marriage.

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<sup>42</sup> I wawancara suami dari N tanggal 18 Februari 2023..

<sup>43</sup> P wawancara suami dari A tanggal 17 Februari 2023.

<sup>44</sup> S wawancara Tokoh Masyarakat tanggal 18 Februari 2023.

<sup>45</sup> Wawancara AS istri yang dipoligami tanggal 18 Februari 2023.

- b) Internal conflicts. This conflict includes domestic violence, which is still difficult to eradicate in Indonesia.<sup>46</sup> There are always fights between husband and wife, father and child, and even the first and second wives. As Y said, when she found out that her husband was polygamous, they fought and argued almost daily. This is because there is no justice for her husband. Her husband paid more attention to the second wife and often stayed there. Since then, her husband no longer lives at home and does not provide a living.<sup>47</sup>
- c) Losing harmony in the household. Fights always occur, making the husband and wife not respect each other, and there is a distance between the two.
- d) The wife becomes possessive. Since the husband is polygamous, his wife prefers to be angry with the people around him.
- e) There is competition between the first and second wives.

The impact of polygamy is not only felt by the wife but also has an impact on children; the effects are as follows:

- a) Lack of affection for children. When his father was polygamous, he spent less time at home and rarely met his children. So that the closeness between father and son will not be obtained; Father and son who are not close will cause a lack of affection from a father, which is his need. Lack of attention from a father causes the child not to get an escort and live more freely.
- b) Growing hatred in children. In principle, no child hates their parents and vice versa. But when the child feels himself and his mother hurt because his father is polygamous, disappointment will appear in the child. And in the future, the child does not respect his father and ends the relationship.
- c) A crisis of confidence in the child. The impact of polygamy is the growth of distrust in children if polygamy is done in secret. So far, the child feels that his family is good and happy, but when the information comes that his father is polygamous, of course, he feels lied to, causing distrust to arise in him.
- d) Trauma for children. Polygamy has an inharmonious effect on the relationship between father and child, makes the family fall apart even to divorce, and hurts children, which is traumatic for the child.
- e) Children's education will be interrupted. The school fees, which were no longer obtained from his father, caused the child not to continue his studies and choose to work and migrate to the city.

In general, polygamous wives in the Puncak Sorik Merapi sub-district do not violate the rules that allow their husbands to practice polygamy. Wives can still fulfill their obligations as wives and give birth to children. So polygamy by their husbands is contrary to the Koran, the law, and KHI (Compilation of Islamic Law). Polygamy is done only for the husband's personal

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<sup>46</sup> Alfitri Alfitri, "Protecting Women from Domestic Violence: Islam, Family Law, and the State in Indonesia," *Studia Islamika* 27, no. 2 (2020): hlm. 274., <https://doi.org/10.36712/sdi.v27i2.9408>.

<sup>47</sup> Wawancara R istri yang dipoligami tanggal 19 Februari 2023.

needs or based on lust, without thinking about what will happen to his family, wife, and children later.

After analyzing the polygamy case in Puncak Sorik Merapi District, the authors conclude that polygamy here negatively impacts household harmony; this is caused by husbands who cannot be fair to their wives and children. So this causes fights between husband and first wife often occur. Even far from that, the impact caused by the husband's injustice is children who no longer respond to their father; there are even children who cut off communication with their father.

A polygamous husband in Puncak Sorik Merapi Subdistrict does not fulfill the requirements of polygamy, namely, to treat his wives fairly. Doing justice is meant to be related to material needs because they are very much needed to carry out daily life in the household; if these material needs are not carried out, then it will have an impact or cause turmoil to arise, which causes fights in the household. Likewise, with non-material justice such as affection, love must be fair to every wife, and no tendency causes the wife to be abandoned; this is by what Allah has explained in Surah An-Nisa verse 3, namely a man may marry the woman they like the most four people with conditions can do justice.

Then Ilham Marzuq's opinion regarding the conditions for the permissibility of polygamy is having easy morals, strong faith, sufficient wealth, age, and fairness.<sup>48</sup> From these five conditions, husbands do not have easy morals because they have the heart to abandon their children and wives. Strong faith, of course, when a person has a strong faith, he will not be negligent from responsibility. Sufficient assets when they have sufficient assets, it is impossible for husbands to let their children quit school and work overseas. Elderly, seen from the side of their wives, none of them are infertile and can serve their husbands well. Of course, this is not what husbands do at the peak of Sorik Merapi because they are more inclined towards the second wife than the first wife.

From this, it can be seen that there needs to be an implementation of the functions and duties of polygamous husbands in Puncak Sorik Merapi District; there is a loss of attention and affection between husband and wife and also for children. So that what, a husband who is polygamous in Puncak Sorik Merapi Sub-District does not carry out God's command, which says that one must love both wives, and one is not allowed to tend to one so that the other one is adrift or miserable in life.

## **Conclusion**

The explanation above concludes that polygamy in Puncak Sorik Merapi District does not carry out its functions and duties as a polygamous husband. Polygamous husbands are unfair, even though fairness is the primary basis for polygamy. This injustice resulted in chaos in their household, so the first wife and their children became victims.

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<sup>48</sup> Mustofa, "Poligami Dalam Hukum Agama Dan Negara," 51.

Islam does not prohibit polygamy, but it pays close attention to the rights of polygamous women. Allah strictly says in Surah An-Nisa verse 3 that it is enough to marry one woman if you cannot do justice. This explains that fairness must be met; don't practice polygamy if you can't do justice. Polygamy will have many negative impacts and cause misery for women if their husbands cannot do justice.

Polygamous husbands in Puncak Sorik Merapi District are not fair when they practice polygamy; they are even unfair in all respects; for example, they don't provide a living both physically and spiritually. Thus making his first wife work hard for the household's daily needs. So the author provides a solution or suggestion to the community, especially women at the Peak of Sorik Merapi, not to practice unrecorded polygamy. Parents, don't be tempted by gifts from men so that girls become victims. Men who want to be polygamous must understand the obligations they must fulfill when they are polygamous so that their polygamy is governed by Islamic religious rules and has a positive impact on both their first and second wives.

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