

Polygamy in Indonesia: A Critical Interpretation through the Lens of Mubadalah Theory

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Abstract: Indonesia's marriage legislation primarily endorses monogamy, limiting men to one wife in line with the *mubadalah* principle, which emphasizes justice. Despite this, polygamy remains common and is a significant factor in divorce cases within religious courts. This study investigates polygamy through the *mubadalah* perspective to achieve gender justice, utilizing qualitative research methods and a literature review to analyze traditional gender roles in Indonesia. The findings reveal a deep societal divide on polygamy. Supporters often cite religious justifications and historical practices, especially in rural and certain ethnic communities. In contrast, critics raise concerns about systemic injustices against women, including emotional and psychological harm, power imbalances, and reduced autonomy. They argue that polygamy undermines the principles of equality and mutual respect that should characterize marriage. The legal framework governing polygamy, established by the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law, allows polygamy under strict conditions but fails to adequately address gender equality issues. Integrating *mubadalah* principles into this legal framework could lead to reforms prioritizing women's rights and fostering equitable family dynamics. Ultimately, this study highlights the need for a nuanced dialogue on polygamy that respects cultural traditions while advocating for gender equality and justice. The principles of *mubadalah* offer a pathway to healthier family relationships and a more equitable legal framework.

Keywords: *Ploigamy, Mubadalah, Gender Justice*

Abstrak: Peraturan mengenai perkawinan di Indonesia mengadopsi prinsip monogami, membatasi seorang laki-laki untuk memiliki satu istri, sejalan dengan prinsip *mubadalah* yang menekankan keadilan. Meskipun demikian, praktik poligami masih umum dan sering menyebabkan perceraian di pengadilan agama. Penelitian ini bertujuan untuk mengeksplorasi interpretasi poligami melalui lensa *mubadalah* untuk mencapai keadilan gender dengan pendekatan penelitian kualitatif. Temuan menunjukkan adanya perpecahan masyarakat mengenai poligami, di mana para pendukung mengutip pembenaran religius dan adat istiadat, terutama di daerah pedesaan. Namun, ada juga penolakan signifikan terkait ketidakadilan sistemik terhadap perempuan, termasuk kerugian emosional dan psikologis, serta ketidakseimbangan kekuasaan. Kritikus berpendapat bahwa poligami merusak prinsip kesetaraan dan saling menghormati dalam perkawinan. Kerangka hukum yang mengatur poligami di Indonesia, melalui Undang-Undang Perkawinan No. 1 Tahun 1974 dan Kompilasi Hukum Islam, memperbolehkan poligami tetapi dengan syarat ketat, sementara isu-isu kesetaraan gender masih belum teratasi. Integrasi prinsip *mubadalah* dapat mendorong reformasi yang memprioritaskan hak-hak perempuan dan mempromosikan dinamika keluarga yang adil. Penelitian ini menekankan perlunya dialog yang nuansa tentang poligami yang menghormati tradisi budaya sekaligus memperjuangkan kesetaraan gender. Prinsip *mubadalah* berpotensi untuk membangun hubungan keluarga yang lebih sehat dan kerangka hukum yang lebih adil.

Kata Kunci: *Poligami, Mubadalah, Keadilan Gender*

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Introduction

Polygamy in Indonesia is a complex issue that frequently sparks debates within society, especially in the context of Islamic law and social norms.¹ As a predominantly Muslim country, Indonesia refers to Islamic law, which permits polygamy under certain conditions, as stipulated in the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI).² In this framework, polygamy is allowed on the condition that the husband can treat all his wives justly, a requirement based on the Qur'anic verse, Surah An-Nisa 4:3.³ However, implementing the principle of justice often presents challenges, particularly in addressing the emotional and psychological aspects within the household.

Traditional views on polygamy in Islam tend to focus on jurisprudence and legal aspects. However, in practice, numerous social factors affect its acceptance in society.⁴ For instance, research indicates that polygamy is still considered taboo by some groups and is often associated with injustice towards women.⁵ In this context, the Mubadalah approach, which emphasizes gender equality and reciprocity between

husband and wife, has begun to attract attention.⁶ This approach seeks to interpret polygamy more inclusively, where the rights and obligations of both spouses are considered equal, and the wife's full consent is essential in decision-making.⁷

As society evolves and social dynamics shift, the discourse on polygamy has also undergone transformation. Many activists and scholars have started advocating for women's rights and gender equality within the context of polygamy, with the hope that the Mubadalah approach can offer a fairer solution.⁸ Nonetheless, challenges remain, particularly since Indonesia's marriage laws still provide men with the flexibility to practice polygamy without fully considering the well-being of all parties involved.⁹ Therefore, it is crucial to continue evaluating and discussing the practice of polygamy within a broader context, including its social and legal implications.¹⁰

Thus, polygamy in Indonesia is not merely a legal issue but also involves complex social, cultural, and gender dimensions. The Mubadalah approach offers

¹ Andi Intan Cahyani, 'Poligami Dalam Perspektif Hukum Islam', *Jurnal Al-Qadau Peradilan Dan Hukum Keluarga Islam*, 2018, doi:10.24252/al-qadau.v5i2.7108.

² Ridwan Rusliadi, 'Polygamy in the Perspective of Islamic Law and Indonesian Positive Law', *Kne Social Sciences*, 2023, doi:10.18502/kss.v8i18.14280.

³ Danial Danial, 'Polygamy in Perspective of Islamic Law Hermeneutics', *Al-Istinbath Jurnal Hukum Islam*, 2023, doi:10.29240/jhi.v8i1.5139.

⁴ Marduati Mukhtar and others, 'Involvement of Families as Owners of Cultural Heritage Improving Religious Tourism in Banda Aceh: Perspective of Maslahah Theory', *Samarah*, 6.2 (2022), doi:10.22373/sjkh.v6i2.12537.

⁵ Bianca J Smith, 'Sexual Desire, Piety, and Law in a Javanese Pesantren: Interpreting Varieties of Secret Divorce and Polygamy', *Anthropological Forum*, 2014, doi:10.1080/00664677.2014.947918.

⁶ Kumedi Jafar and others, 'Reconstruction of Pregnancy Marriage Legality in Indonesia', *International Journal of Criminology and Sociology*, 9 (2020), doi:10.6000/1929-4409.2020.09.125.

⁷ Elvita Ameliah, Amin Songgirin, and Abdussalam Ali Ahmed Ahmed, 'The Application for a Polygamy Permit Is Reviewed From an Islamic Legal Perspective (Analysis of PA.Depok Decision No. 3051/Pdt.G/2020/PA.Dpk)', 2023, doi:10.61978/legalis.v1i1.14.

⁸ Dzulfatah Yasin, 'Persepsi Dosen Universitas PTIQ Jakarta', 2023, doi:10.59833/qonuni.v3i01.1165.

⁹ Mohd Syahmil Samsudin and others, 'Implied Contributions for Jointly Acquired Property Based on Islamic Family Law in Malaysia', *Linguistics and Culture Review*, 2021, doi:10.21744/lingcure.v5ns4.1925.

¹⁰ Rachel Rinaldo, 'Muslim Women, Moral Visions: Globalization and Gender Controversies in Indonesia', *Qualitative Sociology*, 2011, doi:10.1007/s11133-011-9204-2.

a new perspective that interprets polygamy more justly and equitably, with the hope of improving the structure of polygamous households to be more inclusive and prioritizing fairness for all parties involved.¹¹

Literature Review

Polygamy in Islamic Law in Indonesia

Polygamy in Islamic law within Indonesia is a complex and multidimensional subject, shaped by diverse legal perspectives, interpretations from Islamic scholars, and state regulations. In Islamic jurisprudence, polygamy is permitted under specific conditions based on the Quran, particularly Surah An-Nisa verse 3, which allows a man to marry up to four wives on the condition that he treats them fairly. However, the concept of fairness has sparked much debate among scholars.¹² Some argue that fairness encompasses both material and emotional aspects, while others emphasize the difficulty of achieving emotional fairness, recommending that polygamy be avoided unless true fairness can be guaranteed.¹³

Interpretations of polygamy also vary across different Islamic schools of thought. The Hanafi school tends to be more permissive, focusing on material justice, while the Maliki and Shafi'i schools adopt a stricter interpretation, requiring more comprehensive fairness. Some contemporary scholars even view the Quranic verse as an encouragement for

monogamy, given the inherent challenges in applying justice within polygamous relationships.¹⁴ These varying interpretations contribute to a broader discourse on polygamy within the Islamic world, including in Indonesia, where the practice is often met with skepticism by certain segments of society.¹⁵

In Indonesia, although Islamic law serves as a guide for many Muslims, polygamy is strictly regulated by the state. The Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI) outline specific conditions for a husband who wishes to practice polygamy, including the requirement of obtaining permission from a religious court and the consent of the first wife.¹⁶ This demonstrates the national legal framework's effort to protect the rights of women in polygamous marriages, giving them the right to accept or reject their husband's decision.¹⁷ Religious courts play a critical role in assessing a husband's reasoning for polygamy, such as the first wife's inability to fulfill her marital duties.¹⁸

Protection for women in polygamous

¹¹ Rico Setyo Nugroho, Musa Asy'arie, and Hakimuddin Salim, 'The Practice of Polygamy Between Black and White Movements in the Perspective of Islam', 2023, doi:10.2991/978-2-38476-102-9_3.

¹² Riyan Hidayat, 'Poligami Menurut Wahbah Az-Zuhaili Dan Muhammad Syahrur', *Jurnal Tana Mana*, 2021, doi:10.33648/jtm.v1i2.107.

¹³ Nawir Hk and others, 'Keadilan Berpoligami: Tinjauan Kritis Penafsiran M. Quraish Shihab Terhadap QS. Al-Nisā/4: 3', *Al-Izzah Jurnal Hasil-Hasil Penelitian*, 2020, doi:10.31332/ai.v0i0.2131.

¹⁴ Muhajir Muhajir, 'PEREMPUAN DAN POLIGAMI DALAM TIGA CERITA PENDEK (Patriarchy and Polygamy in Three Indonesia Short Stories)', *Alayasastra*, 2018, doi:10.36567/aly.v14i2.202.

¹⁵ Sippah Chotban, 'Nilai Keadilan Dalam Syariat Poligami', *Jurnal Al-Qadau Peradilan Dan Hukum Keluarga Islam*, 2017, doi:10.24252/al-qadau.v4i1.5754.

¹⁶ Sumarkan Sumarkan, Ifa Mutitul Choirah, and Basar Dikuraisyin, 'Distingsi Trilogi Hukum Terhadap Legalisasi Poligami Masyarakat Madura', *Yudisia Jurnal Pemikiran Hukum Dan Hukum Islam*, 2022, doi:10.21043/yudisia.v13i2.16216.

¹⁷ Nur Shofa Ulfiyati, 'Tinjauan Hak Asasi Manusia Tentang Izin Isteri Sebagai Syarat Poligami Dalam UU Perkawinan No.1 Tahun 1974', *De Jure Jurnal Hukum Dan Syar lah*, 2017, doi:10.18860/j-fsh.v8i2.3746.

¹⁸ Muhsin Aseri, 'Politik Hukum Islam Di Indonesia', *Al Qalam Jurnal Ilmiah Keagamaan Dan Kemasyarakatan*, 2018, doi:10.35931/aq.v0i0.57.

marriages is a significant focus within Indonesian law. Wives who feel disadvantaged by polygamy can file for divorce,¹⁹ and the Marriage Law mandates that husbands ensure the welfare of their wives and children, including providing adequate financial support.²⁰ This aligns with the Islamic principle of justice, which emphasizes the husband's responsibility towards his family.²¹ However, despite detailed legal frameworks, the practice of polygamy often faces challenges, such as secretive marriages or those conducted without the first wife's consent, as well as a lack of public understanding of their rights within polygamous unions.²²

The Mubadalah approach offers a fresh perspective on polygamy in Indonesia by emphasizing equality and mutual reciprocity in husband-wife relationships. In the context of polygamy, this approach requires that the decision to enter into a polygamous marriage must be made with the full consent of all parties involved, including the first wife. This approach provides a fairer alternative to interpreting and regulating polygamy in Indonesia, considering the challenges present in its.²³

Methods

This research employs a qualitative approach, primarily through a literature review that examines classical scholars' interpretations of polygamy as established in Islamic jurisprudence (fiqh) and its subsequent incorporation into Indonesian marriage laws. The study applies **Mubadalah theory**, which is essential for critically analyzing the gender biases present in polygamy. It emphasizes the importance of justice and welfare in marital relationships, suggesting that a harmonious family is founded on principles of compassion (rahmah) and noble character (akhlakul karimah). By employing this theoretical lens, the research aims to reinterpret the concept of polygamy, considering the monogamous foundation that underpins marriage according to Indonesian law.

In terms of data sources, the research draws on both primary and secondary data. **Primary data** is collected through interviews with religious scholars, legal practitioners, and Islamic academics in Indonesia. These discussions focus on their views and interpretations of polygamy within the Mubadalah framework, capturing a range of lived experiences and theoretical perspectives at the intersection of polygamy, gender justice, and religious law.

Secondary data is gathered from diverse resources, including books, academic journal articles, legislative texts like the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law, as well as prior research studies concerning polygamy and Mubadalah. These secondary sources provide critical theoretical insights and context for the existing discourse on polygamy within both Islamic jurisprudence and Indonesian legal

¹⁹ Lukman Santoso and Bustanul Arifin, 'Perlindungan Perempuan Korban Kekerasan Perspektif Hukum Islam', *De Jure Jurnal Hukum Dan Syaria*, 2017, doi:10.18860/j-fsh.v8i2.3732.

²⁰ Dede Kania, 'Hak Asasi Perempuan Dalam Peraturan Perundang-Undangan Di Indonesia', *Jurnal Konstitusi*, 2016, doi:10.31078/jk1243.

²¹ Dyah Ayu Vijaya Laksmi, 'Perspektif Filsafat Hukum Islam Dalam Poligami', *Jiip - Jurnal Ilmiah Ilmu Pendidikan*, 2022, doi:10.54371/jiip.v5i2.460.

²² Zuman Malaka, 'Perspektif Sosiologi Hukum Terhadap Poligami', 2023, doi:10.54298/tarunalaw.v1i02.159.

²³ Zainul Fitriyyah and Achmad Mujab Masykur, 'SUKA DAN DUKA MENJADI YANG KEDUA (Studi Kualitatif Fenomenologi Kepuasan Pernikahan Pada Perempuan Yang Menjadi Istri Kedua

Dalam Pernikahan Poligami', *Jurnal Empati*, 2020, doi:10.14710/empati.2020.28349.

frameworks.

For data analysis, the research employs two primary techniques. **Descriptive qualitative analysis** is utilized to systematically organize and analyze the collected data. This method allows the researcher to explore how Mubadalah principles are integrated into the discourse surrounding polygamy in Indonesia, with a focus on themes such as justice, consent, and gender equality.

Additionally, a **normative legal analysis** is conducted to examine how Indonesian laws, such as the Marriage Law and the Compilation of Islamic Law, align with the principles of Mubadalah. This involves a careful interpretation of legal texts and court rulings through the lens of Islamic values related to gender justice and fairness.

Ultimately, the methodological approach combines classical Islamic legal texts with contemporary legal interpretations and gender justice frameworks like Mubadalah. This dual analysis not only enhances understanding of the complexities surrounding polygamy in Indonesia but also evaluates whether current legislation supports principles of justice and equity.

Results and Discussion

Principles of Mubadalah in Interpreting Polygamy

1. Equality in Relationships

The Mubadalah principle, when interpreted in the context of polygamous relationships, emphasizes the necessity of equality and justice between spouses. This principle extends beyond financial equity to include emotional and psychological well-being, advocating for a relationship dynamic where both partners respect and acknowledge each other's perspectives. In polygamous settings, it is crucial that discussions regarding the possibility of additional marriages consider the feelings

and rights of the existing wife, ensuring that her voice is not overshadowed by the husband's desires. This approach fosters a supportive partnership where both parties feel valued and heard, which is essential for maintaining harmony within the relationship.

To achieve true equality in polygamous relationships, collaborative decision-making is vital. The wife's consent should be integral to any decision regarding polygamy, as her input can significantly influence the emotional connection and overall satisfaction within the relationship. The Mubadalah framework encourages active participation from both partners in decisions that affect their lives, reinforcing the idea that equality is not merely theoretical but can be realized through conscious effort and communication. Such collaborative practices can enhance relationship satisfaction and emotional intimacy, which are often challenged in polygamous arrangements.²⁴

Effective communication plays a pivotal role in realizing equality in relationships, particularly in polygamous contexts. Open dialogue allows both partners to express their expectations, concerns, and needs candidly. Research indicates that effective communication skills lead to a deeper understanding of each other's viewpoints, paving the way for a more equitable partnership. When both partners feel free to share their thoughts, they can collaboratively address issues that arise, ultimately leading to a more balanced relationship.²⁵ Conversely, a lack of

²⁴ Leyla Yılmaz Fındık, 'Gender Disparity in Turkish Higher Education', *Universal Journal of Educational Research*, 2016, doi:10.13189/ujer.2016.041029.

²⁵ Onyekachukwu Oyindamola Aniemeka and others, 'Parenting Styles as Determinants of Psychopathological Symptoms Among Nigerian In-School Adolescents', *Psychology*, 2021, doi:10.4236/psych.2021.126058.

communication can result in misunderstandings that undermine the foundation of equality that the Mubadalah principle seeks to establish.²⁶

Moreover, when one partner, especially the husband, neglects the wife's feelings or makes unilateral decisions regarding polygamy, the balance of power within the relationship can become skewed. This imbalance can diminish the wife's sense of agency and lead to feelings of resentment and conflict. Recognizing that equality involves a commitment to joint decision-making is essential. The Mubadalah perspective highlights the importance of cooperation and mutual respect, asserting that successful polygamous relationships should be built on fairness and partnership.²⁷

Continuous reflection and reassessment of relationship dynamics are also crucial for maintaining equality. As circumstances evolve, so do the needs and desires of each partner. Regular discussions about feelings, expectations, and relationship goals can help ensure that both partners remain aligned and supportive of one another. Such reflective practices are particularly important in polygamous contexts, where complexities can arise from multiple partnerships. Engaging in ongoing dialogue about the relationship can foster an environment of mutual understanding and respect, essential for sustaining a healthy

partnership.²⁸

The promotion of equality in relationships extends beyond individual partnerships to broader societal implications. By adopting the Mubadalah framework, couples challenge traditional norms that often depict women as submissive within marriage.²⁹ Modeling equitable partnerships contributes to a cultural shift toward gender justice, encouraging others in their communities to embrace more inclusive and respectful relationship dynamics. This ripple effect can lead to greater awareness and acceptance of women's rights, fostering a society that values equality and justice for all.³⁰

In conclusion, the interpretation of the Mubadalah principle in the context of polygamy underscores the necessity of equality in husband-wife relationships. By prioritizing emotional and psychological dimensions of justice, couples can create harmonious environments that nurture mutual well-being. This requires a commitment to open communication, collaborative decision-making, and ongoing reflection on relationship dynamics. Embracing these principles not only benefits individual partnerships but also promotes broader societal changes toward gender justice and equality.

Gender Justice in Mubadalah

²⁶ Musawenkosi Mabaso, Nthabiseng F Malope, and Leickness C Simbayi, 'Socio-Demographic and Behavioural Profile of Women in Polygamous Relationships in South Africa: A Retrospective Analysis of the 2002 Population-Based Household Survey Data', *BMC Women's Health*, 2018, doi:10.1186/s12905-018-0626-9.

²⁷ Faustin Habyarimana, Temesgen Zewotir, and Shaun Ramroop, 'Determinants of Domestic Violence in Women of Reproductive Age in Rwanda', *Journal of Economics and Behavioral Studies*, 2018, doi:10.22610/jebis.v10i1(j).2093.

²⁸ Mohammad AL-Sharfi and Karen Pfeffer, 'Parental Bonding Among Polygamous Families and Its Effects on Adolescent Psychological Well-Being', *مجلة الإرشاد النفسي*, 2020, doi:10.21608/cpc.2020.109634.

²⁹ Farooq-e-Azam and others, 'Polygamy in Islam: Cultural Pressures and Religious Justifications in Pakistan', *Journal of Islamic Thought and Civilization*, 2021, doi:10.32350/jitc.112.13.

³⁰ Faten Gadban and Limor Goldner, "'I Have No Hope': The Experience of Mothers in Polygamous Families as Manifested in Drawings and Narratives", *Frontiers in Psychology*, 2020, doi:10.3389/fpsyg.2020.608577.

The Mubadalah approach to gender justice within the context of polygamy emphasizes the recognition and respect for women's rights, advocating for their active participation in decision-making processes. This perspective challenges traditional norms that often render women as passive recipients of their husbands' decisions, instead asserting their right to consent or refuse without coercion. Such empowerment is crucial for fostering equitable relationships, as it shifts the dynamics within marriages, promoting a balance of power between husbands and wives. The emphasis on gender justice aligns with broader human rights principles, recognizing women as individuals with equal voices and rights, which is essential for dismantling historical marginalization within marital relationships.³¹

Moreover, the Mubadalah framework invites couples to critically evaluate existing practices that perpetuate gender inequalities. Traditional views often place men in primary authority roles, which can lead to imbalances in familial decision-making. By adopting a more egalitarian approach, both partners are encouraged to contribute equally to household decisions, thereby enhancing marital satisfaction and emotional well-being.³² Studies have shown that couples who embrace egalitarian gender roles tend to experience higher levels of marital satisfaction, as these roles facilitate better communication and

cooperation.³³ This is particularly significant in polygamous relationships, where the responsibilities of husbands extend beyond material support to encompass emotional and social welfare for all wives.³⁴

Education plays a pivotal role in realizing gender justice within the Mubadalah framework. By fostering awareness and understanding of women's rights, communities can combat misconceptions and stereotypes that contribute to gender discrimination. Open dialogues and educational initiatives empower individuals to advocate for themselves and others, creating an environment where women's rights are actively promoted and defended.³⁵ This ongoing education is vital for cultivating a culture that values gender equality and encourages women to express their opinions and make informed choices regarding their marital circumstances.³⁶

Furthermore, the Mubadalah perspective encourages a critical examination of cultural and religious practices that may hinder gender justice. By scrutinizing these practices, individuals can identify necessary reforms that align with principles of equality and fairness. This introspection can lead to transformative changes in how polygamy is perceived and practiced, shifting the focus from power dynamics to collaborative partnerships based on mutual respect.³⁷ Such a shift not only empowers women within marriages but

³¹ Zainal Abidin, Muhammad Safuan, and Rafiqul Huda Siregar, 'Poligami Dalam Islam Dan Keadilan Gender', *The International Journal of Pegon Islam Nusantara Civilization*, 2022, doi:10.51925/inc.v8i02.65.

³² Shahla Nourani and others, 'The Relationship Between Gender-Role Beliefs, Household Labor Division and Marital Satisfaction in Couples', *Journal of Holistic Nursing and Midwifery*, 2019, doi:10.29252/hnmj.29.1.301.

³³ Jean Jackson and others, 'Gender Differences in Marital Satisfaction: A Meta-analysis', *Journal of Marriage and Family*, 2014, doi:10.1111/jomf.12077.

³⁴ Abidin, Safuan, and Siregar.

³⁵ Farah Qadir and others, 'The Association of Marital Relationship and Perceived Social Support With Mental Health of Women in Pakistan', *BMC Public Health*, 2013, doi:10.1186/1471-2458-13-1150.

³⁶ Abidin, Safuan, and Siregar.

³⁷ Abidin, Safuan, and Siregar.

also contributes to a broader cultural transformation that recognizes the importance of gender equality, influencing legal frameworks and social norms to create a more inclusive society.³⁸

In conclusion, the Mubadalah approach to gender justice in the context of polygamy underscores the necessity of recognizing women's rights as integral to marital relationships. By advocating for equal participation and mutual respect, this framework promotes a more equitable and harmonious dynamic between husbands and wives. Achieving gender justice requires ongoing education, critical reflection on cultural practices, and a commitment to challenging stereotypes. Ultimately, the Mubadalah perspective provides a pathway toward realizing a more just and equitable society, where women's voices are heard and valued in all aspects of life.³⁹

Implications of Social and Legal Perspectives on Polygamy

1. Societal Views

In Indonesia, societal views on polygamy are characterized by a significant divide, influenced by cultural, religious, and social dynamics. Proponents of polygamy often cite Islamic teachings that permit a man to have multiple wives under specific conditions, arguing that such arrangements can enhance family ties and fulfill social obligations.⁴⁰ This perspective is particularly prevalent in rural areas and among certain ethnic groups where polygamy has historical roots and is integrated into local customs. Some studies indicate that polygamous practices are not perceived as taboo in various Indonesian tribes, reflecting a broader acceptance within specific communities. The legal framework in

Indonesia allows polygamy under strict conditions, as outlined in the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law.

Conversely, a substantial segment of Indonesian society opposes polygamy, raising concerns about the systemic injustices it may perpetuate against women. Critics argue that polygamy can lead to emotional and psychological harm, exacerbating power imbalances within relationships.⁴¹ Research highlights that women in polygamous marriages often report lower levels of self-esteem, life satisfaction, and marital satisfaction compared to their monogamous counterparts.⁴² Feminist scholars and activists have been particularly vocal in this discourse, emphasizing the need for gender equality and mutual respect in marital relationships.⁴³ They contend that polygamy frequently marginalizes women's voices and compromises their autonomy, leading to situations where their rights are undermined.⁴⁴ This opposition is rooted in a broader critique of how polygamous structures can perpetuate patriarchal norms and hinder women's empowerment.

The dichotomy in societal views on

⁴¹ Abdul Rahman Ramadhan, 'The Concept of Fairness in the Practice of Polygamy From Hadith Perspective', *Waraqat Jurnal Ilmu-Ilmu Keislaman*, 2023, doi:10.51590/waraqat.v8i2.600.

⁴² Ismail Shaiful Bahari and others, 'Psychological Impact of Polygamous Marriage on Women and Children: A Systematic Review and Meta-Analysis', *BMC Pregnancy and Childbirth*, 2021, doi:10.1186/s12884-021-04301-7.

⁴³ Nur Rizki Maulida, Arya Putra Perdana, and Eka Widyanti, 'The Importance of Family Law Against Women in Polygamy', *Aurelia Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia*, 2022, doi:10.57235/aurelia.v1i2.162.

⁴⁴ Najmah Jaman, 'Implications of Polygamy Practices on Positive Law in Indonesia', *Prophetic Law Review*, 2020, doi:10.20885/plr.vol2.iss1.art2.

³⁸ Abidin, Safuan, and Siregar.

³⁹ Abidin, Safuan, and Siregar.

⁴⁰ Jafar and others.

polygamy in Indonesia creates a complex landscape that necessitates sensitive engagement with cultural and gender dynamics. While some advocate for the continuation of polygamous practices based on religious and cultural justifications, others call for a reevaluation of these norms in light of contemporary understandings of gender equality and human rights.⁴⁵ The ongoing debates reflect a society grappling with its traditions while navigating the demands of modernity, underscoring the need for a nuanced approach to discussions surrounding polygamy.⁴⁶

In conclusion, the societal views on polygamy in Indonesia are deeply polarized, with significant implications for women's rights and social justice. As the discourse evolves, it is essential to consider both the cultural significance of polygamy in certain communities and the potential harms it poses to women, fostering a dialogue that respects tradition while advocating for equality and justice.

Legal Implications

The legal framework governing polygamy in Indonesia is primarily established by the Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI). Under this framework, polygamy is permitted but subject to stringent regulations, including the necessity for judicial approval and the requirement that the husband can provide for all wives equitably.⁴⁷ This legal structure reflects a

complex interplay between traditional Islamic practices and contemporary legal standards, where polygamy is not outright banned but is heavily regulated to ensure fairness and justice among spouses.⁴⁸ However, despite these regulations, significant issues regarding gender equality and justice remain unaddressed,⁴⁹ particularly concerning the rights and agency of women in polygamous arrangements.⁵⁰

The integration of Mubadalah principles into the legal discourse surrounding polygamy could catalyze substantial reforms. Mubadalah, which emphasizes mutual respect and equality between genders, could reshape family law to prioritize women's rights and ensure their active participation in decisions regarding polygamous marriages. For instance, amendments to existing laws could mandate that women are fully informed and voluntarily consent to polygamous arrangements, thereby safeguarding their rights and dignity. This shift would not only enhance the legal protections available to women but also challenge the prevailing narrative that often centers solely on the rights and obligations of husbands, thereby

Islamic Legal Perspective (Analysis of PA.Depok Decision No. 3051/Pdt.G/2020/PA.Dpk)', 2023, doi:10.61978/legalis.v1i1.14.

⁴⁸ Dahlia Haliah Ma'u, 'The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia', *Samarah Jurnal Hukum Keluarga Dan Hukum Islam*, 2023, doi:10.22373/sjkh.v7i2.8519.

⁴⁹ Dri Santoso and Muhamad Nasrudin, 'Polygamy in Indonesia and Its Relevance to the Protection of Women and Children in the Perspective of Islamic Law Philosophy', *Akademika Jurnal Pemikiran Islam*, 2021, doi:10.32332/akademika.v26i1.2406.

⁵⁰ Trie Yunita Sari, 'Between Religious Controversy and Commodification: A Study of Dauroh Poligami Indonesia', *Indonesian Journal of Religion and Society*, 2023, doi:10.36256/ijrs.v5i1.316.

⁴⁵ Arif Rohman, 'Reinterpret Polygamy in Islam: A Case Study in Indonesia', *SSRN Electronic Journal*, 2013, doi:10.2139/ssrn.2258284.

⁴⁶ Mukhtar mukhtar and Nur Amaliah, 'Indikasi Sosiologis Terjadinya Poligami Di Kalangan Masyarakat Bogor', *Mizan Journal of Islamic Law*, 2018, doi:10.32507/mizan.v1i1.120.

⁴⁷ Elvita Ameliah, Amin Songgirin, and Abdussalam Ali Ahmed Ahmed, 'The Application for a Polygamy Permit Is Reviewed From an

fostering a more balanced perspective that acknowledges women's contributions and needs.⁵¹

Furthermore, adopting Mubadalah principles could lead to healthier family dynamics and greater societal acceptance of polygamous relationships, provided these relationships are conducted in a manner that respects the rights and well-being of all parties involved. By promoting a legal environment that emphasizes collaboration and mutual respect, the potential exists for a more equitable framework that benefits both men and women, ultimately contributing to a more just society (Jaman, 2020).⁵² The implications of such reforms are multifaceted, intertwining legal, social, and cultural dimensions that reflect the evolving attitudes towards polygamy in Indonesia.

In conclusion, the legal implications of polygamy in Indonesia are deeply intertwined with the principles of equality and justice. By embracing the Mubadalah approach, there is significant potential not only to reform existing laws but also to reshape societal attitudes towards polygamy, fostering a more equitable framework that benefits all parties involved. This transformation is essential for addressing the systemic issues of gender inequality and ensuring that the rights of women are upheld within the context of polygamous marriages.⁵³

Conclusion

This study highlights that while Indonesia's marriage legislation embraces monogamy and emphasizes justice through the concept of mubadalah, the practice of polygamy remains prevalent and is often a leading cause of divorce in religious courts. Societal views on polygamy are deeply divided; some support it based on religious and cultural justifications, particularly in rural areas and among certain ethnic groups, while others raise concerns about the systemic injustices it may impose on women, including emotional and psychological harm, power imbalances, and reduced autonomy.

Integrating mubadalah principles into the legal framework governing polygamy could catalyze significant reforms that prioritize women's rights and foster more equitable family dynamics. The findings suggest that a shift toward adopting these principles could reshape societal attitudes and enhance legal protections, ultimately contributing to a more just society.

In summary, there is a pressing need for nuanced dialogue surrounding polygamy that respects cultural traditions while advocating for gender equality and justice. The principles of mubadalah provide an opportunity to promote healthier family relationships and establish a more equitable legal framework, aligning with the evolving demands of modern society.

Credit Authorship Contribution

Rohmadi: Conceptualization, Methodology, Investigation, Writing - Original Draft, Supervision, Formal Analysis, Resources, and Writing - Review & Editing.

Declaration of Competing Interest

The authors declare no competing interests related to this study. No financial or personal conflicts of interest are present.

⁵¹ Abdul Rahman Ramadhan, 'The Concept of Fairness in the Practice of Polygamy From Hadith Perspective', *Waraqat Jurnal Ilmu-Ilmu Keislaman*, 2023, doi:10.51590/waraqat.v8i2.600.

⁵² Najmah Jaman, 'Implications of Polygamy Practices on Positive Law in Indonesia', *Prophetic Law Review*, 2020, doi:10.20885/plr.vol2.iss1.art2.

⁵³ Ali Trigiyatno, Dewi Rahmawati, and Purwoko Utomo, 'Comparative Analysis of the Polygamy Regulations in Indonesia and Morocco', *Diktum Jurnal Syariah Dan Hukum*, 2023, doi:10.35905/diktum.v21i1.4885.

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