

Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law

Yenny Febrianty

Pakuan University, Bogor, Indonesia

yenny.febrianty@unpak.ac.id

Hidayati Fitri

Mahmud Yunus State Islamic University Batusangkar, Indonesia

hidayatifitri@uinmybatusangkar.ac.id

Masna Yunita

Imam Bonjol State Islamic University Padang, Indonesia

masnayunita@uinib.ac.id

Esti Royani

University of August 17, 1945 Samarinda, Indonesia

esti@untag-smd.ac.id

Kevin M. Rivera

University of the Cordilleras, Philippines

kmrivera@cic.edu.ph

Viorizza Suciani Putri

Religious Court of Tasikmalaya City

viorizza@mahkamahagung.go.id

Received: 02-01-2025 Revised: 15-01-2025 Accepted: 04-09-2025 Published On: 30-04-2025

Abstract: Polygamy practices in Indonesia represent a multidimensional issue situated at the intersection of Islamic law, national legislation, and social dynamics. Although permitted in Islam and regulated by Law Number 1 of 1974 on Marriage, the core requirement of justice is often unmet in practice. Inequities in fulfilling the rights of wives and children, along with weak oversight of unregistered (siri) marriages, pose major challenges to legal protection. This study aims to analyze the gap between legal norms and the implementation of polygamy, while formulating more effective and equitable legal solutions. Using a descriptive-normative and socio-legal approach, the research examines both Islamic and national legal frameworks, as well as the social realities underpinning polygamy. Findings reveal that legal loopholes and weak enforcement mechanisms enable irresponsible polygamous practices that disadvantage women and children. This research contributes significantly to the discourse on marriage law reform through three key recommendations: (1) digitizing the marriage registration system to prevent unrecorded marriages, (2) tightening polygamy approval procedures through psychosocial and economic evaluations, and (3) integrating local values with international principles such as CEDAW in policy-making. Accordingly, this study contributes to the development of a more adaptive, inclusive, and gender-just legal system for marriage in Indonesia

Keywords: Polygamy, Justice, Protection

Abstrak: Praktik poligami di Indonesia merupakan isu multidimensional yang berada di persimpangan antara hukum Islam, hukum nasional, dan realitas sosial. Meskipun diizinkan dalam Islam dan diatur melalui Undang-Undang Nomor 1 Tahun 1974 tentang Perkawinan, syarat keadilan dalam praktiknya sering kali tidak terpenuhi. Ketimpangan dalam pemenuhan hak-hak istri dan anak, serta lemahnya pengawasan terhadap pernikahan siri, menjadi tantangan utama dalam perlindungan hukum. Penelitian ini bertujuan untuk menganalisis kesenjangan antara norma hukum dan implementasi praktik poligami, serta merumuskan solusi hukum yang lebih efektif dan berkeadilan. Dengan pendekatan deskriptif-normatif dan sosio-legal, studi ini mengkaji regulasi hukum Islam dan nasional, sekaligus menelaah realitas sosial yang melatarbelakangi praktik poligami. Hasil penelitian mengungkap bahwa celah hukum dan lemahnya mekanisme pengawasan menjadi penyebab berlanjutnya praktik poligami yang merugikan perempuan dan anak. Penelitian ini memberikan kontribusi signifikan dalam wacana reformasi hukum perkawinan melalui tiga rekomendasi utama: (1) digitalisasi sistem pencatatan pernikahan untuk mencegah pernikahan tidak tercatat, (2) pengetatan persyaratan izin poligami melalui evaluasi psikososial dan ekonomi, serta (3) integrasi nilai-nilai lokal dan prinsip internasional seperti CEDAW dalam perumusan kebijakan. Dengan demikian, penelitian ini berkontribusi dalam pembentukan sistem hukum perkawinan yang lebih adaptif, inklusif, dan berkeadilan gender di Indonesia.

Kata kunci: Poligami, keadilan, perlindungan

How to cite this article:

Yenny Febrianty and others, Answering the Challenges of Polygamy: Justice and Legal Protection in Islamic and Indonesian Law, *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan*, 12.1 (2025), 15-32

Doi: <http://dx.doi.org/10.29300/mzn.v12i1.6930>



Copyright (c) 2025 The Authors

Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi, dan Keagamaan

Published by Faculty of Sharia, State Islamic University of Fatmawati Sukarno Bengkulu

This work is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International License](#)

Introduction

Muslim communities across the world, including those in Indonesia, have long held the practice of polygamy, which is rooted in Islamic law. The Greek words "poly" (meaning "many") and "gamos" (meaning "marriage") are the etymological roots of the English term "polygamy," which is often understood as the practice of marrying many partners.¹ The Qur'an forbids a man from marrying more than four wives (surah an-Nisa verse 3), with the caveat that marital equity must be maintained. This practice is known as polygamy in Islam.² In many traditional Islamic civilizations, polygamy is seen as a way to address social welfare and safeguard women, hence it has both a religious and a social grounding.

The marriage laws of Indonesia, particularly Law Number 1 of 1974 and its provisions, provide a legal framework for polygamy. In cases when the woman is unable to have children, suffers from an incurable disease, or is otherwise unable to fulfill her responsibilities as a wife, the court may authorize polygamy according to the provisions of Article 3, paragraph (2) of the legislation. Another piece of documentation that lays out the technical steps for applying for authorization to practice polygamy is Government rule Number 9 of 1975, which is the implementing rule of the Law Governing Marriage. Nevertheless, the positive law upholds monogamy as the ideal marital arrangement.

Several social, cultural, and religious elements impact polygamy in Indonesia. Some subsets of society see polygamy as an

integral component of maintaining long-established cultural norms and religious beliefs. Although polygamy is acknowledged by law in Indonesia and has a foundation in Islam, it often leads to a myriad of complicated issues when put into reality.³

One of the key concerns is how the Islamic tenet of justice, which is essential to polygamy, is understood and put into practice. Allah SWT permits polygamy in Surah An-Nisa verse 3, but only if the husband can be kind to his wives. Justice, however, encompasses not only monetary concerns like meeting basic necessities, but also intangibles like emotional well-being and equitable treatment, which may be hard to quantify and demonstrate. Unfortunately, for many families, this ideal of fairness never comes to fruition, leading to unfair treatment of the wife and children.

Positively, Indonesian law places stringent regulations on polygamy licenses, requiring husbands to have their first wives' consent, judicial approval, and proof of financial capabilities and fundamental justifications for polygamy. On the other hand, many spouses choose to disregard or circumvent these regulations, often via means of unregistered marriages.⁴ The unrecognized rights of second or third wives have given rise to additional legal complications, such as safeguarding their inheritance, support, and child status. The lack of oversight and enforcement of laws regarding polygamy activities that take place outside of formal channels is also mirrored by this problem.

¹ Dahlia Haliah Ma'u, "The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia," *SAMARAH Journal of Family Law and Islamic Law* 7, no. 2 (May 2023), accessed January 6, 2025, <https://digilib.iainptk.ac.id/xmlui/handle/123456789/3258>.

² Najmah Jaman, "Implications Of Polygamy Practices On Positive Law In Indonesia," *Prophetic Law Review* (July 1, 2020): 22–36.

³ 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: Journal of Islamic Thought* 26, no. 1 (June 30, 2021): 121–136.

⁴ Muhammad Saleh Ridwan, Wahidah Abdullah, and Idham Idham, "Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law," *Samarah: Journal of Family Law and Islamic Law* 8, no. 1 (January 13, 2024): 20–38.

Furthermore, new laws enacted to safeguard human rights and promote gender equality often run counter to polygamy. A number of international documents, like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), have spoken out against the subjugation of women and have made it clear that they would not tolerate any kind of discrimination, even inside marriage, against women. On a national level, polygamy is often said to be an empowering practice that upholds women's dignity and aligns with the goals of liberation promoted by government programs.⁵

Associating this issue with the social and cultural issues makes it more complicated. While some see polygamy as an enduring piece of traditional knowledge, others, particularly the younger generation, see it as antithetical to the ideals of contemporary equality and want to eradicate it. Polygamy is a complex social and cultural issue that need an all-encompassing solution because to the conflicting religious, legal, and social conventions surrounding the practice.

Various studies have been conducted to understand the practice and implications of polygamy in Islamic law and the social context in Indonesia. Research by Nasution⁶ highlights the implementation of justice in polygamy practices based on Islamic law and social reality, finding that justice is often only theoretical and difficult to realize in practice. Meanwhile, a study by Syarifuddin (2020)⁷ focus on the positive legal aspects in

Indonesia, revealing weaknesses in legal supervision related to polygamy, especially in cases of unregistered marriages. On the other hand, Rahmat (2021)⁸ conducts a critical study of polygamy in the context of gender equality and human rights, showing the tension between religious norms, national laws, and international principles that advocate for the protection of women.

By focusing on the interplay between Islamic law, positive law, and changing social dynamics, this study aims to provide a more thorough examination of polygamy in modern Islamic law in Indonesia than earlier research. Consequently, the research delves into the normative dimensions while also illuminating the practical difficulties and societal consequences of polygamy. By providing a comprehensive analytical framework that incorporates legal, social, and gender considerations, this method advances the state of the art.

This research seeks to examine polygamy under modern Islamic law in Indonesia by looking at how well norms are followed, how they are put into reality, and what effect this has on safeguarding the rights of children and women. The research also intends to look at potential legal remedies that might help with polygamy monitoring and protection in Indonesia.

The following questions will be addressed by this research: (1) In light of the above, how do Islamic law, positive law, and social dynamics impact polygamy in Indonesia? (2) How can the law be updated

⁵ Nurhidayatuloh Nurhidayatuloh et al., "Forsaking Equality: Examine Indonesia's State Responsibility on Polygamy to the Marriage Rights in CEDAW," *Journal of Legal Dynamics* 18, no. 2 (2018): 182–193.

⁶ Mughni Labib Ilhamuddin Is Ashidiqie, "Polygamy in the Review of Shariah and Reality," *Al-Ahwal Al-Syakhsyiah: Journal of Islamic Family Law and Justice* 2, no. 2 (2021): 199–218.

⁷ Mahmud Huda and Anisatus Shalihah, "Family Harmony in Secret Marriage in Polygamy Practice

(Case Study in Lenteng District, Sumenep Regency)," *Journal of Islamic Family Law* 2, no. 1 (October 11, 2017): 57–76.

⁸ Mochamad Nurdin et al., "Dynamics of Polygamy in Islamic Family Law (Analysis of Legal Perspective, Family Welfare, and Gender Equality)," *Al-Mashlahah Journal of Islamic Law and Social Institutions* 12, no. 01 (June 26, 2024), accessed January 6, 2025, <https://www.jurnal.staialhidayahbogor.ac.id/index.php/am/article/view/6584>.

to better safeguard women and children involved in polygamy in light of recent developments in the field?

Method

The analysis of polygamy in modern Islamic law in Indonesia is based on a normative descriptive methodology. Islamic law, positive law at the national level, and applicable international conventions are the primary areas of study in this method. Court decisions involving polygamy, the Qur'an (particularly Surah An-Nisa verse 3), Law Number 1 of 1974 pertaining to Marriage, Government Regulation Number 9 of 1975, and other primary legal sources are consulted in this study. To further illuminate the legal, social, and gender aspects of polygamy, secondary legal resources such as scholarly literature, journal articles, and prior research are consulted.

There are two primary problem formulations that this study seeks to address. In the first version, we state that Islamic law, positive law, and social dynamics all have a role in shaping Indonesian polygamy. This study seeks to address this question by conducting a legal analysis of the norms governing polygamy in Islamic law and national law. Specifically, it focuses on justice provisions, administrative requirements, and the procedures for applying for permits. Local cultural and social values, as well as the application of these legal standards, are examined through a socio-legal lens in order to assess the impact of polygamy on society.

In the second version, we ask how best to incorporate new legal ideas into polygamous practices so that women and children are best protected. In order to address this formulation, this study examines current regulations and compares them to those of other countries that have

reformed their marriage laws, like Tunisia and Morocco. This analysis also considers the cultural and religious values that should be taken into account when incorporating the principle of gender equality outlined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) into national laws.

This study employs a qualitative data analysis technique that combines a hermeneutic and analytical approach.⁹ Applying hermeneutic analysis, Islamic legal texts like the Qur'an and hadith are interpreted in relation to justice principles and polygamy. Interpretations of pertinent national and international legal documents, including the CEDAW Convention, Government Regulation 9 of 1975, and Law Number 1 of 1974, are also part of this analysis, which takes into consideration the Indonesian context.

In this methodology, the process of data collection, processing, and analysis is explained in greater detail to ensure clarity and transparency.¹⁰ Primary data is obtained from legal texts such as the Qur'an, hadith, court decisions, and relevant national laws, while secondary data is sourced from scholarly literature, journal articles, and previous studies. The data collection process involves an extensive review of these

⁹ Andria Naude Fourie, "Expounding the Place of Legal Doctrinal Methods in Legal-Interdisciplinary Research. Experiences with Studying the Practice of Independent Accountability Mechanisms at Multilateral Development Banks," *Erasmus Law Review* 8 (2015): 95, <https://heinonline.org/HOL/Page?handle=hein.journals/erasmus8&id=99&div=&collection=>.

¹⁰ Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia - Social and Behavioral Sciences* 219, 3rd Global Conference on Business and Social Sciences (GCBSS-2016) on "Contemporary Issues in Management and Social Sciences Research", Kuala Lumpur, Malaysia (May 31, 2016): 201–207, accessed January 15, 2025, <https://www.sciencedirect.com/science/article/pii/S1877042816300660>.

sources, focusing on key issues such as justice, gender equality, and the rights of women and children in the context of polygamy.

The purpose of this analytical study is to determine the effect of polygamy protection laws on women and children by examining the connection between these laws, their practical application, and the impact on these issues. This analysis is carried out by organizing data obtained from primary and secondary legal materials, then mapping the problems that arise based on key issues, such as justice, women's rights, and children's rights. Furthermore, the data is compared with practices in other countries through comparative studies to obtain an overview of better legal solutions. This approach ensures that the study can provide an objective and in-depth analysis of the practice of polygamy in contemporary Islamic law in Indonesia.

Result and Discussions

The Influence of Islamic Legal Provisions, Positive Law, and Social Dynamics on the Practice of Polygamy in Indonesia

Polygamy in Indonesia exemplifies the intricate web of interplay between Islamic law, Indonesian positive law, and society's dynamic social dynamics.¹¹ The Islamic legal doctrine of polygamy has its origins in verse 3 of Surah An-Nisa, which permits a man, so long as he is able to be just, to wed up to four wives. There is no easy way to put this ideal of justice into practice, despite its centrality to the law and ethics.¹² Beyond

monetary considerations like meeting basic necessities, the justice at issue include intangibles like feelings, beliefs, and psychology, which are hard to quantify. In order to solve specific societal issues in a certain setting, modern scholars like Fazlur Rahman and Yusuf al-Qaradawi stress that polygamy cannot be put into practice until overall justice is fully realized.¹³

In order to solve specific societal issues in a certain setting, modern scholars like Fazlur Rahman and Yusuf al-Qaradawi stress that polygamy cannot be put into practice until overall justice is fully realized.

Fazlur Rahman argues that the Qur'anic allowance for polygamy, as stated in Surah An-Nisa verse 3, is deeply contextual and aimed at addressing specific social issues, such as the protection of orphans and widows during times of societal instability. He emphasizes that polygamy should not be viewed as a universal norm but rather as a conditional provision, bound by strict ethical guidelines to ensure justice and fairness. Rahman further critiques the misuse of polygamy in contemporary societies, where the principle of justice is often disregarded, leading to harm and inequality.

Similarly, Yusuf al-Qaradawi highlights that polygamy in Islam is fundamentally tied to the concept of *maslahah* (public interest) and must be practiced with a deep sense of responsibility. He notes that while polygamy is permissible, it is not obligatory or even recommended unless it serves a legitimate purpose, such as resolving social problems or fulfilling specific needs. Al-Qaradawi warns against the misuse of polygamy for

¹¹ Najmah Jaman, "Implications Of Polygamy Practices On Positive Law In Indonesia," *Prophetic Law Review* (July 1, 2020): 22–36.

¹² Kahfi Adlan Hafiz and Intan Lestari, "Diversity of Views on The Inequality of Men's Power Relations Over Women in the Practice of Polygamy in Indonesia," in *ASEAN/Asian Academic Society International Conference Proceedings Series 0, No. 0* (November 14, 2019), 1924, 502–509, accessed

January 6, 2025,
<https://core.ac.uk/download/pdf/288223887.pdf>.

¹³ Fitriah M. Suud, Moh Toriqul Chaer, and Masyhuri Masyhuri, "The Analysis of Perception of Women in Niqab Against Polygamy Practice in Indonesia," *Marwah: Jurnal Perempuan, Agama dan Jender* 21, no. 2 (November 29, 2022): 16–30.

personal desires, emphasizing that any practice of polygamy that neglects justice or causes harm contradicts the spirit of Islamic teachings.

Both scholars advocate for a dynamic interpretation of Islamic law that takes into account contemporary social realities. For example, Rahman and al-Qaradawi both propose that polygamy should be subject to stricter regulations and oversight to ensure it aligns with the maqashid syariah principles of justice, compassion, and welfare. This perspective underscores the necessity of reforming legal and social frameworks to reflect the ethical foundations of polygamy in Islam, ensuring that its implementation promotes fairness and protects vulnerable groups, particularly women and children.

The good news is that polygamy is officially sanctioned, although with several restrictions, under Law Number 1 of 1974 Concerning Marriage. A basic cause, such as a wife's infertility or incurable illness, and the husband's capacity to provide financially are the only grounds the court may authorize the marriage. Another essential need is the approval of the first wife. In reality, however, various loopholes in the law are taken advantage of, for example, weddings that are not formally recorded. This gives rise to a number of questions about the law, such as how to define "legally recognized children" and how to safeguard the rights of a second or third wife. The ineffectiveness of current legal oversight in controlling polygamy is shown by this occurrence.

Sociologically speaking, polygamy is a manifestation of the deeply held religious and cultural beliefs held by various Indonesian communities. It is believed that polygamy is an inherited piece of local knowledge in some societies. But these principles are coming under scrutiny, particularly from the younger generation,

which has grown up with ideas like human rights and gender equality.¹⁴ New standards that prioritize justice and women's liberation sometimes collide with the practice of polygamy during times of fast societal change. The result is friction between more conventional norms, such as formal laws, and contemporary attitudes and expectations.

A number of supplementary theoretical frameworks are necessary for a thorough examination of polygamy in Indonesia. As a normative basis, Islam's doctrine of justice stresses that polygamy cannot exist without justice. Amina Wadud's and other feminist critiques of polygamy show how it serves to keep women in subordinate roles and reinforces gender inequality.¹⁵ This view is consistent with the goals of the CEDAW, which seek to end discrimination against women in all its manifestations, including that which is based on religion.

Table 1. The Influence of Islamic Law, Positive Law, and Social Dynamics on Polygamy in Indonesia

Aspect		Islamic Legal Provisions	Positive Law and Social Dynamics
Principles of Polygamy	of	Polygamy is permitted under specific conditions in Surah An-Nisa, emphasizing justice, equity, and the welfare of society.	Polygamy is legally sanctioned under Law Number 1 of 1974 but with restrictions. Issues like unrecorded marriages complicate enforcement
Interpretation and Application		Scholars like Fazlur Rahman and Yusuf al-Qaradawi stress polygamy should address social	Legal loopholes and the lack of a strong enforcement system allow for abuses and

¹⁴ Saifuddin Herlambang, "Hamka, Social Criticism and the Practices of Polygamy in Minangkabau" (Al-Albab, 2020).

¹⁵ Agnieszka Graff, Ratna Kapur, and Suzanna Danuta Walters, "Introduction: Gender and the Rise of the Global Right," *Signs: Journal of Women in Culture and Society* 44, no. 3 (March 2019): 541–560.

	issues, with justice as a key requirement.	challenges in protecting the rights of women and children
Cultural and Social Impact	Islamic law ties polygamy to public welfare (<i>maslahah</i>) and justice (<i>al-'adl</i>), focusing on the protection of vulnerable groups.	Polygamy remains deeply embedded in cultural practices, especially in rural areas, but is increasingly contested in urban, progressive settings

The table 1 above provides a concise overview of the influence of Islamic law, Indonesian positive law, and social dynamics on the practice of polygamy in Indonesia. It categorizes these influences into three main aspects: Islamic teachings, which emphasize the importance of justice in the practice of polygamy; Indonesian positive law, which regulates polygamy with strict requirements; and social dynamics, which affect the perception and acceptance of polygamy, particularly among the younger generation that is more exposed to gender equality values. Therefore, the table presents a framework that connects these three aspects, illustrating the complexity of polygamy implementation in Indonesia from both legal and cultural perspectives.

However, a deeper exploration of *maqashid syariah*, particularly the principles of justice (*al-'adl*) and public interest (*maslahah*), is essential to contextualize polygamy within Islamic legal and ethical frameworks. The principle of justice in *maqashid syariah* requires equitable treatment in all aspects, including emotional, financial, and spiritual dimensions. This aligns with the Qur'anic injunction in Surah An-Nisa verse 3, which emphasizes justice as a prerequisite for polygamy.

Furthermore, the principle of *maslahah* which aims to achieve public welfare and prevent harm underscores the importance of prioritizing the rights and

well-being of all parties involved, especially women and children. Polygamy practices that fail to uphold these values contradict the overarching objectives of Islamic law.¹⁶ When societal practices or legal structures lead to injustice or harm, reform is not only permissible but necessary to ensure alignment with *maqashid syariah*.

Furthermore, by investigating the interplay between law, culture, and social institutions, socio-legal theory offers a more comprehensive perspective. Law in Indonesia serves as both a legal standard and a reflection of deeply held cultural beliefs. An influential individual in this school of thought, Marc Galanter, stresses how the law changes depending on the society. Consequently, the cultural milieu and social processes that mold Indonesian culture are inseparable from the polygamy practice there.

Polygamy in Indonesia may be better understood through the lens of Will Kymlicka's multiculturalism theory of law. Integrating global principles with local norms within the national legal system is a key tenet of this approach.¹⁷ In the context of polygamy, this entails finding a middle ground between upholding the practice's Islamic cultural character and safeguarding women's and children's rights in line with global norms. The difficult part is coming up with legal frameworks that uphold religious beliefs while still being fair and egalitarian.

Polygamy in Indonesia reveals

¹⁶ Karenina Nurissa Karen, Yandi Maryandi, and Ilham Mujahid, "Tinjauan Maqashid Syariah Terhadap Kawin Paksa," in *Bandung Conference Series: Islamic Family Law*, vol. 2, 2022, 93–98, accessed January 15, 2025, <https://scholar.archive.org/work/q2x6pezulrhnhjuot6h2hlpxaq/access/wayback/https://proceedings.unisba.ac.id/index.php/BCSIFL/article/download/2756/1543>.

¹⁷ Chang-Yau Hoon, "Putting Religion into Multiculturalism: Conceptualizing Religious Multiculturalism in Indonesia," *Asian Studies Review* 41, no. 3 (July 3, 2017): 476–493.

intricate dynamics in its execution, while having a foundation in religious teachings and validity in the legal structure. The essential tenet of polygamy—the principle of justice—is often idealized but never fully realized, and this is an essential point brought to light. The interpretation of religious scriptures is just part of the problem; the underlying issue is in society's legal and social structures.

In practice, it might be challenging to uphold the idea of fairness, which is essential to polygamy. It has been shown in several instances that equitable allocation of time, attention, and respect is equally as important as financial support when it comes to marital fairness. When this justice isn't served, it may escalate into family strife, which in turn might promote prejudice or the breakdown of the home.¹⁸

Positively, the Indonesian Marriage Law prohibits polygamy but has a poor system for keeping track of compliance, particularly when it comes to punishing infractions such as weddings that aren't recorded. To circumvent formalities like court approval or the first wife's assent, for instance, many men take use of legal loopholes. New issues arise as a result of these unrecorded weddings, particularly when it comes to acknowledging the legal rights of a second or third wife and the status of any children produced from the union. It is very uncommon for the current legal system to lack the resources necessary to access non-formal practices.

The way society perceives and tolerates polygamy is another crucial factor. Polygamy is still held in high regard as a religious and cultural virtue in regions with deep historical origins. But polygamy is

being challenged, if not rejected, in more modern metropolitan centers and among those who have had greater exposure to contemporary norms. When one generation replaces another, it causes a fascinating shift in societal norms because fresh ideas and viewpoints question long-held practices. For instance, polygamy is frequently seen with more skepticism by the younger generation, who place a greater emphasis on marital equality.

The societal ramifications of polygamy in Indonesia are far-reaching. The society at large feels the effects as well as the people directly affected when this activity is not done properly or goes against established legal rules. When women are subjected to unjust polygamy, it may lead to societal divisions, shame, and a generalized negative perception of marriage. This trend demonstrates that polygamy is a societal problem, not just a private or familial one.

A combination of legislative change and an educational and empowerment strategy is necessary to overcome these obstacles. The community has to be educated by the government and religious organizations about the legal and theological definitions of fairness in polygamy. Further, one way to achieve harmony in polygamous partnerships is to empower women within the family by giving them more opportunities in school and the workforce.

One possible way to resolve the conflict between traditional religious practices and more progressive ideas of equality is to use multicultural legal theory. Without sacrificing the need of safeguarding human rights, this method permits the incorporation of both universal norms and local values. This, in the context of polygamy, is making sure that women and children in polygamous unions still have appropriate legal protection while still

¹⁸ M. Samson Fajar and Abdul Qadir Jaelani, "Efficiency Of Implementing Sanctions In Cases Of Polygamy In The Modern Islamic World," *Policy, Law, Notary and Regulatory Issues* 1, no. 1 (2022): 1–7.

respecting Islamic religious principles.¹⁹ In conclusion, there is no one way to make sense of Indonesian polygamy. This occurrence is on the cusp where custom, legislation, and societal transformation meet. By taking a comprehensive view of these processes, we may craft more flexible policies and methods that solve present problems while paving the way for future societal development that is more egalitarian.

Optimizing Legal Protection for Women and Children in Polygamy Practices

In polygamy, fairness encompasses not only tangible considerations like economic divide, but also spiritual, psychological, mental, and emotional factors. Without a system to check whether the husband is meeting his end of the bargain, it will be very difficult to put this theory into practice. Unfortunately, many married couples fail to meet their emotional and psychological requirements because their husbands are only concerned with providing for them financially.²⁰

Law No. 1 of 1974, which deals with marriage, has stringent provisions that aim to restrict polygamy within the framework of positive law in Indonesia. Before a husband may engage into a polygamous marriage, he must have the first wife's approval, authorization from the religious court, and proof of financial capacity, according to this legislation. The field's

application of this policy, however, reveals serious flaws, particularly with regard to enforcement and oversight. Unregistered marriages, in which a couple marries in accordance with their religious beliefs but fails to have the ceremony documented in either the civil registration or the religious affairs office, are a prevalent kind of deviation. The first wife's consent or judicial approval are examples of formal legal requirements that this technique often sidesteps.

The implementation of *nikah siri* presents a significant divergence between Islamic law and positive law, particularly concerning the protection of children's rights. In Islamic law, *nikah siri* is considered valid as long as it fulfills religious requirements, such as the presence of a guardian (*wali*), two witnesses, and the consent of both parties. However, this recognition is limited to its religious validity and does not address the legal consequences under the state system.²¹ In contrast, Indonesian positive law, as stipulated in Law No. 1 of 1974 and Government Regulation No. 9 of 1975, requires marriage to be officially registered for it to be recognized by the state.

This gap in implementation creates significant challenges in providing legal protection to children born from unregistered marriages. Under positive law, children from *nikah siri* marriages often face difficulties in obtaining birth certificates that list both parents, which impacts their inheritance rights and access to education and healthcare. In contrast, Islamic law

¹⁹ Ihwan Sormin and Zezen Zainul Ali, 'The Comparative Study of the Protection of Women's Rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 Concerning Health Perspective of Jaser Auda', *MILRev: Metro Islamic Law Review*, 2.2 (2023), doi:10.32332/milrev.v2i2.7824.

²⁰ A. Kumedi Ja'far, Rudi Santoso, and Agus Hermanto, "A Sociohistorical Study of Polygamy and Justice" (Presented at the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019), Atlantis Press, 2020), 338–342, accessed January 6, 2025, <https://www.atlantispress.com/proceedings/riicmusss-19/125946233>.

²¹ Ramlah Ramlah Ramlah, "The Implementation of Nikah Siri with the Purpose of Maintaining Family Salary Benefits: The Perspective of Islamic Law," *INNOVATIO: Journal for Religious Innovations Studies* 22, no. 2 (November 30, 2022): 126–140, accessed January 15, 2025, <https://www.innovatio.pasca.uinjambi.ac.id/index.php/INNOVATIO/article/view/155>.

prioritizes the legitimacy of lineage but does not explicitly address the administrative and legal consequences within the framework of modern state systems.²²

The lack of integration between the two legal systems results in unequal treatment and vulnerabilities for children, particularly when their parents' marriage is not recognized by the state. A more explorative approach is needed to harmonize these legal frameworks, such as introducing a mechanism for automatic registration of *nikah siri* marriages to ensure state recognition without disregarding the religious principles upheld by Islamic law.

There are several negative societal and legal outcomes that might result from a secret marriage. In the eyes of the law, a second or third wife who marries in secret does not have any real standing. They are deprived of the protections afforded to citizens since their status is not recognized by the country's legal system. A woman who marries in secret, for instance, cannot inherit the marital home or submit a claim for support.²³ There are instances when individuals have challenges in having society acknowledge their marriage, which may lead to societal stigma.

There are substantial obstacles to obtaining legal recognition of the status of children born from marriages that are not registered. Children whose parents do not register their marriages face severe restrictions on their fundamental rights under Indonesian positive law. A birth certificate that legitimately names the father

could be difficult to register. The child's inheritance rights are affected, as are their access to healthcare and education. Furthermore, state law considers these children to have been born outside of a valid marital partnership, therefore they often face societal prejudice as a result.

Cases in Indonesia illustrate the real-life consequences of unregistered marriages, particularly concerning the rights of women and children. For instance, in Makassar, a woman identified as SM (21) faced severe domestic violence after demanding her husband, HT, a maritime academy cadet, to formalize their marriage.²⁴

Despite being married *siri*, SM's request for legal recognition led to repeated physical abuse, leaving her with serious injuries and unable to walk. This case highlights the vulnerability of women in *siri* marriages, especially when their demands for legal acknowledgment are met with violence rather than resolution.

In another case involving the professional realm, several members of the Jakarta Metropolitan Police were dismissed for engaging in misconduct, including unregistered polygamous marriages. During a dismissal ceremony led by the Police Chief, it was revealed that these unregistered marriages not only violated professional codes of conduct but also highlighted broader ethical and legal issues.²⁵ These cases underscore the precarious position of

²² Cindy Yulia Ariyanti and Novandi Dwi Putra, "The Unregistered Child Marriage on Lumbang Society Norm Perspective Legal Pluralism," *International Journal of Law Dynamics Review* 2, no. 1 (2024): 39–56, accessed January 15, 2025, <https://journal.nursyamcentre.com/index.php/IJLDR/article/download/32/36>.

²³ Awaliah Awaliah et al., "Legal Consequences of Siri Marriage," *Maleo Law Journal* 6, no. 1 (2022): 30–40.

²⁴ "Tagih Janji Dinikahi, Wanita Dianiaya Taruna Pelayaran Di Makassar," *Merdeka.Com*, accessed January 15, 2025, <https://www.merdeka.com/peristiwa/tagih-janji-dinikahi-wanita-dianiaya-taruna-pelayaran-di-makassar-273822-mvk.html>.

²⁵ I. D. N. Times and Irfan Fathurohman, "Kapolda Metro Gelar Upacara PTDH Polisi Kasus Narkoba-Nikah Siri," *IDN Times*, accessed January 15, 2025, <https://www.idntimes.com/news/indonesia/irfanfathurohman/kapolda-metro-gelar-upacara-ptdh-polisi-kasus-narkoba-nikah-siri>.

women and children in siri marriages, where the absence of formal recognition exacerbates their lack of legal and social protections.

From a global viewpoint, several nations that have sizable Muslim populations have implemented various policies to control polygamy. Comparing the UAE's approach to polygamy laws with Indonesia's offers a unique viewpoint. Polygamy is regulated in both nations under Islamic law, and both have Muslim-majority populations. Regulating, protecting women's rights, and establishing monitoring mechanisms are three areas where the legislative methods of the different countries vary significantly.

Polygamy in Indonesia is governed by Law Number 1 of 1974 concerning Marriage, namely Articles 3 to 5, which outline the conditions that a husband must meet in order to engage in polygamy. Polygamy can be legalized by religious courts if the first wife agrees, the husband has the means to support the family, and there are valid reasons (such as a woman's infertility, an incurable illness, or her inability to fulfill her role as a wife) for the practice. Also, as the body in charge of carrying out this regulation, Government Regulation Number 9 of 1975 specifies the steps to take and the paperwork that has to be attached in order to petition for authorization to practice polygamy, such as a letter of approval from the first wife and evidence of financial capabilities.

A new strategy is in place in the United Arab Emirates. The legal foundation for family affairs, including marriage, divorce, and inheritance, is laid forth by Federal Law No. 28 of 2005 on Personal Status, which regulates polygamy. Articles 55–58 of this regulation establish the maximum number of spouses that a Muslim man may have in conformity with Islamic

law.²⁶ Nonetheless, the UAE's strategy differs from Indonesia's in a number of key respects.

Firstly, males who want to engage in polygamy are not compelled to seek judicial approval in the UAE. Alternatively, a husband is required by law to treat his women fairly in all aspects of their marriage, including financial support, housing, and emotional support. If a husband is unjust, as stated in Article 56, the wife may seek a divorce. As a result, women who feel oppressed by polygamy have a legal avenue to seek redress. Second, a man is required to get the marriage recorded in a sharia court according to Article 57 if he intends to marry more than one wife. In contrast, many Indonesian weddings do not go through the proper channels, leaving the woman and any children born of the union vulnerable to legal action. The United Arab Emirates makes sure that everyone participating in polygamy knows their rights by making registration mandatory.²⁷

Lastly, the United Arab Emirates offers further protections in Article 58, which says that wives may forbid their husbands from remarrying while they are married. The woman may seek compensation and sue for divorce if her husband breaks this provision. Unlike the Indonesian legal system, this clause grants women the authority to establish limits inside their marriages.

Furthermore, in instances of polygamy, the UAE judicial system places particular emphasis on documenting family income. A fair distribution of the family's resources, including upkeep, is the goal

²⁶ Boris Branisa et al., "The Institutional Basis of Gender Inequality: The Social Institutions and Gender Index (SIGI)," *Feminist Economics* 20, no. 2 (April 3, 2014): 29–64.

²⁷ Yuting Wang and Meenaz Kassam, "Indicators of Social Change in the UAE: College Students' Attitudes Toward Love, Marriage and Family," *Journal of Arabian Studies* 6, no. 1 (January 2, 2016): 74–94.

here. According to Islamic law, the Sharia court has the power to decide on maintenance or asset distribution disputes according to Islamic justice principles.²⁸

When compared to Indonesia's approach, the UAE's strategy offers more protections for women. To better accommodate women's requirements in polygamy, the UAE has established a legal framework that mandates the formal registration of all weddings and gives women the ability to select the conditions of the marriage contract. Furthermore, women in the UAE have greater access to justice than women in Indonesia, particularly in instances of unregistered marriages, due to the freedom to seek for divorce in the event that the spouse has not been fair. Still, there are those who find fault with the UAE. When a man may remarry without getting court permission, abuse is more likely to happen. Authorities lack a mechanism to consistently monitor polygamous marriages, despite the fact that official registration is required by law. In addition, non-material components, such emotional care, might be particularly challenging to quantify in reality when it comes to providing justice.²⁹

In contrast, Indonesia benefits from official monitoring via procedures sanctioned by the court. The lack of strict enforcement of the legislation regarding unregistered weddings, however, makes it mostly ineffective and endangers women and children involved. All marriages, including polygamy, should be recorded and rigorously monitored by the government. This can only be achieved by legislative change. Raising the bar on Indonesia's

polygamy legislation calls for a more robust and all-encompassing strategy. To build a justice system that takes into account the interests of children and women while also respecting the cultural norms surrounding polygamy, legal theory and multiculturalism viewpoints are crucial in this setting.

Lawrence Friedman's idea of legal modernization provides a rationale for the use of digital technology in supervision. Legal modernization, in Friedman's view, requires adjustments to cultural norms and institutional frameworks in addition to new rules and regulations. An online registration platform or other integrated digital technology-based marriage registration system would allow the legislation to reach more people and be more transparent.³⁰ Closing these loopholes is crucial in combating polygamy, particularly in cases of unregistered weddings. This technology also enables recording in real-time, which greatly improves the effectiveness of supervising polygamy practices. The author contends that this approach is a legal innovation that can guarantee the formal recording of all weddings in Indonesia, including polygamy.

There has to be more stringency in the process of applying for polygamy permits as well. John Rawls' theory of distributive justice may be useful here for evaluating potential equitable distributions of material and immaterial assets between spouses. To guarantee that husbands who seek polygamy permits really adhere to the standards of justice outlined in Islamic law and positive law, the government might include independent review into the application procedure, such as an examination of emotional preparedness and

²⁸ Khawlah M. Al-Tkhayneh, "Psychological, Social, and Economic Effects of Polygamy: Evidence from the United Arab Emirates," *International Journal of Interdisciplinary Cultural Studies* 9, no. 1 (June 1, 2024): 103.

²⁹ Linda Soffan, *The Women of the United Arab Emirates* (London: Routledge, 2016).

³⁰ Bilal Hussain, Hafiz Ghulam Abbas, and Khalid Hussain, "Legal Competency for Marriage: In an Islamic and Pakistan Law Perspective," *Al-Aijaz Research Journal of Islamic Studies & Humanities* 6, no. 1 (March 24, 2022): 12–24.

financial capacity. According to Rawls, the most vulnerable members of society should reap the advantages of justice. The most vulnerable members of polygamous households are the women and children, thus laws should be crafted to safeguard their rights.

Strengthening regulations also takes into account the importance of women's empowerment. Theoretically, the law should not remain apolitical when confronted with gender inequality, according to Catharine MacKinnon's legal feminist viewpoint. Legal protections for women, including equal pay and educational opportunities, are particularly important in the context of polygamy. Communities where polygamy is common may benefit from government-sponsored vocational training programs for women. Whether in a monogamous or polygamous marriage, women's economic independence gives them more leverage. In addition to fostering more economically and socially stable households, this strategy, according to the author, boosts women's wellbeing.

The effects of polygamy on children are as important to consider. Theorizing moral growth, Lawrence Kohlberg posits that children from unstable homes often struggle to establish their own sense of righteousness and self-worth. Without proper support, children in unjust polygamous households may face prejudice, neglect, and even strife within. Thus, all-encompassing initiatives for the safety of children, including.³¹ In addition to producing a healthier and more productive generation, the authors contend that spending money on child safety lessens the societal ill effects of polygamy.

Marc Galanter argues that public education on fairness in polygamy should be backed by socio-legal philosophy. In addition to its role as a formal standard, Galanter sees law as a tool for social transformation. Public education has the potential to shift long-held views about polygamy from ones that are tolerant of its injustices to ones that are more critical and equality-oriented. An effective way to disseminate this message is via public awareness campaigns that include religious leaders, the community, and the media. According to the author, this method has the potential to bring together more progressive social norms with formal laws.

An additional solid groundwork for developing more adaptable legislation is the integration of local values with international standards. Here, Will Kymlicka's suggested legal theory of multiculturalism is applicable. Kymlicka argues that in order to safeguard individual rights, the legal system must be flexible enough to include local cultural identities. Polygamy in Indonesia may be made more inclusive by incorporating international norms like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) with the Islamic principles that support it. This technique, according to the author, may bring about harmony between local norms and universal principles, which is necessary for the acceptance of polygamy legislation at different social levels.

Optimal legal protection for women and children in polygamy is also a strategic role for religious groups like the Indonesian Ulema Council (MUI). This body may set the society straight by issuing fatwas, which are more stringent rules on the ethical limits of polygamy.³²

³¹ Aneesa Pervez and Syeda Shahida Batool, "Polygamy: Chaos in Relationships of Children," *Pakistan Journal of Social and Clinical Psychology* 14, no. 1 (2016): 30–35.

³² Puad Muzakkar Siregar, "Relevance of the Fatwa of the Indonesian Ulema Council to the Renewal of Islamic Family Law in Indonesia (Study of MUI Fatwa Number: 4/Munas VII/MUI/8/2005 on Marriage of

However, the role of MUI in supervising polygamy extends beyond the issuance of fatwas. MUI has the capacity to serve as a mediator and monitor in cases where polygamy is practiced, ensuring that the principles of justice (*al-'adl*) and public welfare (*maslahah*) are upheld. For example, MUI could work closely with religious courts to provide moral guidance and oversee whether husbands fulfill their obligations to wives and children, both materially and emotionally.³³

Additionally, MUI can play a proactive role in educating the community about the ethical and legal aspects of polygamy. Through sermons, public discussions, and collaborations with local religious leaders, MUI can disseminate information about the importance of justice and the potential harms of misusing polygamy. By doing so, MUI not only strengthens the moral framework of polygamy but also helps reduce cases of unregistered marriages (*nikah siri*) that often lead to legal and social complications.

Furthermore, MUI can collaborate with the government to establish monitoring mechanisms, such as regular reviews of polygamous marriages, to ensure compliance with both religious and legal standards. This partnership could also include digital solutions, like an integrated marriage registration system, where MUI's involvement ensures that religious values align with state regulations.

To ensure that Islamic principles of

justice are constantly upheld, it is beneficial for religious organizations and the government to work together to enhance law enforcement. Legal validity and public acceptability of current rules are both bolstered by this synergy, according to the author's perspective.

Polygamy may be effectively addressed via this all-encompassing strategy, which incorporates social empowerment, community education, legislative change, and the integration of local and international values. If Indonesia follows these plans, it may reform its legal system to better protect children and women. This strategy lays the groundwork for a more equitable and inclusive society in the future, according to the author, and it is also pertinent to fixing issues in the present.

Table 1. Solutions for Legal Protection of Women and Children in Polygamy Practices

Issue	Proposed Solution	Approach/Philosophical Foundation
Legal recognition of polygamous marriages	Implement automatic registration for <i>nikah siri</i> marriages	Integrating digital technology for real-time registration and legal recognition (Lawrence Friedman's legal modernization theory)
Inadequate protection for women and children in polygamy	Strengthen legal framework with independent reviews, especially emotional preparedness and financial capacity	Use John Rawls' theory of distributive justice to ensure fairness for vulnerable individuals
Lack of support for women's empowerment in polygamous marriages	Provide vocational training for women and promote economic independence	Catharine MacKinnon's feminist legal theory emphasizing gender equality and empowerment
Unstable family environments affecting children	Prioritize child safety and moral development with comprehensive support programs	Apply Lawrence Kohlberg's moral development theory to ensure children's psychological well-being

Different Religions),” *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 1 (March 29, 2024): 85–102, accessed January 15, 2025, <https://ejournal.uinfasbengkulu.ac.id/index.php/mizani/article/view/2701>.

³³ Arisman Arisman, “Fatwa MUI tentang Nikah di bawah Tangan Perspektif Sosiologi Hukum Islam,” *Jurnal Hadratul Madaniyah* 8, no. 2 (2021): 33–48, accessed January 15, 2025, <https://journal.umpr.ac.id/index.php/jhm/article/view/3079>.

Ineffective monitoring and enforcement of polygamy laws	Collaboration between religious groups (MUI) and government to monitor and enforce laws	Multiculturalism theory by Will Kymlicka to blend local cultural identities with international human rights standards
---	---	---

The table 2 above identifies the key solutions for optimizing legal protection for women and children in polygamous practices, categorized into three main areas. First, improving the legal system through automatic marriage registration and recognition of children born from unregistered marriages to ensure clearer legal protection. Second, empowering women economically and educationally, alongside strengthening the complaint system and providing easier access to divorce for marginalized women, are essential steps in fostering independence. Third, the active role of religious organizations, such as MUI, in monitoring and educating the public about polygamy, in collaboration with the government, is expected to ensure a balance between religious and state law, creating better protection for women and children.

Conclusion

This research demonstrates that religious standards, positive legislation, and changing social dynamics all interact with one another to explain polygamy in Indonesia. While polygamy is legal according to Islamic and positive law, this research shows that in reality, the notion of fairness, which is a basic requirement, is frequently ignored. Legal gaps that hurt women and children are also a result of lax oversight and enforcement, particularly in instances of unrecorded weddings. The originality of this research is in the comprehensive way it examines the difficulties and potential solutions to the problem of polygamy in

Indonesia from the perspectives of Islamic justice, gender equality, socio-legal, and multiculturalism theories.

A digital marriage registration system, independent review to tighten polygamy permission processes, and social empowerment for women and children are among the legislative changes advocated for in this report. Findings from this research have future implications, such as the need for flexible policies that take into account both domestic and international norms, such as the CEDAW Convention, while also honoring local values. More effective and inclusive rules may be achieved via public education and cooperation with religious entities. To enhance the legal discourse on polygamy in Indonesia, further study is needed to investigate the long-term effects of these social and legal changes and to broaden international comparisons.

Credit Authorship Contribution

Yenny Febrianty: Conceptualization, Methodology, and Writing – Original Draft.
Hidayati Fitri: Data Collection, Formal Analysis, and Writing – Review & Editing.
Masna Yunita: Literature Review, Validation, and Writing – Review & Editing.
Esti Royani: Investigation, Resources, and Supervision.
Kevin M. Rivera: Visualization, Data Curation, and Writing – Review & Editing.
Viorizza Suciani Putri: Legal Framework Analysis, Interpretation, and Writing – Final Review.

Declaration of Competing Interest

The authors declare no competing interests related to this study. There are no financial or personal relationships that could have appeared to influence the work reported in this paper.

Acknowledgements

The authors express their sincere

gratitude to their respective institutions—Pakuan University, Mahmud Yunus State Islamic University Batusangkar, Imam Bonjol State Islamic University Padang, University of August 17, 1945 Samarinda, University of the Cordilleras, and the Religious Court of Tasikmalaya City—for the support, facilities, and encouragement provided throughout the research and writing process..

References

- Al-Tkhayneh, Khawlah M. “Psychological, Social, and Economic Effects of Polygamy: Evidence from the United Arab Emirates.” *International Journal of Interdisciplinary Cultural Studies* 9, no. 1 (June 1, 2024): 103.
- Arisman, Arisman. “Fatwa MUI tentang Nikah Di Bawah Tangan Perspektif Sosiologi Hukum Islam.” *Jurnal Hadratul Madaniyah* 8, no. 2 (2021): 33–48. Accessed January 15, 2025. <https://journal.umpr.ac.id/index.php/jhm/article/view/3079>.
- Ariyanti, Cindy Yulia, and Novandi Dwi Putra. “The Unregistered Child Marriage on Lumbang Society Norm Perspective Legal Pluralism.” *International Journal of Law Dynamics Review* 2, no. 1 (2024): 39–56. Accessed January 15, 2025. <https://journal.nursyamcentre.com/index.php/IJLDR/article/download/32/36>.
- Ashidiqie, Mughni Labib Ilhamuddin Is. “Poligami Dalam Tinjauan Syariat Dan Realitas.” *Al-Ahwal Al-Syakhsyiyah: Jurnal Hukum Keluarga dan Peradilan Islam* 2, no. 2 (2021): 199–218.
- Awaliah, Awaliah, Vivi Nur Qalbi, Andi Nurul Isnawidiawinarti Achmad Isnawidiawinarti Achmad, and Achmad Allang. “Akibat Hukum Pernikahan Siri.” *Maleo Law Journal* 6, no. 1 (2022): 30–40.
- Branisa, Boris, Stephan Klasen, Maria Ziegler, Denis Drechsler, and Johannes Jütting. “The Institutional Basis of Gender Inequality: The Social Institutions and Gender Index (SIGI).” *Feminist Economics* 20, no. 2 (April 3, 2014): 29–64.
- Christiani, Theresia Anita. “Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object.” *Procedia - Social and Behavioral Sciences* 219. 3rd Global Conference on Business and Social Sciences (GCBSS-2016) on “Contemporary Issues in Management and Social Sciences Research”, Kuala Lumpur, Malaysia (May 31, 2016): 201–207. Accessed January 15, 2025. <https://www.sciencedirect.com/science/article/pii/S1877042816300660>.
- Fajar, M. Samson, and Abdul Qadir Jaelani. “Efficiency Of Implementing Sanctions In Case Of Polygamy In The Modern Islamic World.” *Policy, Law, Notary And Regulatory Issues* 1, no. 1 (2022): 1–7.
- Fourie, Andria Naude. “Expounding the Place of Legal Doctrinal Methods in Legal-Interdisciplinary Research. Experiences with Studying the Practice of Independent Accountability Mechanisms at Multilateral Development Banks.” *Erasmus Law Review* 8 (2015): 95. <https://heinonline.org/HOL/Page?handle=hein.journals/erasmus8&id=99&div=&collection=>.
- Graff, Agnieszka, Ratna Kapur, and Suzanna Danuta Walters. “Introduction: Gender and the Rise of the Global Right.” *Signs: Journal of Women in Culture and Society* 44, no. 3 (March 2019): 541–560.
- Hafiz, Kahfi Adlan, and Intan Lestari. “Diversity of Views on The Inequality of Men’s Power Relations Over Women in The Practice of Polygamy in Indonesia.” In *ASEAN/Asian Academic Society International Conference Proceeding Series 0, No. 0* (November 14, 2019), 502–509, 1924. Accessed January 6, 2025. <https://core.ac.uk/download/pdf/288223887.pdf>.
- Herlambang, Saifuddin. “Hamka, Social Criticism And The Practices Of Polygamy In Minangkabau.” *Al-Albab*, 2020.
- Hoon, Chang-Yau. “Putting Religion into Multiculturalism: Conceptualising Religious Multiculturalism in Indonesia.” *Asian Studies Review* 41, no. 3 (July 3, 2017): 476–493.

- Huda, Mahmud, and Anisatus Shalihah. "Keharmonisan Keluarga pada Nikah Siri dalam Praktik Poligami (Studi Kasus Di Kecamatan Lenteng Kabupaten Sumenep)." *Jurnal Hukum Keluarga Islam* 2, no. 1 (October 11, 2017): 57–76.
- Hussain, Bilal, Hafiz Ghulam Abbas, and Khalid Hussain. "Legal Competency for Marriage: In an Islamic and Pakistan Law Perspective." *Al-Aijaz Research Journal of Islamic Studies & Humanities* 6, no. 1 (March 24, 2022): 12–24.
- Ja'far, A. Kumedi, Rudi Santoso, and Agus Hermanto. "A Sociohistorical Study of Polygamy and Justice." 338–342. Atlantis Press, 2020. Accessed January 6, 2025. <https://www.atlantispress.com/proceedings/riicmusss-19/125946233>.
- Jaman, Najmah. "Implications Of Polygamy Practices On Positive Law In Indonesia." *Prophetic Law Review* (July 1, 2020): 22–36.
- . "Implications Of Polygamy Practices On Positive Law In Indonesia." *Prophetic Law Review* (July 1, 2020): 22–36.
- Karen, Karenina Nurissa, Yandi Maryandi, and Ilham Mujahid. "Tinjauan Maqashid Syariah Terhadap Kawin Paksa." In *Bandung Conference Series: Islamic Family Law*, 2:93–98, 2022. Accessed January 15, 2025. <https://scholar.archive.org/work/q2x6pezuIrhnhuot6h2hlpxaq/access/wayback/https://proceedings.unisba.ac.id/index.php/BCSIFL/article/download/2756/1543>.
- Ma'u, Dahlia Haliah. "The Harmonization of Polygamy Between Islamic Law and Legal Law in Indonesia." *SAMARAH Jurnal Hukum Keluarga Dan Hukum Islam* 7, no. 2 (May 2023). Accessed January 6, 2025. <https://digilib.iainptk.ac.id/xmlui/handle/123456789/3258>.
- Nurdin, Mochamad, Asep Lukman Daris Salam, Irfan Abdurahman, Acip Acip, and Rizal Rizal. "Dinamika Poligami dalam Hukum Keluarga Islam (Analisis Terhadap Perspektif Hukum, Kesejahteraan Keluarga, Dan Kesenjangan Gender)." *Al-Mashlahah Jurnal Hukum Islam dan Pranata Sosial* 12, no. 01 (June 26, 2024). Accessed January 6, 2025. <https://www.jurnal.staialhidayahbogor.ac.id/index.php/am/article/view/6584>.
- Nurhidayatulloh, Nurhidayatulloh, F. Febrian, Achmad Romsan, Annalisa Yahanan, Martinus Sardi, and Fatimatuz Zuhro. "Forsaking Equality: Examine Indonesia's State Responsibility on Polygamy to the Marriage Rights in CEDAW." *Jurnal Dinamika Hukum* 18, no. 2 (2018): 182–193.
- Pervez, Aneez, and Syeda Shahida Batool. "Polygamy: Chaos in Relationships of Children." *Pakistan Journal of Social and Clinical Psychology* 14, no. 1 (2016): 30–35.
- Ramlah, Ramlah Ramlah. "The Implementation Of Nikah Siri With The Purpose Of Maintaining Family Salary Benefits: The Perspective Of Islamic Law." *INNOVATIO: Journal for Religious Innovations Studies* 22, no. 2 (November 30, 2022): 126–140. Accessed January 15, 2025. <https://www.innovatio.pasca.uinjambi.ac.id/index.php/INNOVATIO/article/view/155>.
- Ridwan, Muhammad Saleh, Wahidah Abdullah, and Idham Idham. "Public Perception of Polygamy in Makassar, Indonesia: Cultural Perspective and Islamic Law." *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (January 13, 2024): 20–38.
- Santoso, Dri, 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* 26, no. 1 (June 30, 2021): 121–136.
- Siregar, Puad Muzakkar. "Relevance of the Fatwa of the Indonesian Ulema Council to the Renewal of Islamic Family Law in Indonesia (Study of MUI Fatwa Number: 4/Munas VII/MUI/8/2005 on Marriage of Different Religions)." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 8, no. 1 (March 29, 2024): 85–102. Accessed January 15, 2025. <https://ejournal.uinfabengkulu.ac.id/index.php/mizani/article/view/2701>.
- Soffan, Linda. *The Women of the United Arab Emirates*. London: Routledge, 2016.

- Sormin, Ihwan, and Zezen Zainul Ali, 'The Comparative Study of the Protection of Women's Rights in Article 463 of the New Criminal Code with Law Number 36 of 2009 Concerning Health Perspective of Jaser Auda', *MILRev: Metro Islamic Law Review*, 2.2 (2023), doi:10.32332/milrev.v2i2.7824
- Suud, Fitriah M., Moh Toriquil Chaer, and Masyhuri Masyhuri. "The Analysis of Perception of Women in Niqab Against Polygamy Practice in Indonesia." *Marwah: Jurnal Perempuan, Agama dan Jender* 21, no. 2 (November 29, 2022): 16–30.
- Times, I. D. N., and Irfan Fathurohman. "Kapolda Metro Gelar Upacara PTDH Polisi Kasus Narkoba-Nikah Siri." *IDN Times*. Accessed January 15, 2025. <https://www.idntimes.com/news/indonesia/irfanfathurohman/kapolda-metro-gelar-upacara-ptdh-polisi-kasus-narkoba-nikah-siri>.
- Wang, Yuting, and Meenaz Kassam. "Indicators of Social Change in the UAE: College Students' Attitudes Toward Love, Marriage and Family." *Journal of Arabian Studies* 6, no. 1 (January 2, 2016): 74–94.
- "Tagih Janji Dinikahi, Wanita Dianiaya Taruna Pelayaran Di Makassar." *Merdeka.Com*. Accessed January 15, 2025. <https://www.merdeka.com/peristiwa/tagih-janji-dinikahi-wanita-dianiaya-taruna-pelayaran-di-makassar-273822-mvk.html>.