

## **Polygamy and Its Impacts on Social Life in Indonesia**

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**Abstract:** In Islamic law, polygamy is allowed with the condition that a man must be able to treat his wives equally and fairly. Fairness is the sole condition for polygamy in Islamic law; there are no other requirements. In the context of Indonesia, according to Law No. 1 of 1974 concerning Marriage, polygamy is allowed with the condition that permission must be obtained from a court. However, obtaining the court's permission is often considered a difficult requirement to fulfill, causing many people to opt for unregistered polygamous marriages. Unregistered marriages in Indonesia are illegal regardless of the fact that these marriages are valid under religious law. This research was conducted starting from this issue. In fact, unregistered polygamous marriages occur in various parts of Indonesia, with data from NGO for Women Empowerment showing a prevalence in several regions like Pamekasan, Madura; Serang, Banten; and Indramayu, West Java. Therefore, this research focuses on unregistered polygamous marriages in these three regions. The results of this research showed that, *first*, both Islamic law and the Marriage Law of the Republic of Indonesia allow polygamy. However, the Islamic law does not require court permission, as mandated by the Marriage Law. Besides, the Marriage Law also stipulates the wife's consent as a condition. *Second*, there are various factors why people enter into polygamous marriages, namely the wife is sick or unable to bear children, the husband has strong sexual desires, and the husband feels lack of family harmony. *Third*, there are both positive and negative implications of polygamous marriages. For financially capable individuals, unregistered polygamy often results in more positive outcomes. However, for those who are financially disadvantaged, unregistered polygamy may lead to family neglect and, at times, divorce from the first wife.

**Keywords:** Polygamy, unregistered, happy, social life

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### **A. Introduction**

In Islam, marriage has a high status in human life, as humans are naturally created in pairs (Quran, 51:49). Islam, as a religion of mercy to the worlds, does not deny one of the basic human needs, i.e., the need to channel their sexual energy. Instead, Islam regulates this need, ensuring that it is channeled through legitimate and sharia-compliant ways, one of which is through marriage, as humans are born with innate dignity and intellect (Ascha, 2020: 15).

According to the positive law in Indonesia, i.e., Law No. 1 of 1974 concerning Marriage, marriage is a spiritual and physical bond between a man and a woman as husband and wife, with the goal of building a strong family relationship (household) based on the belief in the One and Only God (KHI, 2019: 2).

Islamic law basically upholds the principle of monogamy, as it is believed to provide better guarantee that the rights of the wife are protected (Ghazaly, 2019: 130). However, Islam allows a husband to enter into polygamy under strict conditions, particularly requiring the husband to treat his wives fairly and equally (Syathiri, 2021: 600). The requirement of providing fair and equal treatment in polygamy shows that, when a husband is married to more than one wife, the marriage is not solely driven by sexual interests but also by respect for the rights of the wives (Dasuqi, 2020: 148).

Islam allows men to practice polygamy as an alternative or a solution to the fulfillment of their biological needs or other factors that disturb their inner peace to prevent them from committing adultery. In other words, polygamy aims to prevent husbands from committing sinful behavior prohibited by Islam by seeking a lawful path, i.e., to marry another wife (polygamy) with the condition of providing fair and equal treatment to the wives (Jamal, 2020: 143).

Polygamy is permitted for individuals who, according to the law and religion, are allowed to have more than one wife. However, the Marriage Law imposes strict conditions, namely the husbands must meet certain criteria and must obtain permission from the Court, as stated in Articles 3, 4, and 5 of the Marriage Law (Sularno, 2020).

However, there are numerous instances of polygamy practices that do not adhere to the prevailing laws, such as entering into unregistered polygamy without obtaining the Court permission (Azwat, 2017: 69).

These unregistered polygamous marriages can be found in various places in Indonesia. Based on data from NGO for Women Empowerment, a significant number of cases were documented in Pamekasan, Madura; Serang, Banten; and Indramayu, West Java. Given this context, the research focuses on the unregistered polygamous marriages in these three regions.

Based on this background, the research questions in this study are as follows: (1) What are the factors that drive an individual to enter into unregistered polygamous marriages? (2) What are the impacts of unregistered polygamous marriages on religious and social life?

## **B. Method**

This was field research which used a normative sociological approach. As its name suggests, the data of this research were collected directly from the field, specifically from those who entered into unregistered polygamous marriages in three regencies, namely Pamekasan, Madura, East Java; Indramayu, West Java; and Serang, Banten.

The data collection methods were documentation, focus group discussions (FGD), interviews, and in-depth interviews. The researcher gathered initial data from those who entered into polygamous marriages and unregistered marriages, wedding witnesses, and religious figures (*Ustad/Kyai*) who officiated the unregistered marriages. The data consisted of both primary and secondary data. The primary data were obtained from individuals who entered into unregistered polygamous marriages, wedding witnesses, and religious figures who officiated the unregistered marriages. The primary data focused on the reasons and factors why the unregistered marriages were done and the post-marriage implications. On the other hand, the secondary data were used to support the primary data, including relevant archives and documentation related to unregistered polygamous marriages.

There was a total of 25 participants in the study, comprising 15 males and 10 females. Ten of them were husbands who entered into polygamous marriages; 10 of them were wives in polygamous marriages; 5 of them were community figures who knew about or were connected to the polygamous couples.

## **C. Results**

### **1. Polygamy**

The word 'polygamy' consists of the word 'poly,' which means many, and 'gamy,' which means wife. The term 'polygamy' is derived from the Greek language, i.e., 'poli' or 'polus,' which means many, and 'gamein' or 'gamos,' which means marriage. Therefore, 'polygamy' means the practice of having multiple spouses or a husband having multiple wives or simultaneously marrying more than one wife (Bunyamin, 2000: 5).

Experts have defined the term for a man having more than one wife as 'polygyny,' which is derived from the word 'polus,' which means many, and 'gune,' which means woman. On the other hand, the term for a wife having multiple husbands is 'polyandry,' which is derived from the word 'polus,' which means many, and 'andros,' which means man (Mursalin, 2019: 23).

This way, the precise term for a man having multiple wives is 'polygyny,' not 'polygamy.' However colloquially, what is meant by 'polygamy' is when a man is married to more than one woman at the same time. In the context of Indonesia and countries that apply Islamic law, 'polygyny' is 'polygamy' (Anshori, 2021: 101).

In the terminology of Islamic law, polygamy is referred to as '*ta'addud al-zawjāt*.' The word '*ta'addud*' etymologically means more than one (*al-ziyādah ala al-wāhid*), while the word '*al-zawjāt*' is the plural form (*jama'*) of '*zauj*' or '*zaujāh*,' which means a spouse. This way, '*ta'addud al-zawjāt*' can mean both polygamy (a husband having multiple wives) and polyandry (a wife having multiple husbands). However, in general, the term '*ta'addud al-zawjāt*' usually refers to a man having multiple wives (polygamy) (Shaqr, 2006: 23).

Based on the abovementioned definitions, it can be concluded that according to Islamic law, polygamy refers to the marital union of a husband with up to four wives as his concurrent life partners and this marital union is subject to certain conditions. Based on this definition, it cannot be considered polygamy for a man to have more than one wife but he firstly divorces the first wife before he contracts the second marriage (Fayumi, 1987: 98).

### **2. Polygamy in Indonesia's Legal System**

In Indonesia, polygamy is regulated in Law No. 1 of 1974 concerning Marriage, and it is further clarified in Government Regulation of the Republic of Indonesia No. 9 of 1975 concerning the Implementation of Law No. 1/1974. For civil servants, the regulation concerning polygamy is separately regulated in Government Regulation (PP) No. 10/1983 concerning Marriage and Divorce Permits for Civil Servants (Saebeni, 2008: 30).

The provisions stated in the Marriage Law and its implementing regulations are based on the principle of monogamy, i.e., one husband for one wife. A husband may be granted permission to have more than one wife

under certain conditions. Such permission is subject to a set of stringent conditions and it is determined by the Religious Courts based on whether or not the conditions are met (Saebeni, 2008: 30).

The comprehensive provisions concerning polygamy, permits, terms, and conditions are stated in Articles 3, 4, and 5 of Law No. 1 of 1974 concerning Marriage. These are further elaborated in Article 3, paragraphs 1 and 2, of Law No. 1 of 1974, which state: (a) In principle, in a marriage, a man is allowed to have only one wife, and a woman is allowed to have only one husband. (b) The Court may grant permission to a husband to have more than one wife if it is desired by the parties concerned.

Furthermore, the terms and conditions for polygamy are specified in Articles 4 and 5 of Law No. 1 of 1974. A husband who wishes to marry more than one wife must have valid reasons. These reasons shall serve as the basis for entering into polygamy, as explained in Article 4, namely (1) In the context that a husband wishes to marry more than one wife as stipulated in Article 3 paragraph 2 of this Law, he must submit a request to the Court in the regency of his residence. (2) The Court as referred to in paragraph 1 of this Article shall grant permission to a husband to marry more than one wife only if: (a) The wife is unable to fulfill her duties as a wife. (b) The wife has a physical disability or an incurable disease. (c) The wife is unable to bear children.

According to Marriage Law No. 1 of 1974, whether or not a husband is permitted to marry more than one wife is determined by the Religious Court based on whether or not the required conditions can be met. Therefore, even if a husband has valid reasons for polygamy, he must still meet the specified requirements. This is mentioned in Article 5: (1) To submit a request to the Court as stipulated in Article 4 paragraph 1 of this Law, the following conditions must be met: (a) There is consent from the wives; (b) There is certainty that the husband can provide for the needs of his wives and their children; (c) There is guarantee that the husband will treat his wives and their children fairly and equally. (2) The consent referred to in paragraph 1 letter (a) of this Article is not required for a husband if his wives can neither be asked for their consent nor be a party to the agreement, or if there has been no communication from his wives for at least 2 (two) years, or if there are other reasons that require the judgment of the Judge of the Religious Court.

Referring to the provisions of Article 41 letter (b) of Government Regulation No. 9 of 1975, the wife or wives may give either written or oral consent. However, even if there has been a written consent, this consent shall be reaffirmed with the oral consent from the wife during the hearing at the Religious Court (Mardani, 2029: 10).

### **3. Unregistered Polygamy**

According to Islamic law, there is no requirement that a marriage must be registered and recorded by a Marriage Registrar. The bride and groom can solemnize it independently without any state intervention. The requirements to be met are: the marriage contract (*ijab-qabul*), the presence of a guardian (*wali*), dowry, and witnesses. In Islam, Muslims are not obliged to register their marriage but the presence of witnesses is required. Therefore, an unregistered marriage that fulfills the essential elements and requirements is still considered a valid marriage which has legal consequences as stipulated in Islamic law (Khalil, 2002: 103).

This is because registration is not a part of the essential elements and requirements of a marriage in Islamic law. Therefore, an unregistered marriage is considered valid and has legal consequences if it fulfills the essential elements and requirements of marriage as regulated by Islamic law, unless the unregistered marriage can be invalid as explained in jurisprudential texts (Jarihi, n.d.: 51).

However, according to the Marriage Law of Indonesia, an unregistered marriage is administratively invalid. Such provision aims to prevent certain harms that may arise from unregistered marriages.

It should be noted that marriage registration offers several benefits. Firstly, it protects the rights of all parties involved, including the husband, wife, and their children. Registration ensures that these rights cannot be denied by any of the parties. Secondly, it prevents disputes between the husband and wife or between their guardians (*wali*) upon their deaths. In some cases, one party denies the marital union for the sake of gaining personal benefits, while the other party has a difficulty to prove it, especially when the witnesses have passed away, for instance. Therefore, marriage registration leaves no room for denial, making sure that the legal rights of all the parties are protected. Thirdly, marriage records are durable, making them authentic evidence whenever needed. Fourthly, marriage registration by a Marriage Registrar clarifies the legal status of the marriage, as the Marriage Registrar will conduct thorough checking before registering the marriage. This aims to prevent marriages that deviate from Islamic principles. Fifthly, it prevents false claims in court. Some individuals may make false claims about a marriage; they even present fake and paid witnesses (Khalil, 2002: 103).

### **4. Benefits and Harms of Unregistered Polygamy**

Based on interviews with those who entered into polygamy, there are several reasons why they decided not to register their polygamous marriage. First, the first wife was sick or unable to bear children. For instance, Nafidz, a man who practiced polygamy in Serang, stated that he engaged in unregistered polygamy because his

first wife had been ill for two years and could not fulfil her duties properly. He decided to practice polygamy, which was not registered at the Office of Religious Affairs (KUA), due to the administrative complexities, including court hearings at the Religious Court. His first wife gave her consent and his second wife agreed to the arrangement (Interview, June 11, 2023).

Second, some husbands have a high sexual drive, causing them to engage in polygamy. According to Ma'shum, one of the men who engaged in polygamous marriage in Madura, he practiced polygamy because his first wife was unable to meet his sexual needs. His wife willingly gave her consent to his second marriage because she had been "distressed" in their sexual relationship for several months (Interview, August 11, 2023).

Third, some husbands feel that they lack family harmony. In a marriage, love and compassion are the goals. However, some couples just cannot achieve these goals. Islam provides a solution to such situations, i.e., divorce, but such solution leads to another problem, i.e., sacrificing the welfare of the children. Therefore, despite unhappiness, some couples decide to keep their marriage for the sake of their children. In these cases, the husband may marry another woman, making him engaged in polygamy, with the consent of his first wife. Asep, from Serang, shared that he practiced polygamy because he lacked harmony with his first wife. However, he did not want to divorce her for the sake of their children's happiness. With his wife's approval, he then married another woman (Interview, June 11, 2023).

Based on interviews with those who engaged in polygamy and those who knew the unregistered polygamy, it can be seen that unregistered polygamy brings both positive and negative implications.

Islam allows polygamy for reasons and considerations that serve the greater good for both men and women. This is in line with the characteristics of Islamic law, which are intended to bring about the welfare of humans in this world and the hereafter.

According to Ustad Ahmad, an individual who officiates polygamous marriages, polygamy encompasses three dimensions of benefits, namely personal benefits (*al-mashlahah asy-syakhshiyah*), social benefits (*al-mashlahah al-ijtimā'iyah*), and moral benefits (*al-mashlahah al-khulqiyyah*). First, personal benefits are related to both men and women. For example in terms of women's dignity. The number of women exceeds the number of men, while every woman desires marriage to fulfill her needs, including livelihood and biological needs. If a woman cannot find a solution that adheres to the religious teachings, she is likely to commit adultery to fulfill her needs. In such a situation, which solution can protect the woman's dignity? Is it to be a second, third, or fourth wife in a polygamous marriage or to be in an unofficial relationship or to sell her body? (Interview, September 20, 2023).

Second, there are social benefits (*al-mashlahah al-ijtimā'iyah*), i.e., benefits related to social and community welfare. When the number of women exceeds the number of men. This phenomenon can be found in various countries, including Northern Europe, such as Finland (Interview, September 20, 2023).

According to Karman, one of the respondents who entered into polygamous marriage, polygamy is a better option than to allow women to have neither husbands nor families who protect them. It is even a much better option than to leave room for them to be used by irresponsible men to satisfy their sexual desires. Polygamy, even if it is unregistered, respects women's dignity. He also mentioned that, based on his own experience, the unregistered polygamy that he has entered into has brought many benefits (Interview, July 12, 2023).

Third, there are moral benefits (*al-mashlahah al-khulqiyyah*). When the number of women exceeds the number of men, it is better to enter into polygamous marriage than to allow women to become mistresses or prostitutes who are neither treated as wives nor allowed to receive rights and protection for themselves. In addition, polygamy serves as a solution to prevent the birth of illegitimate children, preventing any worse social impacts (Interview, September 20, 2023).

However, some individuals who enter into polygamous marriage have experienced negative effects. According to Syarifah, one of the wives in an unregistered polygamy, her economic freedom was limited because her marriage to her husband was unregistered. She was unable to ask for more from her husband's assets other than what he had provided for her. This is because the wife did not have legal force in her marriage (Interview, September 13, 2023).

There is also the case of Maimunah from Indramayu, who entered into unregistered marriage with her husband. However, she found herself unhappy because her husband was financially incapable, leading to difficulties in providing for both of his wives (Interview, 13 September 2023)

#### **D. Conclusion**

There are various reasons why people enter into polygamy. (1) The first wife is sick or unable to bear children, (2) The husband has strong sexual desires, (3) The husband perceives a lack of harmony in their family life. Polygamous marriage in society can have both positive and negative implications. For those who are financially capable, unregistered polygamy tends to bring more positive implications. However, for those who

are financially disadvantaged, unregistered polygamy can worsen the condition of the family, even it is often the case for the husband to divorce from the first wife.

### References

- [1]. Abu Bakar Syatha, *I'ānah al-Thālibīn*, (Jaya: al-Haramain, t.t).
- [2]. Mahmud Mushthafa al-Halawi, *Ma'ālim al-Hadhārah fī 'Ashri-Shadr al-Islām*, (Bairut: Dār al-Arqam, t.t).
- [3]. Supardi Mursalin, *Menolak Poligami Studi Tentang Undang-Undang Perkawinan dan Hukum Islam*, First Edition, (Yogyakarta: Pustaka Pelajar, 2007).
- [4]. Yusuf Qardhawi, *Fiqh al-Usrah*, First Edition, (Turki: al-Dār al-Syāmiyah, 2017)
- [5]. Sulaiman al-Asyqar, *Ahkām al-Zawāj fī Dhaw' al-Kitāb wa al-Sunnah*, Third Edition, (Yordania: Dār al-Nafā'is, 2004).
- [6]. Abdul Ghofur Anshori, *Hukum Perkawinan Islam Perspektif Fikih dan Hukum Positif*, First Edition, (Yogyakarta: UII Press, 2011).
- [7]. Ghassan Ascha, *Al-Zawāj wa al-Thalāq wa Ta'addud al-Zawjāt fī al-Islām*, First Edition, (Bairut: Dār al-Sāqī, 2004).
- [8]. Hasan Abu Ghudzah, *al-Usrah al-Sa'īdah fī Rihāb al-Islām*, First Edition, (Riyadh: Dār al- 'Ālam al-Kutub, 1997).
- [9]. Kumedi Ja'far, *Hukum Keluarga Islam di Indonesia*, First Edition, (Lampung: Arjasa Pratama, 2020).
- [10]. Muhammad Abu Zahrah, *al-Ahwāl al-Syakhshiyah*, (Kairo: Dār al-Fikr al-'Arabī, 1998).
- [11]. *Undang-Undang RI Nomor 1 Tahun 1974 Tentang Perkawinan dan Kompilasi Hukum Islam*, Cet. XI, (Bandung: Citra Umbara, 2019).
- [12]. Abd Rahman Ghazaly, *Fiqh Munakahat* (Bogor: Kencana, 2003).
- [13]. Muhammad asy-Syathiri, *Syarh al-Yāqūt al-Nafīs*, Third Edition, (Bairut: Dār al-Minhāj, 2011).
- [14]. Muhammad al-Dasuqi, *al-Usrah fī al-Tasyrī' al-Islāmī*, Second Edition, (Doha: Dār al-Tsaqāfah, 2002).
- [15]. Al-Ghazali, *Ihyā' Ulūm al-Dīn*, Third Edition, (Bairut: Dār al-Kutub al-'Ilmiyah, 2007), II: 40.
- [16]. Ibrahim Muhammad al-Jamal, *Ta'addud al-Zawjāt fī al-Islām*, (Kairo: Dār al-I'tishām, 1986).
- [17]. Lajnah Pentashihan Al-Qur'an of Center for Research and Development of Religious Affairs, *Al-Qur'an dan Terjemahannya*, Continuous Revision of 2019 (Pustaka Lajnah, 2019).
- [18]. Abdullah Syahatah, *al-Mar'ah fī al-Islām bain al-Mādhi wa al-Hādhir*, (Kairo: al-Hai'ah al-Mishriyah al-'Ām li al-Kitāb, 1993).
- [19]. Mushthafa asy-Syak'ah, *Islām Bilā Mazāhib*, Eleventh Edition, (Kairo: al-Dār al-Mishriyah, 1996).
- [20]. *Undang-Undang RI Nomor 1 Tahun 1974 Tentang Perkawinan dan Kompilasi Hukum Islam*, 2.
- [21]. Titik Triwulan Tutik and Trianto, *Poligami Perspektif Perikatan Nikah*, First Edition, (Jakarta: Prestasi Pustaka, 2007).
- [22]. Hazarul Azwat, "Poligami Bawah Tangan dan Implikasinya Pada Kehidupan Rumah Tangga", *Jurnal al-Rasikh*, Vol. 6, No. 1 (2017), 69, <https://ejournal.iaindalwa.ac.id/index.php/rasikh/article/view/22>
- [23]. Abd. Harits and Abd. Wahed, "Praktik Poligami di Bawah Tangan di Desa Laden Kabupaten Pamekasan", *Jurnal al-Ihkām*, Vol. 9, No. 2 (2014), 239, <http://ejournal.iainmadura.ac.id/index.php/alihkam/article/view/471>
- [24]. Athiyah Shaqr, *Mausū'ah al-Usrah Tahta-Ri'āyah al-Islām*, (Kairo: Maktabah Wahbah, 2006), VI: 23.
- [25]. Ahmad al-Fayyumi, *al-Misbāh al-Munīr*, (Bairut: Maktabah Libanon, 1987), 98.
- [26]. Beni Ahmad Saebeni, *Perkawinan dalam Hukum Islam dan Undang-Undang*, First Edition, (Bandung: Pustaka Setia, 2008), 30.
- [27]. Imam Hasanain Khalil, *al-Zawāj al-Sirri fī Awsāth al-Syabāb*, First Edition, (Kairo: Dār Mishar al-Mahrūsah, 2002).
- [28]. Abdurrahbi al-Nabi al-Jarihi, *al-Zawāj al-'Urft al-Musykilahwa al-Hil*, (Kairo: Dār al-Raudhah, t.t).