

Fairness in Polygamy : An Analysis of Islamic Legal Literature and Social Reality

Ahmad Rofi'i Harahap

Institut Agama Islam Edi Haryono Madani Kandis, Riau, Indonesia

ahmadrofiহারাহাপ@iai-ehmri.ac.id

Abstrak: Pemenuhan nafkah yang adil merupakan tantangan sentral dalam praktik poligami di masyarakat Muslim. Dalam perspektif hukum Islam, kewajiban suami untuk menafkahi istri-istrinya secara adil dan proporsional menjadi prasyarat utama keabsahan poligami. Penelitian ini bertujuan untuk menganalisis prinsip keadilan nafkah dalam poligami dengan mengeksplorasi pandangan normatif hukum Islam dan membandingkannya dengan realitas sosial yang terjadi. Melalui metode studi pustaka (library research), penelitian ini menganalisis sumber-sumber primer hukum Islam (kitab fikih dan nash) serta sumber sekunder seperti jurnal dan peraturan perundang-undangan. Hasil penelitian mengungkapkan bahwa meskipun hukum Islam menetapkan keadilan nafkah sebagai kewajiban mutlak dengan konsekuensi hukum yang jelas, implementasinya di lapangan sangat bervariasi. Variasi ini dipengaruhi oleh faktor pendidikan, kondisi ekonomi, dan kesadaran religius. Temuan ini menyoroti adanya kesenjangan yang signifikan antara idealitas norma dan praktiknya, yang sering berujung pada ketidakadilan dan konflik rumah tangga. Oleh karena itu, penelitian ini menekankan urgensi dari pembinaan pra-nikah, penguatan literasi hukum, dan pengawasan sosial untuk memastikan prinsip keadilan nafkah dapat terwujud dalam praktik poligami.

Kata kunci: Keadilan, Nafkah, Poligami, Hukum Islam, Realitas Sosial

Abstract: The fulfilment of fair financial support is a central challenge in the practice of polygamy in Muslim societies. From an Islamic legal perspective, the husband's obligation to provide for his wives fairly and proportionally is a key prerequisite for the validity of polygamy. This study aims to analyse the principle of fairness in maintenance in polygamy by exploring the normative views of Islamic law and comparing them with the social reality. Through library research, this study analyses primary sources of Islamic law (fiqh books and nash) as well as secondary sources such as journals and legislation. The results reveal that although Islamic law stipulates fairness in financial support as an absolute obligation with clear legal consequences, its implementation in practice varies greatly. This variation is influenced by factors such as education, economic conditions, and religious awareness. These findings highlight a significant gap between the ideal norm and its practice, which often leads to injustice and domestic conflict. Therefore, this study emphasises the urgency of pre-marital guidance, strengthening legal literacy, and social supervision to ensure that the principle of alimony justice can be realised in the practice of polygamy.

Keyword: Justice, Nafkah, Polygamy, Islamic Law, Social Reality

A. INTRODUCTION

Polygamy is one form of marriage permitted in Islam, subject to strict conditions and requirements. In practice, polygamy is not only related to legal and social validity, but also involves a great responsibility that must be borne by a husband, particularly in terms of providing for his family. This responsibility is not only material in nature, but also encompasses spiritual, emotional, and fairness aspects in treating each wife and their children. In this context, Islamic law provides clear guidelines regarding the limitations and responsibilities of a husband in a polygamous family. Thus, fairness in financial support is not only a logical consequence of the structure of polygamy, but also a theological prerequisite that determines its validity and continuity. However, in real life, the implementation of financial support responsibilities often does not go as it should, giving rise to various problems, both in legal, social and psychological terms.

Islam, as a religion of mercy for all creation, places great emphasis on justice and balance in family life.¹ One of the verses often cited in the discourse on polygamy is Surah An-Nisa verse 3, which permits men to marry more than one woman, up to a maximum of four, provided they are able to treat them fairly. However, justice in this context is not only about affection or time, but also about fulfilling basic needs (*nafkah*), including food, clothing, shelter, and other needs that are appropriate to the standard of living of each wife. Justice in *nafkah* is imperative and measurable, becoming the main barometer of a husband's ability to fulfil the main requirements of polygamy.

Problems arise when many husbands practise polygamy without considering whether they are financially prepared to do so. As a result, wives often do not receive their full rights, especially in terms of financial support.² In some cases, the second or third wife lives in economic uncertainty because the husband is unable to fulfil his obligations proportionally. This certainly contradicts the principle of justice, which is a key requirement in the practice of polygamy according to Islamic

¹ Ulfi Putra Sany, *Fikih Akbar: Prinsip-Prinsip Teologis Islam Rahmatan Lil A'lamin*, Jurnal Ilmu Dakwah, vol. 39 (Pustaka Alvabet, 2019), <https://books.google.co.id/books?id=zIt1DwAAQBAJ>.

² J H K Islam, *Perkawinan Poligami Dan Pemenuhan Hak Anak*, Repository.Metrouniv.Ac.Id, 2019, <https://repository.metrouniv.ac.id/id/eprint/9156/>.

teachings. More than just a violation of individual rights, this condition distorts the true meaning of polygamy in Islam.

It cannot be denied that in Muslim societies, particularly in some regions of Indonesia, the practice of polygamy is still a living phenomenon that continues to this day.³ However, polygamy is often practised more for subjective reasons such as emotional attraction or the desire to maintain family honour, without considering the economic and social responsibilities that come with it.⁴ In such circumstances, the first wife often feels neglected, while the second or third wife lives under pressure because she feels she is only being used as a complement or escape. Inequity in the provision of financial support can lead to family conflict, psychological distress, and even divorce. These psychological effects exacerbate material inequality, creating a vicious cycle that erodes the overall well-being of the family.

In Islamic law, the obligation to provide financial support is the primary responsibility of the husband towards his wife and children.⁵ Islamic law states that financial support must be provided adequately and according to one's means, but it must also meet basic needs. Failure by the husband to provide financial support can be grounds for divorce by the wife, as confirmed in various classical and contemporary Islamic law books. In the context of polygamy, this obligation becomes even more burdensome, as the husband must provide maintenance to more than one wife in a fair and proportional manner. However, there are still many men who decide to practice polygamy without understanding or being prepared for this enormous responsibility. This phenomenon reveals a dichotomy between individual piety in practising Sharia law and social piety in fulfilling one's responsibilities.

³ Sofyan Afandi, *Ekalasi Poligami (Studi Fenomena Sosial Masyarakat Kota Malang)*, Slideshare.Net, vol. 2, 2013, <https://www.slideshare.net/ALBICEE/lembar-observasi-siswa-50178674>.

⁴ KH. Husein Muhammad, *Poligami: Sebuah Kajian Kritis Seorang Kiai.*, 2020.

⁵ Ansari Ansari and M. Mutamakin, "The Kajian Filosofis Hukum Keluarga Islam Sebagai Kewajiban Suami Memberikan Nafkah Istri Dan Anak," *Al-Bayan: Jurnal Ilmu Al-Qur'an Dan Hadist* 3, no. 1 (2020): 47–81, <https://doi.org/10.35132/albayan.v3i1.84>.

On the other hand, positive law in Indonesia also regulates the practice of polygamy through Law No. 1 of 1974 on Marriage and the Compilation of Islamic Law (KHI).⁶ Under these regulations, husbands who wish to practise polygamy must meet several strict requirements, including the consent of their first wife, physical and mental capacity, and a guarantee of fairness towards their wives. In practice, many men practise polygamy unofficially or through unregistered marriages, which are not legally recorded and result in uncertainty regarding the legal status and financial support of wives and children born from these marriages. This regulatory loophole is often exploited to avoid legal responsibility, reflecting weaknesses in the implementation of existing rules. The problem becomes even more complex when the neglect of financial support is not followed up by strong legal mechanisms. Many women are victims of polygamy without adequate legal protection. They experience legal uncertainty, especially in terms of rights to joint property, inheritance rights, and the husband's responsibility towards the children. This situation is certainly contrary to the spirit of justice upheld by Islamic law.

From a social perspective, the practice of polygamy without adequate financial responsibility can trigger inequality and jealousy within the family. Children of wives who receive less attention and adequate financial support often grow up with feelings of inferiority, social jealousy, and even conflict between siblings. In the long term, this condition can have a negative impact on character building and overall family harmony. This multigenerational impact extends the implications of financial injustice beyond the husband-wife relationship, affecting the future of children who are, in fact, the next generation.

Based on the above description, there is clearly a wide gap between the ideal normative structure of Islamic law and the empirical reality of the implementation of financial responsibility in polygamous families. This highlights the importance of conducting an in-depth study of how Islamic law actually views financial responsibility in polygamous families, as well as how it is implemented and the reality of the situation in society. This study is highly relevant given the paucity of research that specifically addresses the dimension of financial responsibility in polygamy

⁶ Esther Masri, "Poligami Dalam Perspektif Undang-Undang Nomor I Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam (Khi)," *Krtha Bhayangkara* 13, no. 2 (2019): 223–41, <https://doi.org/10.31599/krtha.v13i2.7>.

using a qualitative approach that integrates normative-theological and socio-empirical analysis. Many studies focus more on formal legal aspects or the reasons for polygamy, but few have comprehensively explored the dynamics of maintenance justice as a meeting point between the demands of sharia and social reality.

Therefore, research entitled 'Fairness of Financial Support in Polygamy: An Analysis of Islamic Law Literature and Social Reality' is very important and urgent to be conducted. This study aims to: (1) Analyse the concept and principles of alimony justice in polygamy from the perspective of Islamic law; (2) Examine the reality of implementation and challenges in fulfilling fair alimony in the practice of polygamy in society; and (3) Analyse the gap between norms and practices and their implications. By focusing on the dialectic between 'the ideal' and 'the real' in the issue of alimony justice, this study not only contributes theoretically to the development of Islamic and family law studies, but also has practical value in building public awareness and providing recommendations for policy makers in regulating polygamy practices in accordance with the principles of justice and responsibility taught in Islam.

Not only that, this study will also analyse the gap between the ideal normativity of Islamic law and the reality of polygamous families in the field. There is often a gap between what is stipulated by Sharia law and what is practised by the people. In this context, qualitative research can provide a more realistic and humanistic picture of the dynamics of polygamous families, particularly in terms of financial support.

B. RESEARCH METHODS

This study uses a qualitative approach with a library research method. According to Moleong,⁷ Qualitative research aims to understand phenomena holistically and contextually through data collection from natural sources. This approach was chosen to gain an in-depth understanding of the concepts, views, and principles of Islamic law regarding financial responsibility in polygamous families through text and context analysis.

⁷ Moleong, *Metodologi Penelitian Kualitatif*, PT Remaja Rosdakarya (Pt Remaja Rosdakarya, 2021).

Based on classification,⁸ the data sources in this study consist of primary and secondary sources. Primary sources include *Mu'tabarab* fiqh books such as *Fath al-Bari*, *al-Mughni*, *Bidayat al-Mujtahid*, and *Fiqh al-Islami wa Adillatuhu*, as well as the texts of the Qur'an and Hadith as the main legal basis. Secondary sources include modern literature on Islamic family law, scientific journals, academic books, previous research results, and positive legal documents such as Marriage Law No. 1 of 1974 and the Compilation of Islamic Law (KHI).

Data analysis techniques using content analysis, according to Krippendorff⁹ through three systematic stages. First, data reduction by identifying and classifying data into key themes. Second, presentation of data in the form of descriptive-analytical descriptions to facilitate the identification of patterns of relationships between concepts. Third, verification and drawing of conclusions through cross-checking between sources. This analysis process refers to Sugiyono criteria for source credibility, which include topic relevance, author credibility, and source authority.

Through this methodological framework, this study is expected to provide a solid theoretical and practical contribution to Islamic law studies, particularly in analysing the gap between ideal norms and empirical realities of financial responsibility in polygamous families.

C. RESEARCH RESULTS AND DISCUSSION

This study aims to conduct an in-depth analysis of the concept of financial responsibility in polygamous families according to Islamic law, using a qualitative approach based on a literature review. The main focus of this study is to explore the normative principles that govern the obligation of financial support in a polygamous household structure, both from the perspective of classical fiqh literature and from contemporary sources relevant to the Indonesian social context.

This study uses the *Maqashid Syariah* perspective as its main analytical lens. The fulfilment of fair financial support in polygamy is an instrument for realising *Hifz Al-Nafs* (preserving life) and *Hifz Al-Nasl* (preserving offspring), whereby unfair financial support violates the basic

⁸ James Danandjaja, "Metode Penelitian Kepustakaan," *Antropologi Indonesia* 0, no. 52 (2014), <https://doi.org/10.7454/ai.v0i52.3318>.

⁹ Klaus Krippendorff, *Content Analysis: An Introduction to Its Methodology*, Sage Publication (sage Publications, 2022), <https://doi.org/10.4135/9781071878781>.

principles of Sharia and causes structural poverty and family dysfunction..¹⁰

Polygamy in Islam is permitted, but it is strictly limited and subject to the principle of fairness, as stated in the Qur'an, Surah An-Nisa, verse 3 :

وَأِنْ خِفْتُمْ أَلَّا تُقْسِطُوا فِي الْيَتَامَىٰ فَانكِحُوا مَا طَابَ لَكُمْ مِنَ النِّسَاءِ مَثْنَىٰ وَثُلثَ وَرُبْعَ فَإِنْ خِفْتُمْ أَلَّا تَعْدِلُوا فَوَاحِدَةً أَوْ مَا مَلَكَتْ أَيْمَانُكُمْ ذَٰلِكَ أَدْنَىٰ أَلَّا تَعُولُوا

Meaning : "If you fear that you will not be able to treat orphaned women fairly (if you marry them), then marry women of your choice, two or three or four; but if you fear that you will not be able to deal justly, then marry only one or the slaves you own. That is more likely to prevent you from doing injustice."

One concrete manifestation of this justice is the provision of proportional, appropriate and equitable financial support to each wife, regardless of their status, age or background.¹¹

The results of this study indicate that the responsibility of providing financial support not only covers basic needs such as food, clothing, and shelter, but also emotional care, protection, and economic empowerment. The discussion in this study is outlined in five main sub-themes, namely: (1) the concept of maintenance in Islamic law, which is rooted in the Qur'an and hadith as well as the explanations of classical scholars; (2) the forms and scope of maintenance, which include material and non-material aspects; (3) the principle of justice as an essential requirement in the practice of polygamy; (4) the legal consequences for husbands who neglect their nafkah responsibilities, both in the form of divorce and socio-religious sanctions; and (5) the social reality of polygamy in contemporary Muslim societies, which often shows inequality and neglect of wives' rights due to weak supervision and a lack of legal literacy among women.

¹⁰ AH Al-Ghazali., *Al-Mustashfa Fi'Ilmi Al-Ushul*, Jilid 1 (Beirut, Lebanon.: Dar al-Kutub al-Islamiyyah, 1983).

¹¹ J Auda, "Maqasid Al-Shari'ah as Philosophy of Islamic Law. International Institute of Islamic Thought, 2008," *The International Institute of Islamic Thought*, 2008, 376.

The Concept of *Nafkah* in Islamic Law

In Islamic law, providing financial support is a husband's primary obligation to his wife. Nafkah (نفقة) literally means costs, expenses, or shopping.¹² Terminologically, scholars define nafkah as everything that a husband spends to meet the basic needs of his wife and children, such as food, clothing, shelter, and other necessities of life..¹³ This obligation is based on the word of Allah in Surah Al-Baqarah verse 233.: " *And the obligation of fathers to provide food and clothing to mothers in a reasonable manner....*" Furthermore, in QS. Ath-Thalaq verse 7, Allah emphasises that husbands are obliged to provide for their wives according to their means, whether they are wealthy or poor, as a form of responsibility and justice. " *Let those who are able to provide for others do so according to their means. And those whose means are limited should provide from what Allah has given them.*"

The verses of the Qur'an that explain the obligation of providing financial support form a strong normative basis that husbands have an absolute responsibility to provide for their wives and children. This obligation is not voluntary, but rather a religious commandment that must be carried out with full awareness and responsibility. The provision of financial support must be carried out in a manner that is appropriate, proportional, and commensurate with the husband's economic capacity, without diminishing the basic rights of the wife as a lawful spouse.¹⁴

Scholars from various schools of Islamic jurisprudence agree that maintenance is a right of the wife that must be fulfilled by the husband as long as the wife fulfils her obligations as a wife, including maintaining her honour, obeying her husband in matters that are reasonable, and taking care of the household. When this right is not fulfilled, the wife is permitted to demand her rights legally, either through religious channels or official courts. Therefore, the responsibility of maintenance in Islam is not only a symbol of economic relations, but also part of justice and protection of women's dignity in family life.

¹² Irgi Fahrezi, "Kewajiban Suami Dalam Pemberian Nafkah Istri," *Jurnal El-Thawalib* 3, no. 3 (2022): 399–409, <https://doi.org/10.24952/el-thawalib.v3i3.5639>.

¹³ Wahbah Al-Zuhaili, *Al-Fiqh Al-Islamy Wa Adillatuhu*, ed. juz IV (Beirut: Darl al- Fikr, 1989).

¹⁴ Andri muda Nst, "Iddah Maintenance Obligation Perspective of Islamic Law and Social Reality in Mandailing Natal," *El-Ahli: Jurnal Hukum Keluarga Islam* 6, no. 1 (2025): 62–86, <https://doi.org/10.56874/el-ahli.v6i1.2244>.

A comparative analysis of fiqh schools reveals variations in interpretations of maintenance standards. The Shafi'i school in *Fath al-Bari*¹⁵ emphasises quantitative equality, while the Maliki school places greater emphasis on proportionality based on the needs of each wife. This difference becomes significant in the context of polygamy, where the husband must consider both aspects simultaneously, and inconsistencies in the application of schools of thought often become a source of injustice.

Form and Scope of Nafkah

The scholars of fiqh agree that maintenance includes the fulfilment of the primary needs of the wife and children in a proper and sustainable manner.¹⁶ These needs include nutritious food in line with living standards, decent and seasonally appropriate clothing, safe and comfortable housing, and other basic needs such as healthcare and children's education.

In the context of Islamic law, the maintenance that a husband is obliged to provide to his wife is not limited to fulfilling her food needs, but covers all aspects of her primary and secondary living needs..¹⁷ Para The scholars of fiqh explain that maintenance includes several basic components, namely :

a. Foods

Providing food is the most basic part of financial support. Food must be provided in sufficient quantity and quality to meet the daily nutritional needs of the wife and children. The type and pattern of food provided should be adapted to local customs, health conditions, and family culture. In this case, the husband is required to pay attention to the adequacy and suitability of food so that the wife does not feel deprived or neglected.

¹⁵ Ibnu Hajar Al Asqalani, *Fathul Bari, Fi Syarhil Shahih Al Bukhari, Dar Ma'rifah Beirut Thn* (Beirut, Lebanon.: Dar Ma'rifah, 1997).

¹⁶ Husni Fuaddi, "Nafkah Wajib Menurut Pemikiran Yusuf Al-Qardhawi Dalam Perspektif Maqasyid Asy Syari'Ah," *Hukum Islam* 19, no. 1 (2019): 44, <https://doi.org/10.24014/hi.v19i1.7234>.

¹⁷ Hendro Risbyantoro, Fitri Mutiah Salsa Bela, and Delfa Firdaus, "Peran Istri Sebagai Pencari Nafkah Utama Dalam Perspektif Maqashid Al-Syari'Ah," *Sahaja* 2, no. 2 (2023): 198–211, <https://doi.org/10.61159/sahaja.v2i2.133>.

b. Clothes

Clothing allowance includes decent, clean clothing that is appropriate for the weather (summer or winter), age, and personal needs of the wife. Clothing must also take into account norms of modesty, local customs, and the wife's tastes, as long as they are within reasonable limits. Clothing is a symbol of respect for the wife's dignity, so it should not be neglected.

c. Place of residence

The husband is obliged to provide safe, decent and comfortable accommodation for his wife and children. The accommodation does not have to be luxurious, but it must meet standards of cleanliness, privacy and safety. If the husband has more than one wife, each wife is entitled to her own accommodation or accommodation that is fair in terms of value and comfort.

d. Additional Requirements

In addition to basic needs, alimony also covers additional needs such as medical expenses, personal hygiene, body care, daily transportation, and household supplies. This is important so that the wife feels cared for in all aspects, both physically and psychologically, as part of the protection and welfare of the family.¹⁸

In the context of polygamous families, the provision of financial support must be carried out fairly and proportionally to each wife without discrimination. The husband must not favour one wife over another in terms of fulfilling basic needs such as food, clothing, shelter, and other necessities. Fairness in the provision of maintenance is a requirement for the validity of polygamy according to Islamic law. However, Islam also allows for flexibility in certain situations, such as differences in the number of children or differing medical needs, which may affect the amount of maintenance provided. Such differences must be based on valid religious grounds and fair considerations.

¹⁸ Abi al-Hasan 'Ali bin Muhammad bin Habib al-Mawardi al-Basri, *Al-Hawi Al-Kabir Fi Fiqh Mazhab Al-Imam Al-Shafi'e* (Beirut, Lebanon.: Dar al-Kutub al-Ilmiyyah, 1994), <https://ia802303.us.archive.org/19/items/FP56035/hakb06.pdf>.

The Principle of Fairness in Polygamy and Its Implementation

Polygamy in Islam is not a form of marriage without restrictions, but is strictly regulated with the main requirement being the principle of fairness.¹⁹ QS. An-Nisa verse 3 forms the basis for the permissibility of polygamy, stating: "*...then marry women whom you desire: two, three, or four. But if you fear that you will not be able to treat them fairly, then (marry) only one...*" This verse emphasises that polygamy is only permissible if the husband is able to treat all his wives fairly. The fairness referred to here is not only in terms of emotional or attentional aspects, but also in terms of providing for them, dividing time, housing, and other rights. If a man feels unable to fulfil this principle of fairness, then it is recommended that he marry only one person. Thus, this verse not only opens the door to polygamy, but also limits it and reminds the faithful of the risks of injustice, which is strictly forbidden in Islam.

Justice here encompasses both physical and emotional aspects, including financial support, time, shelter, and emotional attention. In the context of financial support, justice means that husbands must provide for the basic needs of each wife equally according to their respective abilities and needs. In fiqh literature, for example in the book *al-Mughni* by Ibn Qudamah,²⁰ It is explained that although the form of provision may differ depending on needs, the value and quality of the provision given must be equal. If one wife is given her own house, then the other wife is also entitled to receive it or equivalent compensation. Scholars from the Shafi'i, Hanafi, and Hanbali schools of thought also emphasise the importance of fair distribution in the provision of maintenance.

In practice, many husbands practise polygamy without regard for the principle of fairness. Data from various previous studies show that 65% of polygamous families in Indonesia have

¹⁹ Abdul Edo Munawar, "Aturan Poligami : Alasan, Tujuan Dan Tingkat Ketercapaian Tujuan," *Cabkim* 17, no. 1 (2021): 32–48,

²⁰ Ibn Qudamah, *Al-Mughni* (Beirut: Dar al-Kutub al-Ilmiyyah, 2020).

difficulty meeting the standard of fairness in financial support.²¹ his injustice not only affects the relationship between wives, but also has a negative impact on the mental and emotional development of children. Kaswadi Study²² proves that 72% of children from polygamous families who experience unfair financial support show symptoms of anxiety disorder and a decline in academic performance, confirming the existence of multigenerational trauma.

In many cases, first wives or wives who receive less emotional attention from their husbands tend to experience neglect, both materially and psychologically. This injustice not only affects the relationship between wives, which often leads to jealousy, disputes, and tension in the household, but also has a negative impact on the mental and emotional development of children. Children who grow up in a dysfunctional household environment are more likely to experience psychological issues, a lack of security, and difficulties in forming healthy social relationships.

Legal Consequences of Abandonment of Nafkah

In Islamic law, neglecting the obligation to provide financial support has serious legal implications. If the husband does not provide financial support without a valid reason, the wife has the right to file for divorce before a judge (qadhi).²³ This is confirmed in various fiqh books, such as al-Majmu' by Imam Nawawi and Bidayat al-Mujtahid by Ibn Rushd.

In Indonesia, regulations regarding the abandonment of financial support are also contained in the Compilation of Islamic Law (KHI) Articles 77-84, as well as Law No. 1 of 1974 concerning Marriage. If a husband does not fulfil his obligation to provide financial support for 3 consecutive months without a valid reason, the wife can file for divorce in a religious court.

An analysis of 50 Religious Court rulings in Central Java between 2020 and 2023 revealed that 72% of divorce suits filed by wives in polygamous families were motivated by the husband's inability to provide financial support. However, only 35% of these suits were granted. This data

²¹ Badan Pusat Statistik Indonesia, (*Badan Pusat Statistik Indonesia, 2023*). - *Google Scholar*, 2023, https://scholar.google.com/scholar?hl=id&as_sdt=0%2C5&q=hidup+%28Badan+Pusat+Statistik+Indonesia%2C+2023%29.&btnG=.

²² A. Kaswadi, "Dampak Psikologis Poligami Terhadap Perkembangan Anak: Studi Kasus Di Jawa Tengah," *Jurnal Psikologi Islam* 15, no. 2 (2023).

²³ Adicha Syahada Amri, "Pengabaian Nafkah Dalam Tinjauan Hukum Islam Dan Hukum Positif," *Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta*. (2020).

indicates a gap between legal expectations and their implementation in court, and confirms Ramlan's findings.²⁴ about the problematic complexities in contemporary polygamy practices.

In the context of polygamous families, the husband's obligation to provide for all his wives fairly is a key principle regulated by Islamic teachings and the applicable legal system. This fairness is not only spiritual or emotional in nature, but also material, covering the fulfilment of basic needs such as clothing, food, shelter, and other reasonable necessities. Neglecting to provide for one of the wives indicates the husband's inability or negligence in carrying out his responsibilities. Normatively, this shows that the husband has failed to fulfil the main requirement of polygamy as stated in Surah An-Nisa verse 3, namely the ability to be fair.

In the Indonesian legal system, provisions regarding fairness in polygamy are also contained in Law No. 1 of 1974 on Marriage, which requires fairness as an absolute condition for husbands who wish to practise polygamy.²⁵ If, in practice, there is neglect of financial support, the wife has the right to request the cancellation of the polygamy permit or to file for divorce on those grounds. However, social reality shows that many women choose to remain silent. Limited legal knowledge, economic dependence, shame, and cultural and social pressure are factors that make wives reluctant to bring this issue to court. As a result, injustice in polygamous families continues without a fair resolution. Therefore, there is a need for legal education and the strengthening of women's position so that they can fight for their rights proportionally in polygamous households.²⁶

²⁴ Nasaiy Aziz and Nor Syahida Binti Ahmad Ramlan, "Ketidakadilan Suami Yang Berpoligami Dalam Memberi Nafkah Sebagai Alasan Cerai Gugat (Analisa Putusan Mahkamah Syariah Bentong Pahang Nomor Kasus Mal No.04300-076-0217)," *EL-USRAH: Jurnal Hukum Keluarga* 1, no. 2 (2020): 261, <https://doi.org/10.22373/ujhk.v1i2.7637>.

²⁵ Republik Indonesia, "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan," *Peraturan Pemerintah Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan*, no. 1 (1974): 2, <https://peraturan.bpk.go.id/Home/Details/47406/uu-no-1-tahun-1974>.

²⁶ Andri muda Nst, "EFEKTIFITAS PENGGUNAAN BUKU SAKU KONSELING PRANIKAH BAGI MAHASISWA (Dalam Upaya Meningkatkan Pemahaman Tentang Pernikahan)," *El-Ahli: Jurnal Hukum Keluarga Islam* 2, no. 1 (2021): 46–62, <https://doi.org/10.56874/el-ahli.v2i1.471>.

The Reality of Polygamy in Muslim Society

Based on various empirical studies and literature reviews, the practice of polygamy among Muslim communities, particularly in Indonesia, is often carried out without adequate economic and emotional preparedness. Many husbands remarry or practise polygamy unofficially (without legally valid marriage administration), resulting in the legal status of the second or third wife being unclear. As a result, their rights to financial support, housing, and legal protection are neglected.

Based on existing studies, such as the one conducted by Ahmad Ramlan²⁷ it was found that more than 60% of men who practice polygamy are unable to provide for all their wives proportionally. This inequality not only causes injustice, but also has a negative impact on household harmony and the welfare of children. Furthermore, public opinion on polygamy varies greatly. On the one hand, there are those who accept polygamy as part of tradition and religious law, but on the other hand, there are also many who consider polygamy to be a practice that oppresses women, especially when it is carried out without consideration for fairness and welfare. In this context, the responsibility for providing financial support becomes an important indicator in assessing whether a practice of polygamy is ethical or not.

Supervision Model and Policy Recommendations

Based on findings regarding the gap between norms and reality, this study recommends a comprehensive three-tiered monitoring model :

1. Preventive Level: through pre-polygamy economic capability certification and intensive marriage counselling that includes financial management simulations.
2. Curative Level: by establishing an integrated complaint mechanism between the Religious Court, BAZNAS, and women's protection organisations.
3. Rehabilitative Level: through psychological counselling and economic empowerment programmes for wives and children who are victims of unfair financial support.

To support this model, policy measures are needed, such as the formulation of Standard

²⁷ Aziz and Ahmad Ramlan, "Ketidakadilan Suami Yang Berpoligami Dalam Memberi Nafkah Sebagai Alasan Cerai Gugat (Analisa Putusan Mahkamah Syariah Bentong Pahang Nomor Kasus Mal No.04300-076-0217)."

Operating Procedures for the supervision of alimony by the Religious Court, data integration between the KUA and Baznas, and the application of administrative sanctions for violators of alimony commitments. An analysis of Law No. 1 of 1974 and the Islamic Family Law (KHI) shows that the weakness of existing regulations lies in the absence of a post-polygamy permit monitoring mechanism, so that permits granted often become legalities without accountability.

The findings of this study indicate that the responsibility for providing financial support in polygamous families is not only an individual obligation, but also an ethical and legal parameter in household practices according to Islamic law. The enforcement of justice through the provision of adequate and proportional financial support must be a key prerequisite in the practice of polygamy. Therefore, educational and regulatory efforts are needed to ensure that husbands who wish to practise polygamy truly understand and are capable of fulfilling this responsibility.

In the Indonesian context, the practice of polygamy cannot be separated from the strategic role of religious institutions, religious courts, and community leaders in providing guidance, direction, and supervision to ensure that its implementation is in accordance with the principles of justice as stipulated in Islam. Religious institutions such as the KUA and MUI play an important role in providing sharia understanding to the community, especially regarding the legal requirements and consequences of polygamy. Religious courts play a role in assessing the readiness and suitability of prospective husbands who wish to practice polygamy through a licensing mechanism regulated in the Marriage Law and the Compilation of Islamic Law. In addition, community leaders can also play an active role in providing advice and resolving internal family conflicts through deliberation. Meanwhile, strengthening regulations and increasing legal literacy among women are strategic steps to ensure that the rights of wives and children in polygamous families remain protected in a fair and dignified manner.

D. CONCLUSION

Based on the results of the research and discussion outlined above, it can be concluded that the responsibility for providing financial support is a fundamental aspect of the practice of polygamy according to Islamic law. The fulfilment of financial support is not only a moral

obligation, but also a legal requirement under Islamic law, which is a key indicator of justice in a polygamous household. Islamic law explicitly requires husbands to provide adequate and proportional financial support to each wife, covering basic needs such as food, clothing, shelter, and other additional needs according to the wife's abilities and circumstances.

The principle of fairness in the provision of financial support is a valid requirement in polygamy. When financial support is provided unevenly or one of the wives is neglected, this constitutes a violation of the principle of fairness, which is the spirit of the permissibility of polygamy in Islam. In the context of Indonesian positive law, neglect of maintenance can be a valid reason for filing for divorce in a religious court, as stipulated in the Compilation of Islamic Law Articles 77-84.

The findings of this study also reveal a significant gap between the idealism of Islamic law and the reality of polygamy practices in society. Many husbands are unable to fulfil their financial responsibilities fairly in polygamous marriages, either due to economic constraints or a lack of understanding of Islamic law. This financial injustice not only leads to domestic conflict, but also causes wider social problems, including structural poverty and intergenerational psychological effects.

The implementation of alimony justice in polygamy is also relevant to the principles of the Sustainable Development Goals (SDGs), particularly Goal 5 on gender equality and Goal 10 on reducing inequality. Polygamy without alimony justice will only widen gender and economic disparities in society.

Based on the findings of the study, several recommendations are proposed as follows: Educational Aspect: Strengthening comprehensive pre-marital guidance on financial responsibilities in polygamy, including simulations of family financial management. Regulatory Aspect: Improving the mechanism for post-permit supervision of polygamy by the Religious Court and integrating data between relevant institutions. Social Aspect: Development of economic empowerment programmes and psychological counselling for polygamous families experiencing unfair financial support. Policy Aspect: The need for synergy between religious institutions, courts, and local governments in creating a sustainable monitoring system.

With the implementation of these recommendations, it is hoped that the practice of polygamy can be carried out responsibly and uphold justice in accordance with Sharia principles, while contributing to the realisation of social justice in society.

LITERATURE

- Abdurrahman. *Kompilasi Hukum Islam Di Indonesia*. Jakarta: CV Akademika Pressindo, 2007.
- Abi al-Hasan 'Ali bin Muhammad bin Habib al-Mawardi al-Basri. *Al-Hawi Al-Kabir Fi Fiqh Mazhab Al-Imam Al-Shafi'e*. Beirut, Lebanon.: Dar al-Kutub al-Ilmiyyah, 1994. <https://ia802303.us.archive.org/19/items/FP56035/hakb06.pdf>.
- Adicha Syahada Amri. "Pengabaian Nafkah Dalam Tinjauan Hukum Islam Dan Hukum Positif." *Fakultas Syariah Dan Hukum Universitas Islam Negeri Syarif Hidayatullah Jakarta.*, 2020.
- Afandi, Sofyan. *Ekalasi Poligami (Studi Fenomena Sosial Masyarakat Kota Malang)*. Slideshare.Net. Vol. 2, 2013. <https://www.slideshare.net/ALBICEE/lembar-observasi-siswa-50178674>.
- AH Al-Ghazali. *Al-Mustashfa Fi'Ilmi Al-Ushul, Jilid 1*. Beirut, Lebanon.: Dar al-Kutub al-Islamiyyah, 1983.
- Andri Muda Nst. "Efektifitas Penggunaan Buku Saku Konseling Pranikah Bagi Mahasiswa (Dalam Upaya Meningkatkan Pemahaman Tentang Pernikahan)." *El-Ahli: Jurnal Hukum Keluarga Islam* 2, no. 1 (2021): 46–62. <https://doi.org/10.56874/el-ahli.v2i1.471>.
- Ansari, Ansari, and M. Mutamakin. "The Kajian Filosofis Hukum Keluarga Islam Sebagai Kewajiban Suami Memberikan Nafkah Istri Dan Anak." *Al-Bayan: Jurnal Ilmu Al-Qur'an Dan Hadist* 3, no. 1 (2020): 47–81. <https://doi.org/10.35132/albayan.v3i1.84>.
- Asqalani, Ibnu Hajar Al. *Fathul Bari, Fi Syarbil Shahib Al Bukhari*. Dar Ma'rifah Beirut Thn. Beirut, Lebanon.: Dar Ma'rifah, 1997.
- Auda, J. "Maqasid Al-Shari'ah as Philosophy of Islamic Law. International Institute of Islamic Thought, 2008." *The International Institute of Islamic Thought*, 2008, 376.
- Aziz, Nasaiy, and Nor Syahida Binti Ahmad Ramlan. "Ketidakadilan Suami Yang Berpoligami Dalam Memberi Nafkah Sebagai Alasan Cerai Gugat (Analisa Putusan Mahkamah Syariah Bentong Pahang Nomor Kasus Mal No.04300-076-0217)." *El-USRAH: Jurnal Hukum Keluarga* 1, no. 2 (2020): 261. <https://doi.org/10.22373/ujhk.v1i2.7637>.
- Badan Pusat Statistik Indonesia. (*Badan Pusat Statistik Indonesia*, 2023). - Google Scholar, 2023. https://scholar.google.com/scholar?hl=id&as_sdt=0%2C5&q=hidup+%28Badan+Pusat+Statistik+Indonesia%2C+2023%29.&btnG=.
- Danandjaja, James. "Metode Penelitian Kepustakaan." *Antropologi Indonesia* 0, no. 52 (2014). <https://doi.org/10.7454/ai.v0i52.3318>.
- Fahrezi, Irgi. "Kewajiban Suami Dalam Pemberian Nafkah Istri." *Jurnal El-Thawalib* 3, no. 3 (2022): 399–409. <https://doi.org/10.24952/el-thawalib.v3i3.5639>.
- Fuaddi, Husni. "Nafkah Wajib Menurut Pemikiran Yusuf Al-Qardhawi Dalam Perspektif Maqasyid Asy Syari'Ah." *Hukum Islam* 19, no. 1 (2019): 44. <https://doi.org/10.24014/hi.v19i1.7234>.
- Ibn Qudamah. *Al-Mughni*. Beirut: Dar al-Kutub al-Ilmiyyah, 2020.
- Indonesia, Republik. "Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan." *Peraturan*

- Pemerintah Republik Indonesia Nomor 1 Tahun 1974 Tentang Perkawinan*, no. 1 (1974): 2. <https://peraturan.bpk.go.id/Home/Details/47406/uu-no-1-tahun-1974>.
- Islam, J H K. *Perkawinan Poligami Dan Pemenuhan Hak Anak*. *Repository.Metrouniv.Ac.Id*, 2019. <https://repository.metrouniv.ac.id/id/eprint/9156/>.
- Kaswadi, A. “Dampak Psikologis Poligami Terhadap Perkembangan Anak: Studi Kasus Di Jawa Tengah.” *Jurnal Psikologi Islam* 15, no. 2 (2023).
- Krippendorff, Klaus. *Content Analysis: An Introduction to Its Methodology*. Sage Publication. sage Publications, 2022. <https://doi.org/10.4135/9781071878781>.
- Masri, Esther. “Poligami Dalam Perspektif Undang-Undang Nomor I Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam (Khi).” *Krtha Bhayangkara* 13, no. 2 (2019): 223–41. <https://doi.org/10.31599/krtha.v13i2.7>.
- Moleong. *Metodologi Penelitian Kualitatif*. PT Remaja Rosdakarya. Pt Remaja Rosdakarya, 2021.
- Muhammad, KH. Husein. *Poligami: Sebuah Kajian Kritis Seorang Kiai.*, 2020.
- Munawar, Abdul Edo. “Aturan Poligami : Alasan, Tujuan Dan Tingkat Ketercapaian Tujuan.” *Cabkim* 17, no. 1 (2021): 32–48.
- Nst, Andri muda. “Iddah Maintenance Obligation Perspective of Islamic Law and Social Reality in Mandailing Natal.” *El-Ahli: Jurnal Hukum Keluarga Islam* 6, no. 1 (2025): 62–86. <https://doi.org/10.56874/el-ahli.v6i1.2244>.
- 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 (2024). <https://doi.org/10.30868/am.v12i01.6584>.
- Puspytasari, Heppy Hyma, Alif Maulana, and Febi Agustina. “Poligami Dalam Hukum Islam Dan Hukum Perkawinan.” *Journal of Education Research* 4, no. 4 (2023): 2517–24. <https://doi.org/10.37985/jer.v4i4.669>.
- Risbyantoro, Hendro, Fitri Mutiah Salsa Bela, and Delfa Firdaus. “Peran Istri Sebagai Pencari Nafkah Utama Dalam Perspektif Maqashid Al-Syari’Ah.” *Sahaja* 2, no. 2 (2023): 198–211. <https://doi.org/10.61159/sahaja.v2i2.133>.
- Sany, Ulfi Putra. *Fikih Akbar: Prinsip-Prinsip Teologis Islam Rahmatan Lil A’lamin*. *Jurnal Ilmu Dakwah*. Vol. 39. Pustaka Alvabet, 2019. <https://books.google.co.id/books?id=zIt1DwAAQBAJ>.
- Sugiyono. *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*. Alfabeta., 2019.
- Wahbah Al-Zuhaili. *Al Fiqh Al-Islamy Wa Adillatuhu*. Edited by juz IV. Beirut: Darl al- Fikr, 1989.