

## The Law of Polygamy According to Fikih Lughowi (Study of the Letter Athaf in Surah An-Nisa Verse 3)

Mahmudin Hasibuan<sup>1</sup>, Maulana Ibrahim Ritonga<sup>2</sup>

*Institut Agama Islam Padang Lawas, Al-Ahgaff Universiti Yaman*

Email; <sup>1</sup>[mahmudinbasibuan88@gmail.com](mailto:mahmudinbasibuan88@gmail.com), <sup>2</sup>[maulanaibrahimritonga1997@gmail.com](mailto:maulanaibrahimritonga1997@gmail.com)

**Abstract :** The Qur'an, Surah An-Nisa 'verse 3, is often used as a normative basis in discussions of polygamy law, particularly in relation to differences in understanding the meaning of the letter 'athaf wāw in the phrase *matsnā wa tsulātsa wa rubā'a*. These differences in linguistic interpretation have direct implications for determining the limit on the number of wives in Islam and have sparked debate among scholars. This study aims to analyze the meaning of the letter 'athaf in QS. An-Nisā' verse 3 through a linguistic fiqh approach and explain its implications for the determination of polygamy law. The research method used is literature research with a qualitative-descriptive approach, through Arabic linguistic analysis and tracing the views of classical and contemporary mufasssir and fuqaha. The results show that the letter 'athaf wāw in the verse does not mean addition of numbers, but functions as a connecting choice that is limiting in nature. Therefore, polygamy in Islam is permitted with a maximum of four wives on the condition of fairness. This finding confirms that polygamy is limited and cannot be understood as unlimited freedom, while also reinforcing the importance of the linguistic fiqh approach as a methodological basis in *istinbāṭ al-aḥkām* in the study of Islamic family law.

**Keywords:** *Fiqh lughawī; the letter 'athaf; QS. An-Nisā' verse 3; Polygamy.*

### INTRODUCTION

Marriage is a way to preserve the continuity of the species through legitimate and responsible offspring. Thus, marriage is a way to achieve peace of mind and tranquility of heart, to preserve one's purity from immoral acts, as well as to enjoy life and happiness, and to protect oneself from falling into the abyss of immorality. The purpose of marriage in Islam as the backbone of family formation is to fulfill the demands of human nature, namely the relationship between men and women.<sup>1</sup>

Polygamy in Indonesia itself has been regulated, namely with the enactment of Law No. 1 of 1974, Government Regulation No. 9 of 1975, Government Regulation No. 10 of 1983 concerning Marriage and Divorce Permits for Civil Servants in conjunction with Government Regulation No. 45 of 1990, Decree of the Minister of Defense and Security/Commander of the Armed Forces Number: Kep/01/I/1980 concerning Regulations on Marriage, Divorce, and Reconciliation for Members of the Indonesian Armed Forces, Technical Guideline No. Pol.: JUKNIS/01/III/1981 concerning Marriage, Divorce and Reconciliation for Members of the

---

<sup>1</sup> Andri Muda et al., "Problematika Perkawinan di Bawah Umur Pada Masyarakat Mandailing Natal; Analisis Terhadap Undang-Undang Nomor 16 Tahun," *Al-Adalah: Jurnal Syariah dan Hukum Islam* 10, no. 1 (2025): 111–31, <https://doi.org/10.31538/adlh.v10i1.6825>.

Indonesian National Police, as well as Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law, Book I in Chapter IX articles 55, 56, 57, Article 58 and Article 59, whereby the practice of polygamous marriage is made difficult.<sup>2</sup>

Law No. 1 of 1974 on Marriage is the law that is used as a reference in resolving all issues related to marriage or nikah, divorce, and reconciliation. This law is the result of efforts to create national law and is the result of legal unification that respects variations based on religion. This unification of laws aims to complement everything that is regulated by the law of that religion.

Based on Law No. 1 of 1974 concerning Marriage, Article 3 (1), Indonesian marriage law adheres to the principle of monogamy for both men and women. Only if desired by the parties concerned, and if permitted by the law and religion of the parties concerned, may a husband have more than one wife. However, even if desired by the parties concerned, a husband may only marry more than one wife if certain requirements are met and a court decision is obtained.<sup>3</sup>

For the smooth implementation of Law No. 1 of 1974, Government Regulation No. 9/1975 was issued to regulate the provisions for implementing the law. In this case, a husband who intends to marry more than one woman must submit a written request to the court. This is in accordance with Article 4 of Law No. 1/1974 and Article 40 of Government Regulation No. 9/1975.<sup>4</sup>

Marriage registrars are prohibited from registering the marriage of a husband who will have more than one wife without prior permission from the court (Article 44 of Government Regulation No. 9/1975). Specifically for civil servants and equivalent officials, such as village government officials, Government Regulation No. 10/1983 on Marriage and Divorce Permits for Civil Servants has been issued with the intention that civil servants can set a good example for their subordinates and become role models as good citizens in society, including in fostering family life.

Government Regulation No. 10/1983 indirectly tightens and complicates divorce and polygamy permits, as the parties concerned must comply with the provisions of Law No. 1/1974 and Government Regulation No. 9/1975, as well as the provisions of Government Regulation No. 10/1983. Where civil servants who wish to divorce or practice polygamy must first obtain permission from the authorized official (Articles 3 and 4).

---

<sup>2</sup> Esther Masri, "Poligami Dalam Perspektif Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam (KHI)," *Krtha Bhayangkara* 13, no. 2 (26 Desember 2019): 223–41, <https://doi.org/10.31599/krtha.v13i2.7>.

<sup>3</sup> Kementerian Agama, "Undang-Undang Republik Indonesia Tentang Perkawinan," *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan* 1974, no. September (2023): 1–15, [https://id.wikisource.org/wiki/Undang-Undang\\_Republik\\_Indonesia\\_Nomor\\_1\\_Tahun\\_1974](https://id.wikisource.org/wiki/Undang-Undang_Republik_Indonesia_Nomor_1_Tahun_1974).

<sup>4</sup> Ridwan, *Wacana {Keadilan} {Gender} dalam {Hukum} {Keluarga} {Islam}*, Purwokerto: Pusat Studi Gender STAIN Purwokerto (Yogyakarta: Kerjasama PSG STAIN Purwokerto dan Unggul Religi, 2005).

If a civil servant divorces or practices polygamy without prior permission from the authorized official, he or she shall be subject to disciplinary action in the form of honorable dismissal as a civil servant not at his or her own request (article 16).

Furthermore, if a civil servant divorces his wife at his own request, he is obliged to give one third of his salary to his ex-wife and another third to his child or children. However, if there are no children from the marriage, half of his salary must be given to his ex-wife (Article 8 [2] and [3]). Then, if the divorce occurs at the wife's request, the wife is not entitled to a share of her ex-husband's income, unless the wife was forced to ask for a divorce because she was being neglected (Article 8 paragraphs 4 and 5).<sup>5</sup>

These are some of the main provisions of Government Regulation No. 10/1983, which aims to prevent or discourage divorce and polygamy among civil servants, with the imposition of severe penalties and the negative consequences of divorce and polygamy that must be carefully considered in advance by the employees concerned..

This differs from Islamic law. Polygamy is permitted with up to four wives based on Surah An-Nisa verse 3 :

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

Meaning: And if you fear that you will not be able to treat orphan girls fairly (if you marry them), then marry women of your choice, two or three or four. Then if you fear that you will not be able to treat them fairly, then marry only one, or the slaves you possess. That is more likely to prevent you from doing injustice.

One important aspect in understanding QS. An-Nisa verse 3 lies in linguistic analysis, particularly the use of the letter athaf in the phrase *Matsnā Wa Tsulātsa Wa Rubā'a*. Differences in the interpretation of the letter athaf wāw in this verse have given rise to various views among scholars regarding the maximum number of wives in polygamy. The majority of scholars understand the phrase as an option that indicates a maximum limit of four wives, while a small number of scholars, such as those from the *Zāhiriyyah* and *Rāfiḍah* schools, interpret it as a form of addition that implies more than four wives. This difference in interpretation shows that the aspect of linguistic jurisprudence plays an important role in determining the law of polygamy.

---

<sup>5</sup> Kutbuddin Aibak, *Kajian Fiqh Kontemporer Edisi Revisi* (Yogyakarta: Kalimedia, 2017).

Although many studies have been conducted on polygamy, most of them focus on normative legal aspects, gender justice, or state regulations, while studies that specifically place fiqh lughawi analysis of the athaf letter as the main basis for determining the law are still relatively limited. Therefore, systematic research is needed to examine the meaning of the letter athaf in QS. An-Nisa verse 3 and its implications for the law of polygamy from a linguistic fiqh perspective..

Based on the above description, this study aims to: (1) analyze the meaning of the letter athaf in QS. An-Nisa verse 3 according to linguistic fiqh studies, and (2) explain the implications of this interpretation on the determination of polygamy laws in Islam. This study is expected to contribute academically to the development of Islamic family law studies, particularly in strengthening the linguistic approach as the basis for determining Sharia law.

## METHOD

This study is a library research with a qualitative-normative approach. According to Arikunto, qualitative research is aimed at gathering information about an existing phenomenon. In this case, the aim is to examine the law of polygamy through a linguistic fiqh analysis of QS. An-Nisā 'verse 3. Library research was chosen because the main objects of study were normative texts, including the Qur'an, tafsir, and Arabic fiqh and linguistic literature.

The approach used in this study is the fiqh lughawī approach, which focuses on analyzing Arabic linguistic aspects as the basis for determining the law. This approach is used to examine the meaning of the athaf letters, especially the letter wāw, in the phrase *Matsnā Wa Tsulātsa Wa Rubā'a*, as well as its semantic implications for determining the law of polygamy in Islam.

The data sources in this study consist of primary and secondary data. Primary data includes the Qur'an, specifically QS. An-Nisā 'verse 3, as well as classical tafsir and fiqh books that discuss this verse, such as *Al-Jāmi 'li Ahkām al-Qur'an* by al-Qurṭubī, *Tafsīr al-Qur'an al-'Azīm* by Ibn Kathīr, and *Jāmi' al-Bayān* by al-Ṭabarī. Secondary data includes munakahat fiqh literature, nahwu and balāghah books, as well as contemporary works relevant to the study of polygamy and linguistic analysis of the Qur'an.

Data collection techniques were carried out through documentation studies, namely by systematically searching, inventorying, and reviewing various written sources relevant to the research focus. All data obtained was then analyzed using content analysis with the following stages: (1) identifying the wording and letters athaf in QS. An-Nisā 'verse 3; (2) examining the interpretations of scholars regarding the linguistic meaning of the wording; (3) grouping the views

of scholars based on their legal implications; and (4) synthesizing the results of the analysis to draw conclusions about the law of polygamy from a fikih lughawī perspective.

To maintain the validity and accuracy of the analysis, this study uses source triangulation techniques, which involve comparing interpretations and arguments from various classical and contemporary books on interpretation, jurisprudence, and linguistics. Thus, the conclusions drawn are expected to have a strong academic basis and be scientifically accountable.

## RESULTS AND DISCUSSION

### Meaning Of The Letter Athaf

#### 1. The letter Waw (و)

The letter “waw” functions as an absolute connector. Based on the three sentences above, there is the Athaf letter “waw” between two fi’il, two isim, and two letters.<sup>6</sup> In these three sentences, the meaning of “waw” has different meanings: 1). The Athaf letter ‘waw’ means that what happened at the same time "Ma Yusirruna Wa Ma Yu'linunan. 2). The Athaf letter “waw” means that there is a short interval between the arrival of the Muslims and Muhammad. 3). The Athaf letter “waw” in the third sentence means that there is a considerable interval between writing the letter and sending it.<sup>7</sup>

#### 2. The letter Au (أ)

The letter “aw” has two functions: first, to choose, and second, to allow between two or more things. Usually, the letter “aw” comes after an insya' sentence (command, prohibition, or question). In example 1), the letter “aw” functions to allow a choice between two or more things. 2) The letter Aw indicates a choice after an imperative/command sentence.<sup>8</sup>

---

<sup>6</sup> Muhammad al-Ahdal, *Kawakib ad-Durriyah* (Jakarta: Darul Kitub Islamiyah, 2018).

<sup>7</sup> Mustafa Bin Muhammad Al-Ghailani, *Jamiuddurus Al-Arabiyah* (Jakarta: Darul Kitub Islamiyah, 2020).

<sup>8</sup> Al-Ghailani.

3. The letter Am (أ)

The letter “am” has almost the same function as the letter “aw,” but there are differences between the two: first, the letter “am” serves to provide options accompanied by similarities. Second, the letter ‘am’ serves as a determination and affirmation, which is usually preceded by “hamzah al istifham.”<sup>9</sup> In examples 1 and 2, the letter “am” serves to provide a choice with equivalence, meaning that “am” serves to connect two clauses with equal syntax. Meanwhile, in example 3, the letter “am” serves as a determination and affirmation. In statements like this, ‘am’ is usually preceded by “*hamzah al istifham*”.<sup>10</sup>

4. The letter Hatta (حتى)

The letter “hatta” has the function of *lil ghoyah ma'a tadri*, meaning that al-ghayah here is the end/finish, in other words, something that is desired in the sentence ends at Al-Ma'tuf. Meanwhile, Al-Tadrij means gradually, little by little, until everything is completed or until Al-Ghayah is reached. This meaning does not require Al-Tartib or sequential order.

5. The letter Tsumma (ثم)

The letter “summa” indicates sequential events, but with a long time span between them, meaning that one event is related to the next but separated by a long period of time.<sup>11</sup>

6. The letter Al-fa' (ف)

The letter “fa” has the function of indicating sequential events, but not accompanied by a long period of time. This means that one event is related to the next event, but separated by a fairly short period of time.<sup>12</sup>

7. The letter Bal (بل)

The letter athaf “bal” has the function of shifting a statement to its opposite. In other words, it establishes the rule of the first sentence and affirms its opposite in the next sentence.<sup>13</sup>

8. The letter Lakin (لكن)

The letter Athaf “lakinna” serves to correct the previous statement. The characteristics of the letter Athaf ‘lakinna’ are that it connects the number with the previous number, and usually the sentence containing the letter athaf “lakinna” is preceded by the sentence Nafi or Nahi.

---

<sup>9</sup> Al-Ghailani.

<sup>10</sup> Abdur Rahim, *Durus Allughothul Arabiyah* (Madinah: Maktabah Malik Fahd, 2018).

<sup>11</sup> Al-Ghailani, *Jamiuddurus Al-Arabiyah*.

<sup>12</sup> Jamaluddin Abi Abdillah Muhammad Bin Abdullah, *Syarah Ibnu Aqil* (Jakarta: Darul Kutub Islamiyah, 2009).

<sup>13</sup> Zakariya Bin Ahmad Karkhi, *Al-Muyassar Fi Ilmi Nahwi* (Dar Abi Azka, 2016).

## 9. The letter La (لا)

The letter Athaf “la” has the meaning of negation, which means returning misunderstandings to the correct understanding.

### The Law of Polygamy in Fikh Lughowiyah

It is illegal for a man to marry more than four women at the same time. This is because four women are sufficient, and marrying more than four women is outside the provisions prescribed by Allah SWT for the benefit of married life.<sup>14</sup> The basis for this is the word of Allah SWT in QS An-Nisa verse 3 :

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

Meaning: And if you fear that you will not be able to treat orphan girls fairly (if you marry them), then marry women of your choice, two or three or four. Then if you fear that you will not be able to treat them fairly, then marry only one, or the slaves you possess. That is more likely to prevent you from doing injustice.

The explanation of the meaning of the above verse is as follows: Indeed, the addressee of this verse is directed by Allah SWT to those who care for orphans. It is as if Allah SWT says, “If there is an orphan girl under the care of one of you or under his authority, and he fears that he will not be able to provide her with a dowry that she deserves, then it is recommended for him to abandon his desire to marry the orphan girl and choose another woman, because besides the orphan girl he cares for, there are still many other women.”<sup>15</sup>

Allah SWT never makes things difficult for His servants; He permits a man to marry one to four women. However, if the man fears falling into sin (because he cannot be fair), then he should marry only one woman or marry a slave he owns.

According to the majority, the letter “Waw” The phrase *Matsnā Wa Tsulātsa Wa Rubā’a* indicates the meaning of choice (or), so it means two, or three, or four. This style of language is also used in other verses of the Qur'an, such as Q.S. Faṭīr verse 35 :

---

<sup>14</sup> 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>.

<sup>15</sup> Abū ‘Abd Allāh Muḥammad ibn Aḥmad Al-Qurṭubī, *Al-Jāmi‘ li Ahkām al-Qur’an* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2006).

الَّذِي أَحَلَّنَا دَارَ الْمُقَامَةِ مِنْ فَضْلِهِ لَا يَمَسُّنَا فِيهَا نَصَبٌ وَلَا يَمَسُّنَا فِيهَا لُغُوبٌ

Meaning: Who has placed us in a permanent place (paradise) from His bounty; therein we shall never feel tired or weary.

The above verse indicates that there are many types of angels. Some have two wings, some have three wings, and some have four wings.<sup>16</sup>

Contrary to the majority opinion, some Zahiri scholars and the Rafīḍah sect of Shi'ism argue that the maximum number of women a man can marry is nine, because the phrase *Matsnā Wa Tsulātsa Wa Rubā'a* according to them means two and three and four (2+3+4), since the letter waw does not indicate the meaning of choice (or), but rather indicates the meaning of gathering/summing up (lil jam'i).<sup>17</sup>

Some Zahiri scholars even argue that *Matsnā Wa Tsulātsa Wa Rubā'a* means two-two (four), plus three-three (six), plus four-four (eight), so that the maximum number of women that can be married is eighteen. Meanwhile, others even argue that the number of women that can be married is unlimited.<sup>18</sup>

Imam Qurṭubī refuted their opinion, saying, "Know that the words *Matsnā* 'two by two' and *Tsulātsa* 'three-three', and *Rubā'a* 'four-four' does not mean that it is permissible to marry up to nine women, as they claim, which is only due to their ignorance in understanding the text of the Qur'an and the Sunnah of the Prophet Muhammad (peace be upon him) and is contrary to the consensus of the scholars.<sup>19</sup> They understood that the letter (l) in the above verse implies addition. They based their opinion on what the Prophet Muhammad did, as he married nine women at one time. Imam Malik explains in *al-Muwatta*, as does the hadith of Nasai from Daruqṭhni in his *Sunan*, that the Prophet Muhammad (peace be upon him) said to Ghailan bin Umayyah ats-Tsaqafi, who had converted to Islam and had previously married ten women. The Prophet Muhammad (peace be upon him) said to him, "Choose four of them and divorce the others."

Muqatil said, "Indeed, Qais bin Harith had eight free wives. When this verse was revealed, the Messenger of Allah (peace be upon him) ordered him to divorce four of his wives and keep the other four." This is what Qais bin Harith said.

As for what they say that the letter (waw) in that verse means addition, it can be said that Allah SWT addressed the Arabs in the most eloquent language. And the Arabs never say two and

<sup>16</sup> Al-Qurṭubī.

<sup>17</sup> Al-Qurṭubī.

<sup>18</sup> Wahbah al-Zuhailī, *Al-Tafsīr al-Munīr fī al-'Aqīdah wa al-Sharī'ah wa al-Manhaj* (Damaskus: Dār al-Fikr, 1998).

<sup>19</sup> Al-Qurṭubī, *Al-Jāmi' li Ahkām al-Qur'an*.



three, and four when they mean nine. It would also be considered wrong for someone to say, “Give so-and-so four and six and eight,” when they mean eighteen.

The letter (waw) in this verse means substitution. It means: Marry three women instead of two. And marry four women instead of three. Therefore, in this verse, the letter “Waw” is used as a conjunction (connecting word) instead of the word “aw” which means (or). If the word “aw” had been used in the above verse, it would mean that a man who has already married two women is allowed to marry two more women, and a man who has already married three women is allowed to marry three more women.<sup>20</sup>

In Arabic grammar, numbers mentioned in plural form have a different meaning from the actual meaning of the word. If someone says, “The horse troops have come in pairs,” it means that two horse troops came at the same time.<sup>21</sup>

Jauhari said, “The same applies to multi-digit numbers.” Meanwhile, others said, “When you say, ‘That person came to me with two (or three, or alone, or ten),’ what you actually mean is that they came to you two by two (or three by three, or one by one, or ten by ten). Of course, the actual meaning is not like that because if you interpret it that way, you have limited the number of people who came by mentioning the numbers three and ten.

But if you say, “Those people came to me in pairs (or groups of four),” then you are not limiting the number of people who came. What you mean is that they came to you in pairs or groups of four, without any limit on the number of people who came, whether many or few. The restriction they impose on the form of the number word based on the minimum limit for them can be considered a specific rule.

### **Analysis of Fiqh Lughawī on the Letter ‘Athaf in QS. An-Nisā’ Verse 3**

The Qur'an, Surah An-Nisa', verse 3 mentions the words *Matsnā Wa Tsulātsa Wa Rubā'a*, which are connected by the letter 'Athaf “wāw”. The use of the letter ‘athaf wāw in this verse is key in determining the maximum limit of polygamy in Islam.<sup>22</sup> In Arabic linguistic studies, the letter “wāw” basically functions as ḥarf al-'athf, which indicates a combination (al-jam') without necessitating order (tartīb) or choice (takhyīr). However, this linguistic meaning cannot be separated from the context of the sentence (siyāq al-kalām) and the understanding of Arabic balaghah.<sup>23</sup>

---

<sup>20</sup> Muḥammad ibn Jarīr al-Ṭabarī, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān* (Beirut, Lebanon.: Mu'assasah al-Risālah, 2000).

<sup>21</sup> Abdur Rahim, *Durus Allughthul Arabiyah*.

<sup>22</sup> Wahbah al-Zuhailī, *Al-Tafsīr al-Munīr fī al-'Aqīdah wa al-Sharī'ah wa al-Manhaj*.

<sup>23</sup> Al-Ghailani, *Jamiuddurus Al-Arabiyah*.

The majority of exegetes and jurists understand that the use of the letter wāw in this verse does not mean addition (2 + 3 + 4), but rather indicates a limitation on the number of wives, namely two, three, or four.<sup>24</sup> This understanding is based on the Arabic linguistic rule that repeated numbers connected by wāw in a restrictive context are not understood as accumulation, but as independent variations. Therefore, the phrase indicates the maximum limit of polygamy, not an increase in the number of wives.<sup>25</sup>

On the other hand, a small number of scholars—such as those from the Zāhiriyyah and Rāfiḍah schools—interpret the letter wāw as wāw al-jam‘, so that the phrase is understood as a form of numerical addition. This view leads to the possibility of having more than four wives. However, this interpretation is considered weak because it contradicts the common usage of the Arabic language, the context of the verse, and the practice of the Prophet Muhammad and the consensus of his companions, which limits the number of wives to a maximum of four.<sup>26</sup>

Thus, in terms of fiqh lughawī, the letter wāw in QS. An-Nisā' verse 3 is more accurately understood as wāw al-'athf, which serves to limit rather than enumerate, thereby leaving no room for interpretation of unlimited polygamy.

### Implications of the Meaning of the Letter 'Athaf' on the Law of Polygamy

The interpretation of the letter wāw in QS. An-Nisā' verse 3 has direct implications for the establishment of polygamy laws in Islam. The understanding of the majority of scholars who interpret the phrase *Matsnā Wa Tsulātsa Wa Rubā‘A* as an option with a maximum limit of four wives makes polygamy a practice that is permitted to a limited extent (mubāh muqayyad), not a command and not an unconditional freedom.

In addition to limiting the number of wives, this verse also links the permissibility of polygamy to the condition of fairness. The phrase *فَإِنْ حَبِطَتْ أَلْفَاظُكُمْ فَاحِدَةً* shows that the inability to be fair is a reason to limit oneself to one wife. Thus, the linguistic analysis of the letter 'athaf cannot be separated from the overall structure of the verse, which places fairness as the main principle.

Another implication is the loss of legitimacy of the view that allows polygamy with more than four wives on linguistic grounds. A comprehensive linguistic analysis shows that this argument is not only linguistically weak, but also inconsistent with the maqāṣid al-syarī'ah in maintaining justice, the dignity of women, and social order.

<sup>24</sup> Muḥammad ibn Jarīr al-Ṭabarī, *Jami' al-Bayān 'an Ta'wīl Ay al-Qur'an*.

<sup>25</sup> Ibn Kathīr, *Tafsīr al-Qur'an al-'Azīm* (Riyadh: Dār Ṭayyibah, 1999).

<sup>26</sup> Wahbah Al-Zuhaili, *Al-Fiqh al-Islamī wa Adillatuhu*, ed. oleh juz IV (Beirut: Dar al- Fikr, 1989).

In this way, the *fiqh lughawī* approach to the letter 'athaf in QS. An-Nisā' verse 3 reinforces the conclusion that the law of polygamy in Islam is limited, conditional, and cannot be separated from the demands of substantive justice. This approach also shows the importance of linguistic analysis in determining Islamic law so that there are no errors in understanding the shar'i text.

## CONCLUSION

From the above explanation, the author concludes as follows::

1. The conjunction in Surah an-Nisa verse 3 is waw. In the phrase Matsnā Wa 'Tsulātsa Wa Rubā'a, it indicates the meaning of 'choice (or)' so that it means 'two, or three, or four'. The Zahiri scholars and the Rafiḍah group from the Shi'ah believe that the maximum number of women that can be married is nine, because according to them, the phrase Matsnā Wa 'Tsulātsa Wa Rubā'a means 'two and three and four (2+3+4)', since the letter waw does not indicate the meaning of choice (or), but rather indicates the meaning of 'collecting/adding (liljam'i). Some Zahiri scholars even argue that Matsnā Wa 'Tsulātsa Wa Rubā'a means 'two-two (four), plus three-three (six), plus four-four (eight)', so that the maximum number of women that can be married is eighteen. Meanwhile, some even argue that the number of women that can be married is unlimited.
2. The law of polygamy in Surah An-Nisa verse 3 according to Fikih Lughoh is that the letter (waw) found in this verse means Badal (replacement). This means: Marry three women in place of two. And marry four women in place of three. Therefore, in this verse, the letter (;) is used as Athaf (conjunction) instead of the word "aw" which means (or). If the word (aw) were used in the above verse, it would mean that a man who has already married two women is allowed to marry two more women, and a man who has already married three women is allowed to marry three more women.
3. The implications of these findings indicate that understanding the law of polygamy cannot be separated from the accuracy of linguistic analysis of the Qur'anic text. Errors in understanding the function of the letter 'athaf have the potential to lead to incorrect legal conclusions that contradict the objectives of Sharia law. Therefore, the linguistic *fiqh* approach used in this study has important methodological implications, namely encouraging researchers and practitioners of Islamic law to make Arabic linguistic analysis the initial foundation for *istinbāt al-aḥkām*, especially in sensitive family law issues that directly impact social justice and welfare.

## LITERATURE

- Abdur Rahim. *Durus Allugothul Arabiyah*. Madinah: Maktabah Malik Fahd, 2018.
- Aibak, Kutbuddin. *Kajian Fiqh Kontemporer Edisi Revisi*. Yogyakarta: Kalimedia, 2017.
- Akunto, Suharsimi. *Prosedur Penelitian: Suatu Pendekatan Praktek Praktek*. Rineka Cipta. Vol. 2006. Jakarta, 2002.
- Al-Ghailani, Mustafa Bin Muhammad. *Jamiuddurus Al-Arabiyah*. Jakarta: Darul Kitub Islamiyah, 2020.
- Al-Qurṭubī, Abū ‘Abd Allāh Muḥammad ibn Aḥmad. *Al-Jāmi‘ li Ahkām al-Qur’ān*. Beirut: Dār al-Kutub al-‘Ilmiyyah, 2006.
- Ibn Kathīr. *Tafsīr al-Qur’ān al-‘Azīm*. Riyadh: Dār Ṭayyibah, 1999.
- Jamaluddin Abi Abdillah Muhammad Bin Abdullah. *Syarab Ibnu Aqil*. Jakarta: Darul Kutub Islamiyah, 2009.
- Kementerian Agama. “Undang-Undang Republik Indonesia Tentang Perkawinan.” *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan* 1974, no. September (2023): 1–15. [https://id.wikisource.org/wiki/Undang-Undang\\_Republik\\_Indonesia\\_Nomor\\_1\\_Tahun\\_1974](https://id.wikisource.org/wiki/Undang-Undang_Republik_Indonesia_Nomor_1_Tahun_1974).
- Masri, Esther. “Poligami Dalam Perspektif Undang-Undang Nomor I Tahun 1974 Tentang Perkawinan Dan Kompilasi Hukum Islam (Khi).” *Krtha Bhayangkara* 13, no. 2 (26 Desember 2019): 223–41. <https://doi.org/10.31599/krtha.v13i2.7>.
- Muda, Andri, Nst Sekolah, Tinggi Agama, Islam Negeri, dan Mandailing Natal. “Problematika Perkawinan di Bawah Umur Pada Masyarakat Mandailing Natal; Analisis Terhadap Undang-Undang Nomor 16 Tahun.” *Al-’Adalah: Jurnal Syariah dan Hukum Islam* 10, no. 1 (2025): 111–31. <https://doi.org/10.31538/adlh.v10i1.6825>.
- Muhammad al-Ahdal. *Kawakib ad-Durriyah*. Jakarta: Darul Kitub Islamiyah, 2018.
- Muḥammad ibn Jarīr al-Ṭabarī. *Jāmi‘ al-Bayān ‘an Ta’wīl Āy al-Qur’ān*. Beirut, Lebanon.: Mu’assasah al-Risālah, 2000.
- 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>.
- Ridwan. *Wacana {Keadilan} {Gender} dalam {Hukum} {Keluarga} {Islam}*. Purwokerto: Pusat Studi Gender STAIN Purwokerto. Yogyakarta: Kerjasama PSG STAIN Purwokerto dan Unggul Religi, 2005.
- Wahbah Al-Zuhaili. *Al Fiqh al-Islamy wa Adillatuhu*. Diedit oleh juz IV. Beirut: Darl al- Fikr, 1989.
- Wahbah al-Zuhailī. *Al-Tafsīr al-Munīr fī al-‘Aqīdah wa al-Sharī‘ah wa al-Manhaj*. Damaskus: Dār al-Fikr, 1998.
- Zakariya Bin Ahmad Karkhi. *Al-Muyassar Fi Ilmi Nahwi*. Dar Abi Azka, 2016.